



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#24-0746**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Susan Grant, Acting City Manager

**DATE:** October 15, 2024

**TITLE:** Quasi-Judicial Resolution - Amendment to a Site Plan Level IV Beach  
Development Permit – Birch Road, LLC. And Cheston MM, LLC. – 530  
North Birch Road - Case No. UDP-A24035 - **(Commission District 2)**

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**Recommendation**

Staff recommends the City Commission consider adopting a resolution amending a Site Plan Level IV Beach Development Permit for the “530 Birch” development project, adding four residential units and amending the previously approved floor area ratio, pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-12.6.G.6.

**Background**

The original Site Plan Level IV application, DRC Case No. PL-R18065, for a 21-unit multifamily residential building was approved by the City Commission on February 19, 2019. Subsequently, the site plan was amended (DRC Case No. UDP-A22036) and approved by the City Commission on September 22, 2022, adding 11 residential units, and increasing the building height to 144 feet.

With the current amendment, the applicant is requesting to add four additional residential units to the project. The applicant is also requesting to increase the floor area ratio from 4.6 to 5.2, to allow for the additional units on the penthouse level and to accommodate the revised floor plans throughout the building.

The site has an underlying land use designation of Central Beach Regional Activity Center (Beach RAC) and is zoned North Beach Residential Area (NBRA) District. A location map is attached as Exhibit 1. The application, applicant’s narratives, and site plan are attached as Exhibit 2. City Commission Resolution No. 19-31 and 02-226, approving the original development and approving the amendment, respectively, are attached as Exhibit 3.

**Central Beach District Requirements**

Pursuant to ULDR Section 47-12.6.G, *Development Permit, Density, Effective Date of Approval of Existing Site Plan*, development applications received and pending review by the City or approved by the City on or before May 17, 2022, may be approved, amended and modified through the use of provisions of the zoning regulations in effect at the time the development application was submitted. The original site plan was approved on

February 19, 2019, and conformed to the zoning regulations in effect at the time. The amendment approved in 2022 allowed the additional height under the current code, which stated a beach development permit may be issued for a development with a height not exceeding a height of 144 feet, provided that the structure has a maximum floorplate of 16,000 square feet with approval by the City Commission approval. The current application meets this requirement.

### **Adequacy and Neighborhood Compatibility**

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. Adequate public services are available in the area to meet the needs and demand of the project. Water and wastewater are serviced by the City of Fort Lauderdale. A capacity letter has been issued by the City's Public Works Department dated September 25, 2024, which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. The letter states the existing infrastructure has sufficient capacity to serve the proposed project with no improvements required. The water and sewer capacity letter is attached as Exhibit 4.

On September 20, 2024, Kimley Horn completed an updated trip generation analysis to include the additional four residential units and 1,300 square-foot retail space. The updated trip generation analysis indicates that the proposed amendment will generate an increase of five net new PM peak hour trips. The September 20, 2024, Traffic Generation Statement is attached as Exhibit 5.

### **Comprehensive Plan Consistency**

The proposed use is consistent with the Central Beach Regional Activity Center land use designation. The proposed development is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element Objective 1.11, Policies 1.11.2 and 1.11.3 which require enhancing landscaping, street and pedestrian amenities through the development review process within the Beach-RAC and views of the oceanfront and Intracoastal Waterway within the Beach-RAC. Objective 1.21 also encourages mixed-use developments to enhance the livability of the City through encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The City's Future Land Use Map indicates that the proposed project is located within the boundaries of the Beach RAC. Per an Interlocal Agreement between the City and Broward County, the City is required to monitor and track development entitlements in the City's Regional Activity Centers. The Beach RAC development limitations are based on residential units and vehicular trips. The project proposes 4 additional residential units and will add a net of 3 PM peak trips. If approved, there will be 537 residential units and 256 trips remaining for development allocation. The remaining totals do not reflect pending projects currently under review. Table 1 provides a summary in development tracking for Beach RAC.

**Table 1 – Beach RAC Development Tracking Summary**

<b>Residential Unit Summary</b>		<b>Vehicle Trip Summary</b>	
Total Residential Units Permitted	5,500	Total Peak Hour Trips Permitted	3,220
Built and Approved Units <sup>(1)</sup>	4,993	Built and Approved Trips <sup>(1)</sup>	3,011
Demolition Credits <sup>(2)</sup>	34	Demolition Credits <sup>(2)</sup>	50
Allocation for Birch Road LLC	4	Allocation for Birch Road LLC	3
<b>Number of Units Available if Amendment is Approved</b>	<b>537</b>	<b>Number of Trips Available if Amendment is Approved</b>	<b>256</b>

*(1) Includes existing 3,050 units as of July 1998, built, approved not yet built, and any pending litigation.*

*(2) Demolition credits for properties that demolition structures after 1989 and did not receive new approvals.*

**Conditions of Approval**

Should the application be approved, all previous conditions of approval apply:

1. Prior to issuance of building permit, applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Prior to building permit application, applicant shall provide a final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. Engineering Conditions:
  - a. Prior to Building Permit application, applicant shall provide a bond for the construction and/ or replacement of public sidewalks/ ADA ramps abutting the proposed development. The bond amount shall be for 125% of the total construction cost. A cost estimate breakdown for the installation of the public sidewalk improvements (including but not limited to materials, labor, mobilization, MOT, permitting and certification) signed and sealed by a Florida Professional Engineer shall be submitted for review and acceptance prior to finalizing the bond.
  - b. Prior to Building Permit application, applicant shall provide a non-objection letter from utility owners for the proposed on-site drainage improvements and (any other encroachments) within the existing 4' utility easement along the east boundary of the property
  - c. Prior to issuance of final Certificate Occupancy, applicant shall record a twenty (20) feet corner chord Right-of-Way dedication or right-of-way easement to the City on southeast corner of Windamar Street & Birch Road intersection and on northeast corner of Birch Road & Viramar Street intersection per ULDR Section 47-24.5.D.p, as approved by the City Engineer.
  - d. Prior to issuance of final Certificate Occupancy, applicant shall record a permanent Sidewalk Easement as appropriate along east side of Birch Road and north side of Viramar Street to accommodate portion of the 7' (min.) pedestrian clear path that may be located beyond public Right-of-Way and/or Right-of-Way Easement dedication; as approved by the City Engineer.

- e. Prior to issuance of final Certificate Occupancy, applicant shall record a 10' x 15' (min.) permanent Utility Easement for any 4 Inch or larger water meter located within the proposed development (for City Maintenance access); as approved by the City Engineer.
4. The subject property is located on the coastal barrier island in an area identified as the Fort Lauderdale Beach Archaeological Zone. This area has previously yielded significant prehistoric and historic archaeological deposits including recently identified site 8BD5880 (Alhambra), located approximately 1,600 feet south of the subject property. The Alhambra site is a prehistoric midden with evidence that suggest the site was the locus of fishing activities between 1000 BC to AD 1700. The site was discovered during post-demolition archaeological survey of the Casa Alhambra parcel and demonstrates prehistoric archaeological features may remain preserved beneath existing twentieth century development. The following is recommended for archaeological testing and monitoring as part of this new development:
    - a. Archaeological Testing – An archaeological survey of vacant lot 2 should be conducted in coordination with the issuance of a demolition permit within the subject property. At the time of applying for a demolition permit, a letter of agreement with a professional archaeologist shall be submitted to the Historic Preservation Planner. The study should consist of shovel test pits (STP) distributed evenly across the parcel at approximately 10 meter intervals (3 transects of 5 STP equaling approximately 15 STP total). If necessary, mechanical assistance may be used to remove asphalt and surface pavement/overburden in order to provide suitable access to the site for conducting STPs. All mechanical operations should be supervised by an archaeologist to monitor activities for archaeological discoveries. STPs that yield prehistoric archaeological materials shall be bounded by double negative judgmental STPs placed at half-intervals in cardinal directions.

Upon completion of the survey, a preliminary report documenting the survey findings and methodology must be submitted prior to applying for foundation, utility, or building permits to the Historic Preservation Planner – Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at: [tlogan@fortlauderdale.gov](mailto:tlogan@fortlauderdale.gov). Dependent on results of initial survey additional testing or modifications may be required, including any measures to implement Chapter 872.05 *Florida Statutes* as it pertains to the discovery of unmarked human remains.

- b. Archaeological Monitoring - An archaeologist should monitor subsurface disturbances within the subject property (lots 2 and 3) during the demolition of existing structures. The purpose of the archaeologist will be to observed ground-disturbances and to record and collect discoveries as they deem appropriate. In the event that significant archaeological materials or unmarked human remains are encountered then the archaeologist shall be empowered to direct the project site manager to halt excavation in the vicinity of the find and to alert the City's historic preservation staff to coordinate the discovery and take measures to implement Chapter 872.05 *Florida Statutes* as it pertains to the

discovery of unmarked human remains. Upon completion of monitoring activities, a preliminary monitoring report documenting the monitoring findings and including a monitoring log must be submitted to the Historic Preservation Planner - Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at [tlogan@fortlauderdale.gov](mailto:tlogan@fortlauderdale.gov).

- c. A final archaeological survey report should be submitted, prior to the issuance of a foundation or building permit, to the Historic Preservation Planner. The report should document study methodology, findings, and recommendations and include results of the survey of lot 2 and accessible portions of Lot 3 as well as the results of the archaeological monitoring.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a FY 2024 *Commission Priority*, advancing the Housing Accessibility.

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- The Housing Focus Area, Goal 2: Enable housing options for all income levels.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatible uses.
- The Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant’s Narratives, and Site Plan

Exhibit 3 – Resolution No. 19-31 and Resolution No. 02-226

Exhibit 4 – Water and Sewer Capacity Letter

Exhibit 5 – Traffic Generation Statement, Kimley-Horn, September 20, 2024

Exhibit 6 – Resolution Approving

Exhibit 7 – Resolution Denying

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10/15/2024

CAM #24-0746