

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, OCTOBER 19, 2016 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2016-May 2017</b>	
		<b>Present</b>	<b>Absent</b>
Leo Hansen, Chair	P	4	0
Catherine Maus, Vice Chair	P	3	1
Theron Clark	A	2	2
Stephanie Desir-Jean	P	3	1
Howard Elfman	P	4	0
Steven Glassman	P	4	0
Rochelle Golub	P	3	1
Richard Heidelberger	P	3	1
James McCulla	P	4	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  
Jim Hetzel, Principal Planner, Urban Design and Planning  
Eric Engmann, Urban Design and Planning  
Florentina Hutt, Urban Design and Planning  
Randall Robinson, Urban Design and Planning  
Alex Scheffer, Urban Engineer  
Mohammed Malik, Chief Zoning Plans Examiner  
Nancy Gassman, Assistant Public Works Director  
Jamie Opperlee, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Hansen called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Board members were introduced, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

Mr. Glassman noted the following correction to p.14 the August 17, 2016 minutes: his comment regarding zoning Code changes in the beach area was intended to ask Staff to explore a change that would require an approved site plan prior to the issuance of a demolition permit. He explained that this request was in response to recent demolitions on the beach, which have negatively affected the aesthetics of neighborhoods and streets and have lessened property values.

Assistant City Attorney D'Wayne Spence added that with regard to the vote taken on Application 2, he wished to clarify that this result did not move forward as a motion for denial of the Application, but would instead move forward without a positive recommendation.

**Motion** made by Mr. Glassman, seconded by Mr. Heidelberger, to approve [as amended]. In a voice vote, the **motion** passed unanimously.

### III. PUBLIC SIGN-IN / SWEARING-IN

Chair Hansen noted that there had been discussion of scheduling a special meeting to discuss Applications 5 and 6 on November 2, 2016 at 6:30; however, there were several members of the public present at tonight's meeting to speak on this Item, and the presentation on the project is lengthy. He requested the Board's input on whether or not Applications 5 and 6 should be deferred until that time.

**Motion** made by Mr. McCulla, seconded by Ms. Maus, to defer [Applications 5 and 6] to November 2.

Mr. Glassman requested clarification of why November 2, 2016 was selected as a date for the proposed special meeting.

Mr. McCulla **withdrew** his **motion** and made the following **motion**: to have a special meeting on November 2.

Ms. Parker advised there are other potential dates, including October 20, 24, and 26.

Mr. McCulla revised his **motion** as follows: **motion** that next Wednesday [October] 26, [the Board] set a special meeting. Mr. Heidelberger **seconded** the **motion**. In a roll call vote, the **motion** failed 4-4 (Ms. Desir-Jean, Mr. Elfont, Mr. Glassman, and Ms. Golub dissenting).

Chair Hansen requested that any members of the public wishing to speak on any Items before the Board be sworn in at this time. Attorney Spence administered the oath or affirmation and described the quasi-judicial process used by the Board.

### IV. AGENDA ITEMS

## Index

<u>Case Number</u>	<u>Applicant</u>
1. ZR16002* **	825 Sunrise LLC
2. R16030* **	30-Thirty North Ocean LLC
3. R16033* **	2857 East Oakland Park LLP
4. T16004*	City of Fort Lauderdale
5. ID14001* **	Keystone – Florida Property Holdings Corporation
6. PL14012**	Keystone – Florida Property Holdings Corporation
7. R16012* **	Sophia Enterprises, Inc.

## **Special Notes:**

**Local Planning Agency (LPA) items (\*)** – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

**Quasi-Judicial items (\*\*)** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

1.	<b>CASE:</b>	<b>ZR16002</b>
	<b>REQUEST:* **</b>	<b>Site Plan Level III Review; 8,902 square feet of Retail Use with Parking Reduction and Rezone with Commercial Flex Allocation for Exclusive Use Parking Lot (X-P)</b>
	<b>APPLICANT:</b>	825 Sunrise LLC
	<b>PROJECT NAME:</b>	825 Sunrise
	<b>GENERAL LOCATION:</b>	NW corner Sunrise Blvd. and NE 9th Avenue
	<b>LEGAL DESCRIPTION:</b>	Lots 16,17,18,19, 20, 21, 22, 23 and the North 10 feet of Lot 24, Block 178, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, page 18, of the public records of Broward County, Florida.
	<b>CURRENT ZONING:</b>	High Density (RMM-25)
	<b>PROPOSED ZONING:</b>	Boulevard Business (B-1) and Exclusive Use Parking Lot (X-P)
	<b>COMMISSION DISTRICT:</b>	2
	<b>CASE PLANNER:</b>	Randall Robinson

Disclosures were made by the Board members at this time.

Stephen Tilbrook, representing the Applicant, showed a PowerPoint presentation on the Item, stating that the Application would construct an 8912 sq. ft. retail building on an existing 6.492 acre vacant lot. Most of the site is zoned B-1, although a portion is zoned

RMM-25. The Application would rezone the RMM-25 portion of the lot to X-P, which allows Site Plan-specific zoning for surface parking. The application requests Site Plan Level IV approval and a parking reduction.

Mr. Tilbrook explained that the Applicant purchased the subject property from the City in 2015. Commercial zoning exists to the east and west of the site, while a parcel to its north is RMM-25. Plans for the site include a single-story commercial building that may or may not have multiple tenants. The Application requests rezoning of 0.309 acre in the rear of the site from RMM-25 to X-P. The parcel is located in Flex Zone 46, which includes 57.9 acres of available commercial flexibility. No building is proposed on the portion to be zoned X-P, which is set back significantly from the building.

He continued that X-P is the most restrictive of the zoning categories in which the redevelopment is permitted. The City Commission has the final decision on the Site Plan and rezoning allocation. The proposed building is compatible with adjacent uses of the property.

The Site Plan includes 31 on-site parking spaces, although the project's retail use requires 35 spaces. The Applicant will provide four new parking spaces in the right-of-way of NE 9<sup>th</sup> Avenue, which is directly adjacent to the site. City Staff and the Applicant's traffic consultant recommend approval of the parking reduction due to the use of the site and other factors. The site is located on a transit corridor with pedestrian and bicycle access and facilities. The intended use of the site is small retail. Mr. Tilbrook concluded that the Applicant has met several times with the Lake Ridge neighborhood, as well as with representatives of the Victoria Park neighborhood.

Mr. Glassman asked if the Applicant had reached out to the Flagler Village neighborhood. Mr. Tilbrook replied that notice was sent to this neighborhood, but there was no response. The Victoria Park neighborhood did not take a position on the project, but provided comments and recommendations on the Application and asked that the Lake Ridge neighborhood represent their interests.

Mr. Glassman asked if the neighborhood's requests had been met by the Applicant, including preservation of on-site mature trees. Mr. Tilbrook advised that the Applicant's team worked with City Staff to address this and other items, including a street closure on 9<sup>th</sup> Avenue and provision of additional landscaping.

Randall Robinson, representing Urban Design and Planning, stated that the Board's recommendation on Site Plan Level IV approval will go to the City Commission for final approval. He reviewed the criteria for rezoning and allocation of commercial flexibility, including:

- The proposed zoning district is consistent with the City's Comprehensive Plan;
- The changes anticipated by the proposed rezoning will not adversely affect the character of development in or near the area;

- The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

Because the proposed rezoning would change a residential land use to a commercial one, an allocation of commercial flex acreage is required. Mr. Robinson also reviewed the criteria for the placement of commercial uses on residential land use parcels, which include:

- The rezoning of the development is to either Community Business (CB) or X-P;
- No more than 5% of the total area within the flexibility zone is designated as residential according to the City's Land Use Plan;
- The parcel proposed for CB or X-P use may not be greater than 10 contiguous acres;
- Use of commercial flex acreage must be demonstrated to support the implementation of specific goals, objectives, and policies of the Land Use Plan.

Mr. Robinson noted that the parcel also includes the relocation of a street closure. While the City Commission will have the final vote on this aspect of the project, they would like the Board to make a recommendation on it, which means a separate vote on the

2.	<b>CASE:</b>	<b>R16030</b>
	<b>REQUEST: * **</b>	<b>Site Plan Level III Review; 24 Multifamily Residential Units with Yard Modifications</b>
	<b>APPLICANT:</b>	30-Thirty North Ocean LLC
	<b>PROJECT NAME:</b>	3030 North Ocean
	<b>GENERAL LOCATION:</b>	3030 N Ocean Boulevard
	<b>LEGAL DESCRIPTION:</b>	LOTS 4,5,6,7,8,9,10,11 and 12. All less the West 20.00 feet thereof, Block 10, LAUDERDALE BEACH, according to the plat thereof, as recorded in Plat Book 4, Page 2, of the public records of Broward County, Florida. Says lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 48,825 square feet or 1.1209 acres more or less.
	<b>CURRENT ZONING:</b>	Residential Multi-family Mid Rise/Medium High Density (RMM-25)
	<b>COMMISSION DISTRICT:</b>	2
	<b>CASE PLANNER:</b>	Florentina Hutt

relocation is requested.

There being no other questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Maus, seconded by Mr. Glassman, to approve with Staff conditions. In a roll call vote, the **motion** passed 8-0.

**Motion** made by Mr. McCulla, seconded by Ms. Maus, to move the street closure. In a roll call vote, the **motion** passed unanimously.

Disclosures were made by the Board members at this time.

Robert Lochrie, representing the Applicant, advised that the subject property has a land use designation of Mid-Residential and is zoned RMM-25, which provides a buffer between commercial zoning districts and an adjacent single-family neighborhood. Five buildings previously located on the property were razed in 2003. The property has remained vacant since that time. The request is for a Site Plan amendment including yard modifications.

The Applicant received approval from the Development Review Committee (DRC) in 2015 for a project that met existing setback requirements. The current project requests a setback modification to move a building to the west. Under the existing zoning, the property could include 28 residential units and a building 55 ft. in height; however, the Application requests 24 residential units and a height of 50 ft.

The development is comprised of two residential buildings, each of which includes 12 units, with a two-story clubhouse, a pool area, and a motor court. The site exceeds City parking requirements by one space. Most parking is enclosed within the residential buildings themselves, with nine exterior spaces for residents or guests. The property is also located one block from a City parking facility that serves the beach.

While the previous project on the subject parcel included six access points onto A1A, the Application would reduce these to two access points on the southern and northern edges of the property. Traffic may enter or exit from the south and exit only from the north. The project now requests a setback waiver to move the majority of the two buildings further west to enclose parking entirely on the east.

Mr. Lochrie showed renderings of the project, noting the 25 ft. front setback and 26 ft. rear setback. A landscape buffer is provided between the parking area and other properties located to the east. The requested modification would allow for parking to be completely enclosed within the structure itself, and would increase the required 10 ft. landscape buffer to 19 ft. 10 in. From the second to the fifth stories, the building would be set back an additional 33% from the property line.

The Applicant's team met with the Lauderdale Beach Homeowners' Association in July 2016, and later invited members of this association as well as members of the Central Beach Alliance and the Galt community to a public participation meeting in August 2016. Representatives of these three associations, as well as representatives of the Berkeley



Steve Gannon, President of the Lauderdale Beach Homeowners' Association, stated that the neighborhood is supportive of the project. He felt the requested yard modification will benefit adjacent properties.

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

**Motion** made by Ms. Maus, seconded by Mr. Glassman, to approve with Staff conditions. In a roll call vote, the **motion** passed 8-0.

Disclosures were made by the Board members at this time.

Nectaria Chakas, representing the Applicant, stated that the request is for conditional use approval of a day care center. The subject property is zoned Community Business (CB), which only allows day care as a conditional use.

The Applicant plans to add landscaping, along with a dumpster location and an outdoor play area. A walkway will be placed on the west site of the building to link it to an offsite lot, which will serve as an overflow parking lot. She showed renderings of the proposed project, which includes a sidewalk in front of the building and narrowed one-way entry and exit points to promote an orderly flow of traffic in and out of the site. Parents will be required to park their cars and bring their children into the facility.

All parking is on-site, and there is one surplus parking space not required by Code. Employee parking will be limited to the offsite lot. The Applicant will include roughly 40 trees, including both shade trees and palms, on the site, as well as 84 shrubs. The Coral Ridge Country Club Estates Association and the Coral Ridge Association were both presented with the request and are supportive of the project.

Ms. Desir-Jean requested additional information on access to an alleyway on the property. Ms. Chakas explained that a 20 ft. two-way alley is located on the north end of the site and can be accessed by two nearby streets. There is also an access point from the facility to the alleyway.

Eric Engmann, representing Urban Design and Planning, stated that the Application is a conditional use request for a large child day care facility in a 7500 sq. ft. building, which has been retrofitted to the proposed use. The proposed facility will serve more than 51 children and requires conditional use approval in the CB district. Standards for such facilities include the following:

- A minimum outdoor play area
- Usable indoor space
- Separation from similar uses
- Screening and vehicular circulation





- The maximum allowable height of the seawall based on the property's base flood elevation;
- The requirement for seawall reconstruction to a minimum elevation if a substantial repair threshold is triggered;
- Allowance of fixed docks to extend 10 in. above the adjacent seawall.

Dr. Gassman continued that Staff's intent was to raise seawalls to a minimum height in order to protect properties from flooding triggered by rain events, while the maximum elevation was intended to protect properties from storm events. The seawall is not intended to be higher than a property's finished floor elevation. When the Ordinance went into effect, however, the Department of Sustainable Development began receiving applications that requested the ability to build to an additional 10 in. over the maximum height for a dock, which would allow stormwater to flood either the home or an adjacent property because there would be an insufficient slope away from the house.

She added that there is also a conflict within the ULDR regarding the minimum or maximum height of seawalls that are adjacent to a waterway. In order to address these issues, Staff proposes the following modifications:

- Add the phrase "and dock" to clarify the maximum allowable height above a property's base flood elevation;
- Replace "adjacent" with "attached" in describing the context between a seawall and a dock;
- Better define the phrases "substantial repair" in the context of a seawall;
- Resolve conflict between the seawall Ordinance and a section in the overall Code related to the vertical differentials between properties.

Dr. Gassman continued that the change to the Ordinance would be consistent with Goal 3 of the Coastal Management element of the City's Comprehensive Plan, which addresses resiliency and adaptation strategies associated with climate change, including both public infrastructure services and public and private property.

The proposed amendment to the Ordinance has gone before several public stakeholders, including the Marine Advisory Board and the Sustainability Advisory Board. Notice was provided to the stakeholders to whom the original Ordinance was presented. City Engineers and other members of the Building Department have discussed the issue with seawall design and construction firms as well.

There being no questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 8-0.



garage level also extends slightly toward A1A in order to provide a shade canopy for outdoor diners.

Ms. Crush showed renderings of the boutique hotel, noting that screening and architectural features continue all the way around the property. The rooftop will feature an overlook and will be open to the public. The project is located within the ABA zoning district and meets that district's height parameters. The Applicant requests to pay a beach facility parking fee, as the site is six parking spaces short of its Code requirement. The Applicant has also committed to maintain some existing parallel parking to the north of the property and to redesign 5<sup>th</sup> Street so it accommodates either a one- or two-way configuration and includes angled parking and landscaping.

Mr. Glassman observed that the Staff Report reflects that the project meets the 10 ft. minimum for side setbacks, although the request is for reduced front, side, and rear setbacks. Ms. Crush explained that the Staff Report contains an error, as the actual measurement is 6.4 ft.

Mr. Glassman continued that the site is already an active area and will be made less active, rather than enhanced, by the proposed project. Ms. Crush advised that the Applicant feels the project will enhance the overall beach experience by providing ground level retail space, as well as by dedicating the eastern third of the property to indoor/outdoor activity.

Mr. Glassman asked if the Applicant provided a letter of support from the Central Beach Alliance (CBA) after meeting with this group. Ms. Crush replied that the CBA asked questions regarding loading on the property, which will occur in a loading zone. Deliveries are limited to 8 a.m.-11 a.m. throughout the week and 8 a.m.-10 a.m. on Saturdays. The Applicant also provided the CBA with a construction management plan showing that 5<sup>th</sup> Street will not be closed. The CBA voted 83-0 in support of the project.

Ms. Golub requested clarification of the property's layout. Ms. Crush explained that in the ABA district, a property may not exceed 200 ft. The site's single level of parking is 34 ft. in height. The parking garage's eastern face intentionally overhangs the outdoor seating area and comes within 10 ft. of the property line. The edge of the structure is 60 ft. from a neighboring property.

Randall Robinson, representing Urban Design and Planning, advised that the project is before the Board for Site Plan Level IV review. The Board is asked to ensure that the proposal meets design criteria for the Central Beach area. The proposed development must be compatible with the overall plan of development in this area and must be compatible with the design guidelines provided for the Central Beach area. The Applicant must show that the project's architectural and design concepts are compatible with the character of the overall plan.



Attorney Spence clarified that the allocation of park impact fees is outlined in Code, and Staff is required to follow these guidelines when applying fees. The Board does not have discretion regarding the allocation of these funds. Chair Hansen suggested that Mr. Glassman consider revisiting this issue as part of the Communications to the City Commission Agenda Item.

Mr. Glassman **restated** his **motion** as follows: **motion** for approval of the project with the conditions of approval. Ms. Desir-Jean **seconded** the **motion**. In a roll call vote, the **motion** passed 6-2 (Ms. Golub and Ms. Maus dissenting).

Chair Hansen advised that the Board would address Applications 5 and 6 simultaneously.

Chair Hansen advised that individuals speaking on their own behalf would have three minutes in which to do so; representatives of legally recognized community entities are given five minutes. It was determined that the Applicant would be given 20 minutes for the initial presentation and 10 minutes for rebuttal.

Disclosures were made, and any members of the public wishing to speak on these Items were sworn in at this time.

Courtney Crush, representing the Applicant, advised that the requests are for the Galleria Mall, which is a 35 acre commercial tract of land. Most of the property is zoned Business 1 (B-1), which comprises business uses on most of the City's commercial corridors. The property is adjacent to RMH-60 parcels.

The Galleria Mall is continuing to evolve into a high-end shopping destination for Fort Lauderdale and Greater Fort Lauderdale. This has led the Applicant to seek a change to the zoning district for Innovative Development (ID). The site includes approximately 10 acres of surface parking lots and/or vacant land. The vision for the property, which includes 1 million sq. ft. of retail and restaurant space, is to wrap the commercial facility with a variety of residential uses, including condominiums, senior living facilities, and apartments, as well as a park-like environment at the ground level.

The property's current B-1 zoning provides for mixed use, and the southwest portion of the property allows high-rise residential facilities. The Applicant proposes to wrap the mall in residential and green space, using the City's ID zoning process. In order to secure this zoning, it must be demonstrated that the project includes better planning and is a substantial and recognizable improvement to the property, its immediate neighbors, and to the City as a whole. ID properties must also demonstrate that they use land uses in a more efficient manner. The Applicant feels that the proposed low-scale town home residences, as well as taller towers along Sunrise Boulevard, constitute an innovative way to achieve a better plan.

Ms. Crush advised that the project will provide ecologically friendly paths approximately 26 ft. wide along 26<sup>th</sup> Street, as well as raised perimeter roads around the mall on three sides. Residences to the south are proposed to step down and back to wrap elevated garages, providing a more residential experience. The project hopes to be a Leadership in Energy Efficient Design (LEED)-certified neighborhood, and includes a public plaza with a bio-swale.

Residences intended for individuals 55 years of age or older will be connected to the mall and are within walking distance of the beach. The Applicant plans to include on-site art parks, fitness stations, plazas with seating, and outdoor dining around the perimeter of the mall. Taller residential buildings will be located closer to Sunrise Boulevard. The ground-level entrance to the mall will be a one acre site, and there will be one acre of roof space. There will be two ground level restaurants as well as a community center.

Another component of the project is multimodal transportation, which is mentioned in the ID Ordinance. Existing bus lines already extend to the mall. Residents of the project will also be encouraged to use alternate methods of transportation, as the project plans to provide car- and bicycle-sharing services. Neighborhood-serving uses will be introduced in the buildings that wrap around the mall.

The ID Ordinance states that a project must move its mass and uses in a superior and innovative manner. The original plan included hotel uses and much taller buildings at the south end of the property, using more traditional zoning; however, after meeting with the project's neighbors, it was determined that the project would be too large with too many uses and units. The current proposal reduces the project's mass and pushes it north toward Sunrise Boulevard. The project has reduced height, as well as the number of proposed residential and hotel units, after communication and coordination with neighbors.

Ms. Crush also addressed traffic, noting that the project will feature both a traditional and a proactive approach. Traffic studies show that traditional traffic mitigation solutions, such as turn lanes, extended signalization, and crosswalks, can work at the site. The Applicant also listened to neighbors' concerns regarding Bayview Drive, which is presently a "cut-through" area, and as a result has provided resident egress onto Sunrise Boulevard. A roundabout has been proposed for Bayview Drive. The Victoria Park neighborhood also experiences cut-through traffic on its way Downtown. The Applicant has listened and responded to this concern.

Ms. Crush continued that the project is proposed in three phases, each with more than 400 residential units. In an ID district, all public improvements, including sidewalks, bike lanes, and crosswalks, must be bonded by the mall.

Phase 1 of the project will provide an upscale residential rental community along Sunrise Boulevard, as well as two restaurants and three crosswalks. It will also include

all road reconstruction work. After Phase 1, a traffic check will be conducted to determine how these new improvements affect traffic.

Phase 2 will include the extension of Bayview Drive and two communities for residents 55 years of age and older. All road work will be done on 9<sup>th</sup> Street. Phase 3 will construct the two residences on the west and a proposed condominium.

Ms. Crush emphasized that the Applicant wishes to continue working with the project's neighbors, which include five to six neighborhoods. She pointed out that residential uses typically generate fewer traffic impacts than commercial uses.

The Applicant has held several meetings with neighbors, including the Sunrise Intracoastal Homeowners Association, individual buildings on 9<sup>th</sup> Street, neighbors in the Coral Ridge area, and the Central Beach Alliance (CBA). The Applicant also plans to fund an additional trolley if necessary in order to allow project and other nearby residents to enjoy beach access. For this reason, the parking garage will include up to 500 spaces, with shuttle service to the beach. This reduces the number of traffic trips on the barrier island and provides a safe, clean parking area.

Cecelia Ward, also representing the Applicant, stated that it was her professional opinion that the proposed Galleria project is consistent with the City's Comprehensive Plan, the Strategic Plan of 2018, the Vision Plan of 2035, and applicable City land development regulations, including ID district standards, rezoning standards, adequacy requirements, and compatibility with the surrounding community.

The project represents a creative response to changing conditions, including a change in technology that has affected how people shop for retail products. This change has had a national impact on shopping malls, which are asked to transform as a result into something more sustainable for the community. The proposed project would provide a sustainable urban mixed-use development and is consistent with the changing character of Sunrise Boulevard.

Ms. Ward also noted that the City adopted ID zoning as a way to provide an opportunity for creative and innovative development using sustainable planning and design principles. The project would change several parking lots into a more sustainable project that benefits the community. It is also compatible with its surroundings by pushing density away from lower-scale single-family development and toward areas where multi-family development already exists.

The Board took a brief recess at 8:34 p.m. and reconvened at 8:48 p.m.

Chair Hansen advised that at this time, the Board is only discussing Item 5, which is Site Plan Level IV review. Item 6, plat review, will require a separate discussion and vote.



Mr. Glassman asked which of the project's public improvements could not have happened under the site's current zoning. Ms. Crush replied that many of the public improvements extend into City, County, or State rights-of-way, and would require permission from those entities. Mr. Glassman explained that his intent was to determine which ideas for the project represent significant innovative development that could not be accomplished under existing zoning. Ms. Crush stated that each individual improvement does not have to be non-achievable outside conventional zoning regulations: instead, an ID project should propose plans that are not achievable under conventional zoning.

Mr. Glassman also requested information regarding the project's education mitigation requirement, noting that Bayview Elementary School is currently overcrowded. Ms. Crush advised that the Broward County School Board's letter of concurrency addresses projects the addition of 26 students to elementary, middle, and high school. She added that a new report showing counts for Bayview Elementary School has not yet been updated. Student trip generation is projected to result in approximately 18 to 26 trips.

Mr. Glassman asked if the project, which is anticipated to take seven years to complete, will include improvements to the actual mall. Ms. Crush replied that the mall has begun making façade renovations and painting its interior and exterior. Additional leasing opportunities are expected as a result of the proposed project. New retailers have expressed interest in coming to the mall on both a temporary and a long-term basis.

Mr. Glassman asked if there is a guarantee that Phases 2 and 3 will be completed. Ms. Crush advised that these phases are mandated, as nothing else can be done with the mall once a plan is approved under ID zoning. Bonding is required to pay for the necessary infrastructure work.

Mr. Glassman also asked if a specific piece of the project would be under the fee simple control of a single owner. Ms. Crush responded that there are two Applicants: one with unified control of the entire property, and the Dillard's store, which owns its own pad and building and has joined in the Application.

Mr. McCulla addressed the project's effects on traffic, pointing out that the Applicant's traffic study shows Sunrise Boulevard functions are under a grade of D during its peak hours. Joaquin Vargas, traffic consultant to the Applicant, explained that this grade is the result of a generalized analysis, and was followed by a more detailed analysis of each intersection in the area. The latter was used to identify the turn lane and signalization improvements for the purposes of mitigation.

Kathy Sweetapple, also traffic consultant to the Applicant, added that one lane on Sunrise Boulevard that receives a grade of E meets the adopted level of service standards, as the entire eastern core district of Fort Lauderdale has a grade of E.

Mr. McCulla asked if the mitigation plan is designed to improve the level of service on Sunrise Boulevard or simply to mitigate the number of trips the project is expected to add to the roadway. Mr. Vargas characterized the plan as over-mitigation, noting that the analysis was extremely conservative and implemented only a 5% deduction for internal trips and provided mitigation for a much higher-than-expected number of trips. Turn lane improvements are planned for 13<sup>th</sup> Street and US-1, along with signal timing optimization, improved left turn lanes on Sunrise Boulevard and 15<sup>th</sup> Street, and signal optimization on Bayview Drive and 16<sup>th</sup> Avenue.

Pedestrian and bicycle enhancements include improvements to the Gateway intersection made in conjunction with the Florida Department of Transportation (FDOT). Crosswalk enhancements are planned in front of the Galleria Mall, and a new pedestrian crossing signal will be placed at 25<sup>th</sup> Avenue.

Mr. McCulla asked if these improvements, most of which are not located directly on Sunrise Boulevard, would help improve Sunrise Boulevard as well. Mr. Vargas replied that increasing the capacity of side streets results in a requirement of less green light time, which can be transferred to Sunrise Boulevard. A new phasing plan at 15<sup>th</sup> Avenue is also expected to help.

Mr. McCulla asked if construction on roadways in the area has had a positive impact on Sunrise Boulevard or 17<sup>th</sup> Street. Mr. Vargas stated that this can be difficult to quantify: fresh traffic counts are compared to historical data to determine if there are anomalies. Some anomalies in this area are expected to dissipate once construction is complete.

Mr. Glassman observed that in 2015, FDOT statistics show 13,500 daily trips on Sunrise Boulevard at the Intracoastal Waterway. Under the Applicant's adequacy requirements, it is noted that they project 476 a.m. and 697 p.m. trips, which he felt was a low estimate considering parking requirements. Mr. Vargas replied that FDOT collected the number of daily trips, while traffic analyses study one peak hour in the morning and one peak hour in the afternoon. These peak hours are determined by studying the four highest consecutive 15-minute periods.

Mr. Glassman requested information on the type of traffic mitigation that will be provided to drivers on Sunrise Boulevard and Intracoastal Drive. Mr. Vargas stated that although the study did not identify a need for traffic calming measures, residents of this area requested them. The residents have not asked for any additional traffic calming.

Ms. Sweetapple added that the parking analysis included the entire Galleria Mall, including new residential plans. The Applicant's traffic consultants have worked with the project's neighbors, and are planning to reconstruct an entire roadway network to bring it up to flood levels and upgrade its infrastructure.

Mr. Glassman noted that the parking requirement for one area of the project is 987 spaces, but only 552 spaces will be provided. Ms. Sweetapple replied that valet parking

is planned for this area; buildings are studied both individually and collectively before Urban Land Institute (ULI) parking methodology is applied. In each parking summary, a parking surplus is seen to exist during every hour.

Ms. Maus requested additional information regarding the extension of the southbound left turn lane from 15<sup>th</sup> Avenue onto Sunrise Boulevard. She pointed out that these turn lanes may be difficult to extend due to the proximity of businesses on either side of the roadway. Mr. Vargas explained that the re-striping will convert the lanes to two-way left turn lanes, which provide more space for stacking where necessary.

Jim Hetzel, representing Urban Design and Planning, stated that the Application proposes to rezone approximately 35 acres of land, zoned B-1 and RMH-60, to an ID zoning district. He reviewed the requirements of an ID district, noting that the Applicant requests an allocation of 1047 flex units to permit a residential portion on a commercial land use. The commercial allocation of the residential use is approximately 3.5 acres.

The change anticipated by ID zoning must not adversely affect the character of the development in or near the area under consideration, and must be generally consistent with the character of the development in the surrounding area, which in this case is a mixture of low- to high-density residential and commercial uses such as hotels, office space, retail, and other commercial uses. The existing building pattern ranges from a scale of five floors to 23 floors.

With regard to neighborhood compatibility, the surrounding zoning districts are B-1 and RMH-60, which allow building heights from 150 ft. to 300 ft., subject to conditional use approval. The Applicant proposes a maximum building height of 285 ft., which was reviewed in comparison to existing buildings under B-1 and RMH-60 zoning. While B-1 zoning allows a maximum height of 150 ft., RMH-60 allows up to 300 ft. with conditional use approval.

Mr. Hetzel referred to the Staff Analysis Summary in the Staff Report, stating that the proposed ID site would constitute substantial and recognizable improvement by replacing surface parking areas with buildings, landscaping, and usable open space areas to enhance the surrounding neighborhood. Streetscape improvements are proposed for the adjacent roadway network. These plans are considered substantial improvements to the site.

The project is surrounded by several public rights-of-way and is bisected in the center by Bayview Drive, with NE 9<sup>th</sup> Street bisecting the southern side of the project. The site is considered to be a unified project crossed by local minor streets. The entire tract will be under unified control. Uses proposed for the project are consistent with the City's Comprehensive Plan, subject to flex allocation.

The Applicant proposes public realm improvements that can be categorized according to three different aspects:

- Public space on the property;
- Streetscape improvements on adjacent roadways;
- Offsite improvements to the community.

As indicated in the Applicant's presentation, the development is proposed in three phases. Phase 1 includes all public realm improvements along Sunrise Boulevard and NE 26<sup>th</sup> Avenue. The Applicant has met all public participation requirements and sign requirements. Staff recommends approval of the request, subject to the following conditions:

- A development agreement specifying the development standards applicable to the property shall be provided to Staff for review prior to being scheduled to go before the City Commission; the development agreement shall incorporate, at a minimum, the following elements: construction of public realm improvements consistent with the phasing plan, recording of necessary easements for public access and/or utilities, maintenance responsibilities, any use restrictions, parking and valet services, hours of operation for areas accessible by the public, and overall construction phasing;
- Final Development Review Committee (DRC) approval shall not take effect until the development agreement has been completed and approved by the City Commission and the Applicant has demonstrated the recording of this agreement;
- In the event that any proposed mitigation measures identified in Exhibit 5 (Traffic Study, Executive Summary, and Mitigation Measures) do not proceed due to other agencies' permitting or approval processes, the Applicant shall provide an updated mitigation measure table prior to the recording of the development agreement.

Mr. Hetzel advised that City Staff received public comments on the project via both email and letters. These, and the Applicant's land use report, will be part of the record.

Ms. Golub commented that projects such as this seem to be called innovative design simply because changes will be made. She pointed out that all but 10 of the 34 acres of land are part of the mall, which is not being modified in any way; instead, other buildings will be erected on part of the remaining 24 acres. She felt it would establish an unwanted precedent to allow the Applicant a right to construct the additional buildings on a piece of land that includes a small space owned by another entity.

Mr. Hetzel advised that the project is based on property ownership; while the Applicant does not own the allocation of flex units, this option is open to other properties as well. The project is not redeveloping or renovating the mall itself, but is making external improvements to it.

Ms. Golub reiterated that approving the Application would be setting a precedent, and pointed out that counting external improvements to the mall that are already needed, such as painting and façade improvements, should not entitle the Applicant to further

develop the entire parcel. She added that the allocation of flex units would not constitute truly innovative development.

Ms. Golub continued that the Staff Report made positive mention of the compact building form and infill design used by the project, asserting that the parcel is not located in an area where compact development would be considered an advantage, such as the Downtown RAC. She felt it was particularly incompatible with other designs found in the Sunrise Boulevard area.

Mr. Hetzel referred to the City's Comprehensive Plan, pointing out that it includes elements and policies related to where redevelopment should occur. The Plan calls for compact building form along major City corridors, such as Sunrise Boulevard. In this respect, the project meets the goals and objectives of the Comprehensive Plan. He also noted that there are distinctions between what Staff must legally review under Code and the more philosophical concerns raised by Ms. Golub. From a factual perspective, and considering that the parcels are considered to be under single ownership, Staff must find that the project is consistent with both the Comprehensive Plan and ULDR requirements.

Mr. Hetzel continued that the Applicant cannot be required to fully redevelop the mall itself, although they may be encouraged to do so through the DRC process. Staff must also consider that surface parking is not the highest and best use of land in the parcel according to best practices in planning.

Ms. Golub stated that the project will result in more units and traffic without adding capacity to the roadway to accommodate them, adding up to 1000 trips per day to Sunrise Boulevard. Mr. Hetzel replied that one of the requirements of ID zoning is the improvement of public land, which in this case includes elements based on Complete Streets principles.

Mr. McCulla requested clarification of how the project would result in substantial improvements to the community. Mr. Hetzel replied that there would be three types of substantial improvement: building height, public realm improvements, and the required public access easement that will be recorded in the development agreement. At present, the site is private property and no public access easements exist on it. These improvements will include wider sidewalks, public seating, and public art. He concluded that when combined, the improvements are considered substantial, along with additional improvements to the surrounding neighborhoods. Chair Hansen characterized these improvements as peripheral.

Mr. Glassman referred to a portion of the Comprehensive Plan that deals with coastal management and the effects of climate change, asking why the site has not been required to make improvements that deal with this part of the Plan when nearby roadways, such as Intracoastal Drive, are affected by king tides and other events. Mr. Hetzel replied that the Applicant's narrative addresses some elements related to sea

level rise and increased flooding, as structures are required to meet Federal Emergency Management Administration (FEMA) flood elevations.

Mr. Glassman pointed out the size of the project, adding that the earlier Agenda Item dealing with the seawall Ordinance included an evaluation and appraisal report that encourages development away from the Intracoastal Waterway and the barrier island due to concerns about sea level rise and other flooding events. He continued that the ULDR requires tracts of land in ID districts to abut one another, and noted that one of the proposed buildings is located on the east side of 26<sup>th</sup> Avenue, which is a four-lane roadway.

Mr. Hetzel advised that with regard to flooding, the Applicant proposes to improve the infrastructure, including water and sewer lines, in the area, as water main breaks have occurred. The Applicant also proposes to construct a new lift station to deal with the added capacity as well as the effects of stormwater runoff. With respect to unified tracts of land, the streets dividing the parcels, including NE 26<sup>th</sup> Avenue, are classified as minor roadways by the Comprehensive Plan, while US-1 and Sunrise Boulevard are classified as major. It was noted that these roadway classifications are not determined by the municipalities themselves.

Mr. Heidelberger stated that he felt the site as a whole, including its periphery, should be considered when determining whether or not it constitutes an innovative plan. He asserted that the improvements taken in their entirety, rather than studying the site as a series of parcels, are seen as innovative.

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

Theo Folks, President of the Board of the Corinthian Condominium Association, advised that the option of ID zoning provides developers with a nearly free hand with which to develop or redevelop blighted, undeveloped, or underdeveloped property. He did not feel the proposed project met any of these conditions, as it exists in a fully developed neighborhood. He added that the proposed development would only add to existing traffic issues and exacerbate difficulties caused by emergencies, storms, or special events.

Mr. Folks continued that there is neither public need nor justification for the project, which would not provide a significant number of public improvements. There is no plan from the developer to rejuvenate the existing Mall and no plan to mitigate traffic at present or in the future. He addressed the definition of a collector street, which provides access to abutting properties and carries traffic from minor streets to major arterial streets within a residential development. He pointed out that NE 26<sup>th</sup> Avenue is a four-lane divided roadway located on a peninsula that is at full density.

Chair Hansen asked Mr. Hetzel to respond to Mr. Folks' characterization of the requirements of ID zoning. Mr. Folks referred to ULDR Section 47-37.A.1, which states that the intent and purpose of the ID zoning district is to encourage development that incorporates innovative elements not otherwise permitted in zoning districts. Mr. Hetzel pointed out, however, that Code makes no reference to blighted property in its description of ID zoning.

Mr. Glassman referred to ULDR Section 47-37.A.3, which lists conditions for ID rezoning and states that when acreage of a property is determined, no improved land area shall be included. He pointed out that the subject property is improved land and therefore may not fall under the classification of ID zoning. Mr. Hetzel advised that if the mall itself is removed from the area under consideration, the property still meets the minimum two-acre requirement. He added that restricting ID zoning to undeveloped property only did not meet the intent or purpose of the ID Ordinance.

Abby Laughlin, private citizen, provided the Board members with a handout related to the functional classification of roadways. She felt NE 26<sup>th</sup> Avenue should be classified as a minor collector roadway rather than a local roadway, and concluded that no action should be taken on the Application until a classification change application can be submitted to the Office of Planning and Environmental Management.

Christian Petersen, private citizen, commented that a development featuring residences for individuals 55 years of age or older would have no impact on crowding at the schools, and added that the project would install sidewalks from the east of Bayview Elementary to Bayview Drive, which will provide safe passage for children walking to and from school. He advised that the proposed ID zoning was less threatening than the possibility of additional B-1 uses.

Chris Williams, President of the Coral Ridge Homeowners' Association, described the public participation process in which members of this Association participated. He estimated that a minimum of at least 12 meetings were held, and advised that the Applicant was responsive to the Association's concerns regarding traffic, sidewalk improvements, and the overall project. He emphasized the importance of the Galleria Mall to the Coral Ridge community.

Mary Peloquin, Vice President of the Coral Ridge Homeowners' Association and chair of its Galleria Committee, stated that the Association had felt the Mall was in need of changes but was concerned regarding what those changes might be. The Applicant's team addressed their concerns and the Board voted in August 2016 to approve the project. She noted that the developer had agreed to install a traffic circle to serve as a calming device.

Darin Coats, private citizen, spoke positively about the Galleria Mall and the project, and observed that traffic issues and high rise buildings are part of the landscape to be expected in south Florida. He felt the project would attract tourists to the Mall.

John Weaver, President of the Central Beach Alliance, stated that the CBA has not seen a formal presentation on the latest iteration of the Galleria project, and has not voted upon the project as a civic association. The membership discussed the project at a meeting in early 2015, at which it was not well-received. A presentation was provided by a representative of the Applicant at a May 2016 meeting, which was sparsely attended and resulted in no consensus on the project. The CBA's position on this project is to support the position of the neighborhoods affected by it, as it does not directly affect the CBA area.

Michael Albetta, President of the Lake Ridge Civic Association, stated that he was in favor of the project and the Applicant's team has worked closely with his Association over the past two years and has responded to the concerns of the Association. He felt the proposed project is ecologically sound and will lead to improvements in transportation.

Steven Kuttner, private citizen, observed that he was both excited and concerned about the project. He felt the scale was too large, although he was pleased to see more development at the Galleria. He expressed concern for the businesses inside the mall while the project is being constructed, and advised that the project should be reconsidered.

Michael Ryder, private citizen, stated that he was supportive of the project and its innovative design. He felt the neighborhood and traffic patterns are in need of improvement.

Ronald Fowler, private citizen, commented that traffic would be a problem during the seven years of planned construction, particularly on Sunrise Boulevard. He advised that he was concerned for emergency vehicle access in the surrounding area.

Ralph Campanella, private citizen, requested that the Board not approve the project, which he felt would threaten the current lifestyle of nearby neighborhoods and residents. He expressed concern with the project's density and its contribution to traffic difficulties during and after the construction period. He recommended that the Applicant seek to redevelop the parcel within the parameters of its existing zoning.

Tony Schifano, private citizen, felt the site's current B-1 zoning should be sufficient for any further development on the site. He opposed ID zoning due to the project's proposed density and the demand that would be placed on infrastructure, including water, sewer, and storm drainage, and emergency services. He asked why a project of this height was proposed within an area outside an RAC, and pointed out that the project does not dedicate 20% of its area to open space, as required by ID zoning.

Jim Concannon, President of the Sunrise Intracoastal Homeowners' Association, stated that the Association would support an appropriate development project, as they are in



favor of the rejuvenation of the Galleria Mall and east Sunrise Boulevard. The Association is not, however, supportive of the project as currently proposed. They have met many times with the Applicant's team to share their concerns and work to resolve them, but many of these concerns remain unresolved.

Mr. Concannon continued that the project is inconsistent with the City's Comprehensive Plan, which states that structures of the project's size and scale should be located within the Downtown RAC or Beach Community RAC. He noted that the developer has no concrete obligation to take the project beyond Phase 1. He concluded that petitions for denial of the Application have been signed by residents of Victoria Park, Coral Ridge, the Central Beach, and other surrounding neighborhoods.

The Board took a brief recess at this time.

Brian Gillon, private citizen, recalled the presentation made to the City Commission by City Staff regarding the ID Ordinance. He noted that the language of the Ordinance is ambiguous and the term "innovative" is not clearly defined. He concluded that the City Commission had directed the Department of Urban Design and Planning to reconvene the panel responsible for drafting the Ordinance, with a focus on clarification of the Ordinance and the definition of "innovative." As this Ordinance has not yet been redrafted, he felt approval of any project as ID would be inappropriate.

Ken Nolan, private citizen, focused on the language of the ID Ordinance, noting the reference to "substantial, significant, and recognizable improvements" to the project's neighboring community, which is defined as the 0.25 mile of land surrounding the project. He did not feel the project offered improvements to the surrounding neighborhood, and pointed out that most of the public improvements are intended to benefit either prospective Galleria residents or mall patrons.

John Daly, private citizen, also referred to the substantial and recognizable improvements required of ID projects, stating that the project's traffic mitigation is insufficient and the proposed improvements will not benefit the neighboring community. He expressed concern for the precedent that approval of the project may set.

Alice Smith, private citizen, commented that problems occurred after the Galleria Mall was constructed in the 1980s, including speeding through the neighborhood and increased crime. She felt placing a large building with no setbacks at the northern end of this neighborhood would upset the character of the community and provide no benefits.

Kevin Senekle, private citizen, showed a brief PowerPoint presentation reflecting that Keystone Florida is owned by the Pennsylvania School Employees' Retirement System (PSERS), which has approved the request for ID zoning in order to double the density of the proposed parcel in Phase 1 of the project. He added that PSERS does not recommend participation in Phases 2 and 3.

Scott Noxon, private citizen, advised that he lives very close to the proposed project, which he felt was inappropriate for Fort Lauderdale and would create only greater population density and traffic difficulties for its surrounding neighborhoods. He felt the Galleria Mall is in need of more significant improvements than renovation of its façade and exterior painting.

Ms. Desir-Jean asked if Mr. Noxon had attended presentations on the project and made recommendations for what he might like to see in lieu of what is proposed. Mr. Noxon replied that he had requested buildings at a lower height and lower density at a meeting with the developer.

Sherin McKearnon, private citizen, noted that one traffic survey for the project was conducted during the summer, which would provide very different information from a survey done during the tourist season. She continued that placing a bicycle path around the mall was not a good idea.

Paul McGee, private citizen, advised that the main issue with the project is ID zoning, which he did not believe was consistent with the City's Comprehensive Plan. He provided a letter of opposition to the project from the Middle River Villas Homeowners' Association, which declared the project is of excessive height and density and does not propose significant improvements to the surrounding neighborhoods.

Tim Hernandez, member of the Board of Directors of the Coral Ridge Country Club Estates, observed that the Galleria Mall in its present form is dying. He characterized the proposed project as a visionary approach that will provide an alternative to the strip commercial development found along many roadways, and added that it will help lessen the public's dependence upon cars.

Dan Lindblade, President and CEO of the Greater Fort Lauderdale Chamber of Commerce, stated that the project's developer has demonstrated willingness to make changes and improvements to the project based on neighborhood input. While the Chamber has not taken a formal position on the proposed project, it does feel the development is necessary on the east side of the City.

Ms. Golub remarked that the Galleria Mall is not failing or dying and is almost fully occupied at this time. She asked if the Chamber of Commerce is aware of other information that shows the Mall is not doing well. Mr. Lindblade replied that the Chamber is aware of tenants coming into and leaving the Galleria Mall, and that changes are necessary to retail development both in and outside the Mall.

Jim Ellison, private citizen, commented that when he developed the Sunrise Harbor neighborhood several years ago, he heard concerns similar to those raised in conjunction with the Galleria project; however, since that time the development has

been well-received by the community. He emphasized the importance of jobs and tax dollars generated by the project.

Steve Williams, private citizen, advised that he is the civil engineer of roadway and infrastructure improvements associated with the project. He spoke in favor of the sidewalks and cycling area that would be implemented as part of the project, and pointed out that the storm drains constructed as part of the project would catch stormwater rather than discharging it into the City's canals.

Charles King, private citizen, stated that he is in favor of the project, which will implement traffic calming measures to mitigate traffic issues in the area. He also felt the project will revitalize the Mall and provide high-end retail.

Sean Tanner, private citizen, asserted that the project will bring too much density to the area. He asked if the developer would be held responsible if plans for the full project are not completed. He also noted that ID design provides the project with extra units, and pointed out that under B-1 zoning, the developer would be required to provide parks and public amenities similar to those they are currently offering.

Joe Slama, private citizen, also referred to the proposed public and Mall improvements, stating that there is no requirement for the developer to make improvements beyond Phase 1 of the project. He added that bringing the project before the Board at this time is premature because the City Commission has requested review of the ID Ordinance.

Richard Geronemus, private citizen, asserted that the Galleria Mall is a regional mall rather than a local one. He advised that the Galleria has already begun to lose businesses and requires a larger population to support it.

Kerry McKearnan, private citizen, emphasized that there is only a single traffic ingress/egress point to neighborhoods on the barrier island. She cautioned against further overdevelopment of Fort Lauderdale, which she felt was not sustainable with current infrastructure.

Doug Coolman, private citizen, pointed out that three of four major neighborhoods in the area are supportive of the project.

Bradley Deckelbaum, private citizen, stated that he is in favor of the project for its physical characteristics as well as the change in lifestyles it would bring to east Fort Lauderdale. He concluded that he had served on the advisory committee tasked with developing the ID Ordinance, and felt the project represented the type of design for which ID zoning was intended.

Tricia Rutsis, private citizen, said she was in favor of the project and would be interested in moving into its residential development.

Melissa Milroy, Marketing Director for the Galleria Mall, stated that the Galleria has been transformed into a significant retail destination with more than 9 million visitors per year. She felt the project would revitalize the typical shopping environment by offering opportunities for guests to engage in other activities. She concluded that the project allows the Galleria to remain competitive and to attract new and diverse retailers, and emphasized the Mall's role as a community partner.

Craig Fisher, private citizen, commented that he was very impressed with the unique nature of the project's design. He felt the proposed residential component would enhance the mall, and that the project was innovative, thoughtful, and transparent to the community.

Connie Knight, private citizen, observed that the project would worsen traffic in the surrounding area.

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

Chair Hansen suggested that the Board address Item 5 at tonight's meeting and postpone discussion of Item 6 until the next scheduled meeting.

Ms. Crush distributed a handout showing the location of public and private improvements associated with the Application. She characterized the nature of Innovative Development as a property of sufficient size to be developed in an alternate manner that provides demonstrable improvements both on- and off-site.

She continued that the project will transform 10 acres of parking lots into 5.5 acres of plaza and park space, all of which will be open to the public. These spaces will require bonding to be completed and will be programmed as a requirement of ID projects. Residents who live on the site will have additional private recreational space.

Off-site, three perimeter roads -- 26<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, and Middle River Drive -- will be reconstructed and raised to appropriate elevations, with infrastructural improvements including bio-swales and improved drainage. These improvements are estimated to cost roughly \$30 million. Ms. Crush reiterated that Galleria Mall will post a bond to fund on- and off-site improvements as required by the ID Ordinance.

With respect to traffic, Ms. Crush continued that the Application's backup materials reflect that the Applicant has addressed appropriate traffic mitigation, and the use is expected to be benign in its generation of new traffic trips by residential units. The residential project will be introduced in three phases with 400 units each. The Applicant's plan for the Galleria Mall was characterized as adaptive reuse.

Ms. Crush referred to the ID Ordinance, pointing out that the proposed project does not seek to increase density or to implement a use not permitted in the zoning district. It will

move height and mass away from neighboring communities in a manner intended to make the project more compatible with them. She concluded that it is left to the Board's discretion to determine what is innovative.

Mr. Glassman asked how many of the proposed 1250 units are rental units as opposed to condominium units. Ms. Crush replied that roughly half are rental units, including those reserved for tenants 55 years of age or older. Mr. Glassman observed that while he felt there are many positive aspects to the project, it contains twice the number of units he felt were sustainable for the site. He also expressed concern with the project's neighborhood compatibility requirement, and with ID zoning itself.

Ms. Desir-Jean agreed, stating that while she appreciated the project's design, there are other aspects, such as traffic mitigation, with which she was not entirely comfortable. She commended the Applicant's community outreach, and advised that some development is certain to occur on the subject site, with or without full approval by the community.

Mr. McCulla asked if the rezoning Application would be subject to the standard two-year time period in which it may not be resubmitted. Attorney Spence replied that Section 47-37.A.10.B. states that ID rezoning applications are reviewed in accordance with Section 47-24-4.C, which is the standard rezoning Section of Code. This means it is subject to the two-year time frame. He clarified that the Application would be barred from returning before the Board for two years if it is denied by the City Commission, not by the Board.

Mr. Elfman requested clarification of the height limitations of nearby existing buildings, such as the Corinthian Condominiums. Mr. Hetzel advised that the Corinthian, for example, is in an RMH-60 zoning district, which has a 150 ft. height limitation; however, conditional use approval may allow a building of up to 300 ft. if the site were developed today. If conditional use criteria were met, buildings up to 300 ft. in height could be developed on the existing RMH-60 parcels on the subject site.

**Motion** made by Mr. McCulla, seconded by Mr. Heidelberger, to approve as presented with Staff conditions. In a roll call vote, the **motion** failed 2-6 (Chair Hansen, Mr. Elfman, Mr. Glassman, Ms. Golub, Ms. Maus, and Mr. McCulla dissenting).

Attorney Spence stated that the Item requires an affirmative motion in order to move forward to the City Commission. He clarified that this would mean a motion to deny the Application is necessary.

**Motion** made by Ms. Maus, seconded by Mr. McCulla, to deny the Application. In a roll call vote, the **motion** passed 6-2 (Ms. Desir-Jean and Mr. Heidelberger dissenting).

Attorney Spence advised that Item 6, which is a request for plat approval, is a separate Item and is not affected by the Board's vote on Item 5, although the Applicant and project are the same.

**V. COMMUNICATION TO THE CITY COMMISSION**

None.

**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 12:46 a.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.]