



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0752

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

FROM: Susan Grant, Acting City Manager

DATE: October 15, 2024

TITLE: Quasi-Judicial Resolution - Approving an Amendment to Site Plan Level II
Development Permit and an Alternative Design Deviation – Flagler Sixth,
LLC - Flagler Sixth North - Case No. UDP-A24011 - **(Commission District
2)**

Recommendation

Staff recommends the City Commission consider adopting a resolution approving an amendment of a Site Plan Level II development permit for a 31-story, mixed-use building with 301 residential units, a 34,360-square-foot grocery store and 40,905 square feet of commercial use proposed at 689 N. Federal Highway, and approving an alternative design deviation pursuant to Section 47-13.20.J.3.

Background

The applicant, Flagler Sixth, LLC., is proposing to amend an approved site plan, increasing residential units from 241 to 301, increasing the tower floorplate size and requesting design deviations for building height, tower floorplate size and tower stepback. The intent of the site plan amendment is to allow the tower design to match the *Flagler Fifth South* project, also scheduled on this agenda (Case No. UDP-A24012). The site has an underlying land use designation of Downtown Regional Activity Center (DRAC) and is zoned Regional Activity Center - Urban Village (RAC-UV) Zoning District. The applicant is requesting to transfer 60 residential units from Flagler South. The overall unit count will remain the same.

The City Commission shall consider the application, the record and recommendations forwarded by the Department and Administrative Review Committee, and on the application when determining whether the proposed amendment meets ULDR standards and requirements and criteria for a Site Plan Level II Development Permit and whether the alternative design meets the overall intent of the Downtown Master Plan (DMP).

On November 16, 2022, the City's Development Review Committee approved the original site plan for Flagler North for the proposed 30-story, mixed-use building with 241 residential units with 72,508 square-feet of commercial use (grocery store and retail space). The approval was subject to City Commission 30-day Call-up request. The Administrative Review Committee reviewed the plans on March 11, 2024.

All comments have been addressed and are on file with the Development Services Department. A location map is attached as Exhibit 1. The application is attached as Exhibit 2 and project narratives are attached as Exhibit 3. The site plan is attached as Exhibit 4.

Downtown RAC Review Process and Special Regulations

The project is located in the Near Downtown Character Area as defined in the DMP. The Near Downtown character area is made up of a variety of institutional, retail, and office uses, and offers a variety of housing options. The RAC-UV zoning district permits mixed use development including high intensity commercial uses, as well as multi-family residential housing. Commercial retail uses are encouraged on the ground floor of buildings on streets where there is pedestrian activity. The RAC-UV regulations require ground floor retail, services and arts activity on the main street where pedestrian interactions are encouraged. Residential uses are permitted above business uses and encouraged to be located abutting the public street/sidewalk to promote an urban character.

Downtown Master Plan

The following is a summary regarding the project's compliance with the Downtown Master Plan (DMP) design guidelines:

- **Quality of Architecture**
The tower design was adjusted to match the *Flagler Fifth South* project with a curvilinear roof feature, extensive glazing, and a curved façade. The project includes high quality materials for the entire building. The ground floor of the project includes extensive storefront glazing, coral stone cladding, and aluminum awnings. The project's self-confident design is represented by an angular lobby entrance at the ground floor containing sharp angles on either side of the entrance and a curved glass façade continuing up to the tower.
- **Active Uses and Building Program**
The ground floor of the building is activated with 75,265 square feet of commercial space, including 34,360 square foot grocery store, 13,000 square foot retail use, The two-story residential lobby is inset in glass that encases the southwest corner of the podium. The proposed ground floor will provide a 22-foot floor to ceiling height.
- **Streetscape Design**
The project includes minimum nine-foot-wide sidewalks around the development site, a pedestrian plaza/seating area at the northeast corner, and active ground floor commercial uses for the majority of the ground floor. The project contains a large pedestrian plaza at the intersection of NE 6th Court and NE 5th Avenue and exceeds the minimum open space requirement. All loading and unloading activities will be completely internalized in the building. The only vehicular entrance to the parking garage is off NE 5th Avenue, located away from heavier pedestrian traffic along NE 6th Street.

- TOD Guidelines

Bicycle parking is available on the ground floor. The design encourages pedestrian activity by wrapping three sides with commercial/retail uses. The commercial/retail spaces along the northern portion of the project will border a vacated easement redesigned for pedestrians and vehicles treated with pavers that will face commercial/retail uses of the approved project to the north.

Downtown Master Plan Alternate Design

In accordance with ULDR Section 47-13.20.J.3, in the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B, Downtown Master Plan Standards, the developer may submit the design of the proposed development for review and approval by the City Commission if the alternative design meets the overall intent of the Downtown Master Plan. Regarding specific DMP dimensional elements, the applicant is requesting alternate site design solutions for the proposed tower floorplate size, building height and tower stepback, as follows:

- Maximum Tower Floorplate

Floor levels 8 through 14 contain most of the residential units matching the design and function of the *Flagler South* project. Although the site can accommodate two towers, the single tower design allows for a better overall design and interior layout.

- Maximum building height of 31 floors

The proposed tower adds one floor, but the height will remain 336 feet 8 inches. The *Flagler Sixth South* project amendment includes the addition of a parking floor, which necessitated changing the floor-to-ceiling heights. Floor-to-ceiling heights of the *Flagler Sixth North* project were adjusted to complement Flagler Sixth South and include the addition of a parking level.

- Tower Stepback

The tower has a curvilinear design with inset balconies and variations in tower stepback. For the portion of the tower facing NE 5th Avenue, the stepback varies from 5 feet 11 inches to 42 feet 2 inches, for an average stepback of 15 feet 4 inches.

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 and compliance with the requirement is noted accordingly.

Table 1 – Downtown Master Plan and Riverwalk Master Plan Design Guideline Comparison Summary

	Near Downtown	Proposed	Complies or Deviation Request
Maximum Building Height	30 Floors	31 Floors	<i>Deviation Request</i>
Maximum Building Streetwall	300 Feet	291 Feet	Complies
Maximum Tower Floorplate Size (Square Feet)	12,500 Square Feet	12,500 - floors 16 through 31 18,000 - floors 8 through 14	<i>Deviation Request</i>
Maximum Building Podium Height	7 Floors	7 Floors	Complies
Minimum Building Tower Stepback	15 feet	5 feet, 11 inches (west)	<i>Deviation Request</i>
Minimum Tower Separation	30 Feet (to side and rear lot lines)	N/A	Complies
Minimum Residential Unit Size (Square Feet)	400	550 minimum 870 average	Complies

Transportation Analysis

In August 2024, the previous traffic impact study was updated by the applicant's traffic consultant, DC Engineers, Inc. The proposed site plan is expected to produce 4,632 vehicle trips per day with 358 vehicle trips occurring during the AM peak hour (184 entering and 174 exiting) and 307 vehicle trips occurring during the PM peak hour (178 entering and 129 exiting). Because vehicle trips specific to the two (2) prior approvals total 5,709 vehicle trips per day, 374 AM peak hour trips and 444 PM peak hour trips (reference trip generation Tables A and B included as Attachment B) a decrease in impact is expected across all three (3) study scenarios. As a result, additional traffic-related studies are not recommended at this time. The August 28, 2024 Trip Generation update is attached as Exhibit 5.

Adequacy

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. Adequate public services are available in the area to meet the needs and demands of the project. Water and wastewater are serviced by the City of Fort Lauderdale. A capacity letter has been issued by the City's Public Works Department dated April 11, 2024, which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. The letter recommends upsizing a water main, which is included as a condition of approval. The capacity letter is attached as Exhibit 6.

Comprehensive Plan Consistency

The proposed development supports Future Land Use Element Objective FLU 2.3 regarding mixed-use development multimodal environment and Policy 2.3.1 which requires mixed use residential development to promote an urban form, which creates well integrated land use combinations, balances intensity and density, and promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement. In addition, the project supports Urban Design Element Policy UD 1.1.6 which states that where buildings engage the streets, high quality building design will be promoted through the use of high-quality materials and building façade features such as transparency that include plenty of windows.

The project fulfills Objective FLU 2.4 which states that the city will direct growth to designated urban redevelopment/Downtown revitalization areas to discourage urban sprawl, maximize the use of existing public facilities and centralize commercial, governmental, retail, residential, and cultural activities. It supports Policies FLU 2.4.1 by creating a vibrant mixed-use Downtown, combining new homes with office space, shops, and restaurants, and places for art, culture and civic life through the DTMP.

Conditions of Approval

Should the City Commission approve the development, the following conditions apply:

1. Prior to issuance of building permit, applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Prior to final DRC, applicant shall provide a final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated April 11, 2024, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to building permit issuance, all necessary improvements stated in the latest Water and Wastewater Capacity Availability letter shall be constructed, certified and in operation per ULDR section 47-25.2.
4. Prior to issuance of certificate of occupancy, applicant shall dedicate and record a public right-of-way easement along the south side of NE 7th Street, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
5. Prior to issuance of certificate of occupancy, applicant shall dedicate and record a public right-of-way easement along the east side of NE 5th Avenue, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.

6. Prior to issuance of certificate of occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the south side of NE 7th Street, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
7. Prior to issuance of certificate of occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the east side of NE 5th Avenue, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
8. Prior to issuance of building permit, applicant shall provide recordation of the 22-foot access easement per Ordinance C-19-41.
9. Prior to issuance of building permit, applicant shall provide recordation of the 25-foot utility easement along NE 5th Terrace.
10. Prior to issuance of certificate of occupancy, applicant shall dedicate a minimum 10-foot by 15-foot easement for the proposed water meter located within the proposed development and outside of existing right-of-way and proposed right-of-way easements to facilitate City maintenance access as approved by the City Engineer.
11. Prior to issuance of certificate of occupancy, applicant shall coordinate and provide a maintenance agreement with the City for property frontage along NE 7th Street and NE 5th Avenue. Proposed improvements within adjacent City right-of-way include paver driveway, specialty on-street parallel parking stall paving, concrete curb and gutter, drainage pipes and landscaping including structural soil and irrigation. Applicant will be responsible for maintenance of proposed storm drain infrastructure improvements located within adjacent City right-of-way during a one-year warranty period, until accepted by the City's Public Works Department.

Resource Impact

There is no fiscal impact associated with this action.

Related CAM

24-0751

Strategic Connections

This item is a FY 2024 *Commission Priority*, advancing the Housing Accessibility.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Housing Focus Area, Goal 2: Enable housing options for all income levels.

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 compatibility of uses.
- Goal 3: Promote the advancement of great neighborhoods throughout the implementation of the Goals, Objectives and Policies of this plan in compliance with the Broward County Land Use Plan and State Regulations.
- The Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

Attachments

Exhibit 1 - Location Map

Exhibit 2 – Application-Flagler Sixth North

Exhibit 3 – Narratives-Flagler Sixth North

Exhibit 4 - Site Plan and Project Renderings

Exhibit 5 - August 2024, DC Engineer's Trip Generation Update

Exhibit 6 - April 11, 2024, Water and Sewer Capacity Letter

Exhibit 7 - Resolution Approving

Exhibit 8 - Resolution Denying

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