



REQUEST: Site Plan Level III Review: Residential Use within the Downtown Regional Activity Center – East Mixed Use District on land abutting the New River

Case Number	R19052	
Property Owner/Applicant	SE Fourth, LLC.	
Agent	Stephanie Toothaker, Esq.	
General Location	808 SE 4 th Street	
Property Size	24,729 square feet / .57 acres	
Zoning	Regional Activity Center – East Mixed Use (RAC-EMU)	
Existing Use	Residential	
Future Land Use Designation	Downtown Regional Activity Center	
Applicable Unified Land Development Regulations (ULDR) Sections	47-13, Regional Activity Center Requirements 47-24.1, Development Permit and Procedures 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements	
	Required*	Proposed
Density	N/A	135 units per acre / 77 units
Lot Size	N/A	24,729 square feet / .57 acres
Building Height	30 Floors Max.	14 Floors / 137 feet, 6 inches
Parking	155 spaces	155 spaces
	Required*	Proposed
Setbacks		
Front (N)	35 feet (to centerline of road)	35 feet (to centerline of road)
Side (W)	0 feet	0 feet
Side (E)	0 feet	0 feet
Rear (S)	18 feet**	18 feet**
Notification Requirements	ULDR Section 47-27.4, Sign Notice 15 days prior to meeting ULDR Section 47-27.4, Public Participation	
Action Required	Approve, Approve with Conditions, or Deny	
Project Planner	Jim Hetzel, Principal Urban Planner	<i>JH</i> <small>ES</small>

Subject to *Downtown Master Plan and **New River Master Plan

PROJECT DESCRIPTION:

The applicant, SE Fourth, LLC., is proposing to redevelop an existing parcel of land located at 808 SE 4th Street, which is generally located south of Las Olas Boulevard, east of Federal Highway, along SE 4th Street on the north side of the New River. The subject property contains an existing residential building with 34 units which would be redevelop with a new residential building containing 77 units. The property is located in the Downtown Regional Activity Center (Downtown RAC) and is subject to the Downtown Master Plan (DMP) and the New River Master Plan (NRMP).

The development application for this project was submitted on July 12, 2019, prior to the codification of the DMP and is subject to Unified Land Development Regulations (ULDR), Section 47-13.20.D.7, Existing Site Plans in Downtown RAC, which states: "Development applications received and pending review by the City or approved by the City on or before November 5, 2020, may be amended and modified through the use of provisions of the zoning regulations in effect at the time the approved application was submitted". As such, the project was reviewed based on the previous iteration of ULDR, Section 47-13, Regional Activity Center Districts, which permits the applicant to propose design alternatives so long as the overall intent is being met and that such requests do not require City Commission to approve as deviations from the DMP. It should be noted that the application was reviewed for consistency with the DMP and NRMP design guidelines and intent with an evaluation of any site specific design alternatives solutions, which

have been identified herein. Subsequent to Planning and Zoning Board review, the application will be subject to City Commission request for review. The application, project narratives, and site plan are provided as **Exhibit 1**.

PRIOR REVIEWS:

The project was reviewed by the Development Review Committee (DRC) on September 24, 2019. The DRC Report and applicant's responses are available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:

The following Unified Land Development Regulations (ULDR) criteria applies to the proposed request:

- ULDR Section 47-13, Regional Activity Center Requirements
- ULDR Section 47-24.1, Development Permit and Procedures
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements

Development Permit and Procedures

Pursuant to the ULDR, Section 47-24.1, Table 1, any use within the Regional Activity Center – Transitional Mixed-Use (RAC-TMU) including the East Mixed Use (RAC-EMU) on land abutting the New River is subject to Site Plan Level III review by the Planning and Zoning Board (PZB).

Regional Activity Center Requirements

Pursuant to the ULDR, Section 47-13, projects in the Downtown RAC are subject to Downtown Master Plan dimensional standards and design guidelines outlined in the DMP and must specifically request any site specific deviations of DMP standards. The applicant has demonstrated compliance with the following DMP design intents:

- Principles of Street Design

The streetscape design for SE 4th Street includes shade trees, minimum seven-foot wide clear pedestrian sidewalk, and minimum curb cuts. Due to the narrow lot, no on-street parking will be provided.

- Principles of Building Design

The building is placed on the subject site in a manner that creates a streetwall presence and contains the main entrance into the project at the ground level activity. There is a signature water feature at the entrance that includes an angular sidewalk that connects into the site. The building contains expansive transparency, open-aired balconies, articulation at various heights, and the parking podium is screened with architectural elements.

- Quality of Architecture

The project contains high quality building materials such as synthetic composite wood, metal louvers system, dense aluminum mesh, and expansive glazing.

In regard to specific dimensional standards in the DMP, the applicant is requesting site specific alternatives for building height, tower setback, and tower separation as follows:

- Building Height

The subject project is located in a residential transition zone with a transition distance of 200 feet from the eastern property inward, which includes the entire width of the property. The transition recommendation is a maximum height of two and half times the maximum height of the adjacent zoning district. The adjacent zoning district is Residential Multifamily Mid Rise / Medium High Density District (RMM-25) and has a maximum height of 55 feet. This would result in a maximum height of 137 feet, 6 inches for the project. The DTMP encourages 13 floors; however, the applicant is proposing a rooftop amenity feature which still meets the height but results in 14 floors.

- Tower Stepback

Tower stepbacks apply to building towers, which are the levels above the parking podium. The minimum encouraged stepback identified in the DTMP is 15 feet; however the stepback increases to 30 feet when the adjacent right-of-way is less than 60 feet in width. SE 4th Street is a 50-foot right-of-way and therefore, 30 feet would be preferred by the DTMP. As proposed, the building contains a 15-foot stepback fronting SE 4th Street with balconies encroaching into the 15 feet by 5 feet. Tower stepbacks along the New River are identified in the NRMP with a maximum encourage podium height of four floors and a 30-foot tower stepback, which the project satisfies.

- Tower Separation

The subject property is located along the Downtown RAC boundary. The adjacent property to the east is not within the RAC and the adjacent property to the west is located in the RAC. The DTMP encourages a tower separation on the development site of 30 feet. The applicant is proposing an alternative tower separation distance of 15 feet on the western edge of the subject site, with a total distance of 42 feet to the adjacent building. A distance of 15 feet is also provided on the eastern edge of the site, with a total distance of 22 feet to the adjacent building.

Table 1 provides a summary of the quantitative dimensions in the DMP and those proposed for the project. Specific design solutions, as described in detail above, are categorized by topic in the table for quick reference.

Table 1 – DMP Design Guideline Comparison Summary

DMP Encouraged Design Guidelines	Near Downtown	Proposed
Maximum Building Height	137 feet, 6 inches*	137 feet, 6 inches*
Maximum Building Streetwall	300 feet	100 feet
Maximum Tower Floorplate Size	12,500 to 18,000 square feet	12,120 square feet
Maximum Building Podium Height	4 floors	4 floors
Minimum Building Tower Stepback	30 feet	15 feet
Minimum Tower Separation	30 feet (to side lot lines)	15 feet (east side) 15 feet (west side)
Minimum Residential Unit Size	n/a	790 square feet

*Subject to Transition Zone height limitations/Please see above for further information.

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. Water and wastewater is serviced by the City of Fort Lauderdale and a capacity letter was issued by the City's Public Works Department which identified the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. The letter indicates that sufficient water and wastewater capacity exists for the project and no improvements are needed. The capacity letter is attached as **Exhibit 2**.

The neighborhood compatibility criteria of ULDR Section 47-25.3 include performance standards requiring all developments to be “compatible with, and preserve the character and integrity of adjacent neighborhoods... the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or

orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The project is located in the "Near Downtown" Character Area as defined in the DMP, which identifies the vision for the area with an urban form reflective of strong building street presence, six to eight floor building shoulder with towers stepped back above, and variety of uses with emphasis on residential use. As proposed, the site design contains a pedestrian-oriented streetscape design along SE 4th Street, extensive amount of fenestration on the building, and variation in building design with the use of balconies to reduce mass.

Properties surrounding the site are all located within the Downtown RAC to the east and contain the same zoning category of Regional Activity Center – East Mixed Use (RAC-EMU). Building height ranges from five to seven floors on the immediately surrounding properties to the site while taller projects within the area reach 14 floors such as the Riveside Hotel.

Development in the RAC-EMU zoning district that exceeds 25 units per acre may request additional density based on the proposed design of the project including location of the development, sensitivity to adjacent sites, pedestrian movements, and traffic and parking impacts. The project is located along SW 4th Street which provides several connections to Las Olas Boulevard. The setback fronting SW 4th Street is 35 feet from centerline of the road with 10 feet distance between the building to the front property line. The building design contains extensive transparency and extensive use of balconies with glassing railings creating a lighter, airer appearance to the building which blends in with the surrounding area. Traffic and parking impacts were evaluated resulting in no need for mitigation due to the limited traffic generated by the project.

Open space is proposed at grade near the entrance and along the New River. There is also a private amenity deck located on the 14 floor. The ratio to calculate open space is based on number of units at 100 square feet per unit. That would result in 7,700 square feet of open space where 40% of such must be at grade or 3,080 square feet. The applicant is proposing a total 7,938 square feet of open space of which and 3,709 square feet will be at grade.

The project is generally compatible with the surrounding area and existing development. Properties to the north and west are located in the Downtown RAC and contain buildings of similar height and scale. Properties located to the east are located in the residential land use designations with density at 25 units per acre and reflect a lower scale pattern of apartments and townhomes at 35 to 55 feet in height with properties located to the south, across New River are lower scale residential homes.

PARKING AND TRANSPORTATION:

Vehicular ingress and egress to the site is located from SW 4th Avenue. The proposed project will contain two curb cuts with one curb cut for ingress and the other for egress. Pedestrian enhancements are proposed along the property fronting SW 4th Avenue with a direct sidewalk connection into the project. The applicant is proposing to provide 155 parking spaces on-site, of which 22 spaces will be mechanical stalls and six standard handicap spaces. The applicant will be required to record a valet parking agreement for the mechanical stalls. Table 2 provides a breakdown of the total parking for the site based on Transit Oriented Development parking ratios encouraged in the DMP.

Table 2 – Parking Summary

Use	Units	Parking Ratio	Required
Residential – 1 Bedroom	9 units	1.75 space per unit	16 spaces
Residential – 1 Bedroom / 1 Den	10 units	2 space per unit	20 spaces
Residential – 2 Bedroom	26 units	2 space per unit	52 spaces
Residential – 2 Bedroom / 1 Den	24 units	2.1 space per unit	50 spaces
Residential – 3 Bedroom	8 units	2.1 space per unit	17 spaces
Required			155 spaces
Provided			155 spaces

In addition, the applicant has submitted a Traffic Statement identifying that the project will generate 306 new net daily vehicular trips in the area with net increase of 17 AM peak trips and 13 PM peak trips. The Traffic Statement, dated July 10, 2019, prepared by the applicant's consultant, Kimley-Horn and Associates, indicates that the net increase has minimum impacts on the roadway network. Based on this information, the applicant is not required to complete a comprehensive traffic study pursuant to ULDR, Section 47-25.2, Adequacy Requirements. The Traffic Statement is attached as **Exhibit 3**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed use is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 2.4, Policy 2.4.1, Create a vibrant mixed-use downtown through the Downtown Master Plan; Policy 2.4.1a, Implement the Downtown Master Plan principles through development projects; 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 that the subject site has a Regional Activity Center Land Use Designation. More specifically, the Regional Activity Center Land Use Designation is intended to encourage development of regional significance and facilitate a mixed use development pattern with access to mass transit, reduction on vehicle travel, and strong definition of urban form. The proposed project meets the intent of the land use designation.

Furthermore, the Comprehensive Plan requires that the City track development in the Downtown RAC and monitor the number of units allocated to individual projects. As proposed, the project requires the allocation of residential units from the RAC development entitlements which currently has availability of 173 units from the 2016 RAC pool of units. If the 77 units are allocated for the project, there will be 96 units remaining from the 2016 RAC pool of units. Table 3 provides a summary of unit allocation for the Downtown RAC.

Table 3 – Downtown RAC 2016 Unit Summary

	RAC Units
Total Permitted	5,000
Assigned to Date	4,077 210 (affordable units)
Pending	77
Remaining	96 540 (affordable units)

PUBLIC PARTICIPATION:

This application is subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within 300 feet of City-recognized civic associations. To provide an opportunity for comments from the public, the applicant indicated they conducted a public participation meeting on November 7, 2019, held at the Riverside Hotel which included owners from the Rivercrest Condo, the Riverview Garden Condo, the Colee Hammock Association and others, and on August 12, 2021 which was held virtually via Zoom due to the ongoing COVID-19 pandemic. The applicant indicated that notice for the virtual meeting was mailed to property owners within 300 feet of the project and emailed to officially recognized neighborhood associations within 300 feet, including the Beverly Heights Association, Rio Vista Civic Association, and Downtown Fort Lauderdale Civic Association. The applicant's public participation meeting summary and affidavit are provided as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs reflecting the meeting date are provided as **Exhibit 5**.

Letters from the public received to date representing support and opposition of the project 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 following criteria:

- ULDR Section 47-13, Regional Activity Center Requirements
- ULDR Section 47-24.1, Development Permit and Procedures
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the Site Plan Level III permit. If approved, the following conditions shall apply:

1. Applicant will be required to pay a Park Impact Fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Section 47-38A, Park Impact Fees.
2. Applicant will be required to obtain a Final School Capacity Availability Determination (SCAD) letter prior to the submittal of building permit and provide the City with a copy at time of building permit submittal.
3. Prior to Final DRC, the applicant shall execute a valet parking agreement with the City and record such agreement in public records.

If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the Site Plan Level III permit.

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as **Exhibit 1**, to assist the Board in determining if the proposal meets these criteria.

EXHIBITS:

1. Application, Project Narratives, and Plans
2. Water Sewer Capacity Letter
3. Traffic Statement, Kimley-Horn and Associates, July 10, 2019
4. Public Participation Meeting Summary and Affidavit
5. Public Sign Notice and Affidavit
6. Public Letters of Support and Opposition