

Applicant: First Presbyterian Church of Ft. Lauderdale FL, Inc.
Project: Rezoning to XP

REZONING TO XP
Exclusive Use District - Parking

Sec. 47-9.2. Conditions for rezoning.

A. The rezoning of property to an X district for a specified permitted use or uses shall meet all of the following conditions:

1. The property is not zoned RS-4.4, RS-8 or RC-15 except as follows:
 - a. Property which is zoned RS-4.4, RS-8 or RC-15 which was legally permitted to be used as a parking lot prior to the effective date (June 28, 1997) of the ULDR and served a nonresidential use or a use which had been permitted in R-1, R-2, R-3 and R-4 districts prior to the effective date (June 28, 1997) of the ULDR but is no longer permitted in RS-4.4, RS-8 or RC-15 may apply to be rezoned to exclusive use parking lot. All conditions for rezoning to exclusive use parking lots as provided herein must be met except as follows:

Response: Complies. The eastern portion of the property is zoned ROA, and the western portion is zoned RS-8. Prior to the effective date of the ULDR, the western portion of the property (zoned RS-8) was legally permitted to be used as a parking lot. The RS-8 property served as parking for commercial uses on Las Olas (nursing home and formerly hotel) and for ancillary church uses and parking.

- i. Parking lots which served a use which was permitted to be located in an R-1, R-2 or R-3-B zoning district on October 1, 1996 which is no longer a permitted use in RS-4.4, RS-8 and RC-15 will not be required to meet the conditions provided in subsections A.5, 6 and 7.
 - b. Property which is zoned RS-8 or RC-15 and abuts a right-of-way greater than twenty (20) feet in width may apply for rezoning to Exclusive Use Parking Lot/Residential (X-P-R) or Exclusive Use Parking Garage/Residential (X-G-R), with required residential units, subject to the provisions of Sec. 47-9.21.F.

2. The property is located in an area with available commercial flexibility acreage pursuant to the comprehensive plan and flex acreage is allocated pursuant to Section 47-28, Flexibility Rules, as part of the rezoning.

Response: Complies. The property is designated Residential by the City's Comprehensive Plan. The property is located in Flex Zone 49 which has 57 commercial acres available for allocation. Applicant is requesting an allocation of 1.42 acres of commercial flexibility acreage in order to rezone the property to the XP district.

3. If the property is contiguous to property which has already been granted commercial flexibility in accordance with the comprehensive plan, the total acreage of the contiguous property previously approved for commercial flexibility and the total acreage of the property proposed for exclusive use shall not exceed ten (10) acres.

Response: Complies. The property is not contiguous to property which has already been designated commercial flexibility acreage.

4. The property is designated for residential use on the LUP.

Response: Complies. The property is designated Residential according to the City's Comprehensive Plan.

5. The property proposed for exclusive use abuts or is separated by a right-of-way no greater than twenty (20) feet in width from business property as defined in Section 47-35, Definitions, which has a front yard abutting a street.

Response: Complies. The property to be zoned to XP is separated by an alley of no more than 20 feet from business property.

6. The property proposed for exclusive use and business property must share at least fifty (50) feet of the same property line or if separated by an alley, at least fifty (50) feet of a property line of the exclusive use property is parallel to a property line of business property.

Response: Complies. The property to be rezoned is separated by an alley from business property and at least 50 feet of the exclusive use property is parallel to a property line of business property.

7. Property proposed to be zoned exclusive use shall extend no more than one hundred eighty (180) feet into a residentially zoned district, except property located on the north side of Sunrise Boulevard, between the Florida East Coast Railway and Powerline Road, may extend no more than five hundred (500) feet into a residentially zoned district, but in no case shall the exclusive use zoning in this area go north of the south right-of-way line of N.E. and N.W. 11th Street.

Response: Complies. The property extends approximately 140 feet +/- into the residentially zoned district.

8. An application which meets the requirements of this section is submitted by the owner of the property to be rezoned and is approved by the city commission.

Response: Acknowledged.

9. If the property proposed for exclusive use is to be used for business use as provided in Sec. 47-9.10 in addition to the above, the property proposed for exclusive use and business property described in subsection A.5 must be submitted as a single site plan and the owner of the business property must join in the application for rezoning of the proposed exclusive use property.

Response: Complies. The property is proposed for X-P and does not include a rezoning to X-B pursuant to Subsection A.5.

10. Property located within the following described area may not be rezoned to exclusive use for a period ending June 30, 1998 unless sooner terminated by ordinance adopted by the city commission: The area bounded on the east by Federal Highway, the west by the Florida East Coast Railway, the north by Tarpon River and the south by State Road 84.

Response: N/A

Sec. 47-9.3 – 47-9.9 Reserved.

Sec. 9.10 Permitted uses.

Response: Applicant is proposing to rezoned to X-P and use the property as a parking lot, which is permitted use.

Sec. 47-9.11 - 47-9.19 Reserved.

Sec. 47-9.20. Rezoning. (Exclusive Use – Parking)

C. *Criteria.* In addition to the criteria provided for a rezoning approval, the following criteria shall apply:

1. The proposed site and use meet the conditions and performance criteria provided in this section.

Response: See above narrative addressing code section 47-9.2 -Conditions of Exclusive Use zoning.

2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.

Response: N/A. The property currently has a legally nonconforming structure (the "321 Building") which will remain on the site. The structure will continue to be used as it is today – for church/office uses.

3. If the application is for rezoning to exclusive use district/business, the city commission may include conditions on the business property which are a part of the application in addition to the conditions on the property proposed to be rezoned to exclusive use. All such conditions shall relate to the preservation of the character and integrity of the neighboring property and mitigate adverse impacts which arise in connection with the approval of the rezoning. Conditions for approval may relate to any aspect of the site plan including the property proposed to be rezoned and the business property, including but not limited to height, bulk, shadow, mass and design of any structure and parking and landscaping requirements.

Response: Acknowledged.

Sec. 47-9.21. Performance standards for permitted uses.

A. *Applicability.* The design and performance standards shall apply to the uses identified herein and such uses shall comply with the performance standards as a condition for approval of an X district.

Response: Acknowledged.

B. *Parking lot.* The following performance standards shall apply to parking lots.

1. Parking lots must meet the requirements for parking lots provided in Section 47-20, Parking and Loading Requirements.

Response: Complies. The parking lot has been designed to comply with Section 47-20.

2. *Access.*

a. *Pedestrian.* When a parking lot parcel does not abut the parcel which it is intended to serve the principal pedestrian access to the X district property shall be along a safe pedestrian path as defined in Sec. 47-20.4, from the uses it is intended to serve. Off-site public pedestrian amenities may be required as a condition to rezoning in order to provide a safe pedestrian path.

Response: Complies. A sidewalk is provided to link the parking lot to the property it will serve.

b. *Vehicular.* Shall comply with Section 47-20, Parking and Loading Requirements.

Response: The parking lot is designed to comply with 47-20.

3. *Landscape and bufferyards.* A parking lot shall comply with the landscape and buffering provisions of Section 47-21, Landscape and Tree Preservation Requirements, and Sec. 47-25.3, Development Review Criteria, for parking lots. Parking lots which are part of an X-P-OR or X-P-R rezoning shall be required to meet the provisions of subsection E or F as applicable.

Response: Complies. The landscaping will comply with the Section 47-21 and Section 47-25.3.

4. *Lighting.* Lighting of a parking lot shall comply with the requirements of Section 47-20, Parking and Loading Requirements.

Response: Complies. The lighting plan for the parking lot complies is designed to comply with code.

5. *Noise.* Noise levels shall conform to the performance standards provided in Sec. 47-9.22.B.

Response: Complies.

6. *Signage.* Signage shall comply with the requirements in Section 47-22, Sign Requirements.

Response: To the extent applicant needs signage, it will comply with code.

7. Pedestrian enhancements shall be provided in accordance with Sec. 47-9.22.C.

Response: Complies. A sidewalk is provided along Tarpon Dr.

8. *Waterway use.* When located on a waterway, a parking lot shall be required to meet the requirements of Sec. 47-23.8, Waterway Use.

Response: N/A. The use is not located on a waterway.

9. *Lighting.* Lighting shall comply with the requirements of Section 47-20, Parking and Loading Requirements.

Response: Complies. The lighting plan for the development complies with code.

C. *Parking garage.*

Response: N/A. No parking garage is proposed.

D. *Business uses.*

Response: N/A. This section applies to properties being zoned to X-B (Exclusive Use – Business). The applicant is proposing to rezone to X-P (Parking).

E. *Parking lot, parking garage, business uses or any combination of same with optional residential units.*

Response: N/A. No residential units are proposed.

F. Exclusive Use Parking Lot/Residential (X-P-R) and Exclusive Use Parking Garage/Residential (X-G-R) with required residential units

Response: N/A. This section applies to properties being zoned to X-P-R and X-G-R. The applicant is proposing to rezone to X-P (Parking).