



**REQUEST:** Rezoning from Residential Multifamily Mid Rise/Medium High-Density (RMM-25) District to Uptown Urban Village Northeast (UUV-NE) District

<b>CASE NUMBER</b>	UDP-Z24001	
<b>APPLICANT</b>	Cypress Development, LLC/Stephanie J. Toothaker, Esq.	
<b>AGENT</b>	City of Fort Lauderdale	
<b>GENERAL LOCATION</b>	150 NW 68 <sup>th</sup> Street	
<b>PROPERTY SIZE</b>	991,359 square feet / 22.7 acres	
<b>CURRENT ZONING</b>	Residential Multifamily Mid Rise/Medium High-Density (RMM-25) District	
<b>PROPOSED ZONING</b>	Uptown Urban Village Northeast (UUV-NE) District	
<b>EXISTING USE</b>	Manufactured Mobile Home Park	
<b>LAND USE</b>	Employment Center	
<b>COMMISSION DISTRICT</b>	1 – John Herbst	
<b>NEIGHBORHOOD ASSOCIATION</b>	N/A	
<b>APPLICABLE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS</b>	Section 47-24.4 Rezoning Criteria Section 47-25.2, Adequacy Requirements	
<b>NOTIFICATION REQUIREMENTS</b>	Section 47-27.5, Sign Notice 15 days prior to meeting Section 47-27.5, Mail Notice	
<b>SECTION 166.033, FLORIDA STATUTES</b>	<b>180-DAY EXPIRATION DATE</b>	<b>EXTENSION DATE (S)</b>
	April 10, 2024	N/A
<b>ACTION REQUIRED</b>	Recommend Approval, Recommend Rezoning to a More Restrictive Zoning District, or Deny	
<b>PROJECT PLANNER</b>	Michael P. Ferrera, Urban Planner II	<i>MPF</i> <i>LR</i>

**PROJECT DESCRIPTION:**

The applicant, Cypress Development, LLC., is requesting to rezone 991,359 square feet (22.7 acres) of land located at 150 NW 68<sup>th</sup> Street from Residential Multifamily Mid Rise/Medium High-Density (RMM-25) District to Uptown Urban Village Northeast (UUV-NE) District to permit the development of a mixed-use project on the site. A development review application for the mixed-use project has not been submitted at this time. A location map is attached as **Exhibit 1**. The property owner consent form and the application, criteria responses, and sketch and legal description of the property proposed to be rezoned are attached as **Exhibit 2** and **Exhibit 3**, respectively.

**BACKGROUND:**

The subject property is located in the City's Uptown Project Area (Uptown) and is subject to the vision and goals outlined in the Uptown Master Plan. Uptown is generally described as the area flanked by the C-14 canal and McNab Road to the north, NW 57<sup>th</sup> Street to the south, Powerline Road to the west, and Interstate 95 (I-95) to the east.

The Uptown Master Plan and associated amendments to the Unified Land Development Regulations (ULDR) were adopted by the City Commission on November 5, 2019, Ordinance C-19-34. The amendments established new zoning districts for Uptown in order to implement the Uptown Master Plan. The following five zoning districts were created based on location, planned land use patterns, design characteristics, redevelopment potential, and mobility needs:

- Uptown Urban Village Northeast (UUV-NE)
- Uptown Urban Village Northwest (UUV-NW)
- Uptown Urban Village Southeast (UUV-SE)
- Uptown Urban Village Southwest (UUV-SW)
- Uptown Urban Village Southcentral (UUV-SC)

During the adoption of the ordinance, the City Commission requested staff examine potential incentives that would encourage property owners to rezone their property to the applicable new zoning districts. As an incentive it was determined that city staff will be able to process rezoning requests for property owners with their written consent, at minimum cost to the property owners. This application is based on a request from the property owners to rezone the subject properties.

**REVIEW CRITERIA:**

Pursuant to ULDR Section 47-24.4.D, Rezoning Criteria, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.  
The property is currently zoned RMM-25 and has an underlying land use designation of Employment Center which is intended to encourage employment-based development, as well as retail, restaurant, office, service, business and residential uses. The proposed UUV-NE zoning district is consistent with this land use designation. It should be noted that the City is processing a land use amendment for Uptown from Employment Center to Transit Oriented Development, and the proposed rezoning would also be consistent with the Transit Oriented Development land use designation. The land use plan amendment is anticipated to be completed by the end of 2024. Please refer to the Comprehensive Plan Consistency section within this report for additional information.
2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.  
The development in the surrounding area is characterized mainly by office, hotel, and commercial uses with a lack of residential and mixed-use developments. Rather than adversely impacting the character of development in the area with more intense uses such as industrial manufacturing, the proposed rezoning to UUV-NE will have a positive impact by allowing for mixed-use development that will create add residential uses to the area, and will further the live, work, play environment that is envisioned for the area.
3. 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.  
The UUV-NE zoning district permitted uses are compatible with the surrounding zoning district's permitted uses in such that hotel, and mixed-use developments are permitted in the proposed zoning district. The City adopted the Uptown Master Plan to promote residential and mixed-use development in the area. Furthermore, the Uptown Master Plan identifies specific character subareas that residential and mixed-use should be allowed which are more suitable, applicable to this request.

In addition to the criteria above, Florida Statute 723.083 outlines requirements regarding government action affecting the removal of mobile home owners, which states no agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

The applicant submitted the Pan American Estates Mobile Home Park Housing Study, prepared by The Urban Group, dated November 18, 2023, which analyzed the availability of mobile home parks or other suitable facilities for the relocation of mobile homeowners. The study established that there are adequate existing housing resources for the relocation of mobile homeowners at Pan American Estates Mobile Home Park, including mobile homes for rent and for sale, and conventional housing for rent or for sale within the Broward County area. In addition, the report indicates that many mobile homeowners meet the eligible criteria for mobile home moving

expenses under the provisions of the Florida Mobile Home Relocation Corporation (FMHRC). Based on the information provided in the report staff concurs that there are sufficient existing housing opportunities to provide replacement housing for the mobile home occupants residing in Pan American Estates Mobile Home Park. The housing study is attached as **Exhibit 4**.

A general comparison of permitted uses in existing and proposed zoning districts is provided in Table 1. For the complete detailed list of uses, refer to ULDR Section 47-5.19, List of Permitted and Conditional Uses, Residential Mid Rise Multifamily/Medium High Density (RMM-25) District and ULDR Section 47-37B.4, List of Permitted and Conditional Uses; Uptown Urban Village Northeast District (UUV-NE). A general comparison of current and proposed dimensional standards for each district is provided in Table 2. The applicant has submitted a project narrative outlining how the rezoning complies with the applicable sections of the ULDR, attached as **Exhibit 3**.

**Table 1: General Comparison of Zoning District Uses**

EXISTING ZONING DISTRICT	PROPOSED ZONING DISTRICT
Residential Mid Rise Multifamily/Medium High Density (RMM-25) District	Uptown Urban Village Northeast (UUV-NE) District
<u>Permitted Uses:</u> Single Family Dwelling Single Family Dwelling, Attached: Cluster Dwellings Single Family Dwelling: Zero-lot-line Dwelling Single Family Dwelling, Attached: Duplex/Two (2) Family/Dwelling Single Family Dwelling, Attached: Townhouses Multifamily Dwelling: Coach Home Multifamily use. Community Residence, 3 residents maximum. Community Residence, 4 to 10 residents; 1,000' distance separation. Public Purpose Use	<u>Permitted Uses:</u> Commercial Recreation Food and Beverage Sales and Services Mixed Use Development Hotel Public Purpose Use Multi-Family – as part of Mixed-Use Development Retail Sales
Accessory Uses, Buildings and Structures	Accessory Uses, Buildings and Structures
<u>Conditional uses:</u> Community Residence, 4 to 10 residents, less than 1,000' distance separation. Community Residence, more than 10 residents/Community Residence, no license or certification available. Hotel Mixed-Use Development	<u>Conditional Uses:</u> House of Worship Social Service Residential Facilities Child Day Care Facilities

**Table 2: General Comparison of Dimensional Standards\***

	EXISTING ZONING DISTRICT	PROPOSED ZONING DISTRICT
	Residential Mid Rise Multifamily/Medium High Density (RMM-25) District	Uptown Urban Village Northeast (UUV-NE) District
<b>DENSITY</b>	25 units/acre	50 units per acre Additional density permitted based on providing affordable housing units
<b>BUILDING HEIGHT</b>	Varies, 35-55 feet	75 feet, 150 feet (maximum) with conditional use
<b>BUILDING LENGTH</b>	Varies, 0-200 feet, Note C	300 feet (maximum), Maximum building length does not apply to portions of building that extend past

		max setbacks for Primary and Secondary Streets
<b>FLOOR AREA RATIO (FAR)</b>	n/a	3.0
<b>FRONT SETBACK</b>	25 feet, Note B	Primary Streets: 10 feet (minimum) 50 feet (maximum) Secondary Streets: 5 feet (minimum) 10 feet (maximum) Tertiary Street 0 feet
<b>REAR SETBACK</b>	Varies, 15 feet, 20 feet when abutting a waterway. 20 feet	0 feet
<b>SIDE SETBACK</b>	10 feet, When contiguous to residential property or None, all others	0 feet
<b>LOT SIZE</b>	Varies, 2,500 square feet to 10,000	None
<b>LANDSCAPE AREA</b>	Open space: 1 tree/1,000 square ft of lot area. 20% shade trees. A minimum of thirty-five percent (35%) of the gross lot square footage shall be in landscaping, maintained by an irrigation system. The minimum twenty percent (20%) VUA landscaping may be used toward fulfilling the gross thirty-five percent (35%) minimum. Sandy beach on oceanfront parcels of land may be included in the gross minimum, but need not be planted nor maintained by an irrigation system.  For multi-family, townhouse or cluster development, there shall be at least twelve (12) ornamental shrubs for each one thousand (1,000) square feet of net lot area or portion thereof. Shrub planting requirements are in addition to the VUA requirements. At least forty (40) percent of all required shrubs shall consist of native species.  Vehicle use area landscape requirements in addition to all other landscape requirements.	Varies depending on total number of residential units 20% of vehicle use area

\*Table is not inclusive of all dimensional standards due to complexity and specific requirements for the UUV-NE zoning district based on individual proposed site development projects.

Note B: Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (1/2) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of Modification of Yards, Section 47-23.11.

Note C: May be increased to 300 feet subject to criteria provided in Section 47-23-13 (Hotel and other uses)

**COMPREHENSIVE PLAN CONSISTENCY:**

The proposed rezoning is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 2, Objective 2.3, Encouraging mixed use development to enhance the livability of the City; Objective 2.3, Policy 2.3.8, Transform the Uptown area into an urban village that contains a mix of land uses with access to multi-modal options through the implementation of the Uptown Master Plan; and the Urban Design Element, Goal 1.1, Strengthen the urban form throughout the City by building upon the character and fabric of the built environment while allowing complementary new development through urban design criteria that supports exceptional sense of place.

The City's Future Land Use Map indicates this property has a future land use designation of Employment Center. The Employment Center land use designation is intended to encourage employment-based development however, it does allow for uses such as retail, restaurant uses, office, service and business as well as mixed-use development. Development applications that propose mixed use projects will be subject to the applicable requirements as prescribed in the UUV-NE district. The project can also provide either a component of affordable housing or a payment in lieu of affordable housing.

There is an associated land use plan amendment for Uptown from Employment Center to Transit Oriented Development, and the proposed rezoning is consistent with the current land use designation as well as the proposed Transit Oriented Development land use designation. The land use plan amendment is anticipated to be completed by the end of 2024.

### **PUBLIC PARTICIPATION**

The proposed rezoning request is subject to the public participation requirements established in the ULDR, Section 47-27.4. This section states that public outreach should include any city-recognized civic association within 300 feet of the property. According to the city's official civic association list and map, there are none within 300 feet and therefore, this requirement has been satisfied. However, there is a mail notification requirement to property owners within 300 feet of the property, which was completed and mailed on February 5, 2024.

In accordance with Florida Statute Chapter 723.081 notice of application for change in zoning, the mobile home park owner shall notify in writing each mobile homeowner or, if a homeowners' association has been established the directors of the association of any application for a change in zoning of the park within 5 days after the filing for such zoning change with the zoning authority. According to the Applicant, the aforementioned requirement has been addressed. The notice of application for change in zoning is attached as **Exhibit 5**.

In addition, this request is subject to public sign notification requirements established in ULDR, Section 47-27.4. Three signs were posted on the property fronting the three street frontages. The public sign notice affidavit and pictures of the signs are attached as **Exhibit 6**.

### **PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board shall consider the application and make a determination based on the criteria in ULDR Section 47-24.4, Rezoning Criteria.

If the Planning and Zoning Board determines the application meets criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with criteria for the rezoning and if consented to by applicant.

If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with ULDR Section 47-26.B, Appeals.

The applicant has submitted project narratives outlining how the rezoning complies with the applicable sections of the ULDR, attached as **Exhibit 3**, to assist the Board in determining if the proposal meets the criteria.

### **EXHIBITS:**

1. Location Map
2. Property Owner Consent Form
3. Application, Criteria Response, and Sketch and Legal Description of the Property
4. Housing Study, The Urban Group, November 18, 2023
5. Notice of Application for Change in Zoning, Pursuant to F.S. 723.081150
6. Public Sign Notice Photographs and Affidavit