



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

FROM: Greg Chavarria, City Manager

DATE: January 9, 2024

TITLE: Motion for Discussion – City Commission Request for Review – Site Plan Level III for Conditional Use Permit for Increased Building Height Exceeding 120 Feet East of the Intracoastal, Waterway Use, and Yard Modifications for the Ocean Harbor Residences – 3013 and 3019 Harbor Drive – Case No. UDP-S23002 – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider review of a proposed Site Plan Level III for conditional use permit for increased building height exceeding 120 feet east of the Intracoastal, waterway use, and yard modifications for the development known as “Ocean Harbor Residence”, Case No. UDP-S23002, and determine whether to set a de-novo hearing to review the application.

Background

The City Clerk has received a statement of intent filed from the office of Commissioner Warren Sturman, pursuant to the City of Fort Lauderdale Unified Land Development Regulations (ULDR), Section 47-26A.2, City Commission Request for Review (CRR) to review the conditional use for “Ocean Harbor Residence”. The Commissioner Intent Statement is attached as Exhibit 1.

The applicant, Ocean Harbor Properties, LLC., is proposing to redevelop the property located at 3013 and 3019 Harbor Drive with a residential development consisting of 36 residential units. The site is east of the Intracoastal Waterway on the barrier island. The applicant proposes to demolish the existing structures and build a single structure with a residential tower. The site is zoned Multifamily High Rise/ High Density District (RMH-60) and has a land use designation of High Residential. A Location Map is attached as Exhibit 2.

The applicant’s proposed development includes a request for thirty-six (36) residential units, an increase in building height to two hundred and forty (240) feet, waterway use, yard modifications for the east and west side yard setbacks, and the extension of balconies in the side yards for the property located at 3013 and 3019 Harbor Drive. The applicant wishes to modify the side yard setback on the east side of the property to twenty-

one (21) feet and five (5) inches, and modify the side yard setback on the west side of the property to (20) feet and eleven (11) inches. The applicant wishes to extend its balconies into the east yard area to distances ranging from three feet and six inches to nine feet and nine inches and the applicant requests to extend its balconies into the west yard area by distances ranging from four feet to nine feet and ten inches the applicant wishes to extend its balconies into the east yard area to distances ranging from three feet and six inches to nine feet and nine inches and the applicant requests to extend its balconies into the west yard area by distances ranging from four feet to nine feet and ten inches.

The applicant's request for an increase in height to two-hundred and forty (240) feet which requires the applicant to obtain the City's approval for a conditional use permit, as the height of the building exceeds one hundred and twenty (120) feet east of the Intracoastal Waterway.

In accordance with ULDR, Section 47-24.2.A.8. which states if a development requires a site plan level review and a conditional use review, the applications shall be combined and reviewed in accordance with the procedures for the higher level of required review. Therefore, this application has been combined for conditional use review.

The project was reviewed by the Development Review Committee (DRC) on February 14, 2023, and presented to the Planning and Zoning Board (PZB) on December 20, 2023. The PZB approved (6-3) the project subject to the 30-day City Commission Request for Review period, with staff conditions and voluntary conditions proffered by applicant. The specific conditions are listed in the December 20, 2023, PZB Meeting Results, attached as Exhibit 3. The December 20, 2023, PZB Staff Report is attached as Exhibit 4.

The Application and Project Narratives are attached as Exhibit 5. An Abbreviated Plan Set that contains the proposed site plan, floor plans, building elevations, and renderings is provided as Exhibit 6. The Water Wastewater Capacity Letter and the Traffic Statement, prepared by TrafTech Engineering, Inc., are attached as Exhibit 7 and 8, respectively.

City Commission Request for Review

In accordance with the development table in Section 47-24.1. of the ULDR and Section 47-24.3.F. of the ULDR, this application is subject to City Commission Request for Review (CRR). In accordance with Section 47-24.3.F. of the ULDR, a conditional use shall not take effect nor shall a building permit be issued until thirty (30) days after approval by the Planning and Zoning Board, and then only if no motion is adopted by the City Commission seeking to review the application or an appeal is filed.

In accordance with the requirements in Section 47-26A.2.A. of the ULDR, the City Commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area which due to characteristics of the project and the surrounding area requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for CRR may

be initiated by a statement of intent filed by any member of the City Commission with the City Clerk with a copy to the department. The motion shall be considered within 30 days of the decision by the lower body with the certain exceptions provided in Section 47-26A.2. of the ULDR.

The motion approving a CRR shall set a date for consideration of the application no later than sixty (60) days from the date the motion is adopted. Notice of the hearing shall be provided by posting a sign at least ten days before the hearing in accordance with ULDR, Section 47-27., Notice Procedures. Review by the City Commission shall be by de-novo hearing supplemented by the record and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the City Commission shall take action approving, approving with conditions or denying the application.

Should the City Commission wish to proceed with the CRR request, per Section 47-26A.2.B. of the ULDR, a hearing must be set within the requisite sixty (60) day period to consider the application. However, it is recommended that the City Commission schedule the hearing prior to January 20, 2024, in accordance with the requirements in Section 166.033, Florida Statutes (2023).

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- Neighborhood Enhancement
- Goal 4: Build a thriving and inclusive community of neighborhoods
- Objective: Ensure a range of affordable housing options

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 – Commissioner Intent Statement

Exhibit 2 – Location Map

Exhibit 3 – December 20, 2023, PZB Meeting Results

Exhibit 4 – December 20, 2023, PZB Staff Report

Exhibit 5 – Application and Project Narratives

Exhibit 6 – Abbreviated Site Plan Set

Exhibit 7 – Water Wastewater Capacity Letter

Exhibit 8 – Traffic Statement, prepared by TrafTech Engineering, Inc.

Prepared by: Jim Hetzel, AICP, Principal Urban Planner, Development Services Department

Department Director: Christopher Cooper, AICP, Development Services Department