



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

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** October 21, 2013

**TITLE:** QUASI-JUDICIAL – De Novo Hearing of Site Plan Level III – Aquablu –  
920 Intracoastal Inc. - Case R14033.

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**Recommendation**

It is recommended that the City Commission adopt a resolution approving the issuance of a Site Plan Level III Development Permit for the Aquablu project, approved by the Planning & Zoning Board (PZB).

**Background**

Pursuant to ULDR Sec. 47-26.A.2, City Commission Request for Review, the Commission voted (5-0) at the October 7, 2014 Regular City Commission meeting to set a hearing to review the application at the Regular City Commission meeting on October 21, 2014.

The Aquablu project was reviewed by the PZB on September 17, 2014 under the site plan Level III review process, subject to a 30-day City Commission Request for Review period. As part of the submittal the applicant proposed to construct a residential project consisting of forty-five (45) multifamily units, located on the west side of the Intracoastal Waterway at 920 Intracoastal Drive. The proposed development included a twenty-story (227-foot) structure, with parking on the second, third and fourth floors and residential units on the remaining floors above. The applicant also requested 20-foot side yard setbacks and a 25-foot front yard setback to the building, with a 6-foot setback to a built-in bench at the front entry lobby, as part of the proposal.

The approval was granted by PZB subject to conditions offered by the applicant, to reduce the height of the structure to 201 feet and to reduce the number of units to 41. Project site plan, as presented, including elevations and renderings are provided as part of Exhibit 1.

**Conditional Use Analysis**

Developments in the RMH-60 zoning district greater than 150 feet up to 300 feet in height are subject to a Conditional Use permit. The proposed Aquablu project is 201 feet in height, as approved by the PZB. The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3;
2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts;
3. The applicant must show and it must be found by the reviewing body that the following have been met:
  - a. The location of the use or structure is not in conflict with the City's Comprehensive Plan;
  - b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;
  - c. On-site improvements have been incorporated into the site plan, which minimize any adverse impacts as a result of permitting the use or structure;
  - d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;
  - e. There are no adverse impacts of the use which affect the health, safety and welfare of adjacent properties.

Pursuant to ULDR Section 47-25.2.A.10, the Intent and Purpose of the RMH-60 Zoning District, it is intended for high-rise, high-density, multi-family residences and hotels, consistent with the residential-high category of the City's Comprehensive Plan.

The proposed Aquablu multi-family residential development is a permitted use and is generally compatible with other existing waterfront high-rise developments in the RMH-60 zoning districts, as well as other similar high-rise development along the Intracoastal Waterway. The project is adjacent to other higher-density residential and hotel uses, and is flanked by high-rise buildings directly to its north, as well as a high-rise building further to its south.

The project proposes a transitional infill redevelopment in the existing context of the built environment and surroundings. The building's central location within this defined RMH-60 zoning segment is compatible with its intent and the underlying land use. The RMH-60 zoning segment continues south and culminates at its boundary with adjacent zoning at the Sunrise Tower building which is approximately 130 feet in height.

In considering the context and character of the surrounding area, staff analyzed elements such as existing land use and zoning patterns, the fabric of the built environment, existing pattern of buildings, open space, urban design and other visual aspects. These various elements help to define the area's general character.

Although the new building will represent a change to the existing site conditions, the proposed multi-family residential use would not be new to the area and the proposed building will be consistent with the existing mix of uses and types of buildings in the area.

### Modification of Required Yards

Pursuant to ULDR Section 47-23.11, the Planning and Zoning Board shall consider a request to modify the required yards as specified in the Table of Dimensional requirements within the RMH-60 residential zoning district, and may change such minimum yard requirements, provided that the following additional criteria for such approval are met:

1. By adjusting the location of the structure on the site, an architectural and/or engineering study can graphically prove that a superior site development as relating to shadows will result from such adjustment; or
2. By adjusting the location of the structure on the site when the site abuts the Intracoastal Waterway or other permanent public open space, land or water and it is found that allowing a reduction is compatible with adjacent properties, as defined in this section; or
3. By adjustment of yards it is found that:
  - a. There is continuity of yards between the proposed development and adjacent properties; and
  - b. There is continuity of architectural features with adjacent properties which encourages public pedestrian interaction between the proposed development and the public street; or instead of subsections A.3.a and b, it is found that;
  - c. There is continuity of architectural features with adjacent properties. Architectural features include but are not limited to those listed in subsection A.3.e; and
  - d. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;
  - e. In addition to the reduction in minimum yards meeting subsections A.3.a and b or subsections A.3.c and d, the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and

material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.

4. In addition to subsection A.1, 2, or 3 the following shall be met:
  - a. The applicable minimums pertaining to all other zoning requirements applicable to the development are met.
  - b. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.
  - c. That the intent and spirit of the dimensional regulations, of the applicable district concerning yards as relating to air, light and shadow is maintained.

In comparison to some of the existing high-rise buildings, the Aquablu project provides greater side and rear setbacks. While the building accommodates parking at current standards, it provides additional setback areas above the parking pedestal, still allowing light and air to permeate. There is general continuity of yards between the proposed project and adjacent properties. The side and rear yards of the project are 20 feet. The pedestal is set back 25 feet from the front property line. The project includes a sidewalk, landscaping and pedestrian amenities that encourage interaction between the project and the street.

The  $\frac{1}{2}$  height setback requirement calls for one foot of setback for each foot of building height. This requirement can create a pattern of lower story buildings, but not necessarily provide for a pattern of development that is consistent or appropriate within the context of the area. In considering the setbacks, the analysis includes assessing sufficient separation for light, air, provision of views and sufficient pedestrian area and street framework that creates an overall positive public realm experience. The regulation's intent permits application for relief with provision for additional scrutiny through the site plan level III review process.

The architectural features of the project include terracing at the 5th level, variations in balcony design and roof line, cantilevering of the roof, continuous balconies at each

level, uniform cornice heights, and architectural screening of the parking pedestal facing the Waterway. Continuity of architectural features with adjacent properties is reflected by the building's residential character. The project incorporates high-quality materials, a prominent entry canopy, curved balconies, colored eyebrows, decorative bronze screens and cantilevered roofs.

There is continuity of urban scale with existing adjacent properties. The project is significantly smaller than the adjacent condominium to the north, and has a less imposing relationship to its lot and the Intracoastal Waterway, affording more light and air to the ground below and offering opportunities for views to the waterway.

Due to the tower design with provision for 37- and 39-foot side setbacks above the podium, the development does not cast a shadow that exceeds the centerline of the Intracoastal Waterway at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox), meeting the intent of the dimensional regulations of the RMH-60 zoning district concerning yards as relating to maintaining air, light and limiting shadow impacts.

The overall public realm experience at the ground level will be significantly improved over the existing environment. Perpendicular parking will be eliminated in favor of a 5-foot wide sidewalk lined with canopy trees and landscaping, reducing the amount of asphalt and improving pedestrian safety and connectivity. The lobby entry provides for a presence at the street level. The project's trash and service facility will be fully-enclosed within the building. Overall, the landscape and hardscape treatments encourage pedestrian interaction along the street and provide for view opportunities to the Waterway.

#### Neighborhood Compatibility

Neighborhood Compatibility criteria include performance standards requiring developments to be "compatible with, and preserve the character and integrity of adjacent neighborhoods... 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... 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 proposed project will not result in adverse impacts to neighborhood character. The use of the property as a multi-family residential development is generally compatible with the existing uses and pattern of development in the area. The project is in context with buildings of a similar mass and scale, and the more visually prominent buildings in the RMH-60 zoning designation. In comparison to the other adjacent high-rise developments, including the Corinthian and Double Tree projects, the mass and scale of the Aquablu project is less with a floor plate size of 9,994 square feet and the building's impact on the surroundings with respect to overall shadows, light and air, is thereby less in comparison.

The neighborhood is characterized by a mix of commercial, hotel and residential uses consisting of a 14-story hotel and 23-story multi-family residential building to the north, a 15-story multi-family building and two-story multifamily buildings to the south, the Bonnet House property across the Intracoastal Waterway to the east, two-story multifamily buildings to the west and the Galleria Mall commercial development beyond. Past the neighboring RMH-60 zoned properties to the south, lies the Sunrise Intracoastal neighborhood, which includes a pattern of single-family homes, with a distinct border between the RMH-60 zoning district flanking the Intracoastal Waterway. At the terminus of the two zoning categories lies the present Sunrise Tower building which is approximately 130 feet in height.

The project incorporates improvements that include parking accommodations in a fully-screened parking garage. Access to the building is from the north side driveway. The north side driveway also provides access for trash and other services. The building faces the street across a landscaped plaza, mitigating the scale at the pedestrian level. The rectilinear character of the tower relates to similar buildings in the existing context. The applicant proposes to install landscaping along the perimeter of the project to further enhance the area. The landscaping consists of a mixture of shade trees, palm trees and ground vegetation.

Balconies and generous glass treatment help to reduce the impact of building mass and activate the building façade. Distinctive parking garage screens and other architectural features animate the building. A human-scaled vehicular drop-off area that also allows for pedestrian access is included, while trash disposal is fully internalized within the building. Proposed site improvements include enhancements to the streetscape with new sidewalks and street trees, creating a more inviting pedestrian experience where it does not currently exist.

#### Waterway Use

Pursuant to ULDR Section 47-23.8, Waterway Use, developments abutting waterways shall be designed to preserve the character of the neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. This section also requires a twenty-foot (20') landscaped yard adjacent to the existing bulkhead line.

The Project preserves the character of the neighborhood through the addition of residential uses that will complement the residential and commercial uses in the immediate area. In addition, the site provides extensive landscaping around the perimeter and outdoor recreational areas along the waterway consistent with residential and hotel developments in the area. The project includes a 20-foot wide landscaped yard at the bulkhead line.

The project preserves views to the waterway by providing for sufficient side yard



category.

**Resource Impact**

There is no fiscal impact associated with this action.

**Attachments**

Exhibit 1: Site Plan

Exhibit 2: Traffic Impact Statement

Exhibit 3: Planning & Zoning Board Staff Report

Exhibit 4: Application

Exhibit 5: Resolution to Approve

Exhibit 6: Resolution to Deny

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