



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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** September 21, 2021

**TITLE:** Second Reading - Quasi-Judicial – Ordinance Approving a Request for Application of Prior Zoning Regulation of the Intracoastal Overlook Area District and an Associated Site Plan Level IV Development Permit for a 65-Unit Residential Development known as “Olakino House” – Bayshore Concepts, LLC – Case No. UDP-S20009 - (**Commission District 2**)

---

**Recommendation**

Staff recommends the City Commission consider an ordinance approving a request for application of prior zoning regulation of the Intracoastal Overlook Area District and a Site Plan Level IV development permit for reduced setbacks for a 65-unit residential development known as “Olakino House” located at 551 Bayshore Drive.

**Background**

The applicant, Bayshore concepts, LLC, is proposing to develop a 65-unit residential development. The overall site is approximately 1.54 acres (67,011 square feet) lying on the eastern bank of the Intracoastal Waterway. The proposed development includes the construction of two residential buildings. The two buildings will be 120 feet in height (11 stories) and are connected by an above-grade garage. The subject site has an underlying land use designation of Central Beach Regional Activity Center (Beach RAC), is zoned Intracoastal Overlook Area (IOA) zoning district and is currently a vacant parcel of land.

The proposed development complies with the applicable IOA zoning district regulations, subject to the Site Plan Level IV review, with the exception that the development proposes a building length of 388 feet-6 inches, where a maximum of 200 feet is provided in subsection 47-12.5.D.5 of the ULDR. The applicant is requesting the application of prior zoning regulations, pursuant to ULDR Section 47-26.A.1, to apply the provisions of Section 47-12.5.D in effect prior to the amendment adopted by Ordinance No.00-26, more specifically the amendment’s addition of subsection 5. Ordinance C-00-26 is attached as Exhibit 1 (the specific sub-section can be found on page 6 of this exhibit).

Approval of the application of a prior zoning regulations requires the approval of the site plan which meets all of the zoning regulations of the ULDR; adoption; noticing of an ordinance in accordance with the process for the rezoning of property; and is contingent

upon and subject to a development agreement to be executed by the City and property owner. The development agreement shall specify the development standards applicable to the property, any conditions imposed as a part of the approval and shall reference the approved site plan. Such agreement shall be recorded in the public records of the County and shall act as a restrictive covenant running with the land.

On July 21, 2021, the Planning and Zoning Board (PZB), acting as the local planning agency, reviewed the application and recommend approval finding it consistent with the applicable ULDR criteria by a vote of 7-0 with the following staff conditions:

1. Prior to issuance of a final Certificate of Occupancy (C.O.), applicant shall dedicate a ten (10) foot by fifteen (15) foot utility easement for a water meter vault located within the proposed development to facilitate City maintenance access as approved by the City Engineer.
2. Prior to issuance of a final Certificate of Occupancy, applicant shall prepare, execute, and record an Agreement or other document for the perpetual maintenance of private improvements within the existing right-of-way of Bayshore Drive as depicted on the maintenance agreement exhibit sheet.
3. 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.
4. 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.
5. If, during the course of development, archaeological materials or unmarked human remains are encountered, then excavation in the vicinity of the find shall halt immediately. The developer, property owner, or authorized agent should immediately alert the City's Historic Preservation staff to coordinate the discovery and take measures to implement Chapter 872.05 Florida Statutes as it pertains to the discovery of unmarked human remains.
6. The applicant has proffered the following improvements prior to issuance of Final Certificate of Occupancy and shall be responsible for coordinating the improvements with the City's Public Works Department: Starting at the intersection Terramar Street and Bayshore Drive, 400 feet linear feet of six-inch water main shall be upsized to a minimum of 10 inches in diameter. The reconstruction of the pump station shall be designed and constructed to have enough capacity to accept the estimated project flow contribution and capacity for water service to address proposed project demand.
7. Prior to Final Development Review Committee, the development agreement shall be recorded in the public records of the County.

To review the detailed analysis of the application, Site Plan Level IV review, and application of prior zoning regulations criteria, please refer to the July 21, 2021, PZB Staff Report attached as Exhibit 2.

The exhibits presented to the PZB are identified below:

- Application, site plan, and applicant's narrative responses to applicable criteria attached as Exhibit 3
- Water/Sewer Capacity Letter attached as Exhibit 4
- Traffic Impact Statement attached as Exhibit 5
- Public Participation Meeting Summary and Affidavit attached as Exhibit 6
- Public Sign Notice and Affidavit attached as Exhibit 7

The July 21, 2021, PZB meeting minutes are attached as Exhibit 8.

The City Commission is to determine whether the request meets the criteria provided in subsection 47-26A.1.G and approve the request with such conditions necessary to ensure compliance with the criteria or if the city commission determines that the request does not meet the criteria, the city commission shall deny the request.

### **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:

- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Ready.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

### **Attachments**

Exhibit 1 – Ordinance No. C-00-26  
Exhibit 2 – July 21, 2021, PZB Staff Report  
Exhibit 3 – PZB Application, Site Plan, Narrative  
Exhibit 4 – Water and Sewer Capacity Letter  
Exhibit 5 – Traffic Impact Statement

Exhibit 6 – Public Participation Meeting Summary and Affidavit  
Exhibit 7 – PZB Public Notice Sign and Affidavit  
Exhibit 8 – July 21, 2021, PZB Meeting Minutes  
Exhibit 9 – Proposed Ordinance

---

Prepared by: Karlanne Grant, Urban Planner III, Sustainable Development Department

Department Director: Anthony Greg Fajardo, Sustainable Development Department