



PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, FEBRUARY 20, 2019 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	8	1
Howard Elfman, Vice Chair	P	7	2
John Barranco	P	7	2
Brad Cohen (arr. 6:32)	P	7	2
Mary Fertig	P	8	1
Jacquelyn Scott	P	9	0
Jay Shechtman	P	9	0
Alan Tinter	P	7	2
Michael Weymouth	P	9	0

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Tyler Laforme, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Benjamin Restrepo, Department of Transportation and Mobility
Igor Vassiliev, Public Works Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Weymouth, seconded by Mr. Shechtman, to send a communication to the City Commission asking that the start time of the Planning and Zoning Board meeting be moved to 6 p.m. In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Fertig, seconded by Mr. Shechtman, to forward the proposed Code Amendment as a concept to the City Commission, with the request that they send it to the Council of Fort Lauderdale Civic Associations for further discussion. **[The proposed Amendment is separately attached.]** In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. CASE: **R18058**
REQUEST: ** Site Plan Level IV Review: 115 Multifamily Residential Units, 168 Hotel Rooms, 3,600 Square Feet Restaurant Use, and 3,156 Square Feet Retail Use
APPLICANT: Bayshore Hotel LLC and 3030 Bayshore Properties LLC
PROJECT NAME: Bayshore Hotel
GENERAL LOCATION: 3016 Bayshore Drive
ABBREVIATED LEGAL DESCRIPTION: Birch Estates 23-24 B Lots 4,5,6,7
ZONING DISTRICT: A-1-A Beachfront Area (ABA)
LAND USE: Central Beach Regional Activity Center
COMMISSION DISTRICT: 2 – Steven Glassman
CASE PLANNER: Tyler LaForme

Disclosures were made at this time.

Courtney Crush, representing the Applicant, requested that five minutes of her presentation time be reserved for response to public comment.

Ms. Crush recalled that this Item was deferred from the January 16, 2019 meeting to provide additional time for the Applicant to meet with members of the Central Beach Alliance (CBA). The subject property is located within the City's Central Beach Regional Activity Center (RAC) and the ABA zoning district, which is intended for high-quality destination resort uses incorporating the character and guidelines contained in the Central Beach Revitalization Plan.

The request before the Board is for Site Plan Level IV approval, which includes review by the Development Review Committee (DRC) and recommendation by the Planning and Zoning Board. The Application will ultimately be reviewed by the City Commission. All hotels and restaurants in the ABA zoning district are subject to this level of approval.

The Application is for 115 condominium residences and 168 hotel rooms in a boutique hotel. It also proposes a 157-patron restaurant at ground level, accessible to the public, and a corner retail shop.

Ms. Crush explained that in addition to the height, setback, and use regulations that come with ABA zoning, the beach area focuses on its revitalization plan and private sector design guidelines, which promote high-quality architecture, ground level and public realm improvements, and site design that is considerate of its neighbors.

At the ground level, vehicular access for hotel patrons and service vehicles is provided in a screened fashion that is respectful of the surrounding community. The property's landscape and hardscape improvements would extend to the City's right-of-way, including wide sidewalks, water features, benches, and engagement into the property's active ground-level uses. Some internal uses within the property, including the restaurant and garden, are integrated from the property to provide the public with an easily accessible path. The public realm continues onto Birch Road with expanded sidewalks and buffered access for service vehicles.

Ms. Crush noted that the property is surrounded by the W Hotel, the Birch Crest condominium, and the Spring Tide condominium. The hotel and residences' tower footprint is located to the west, which maintains views to the ocean from the surrounding three properties. She showed a rendering of the proposed building, which is 85 ft. wide north to south and 101 ft. from a neighboring tower.

Ms. Crush stated that since fall 2018, the Applicant has been in communication with the CBA, as well as the three immediately neighboring properties. Residents of Birch Crest were also in attendance at the most recent meeting between the Applicant and the CBA on January 24, 2019. She noted that Birch Crest residents have strongly indicated that they would like the Applicant to address infrastructure concerns.

Backup materials include a traffic analysis, which has been signed by City Staff. The Applicant proposes an upgraded gravity main line to ensure there are no infrastructure issues associated with the project, as well as improvements to the pervious area around the building. An analysis of appropriate use, height, and setbacks, as well as revitalization plan goals and design features, is also included in the backup materials. The Applicant agrees with the Staff condition listed in the report.

Motion made by Ms. Fertig, seconded by Vice Chair Elfman, to have the Staff Report made part of the record. In a voice vote, the **motion** passed unanimously.

Mr. Tinter pointed out that the Staff Report indicates the presence of a gas pump on the southwest corner of the property. It was clarified that this term was unintentionally included in the report and should be excluded from the record.

Ms. Fertig requested clarification of what was done by City Staff to review the traffic statement. Benjamin Restrepo, representing the Department of Transportation and Mobility, advised that he spoke with the Applicant's traffic engineer to determine a methodology for the generation of daily trips in the traffic statement. Staff tried to align the best definition of trip generations to what is proposed. The Applicant was 25 trips short of the 1000 daily trip threshold that would have triggered a full traffic analysis.

Ms. Fertig continued that the Applicant's statement shows they expect the project to add 84 trips to the Central Beach RAC. Mr. Restrepo clarified that the beach trip table used

comes from a different Department: for this reason, Staff sent the p.m. trips cited in the Applicant's traffic statement to the Department of Sustainable Development, which updated the table accordingly.

Ms. Parker confirmed that the Applicant's traffic statement anticipated 84 total peak p.m. trips. She characterized the beach trip table as fluid, because as projects come in and are going through the approval process, the number of trips is adjusted. Ms. Fertig noted that she would like more information on the methodology used to arrive at this number.

Ms. Fertig also pointed out that the beach trips table does not mention the restaurant proposed for the subject property, or any proposed retail space. Mr. Restrepo replied that resort hotel use includes hotel, restaurant, and some retail. The planned restaurant is expected to be roughly 3000 sq. ft. in size. He added that because a resort hotel generates fewer p.m. trips than a regular hotel, Staff requested that the residential use be measured as mid-rise rather than high-rise, as mid-rise residential use generates more p.m. peak hour trips. This allowed Staff to capture a higher p.m. trip total for inclusion in the table.

Mr. Shechtman requested additional information from Staff regarding the use of red stucco. Ms. Parker replied that when Staff reviews architectural design, they avoid focusing on the style of the building and concentrate instead on its scale, massing, context, and articulation. Staff looks at the quality of the materials used without seeking to dictate style.

Ms. Scott recalled that when the Application previously came before the Board, infrastructure issues were raised with regard to pump station connections. Igor Vassiliev, representing the Department of Public Works, explained that the original proposal would have connected the project to pump station 31; however, the pipe used at this station is too small to connect properly without being upgraded by the developer. This would have required replacement of roughly five blocks' worth of pipe. Instead, Staff proposes the development connect to pump station 41, which can meet the project's capacity.

Ms. Scott expressed concern that this would establish a precedent, which may not be in the City's best interest, of bypassing a closer pump station rather than having the developer install new pipe. Mr. Vassiliev advised that the project can connect to station 31 if significant infrastructural upgrades are made.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

William Brown, member of the Central Beach Alliance (CBA) Board of Directors, stated that this organization first met with the developer in September 2018 for a presentation. The Applicant came back for a final presentation on January 24, 2019, where there was significant discussion between the project team and the CBA membership. There were

120 CBA members and 11 condominium associations represented at this meeting. The vote of 28-202 clearly showed that the CBA was not in favor of the project, with only one of the condominium associations voting in support of the plans. Major concerns included traffic, infrastructure, and overdevelopment of the beach.

Joanne Smith, Board President of Birch Crest Condominiums, advised that this Board and membership are also opposed to the project, which they felt was too large to be in character with the Central Beach area and too close to the Birch Crest building.

Mr. Shechtman asked in what way the proposed development was out of character for the neighborhood. Ms. Smith explained that most of the buildings in the area are similar in style, with little difference in height except for the W Hotel. She expressed concern with the project's size.

Ms. Scott asked if any attendees at the Applicant's meeting with the CBA had asked the developer to consider reducing the building's size or number of units. Ms. Smith responded that she did not recall.

Jimmy Crisafulli, Board member of Birch Crest Condominiums, read a statement on behalf of the residents at their development, pointing out that they had been informed there was a moratorium on further development within the CBA area. The letter continued that residents are concerned with lack of sun exposure and limited views of the ocean and Intracoastal Waterway due to the size of the proposed building. There were also concerns that the project would overburden traffic and infrastructure, including basic utilities and sewer service, within the area.

Bowes Dempsey, private citizen, asserted that he is concerned with the height of the proposed building. While it would reach a lesser height than the W Hotel, he felt the community agrees the W's height was a mistake and should not have been allowed. He described the heights of other buildings near the proposed development, which were in the range of roughly 140 ft. to 150 ft. He was opposed to the project.

Ms. Scott asked again if any residents had raised objections to the project's size. Mr. Dempsey advised he was not privy to this discussion, and that other residents in his building may not have been aware of public meetings related to the development.

Joe Rende, private citizen, pointed out that the proposed building is closer to the Birch Crest condominiums than any other commercial structure. He was concerned with privacy, security, noise, and lack of sunlight in addition to distance.

Danny Brown, private citizen, agreed with Mr. Rende regarding the proximity of the proposed building to the Birch Crest condominiums. He described the size of the W Hotel building as intolerable, citing concerns with light pollution, dust created by construction, and property values. He added that Birch Road has become a hazardous environment for pedestrians.

Mark Fox, private citizen, stated his objection to the project on the basis of infrastructure, particularly sewer and water service. While most buildings south of Bayshore Drive connect to pump station 31, the proposed project will connect instead with pump station 41, which has greater capacity. He characterized this exception as "moving the goalposts." He also took exception with the project's use of stucco, color, and overall design.

Tracy Lindsay, private citizen, stated that while the neighborhood surrounding the project is gentrifying and becoming more inviting, the proposed project would block views and create noise in a similar manner to the W Hotel but from closer proximity.

Michele Renick, private citizen, expressed concern for the quality of life of residents at Birch Crest condominiums due to noise and light pollution, which would be exacerbated by the proposed project. She also noted that increased traffic and service trucks would contribute to a lesser quality of life and would compromise privacy.

Ms. Scott asked if Ms. Renick had spoken directly to the Applicant to reach a solution. Ms. Renick replied that residents of Birch Crest were not aware of the project, as it was presented at a budget meeting in November 2018. She added that residents were not informed of meetings held by the CBA.

Maria Elena Rooney, private citizen, stated she was concerned with the quality of life if the proposed project is constructed. She felt the neighborhood would be harmed.

Kathleen Birr, private citizen, felt the project would contribute to traffic congestion and noise pollution, including outside and event music, in a similar manner to the W Hotel. She was also concerned with the project's proximity to Birch Crest and its effect on privacy.

Jackie Swann, Board member of the Spring Tide Apartments, said she was not notified of a meeting with the Applicant and did not believe other residents of her building were notified. She expressed concern with the project's size and scope, including shade effects and loss of direct views. She requested that the Board defer a vote until nearby residents could be provided with additional information regarding the project.

Carol Callahan, private citizen, stated that she shared the concerns of many of her neighbors. She recalled that there has been discussion of an agreement between the Applicant and the City regarding pump station 31, although she did not know the outcome of this agreement. She also expressed concern with a "point system" used by the Applicant to determine the need for variances.

Guy Cerullo, private citizen, advised that because wastewater infrastructure cannot accommodate a project of this size, a condition of the project's approval allows the developer to extend a line further north to pump station 41 or to construct a private on-

site lift station if this extension does not work. He pointed out that existing infrastructure on the barrier island cannot accommodate overdevelopment.

Harold Liesenfelt, private citizen, said he was in favor of the project as well as with the progress the Central Beach area has made in recent years. He did not feel the project was out of context with the surrounding area, and believed developments of this nature would improve and maintain infrastructure.

Bob Nolan, private citizen, felt the beach area has too many generic hotels and large structures, which compromise the area's family-friendly character.

Anne Blenke Taylor, private citizen, stated that the character of the beach area has changed due to increased development.

Claudia Racouchot, private citizen, opposed the project due to its proposed architecture and color, which she felt would constitute an eyesore.

Fernando Esposito, private citizen, felt quality of life in the subject area was declining due to traffic and noise, which would only be worsened by the proposed project.

Paul Chettle, private citizen, expressed concern for the area's infrastructure, pointing out that the City has not identified funds to improve stormwater, water, and sewer infrastructure service in the area surrounding pump station 31. He added that allowing the project to connect to pump station 41 constituted preferential treatment of the project over nearby residents who are connected to station 31.

Ms. Scott pointed out that there are no issues with pump station 31 aside from its age. The concern was for the pipes leading to this station.

Paula Yukna, private citizen, reiterated that the CBA voted overwhelmingly against the project, due in part to infrastructure concerns. She characterized the area's infrastructure as outdated, with no funds designated to repair it. She has met with the City's Public Works Department to discuss these concerns. She did not feel it was appropriate to allow the developer to connect to pump station 41 while the surrounding neighborhood continues to use station 31, which is significantly older.

Ms. Yukna also cited traffic and quality of life concerns if the project is realized, and concluded that she has submitted an application to the Historic Preservation Society to preserve the subject site. She requested that any decision on the project be deferred for one month so nearby residents would have time to evaluate new information and arrive at a compromise with the developer.

As there were no other individuals wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Crush addressed issues raised during public comment, stating that the ABA zoning district is intended for high-intensity uses and allows maximum heights of 240 ft. Under Site Plan Level IV review, setbacks in this district may be reduced to 0 ft. along rights-of-way, and interior setbacks may be reduced to 10 ft. She asserted that the Applicant has instead sought to create a balanced project that is welcoming to the public while improving the surrounding neighborhood.

Ms. Crush continued that in September 2018, the Applicant reached out to Birch Crest management and was invited to two meetings in October and November 2018, at which multiple individuals were in attendance. At the January 24, 2019 meeting, the Applicant also heard questions from Birch Crest residents, which focused primarily on infrastructure. The Applicant also met with the president of Spring Tides Apartments. She characterized the Applicant's response as receptive to feedback with regard to screening, towers, and architectural features, and noted that the proposed building would be 101 ft. away from Birch Crest at the hotel level and 89 ft. away at ground level.

Ms. Scott asked if the Applicant was willing to meet once more with the property's neighbors, including Birch Crest residents, to seek compromise. Ms. Crush stated that she and Ms. Yukna have been in contact within the last week to attempt to schedule a meeting after Ms. Yukna met with the City's Public Works Department.

Ms. Scott asked if the Applicant would be willing to install five blocks' worth of new pipe that would connect the project to pump station 31 rather than connecting to station 41. Ms. Crush replied that the Applicant would do so if it would constitute an approved solution to the issue. Mr. Vassiliev reiterated that either connection option would work for the project.

It was also noted that there are additional options that would reach pump station 31, such as constructing a private lift station for the project which would connect to a force main. Ms. Scott commented that the project owes the community the replacement of five blocks of new pipe. Ms. Crush reiterated that the Applicant was willing to make this replacement and connection to pump station 31.

Ms. Scott asked if the project's small units would constitute a rental pool. Ms. Crush replied that while there are many large-scale luxury condominium units on the beach, these units fill a need for smaller and more moderately priced for-sale condominiums in the area.

Ms. Scott also expressed concern for the Applicant's traffic plan due to the size of the proposed restaurant. Ms. Crush stated that the Applicant's trip generation factored in resort hotel use, as well as a higher trip generator for the residential units. The restaurant added 44 trips as well. Because the project's total trips did not exceed 1000, the Applicant was not required to undertake a traffic study.

Ms. Scott asked how lighting on the sides of the proposed building would affect residents of the nearby Birch Crest condominiums. Reinaldo Borges, representing the Applicant, replied that while the light effect of the façade has not been studied, its makeup will be 40% glass and 60% solid. There are no exterior lights illuminating the balconies, which meant any light must come from within the units themselves.

Ms. Fertig asked how many units are in the current structure(s) on the property. Ms. Crush responded that there are 79 units at present. Ms. Fertig explained that she was concerned with the traffic statement and trip generation figures, which show 115 condominium units and 168 resort hotel units combining to generate only 84 trips. She requested additional clarification from Staff on this issue.

Ms. Fertig also asked for more information on the building's size. Ms. Crush noted that the building is 360 ft. in east-west length, and is allowed to exceed 200 ft. where lower than 55 ft. in height. The project's east and south side setbacks are 24 ft. and 39 ft. 2 in.

Ms. Fertig returned to the trip generation document, suggesting that these documents be sent to the Board so members can see how calculations were made. She also asked if the City is currently conducting a City-wide study of underground pipes. Mr. Vassiliev advised that significant infrastructure improvements have recently been made in the subject area, including replacement and lining of pipes. He confirmed that the City is aware of where pipes are located in the subject area.

Mr. Vassiliev continued that pump station 41 was rebuilt and relocated in recent years, which quadrupled its capacity. Pump station 31 will also be rebuilt in conjunction with a nearby marina project.

Ms. Fertig confirmed that the Board received a wastewater capacity letter in their information packets.

Mr. Shechtman asked if there would be any drawbacks to the Applicant constructing a private pump station on-site. Mr. Vassiliev replied that of all the options available, construction of a private pump station would be the least desirable for a number of reasons, including maintenance issues. The City would prefer gravity lines to this option. Mr. Vassiliev asserted that providing five blocks' worth of upgraded sewer line would be a significant contribution by the developer.

Mr. Tinter observed that he did not take issue with the methodology or calculations used in the traffic statement. He noted that the table indicates how much traffic can be accommodated on the barrier island with the proposed project and other pending developments in the area.

Ms. Fertig requested clarification of how 79 rooms granted 31 trips could become 168 rooms with 32 trips, which appeared to add only a single trip for the resort hotel use. Mr.

Tinter replied that this calculation was determined using trip generation rates and numerous studies. He reiterated that the correct categories were used.

Mr. Tinter asked if the Applicant is requesting any variances. Ms. Parker advised that through the Site Plan Level IV review process, the Applicant may request minimum setback requirements; however, in no case may setbacks be less than equal to one-half the building's height unless reviewed and approved as part of Site Plan Level IV. The request for a setback reduction is not considered the same as a variance.

Mr. Tinter also asked if the Board may approve the project without a determination regarding what would be done about the sewer connection. Ms. Parker replied that the existing Staff Report is based on a number of conditions. The condition included in the Staff Report offers options for how the Applicant may meet the required capacity. If the Board recommends a specific response, it will be subject to review and approval from the Public Works Department.

Vice Chair Elfman asked if the project would meet capacity if it went to either pump station 31 or 41. Ms. Parker stated that the analysis and capacity letter from Public Works determines that either option could be tied to Site Plan approval.

Vice Chair Elfman also requested clarification that the building's height may extend up to 200 ft. in the zoning district. Ms. Parker advised that the height may reach up to 240 ft., subject to the design compatibility and community character scale criteria. The proposed building would reach a height of 190 ft. at the top of the rooftop amenity space.

Mr. Shechtman addressed the project's balconies, asking how they compare in size to those of other nearby buildings. He pointed out that residents have stated these balconies contribute to noise in the area. Mr. Borges clarified that the project will have "step-out" balconies as opposed to the full balconies on the W Hotel.

Ms. Scott stated that she has had multiple conversations with City Staff with regard to the possibility of allowing the project to bypass pump station 31 and connect instead to pump station 41. She asserted that it is in the best interest of the City and the residents of the barrier island to have the Applicant lay the five blocks of pipe that would allow them to connect to pump station 31.

Ms. Scott also noted that materials provided to the Board during public comment state the restaurant's "garden seating" encroaches onto a utility easement on the south side of the property. Ms. Parker advised that private design elements are not typically allowed to encroach upon utility easements. Mr. Borges clarified that garden seating refers to a linear sculpture garden in the back of the restaurant, where a utility easement is located. It does not include a restaurant seating area. Ms. Parker referred to condition #5 in the Staff Report, which indicates that all proposed private features encroaching

within the right-of-way, including raised planters and landscape walls, are subject to a revocable license agreement.

Mr. Shechtman commented that the project is impressive at the ground level due to street activation and architectural elements and features; however, he felt for nearby residents who would be affected by the building's proximity. He expressed concern with the discussion of sewage, as the City currently has no funds budgeted to improve sewer conditions in the subject area in the next few years.

Motion made by Mr. Shechtman, seconded by Mr. Tinter, to approve with the condition[s] that 1. The developer agrees to upgrade five blocks of sewer line, and 2. The property shall not be operated as a condo/hotel.

Mr. Shechtman confirmed that he agreed with the additional conditions listed in the Staff Report, with his revision to condition #4.

Ms. Fertig stated that in the past, there has been significant discussion of possible updates to the Central Beach Master Plan, one of which suggested that residents might wish to change how setbacks were calculated by moving away from the "half the height" stipulation. She recalled that at the time, most residents wished to keep this rule in place. She also noted that the CBA voted against the project, and residents from surrounding buildings opposed it as well.

Ms. Fertig continued that infrastructure is a concern for the barrier island, as pipe breaks are common in the subject area and traffic remains an issue. She concluded that it is necessary to listen to members of the community who live in that area, and did not believe passing the Application was the best way to keep that area livable for those residents.

Ms. Scott requested that Mr. Shechtman restate his **motion**. The **motion** was restated as follows: **motion** to approve with the condition that the Applicant construct associated infrastructure improvements to connect the project to pump station D-31, subject to the approval of the Public Works Department, and that the project shall not operate as a condo/hotel.

Assistant City Attorney Shari Wallen requested clarification that all other conditions in the Staff Report, with the exception of revised condition #4, were acceptable and included in the **motion**. Mr. Shechtman confirmed that was his intent.

In a roll call vote, the **motion** passed 5-4 (Chair Maus, Mr. Cohen, Ms. Fertig, and Ms. Scott dissenting).

~~3. CASE:~~

~~R18011~~

~~REQUEST: **~~

~~Site Plan Level IV Review: 205 Hotel Units, 381~~

contiguous to the property or immediately north, south, east and west of the adjacent property, of the project to be notified by mail of the date, time and place of the project presentation in front of the Planning and Zoning Board].

In a voice vote, the **motion** passed unanimously.

Vice Chair Elfman commented that there are often cases before the Board in which members of the public object to zoning rather than to the project itself. He suggested that it could be helpful to communicate the need to "re-look at the zoning."

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 9:52 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair

Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]