

REQUEST: Site Plan Level IV: Rezone 0.62-Acre parcel of land from Residential Multifamily Mid-Rise Medium-High Density (RMM-25) District to Community Business (CB) District, with allocation of 0.62 commercial flex acreage for five-story parking garage with 302 parking spaces, 6,000 square feet of restaurant use, 11,036 square feet of retail use and an 8,570 square-foot fire/EMS station.

CASE NUMBER	UDP-SR23001			
APPLICANT	City of Fort Lauderdale			
AGENT	Robert Lochrie, Lochrie & Chakas, P.A.			
PROJECT NAME	Las Olas Heron Garage			
PROPERTY ADDRESS	216 SE 8 th Avenue			
EXISTING ZONING	Regional Activity Center – East Mixed Use (RAC-EMU) and Residential Multifamily Mid Rise – Medium High Density (RMM-25)			
PROPOSED ZONING	Regional Activity Center – East Mixed Use (RAC-EMU) and Community Business (CB)			
LAND USE	Commercial and Medium-High Residential			
COMMISSION DISTRICT	District 4 – Commissioner Warren Sturman			
NEIGHBORHOOD ASSOCIATION	Beverly Heights Association			
	REQUIRED		PROPOSED	
	CB	RAC-EMU	CB	RAC-EMU
LOT DENSITY	N/A	N/A	N/A	N/A
LOT SIZE	N/A	N/A	27,400 SF (0.62 ac)	16,600 SF (0.38 ac)
LOT WIDTH	N/A	N/A	250 feet	150 feet
BUILDING HEIGHT	150 Feet Max	30 Floors Max	60 feet 10 inches	60 feet 10 inches
STRUCTURE LENGTH	N/A	300 Feet Max	219 feet	160 feet 6 inches
LANDSCAPE AREA	N/A	N/A	14,037 square feet (39%)	
PARKING	79 spaces	8 spaces	302 spaces	
SETBACKS/YARDS	REQUIRED CB	PROPOSED CB	REQUIRED RAC-EMU	PROPOSED RAC-EMU
Front (N) SE 2 nd Court	5 feet	7 feet 2 inches	35 ft (Center ROW)	27 feet 4 inches*
Side (E) SE 9 th Avenue	5 feet	9 feet 2 inches	N//A	N/A
Side (W) SE 8 th Avenue	N/A	NA	35 ft (Center ROW)	31 feet, 5 Inches*
Rear (S) Alley	3 feet	3 feet	NA	3 feet
APPLICABLE ULDR SECTIONS	47-6.10, Permitted and Conditional Uses in CB District 47-13.20, Downtown RAC Review Process 47-24.4, Rezoning 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28, Flexibility Rules			
NOTIFICATION REQUIREMENTS	Sec. 47-27.6, Sign Notice Sec. 47-27.4, Public Participation Sec. 47-27.6, Mail Notice			
SECTION 166.033, FLORIDA STATUTES	180-day Expiration Date		Extension Date (s)	
	February 18, 2024		November 9, 2024	
ACTION REQUIRED	Recommend Approval, Approval with Conditions, or Deny			
PROJECT PLANNER	Yvonne Redding, Urban Planner III			

*Deviation request for setback on SE 2nd Court and SE 8th Avenue subject to review and approval by the City Commission.

PROJECT DESCRIPTION:

The applicant, City of Fort Lauderdale, is proposing a new five-story parking garage proposed at 216 SE 8th Avenue. The City entered into a Comprehensive Agreement with Las Olas Parking Solutions, LLC., on July 31, 2023. This Agreement requires that Las Olas Parking Solutions, LLC. develop a parking garage, retail space and a Fire/EMS Substation. The subject property is zoned Regional Activity Center – East Mixed Use (RAC-EMU) and Residential Multifamily Mid Rise – Medium High Density (RMM-25) districts, with corresponding future land use designations of Commercial and Medium-High Residential. The applicant is requesting to rezone the western 0.62-acre portion of the site from RMM-25 to Community Business (CB), with the allocation of 0.62 acres of commercial flex acreage, for the proposed mixed-use structure.

The parking garage has a total of five floors with a height of 60 feet and ten inches. The first floor of the parking garage will contain the two restaurant/retail tenant spaces, an 8,508 square-foot Fire/EMS sub-station with two truck bays, and public parking. Floors two through six will contain public parking spaces. The parking garage will replace an existing surface parking lot that exists today and provide 302 public parking spaces for the proposed uses and businesses in the surrounding area. The application, survey, and sketch and legal description are attached as **Exhibit 1**. Project site plan and elevation plans are attached as **Exhibit 2**. The applicant's narrative responses to criteria are attached as **Exhibit 3**.

PRIOR REVIEWS:

The Development Review Committee (DRC) reviewed the proposal on September 12, 2023, and all comments have been addressed. The DRC comments are provided as **Exhibit 4**.

REVIEW CRITERIA:

The following criteria apply to the proposed request:

- 47-6.10, Permitted and Conditional Uses in CB District
- 47-13.20, Downtown RAC review process
- 47-24.4, Rezoning
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements
- 47-28, Flexibility Rules

REZONING REQUIREMENTS

Pursuant to Section 47-24.4, Rezoning, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. *The zoning district proposed is consistent with the City's Comprehensive Plan.*

The property has a Medium-High Residential future land use designation. Future Land Use Element Policy 1.1.12 permits office and retail uses on properties with a residential future land use designation, subject to the allocation of commercial flexibility acreage supported by Objective FLU 1.2 regarding the utilization of flexibility rules and Policy 1.2.3a regarding permitting area with a residential land use to be used for neighborhood commercial uses. Once commercial flexibility is allocated, the proposed CB zoning district will be consistent with the City's Comprehensive Plan. In addition, the rezoning supports Future Land Use Objective FLU 2.4 which supports growth in the Downtown area and Policy FLU 2.4.1 which encourages creating a vibrant mixed-use Downtown.

2. *The changes anticipated by the rezoning will not adversely impact the character of development in or near the area under consideration.*

The rezoning to CB will not adversely impact the character of the surrounding area. The Las Olas Boulevard corridor is generally characterized by commercial uses facing Las Olas Boulevard and parking along SE 2nd Street. The CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The CB district is located on collector and arterial streets, providing for both vehicular and pedestrian traffic.

3. *The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.*

The proposed rezoning to CB is compatible with the surrounding districts and uses. Located on the north side of SE 2nd Court are several single-family dwellings and a five-unit multifamily residential building. To the east and west of the site are surface parking lots. To the south is the Las Olas Boulevard commercial corridor.

Please refer to Table 1 below for a general comparison of permitted uses in the RMM-25 and CB zoning districts. For a detailed list of uses within the CB zoning district, refer to ULDR Section 47- 6.10., List of Permitted and Conditional Uses, Community Business (CB) District. Refer to Table 2 below for a comparison of dimensional requirements between the RMM-25 and CB zoning district.

Table 1: General Comparison of Permitted Uses

Existing Zoning District (RMM-25)	Proposed Zoning District (CB)
Residential Uses	Automotive
Public Purpose Facilities	Boats, Watercraft and Marinas
Child Daycare Facilities	Commercial Recreation
Nursing Home Facilities	Food and Beverage Service
<i>Accessory Uses, Buildings and Structures</i>	Lodging
Urban Agriculture	Public Purpose Facilities
	Retail Sales
Conditional Uses	Services/Office Facilities
Community Residents	Accessory Uses, Buildings and Structures
Lodging	
Mixed-Use Development	Conditional Uses
House of Worship	Marina
School	Mixed Use Developments
Social Service Residential Facility	Social Service Residential Facility
Small and Intermediate Child Daycare Facility	Hospital
	Adult Gaming Center
	Nursing Home

Table 2: Comparison of Dimensional Requirements

Requirements	Existing Zoning RMM-25	Proposed Zoning CB
Maximum building height (ft.)	55 ft	150 ft
Minimum front yard (ft.):	25 ft	5 ft
Minimum side yard (ft.):	5 ft	0 ft

When Abutting Residential	None	10 ft
Minimum rear yard (ft.):	15 ft	0 ft
When Abutting Residential	None	15 ft
Corner yard (ft.)	25% of lot width, not less than 10 ft, not greater than 25 ft	5 ft

ADEQUACY AND NEIGHBORHOOD COMPATIBILITY

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. The Water and Wastewater Capacity Availability Letter issued by the City of Fort Lauderdale Public Works Department on March 25, 2024, states that the sewer infrastructure requires improvements to meet the increased demand of the proposed project, and a condition has been included herein to complete any necessary improvements prior to obtaining a master permit. The existing water infrastructure has the capacity to support the proposed development. The capacity letter is attached as **Exhibit 5**.

The neighborhood compatibility criteria of ULDR Sec 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhood, the development shall 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 to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, and alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The property is located one block north of Las Olas Boulevard. The garage is intended to help alleviate traffic along SE 8th Avenue due to business customers and visitors circulating to find parking. The Fire/EMS facility will provide emergency services to the surrounding area which is much needed at this location. The façades facing the residential neighborhoods provide a variety of architectural features including shading devices, awnings, clear glass storefronts, and a variety of garage screening materials to break up the massing. A new fence will screen the existing lift station at the northwest corner of the site.

FLEXIBILITY RULES:

Pursuant to Section 47-28.- Flexibility Rules, the proposed rezoning of the 0.62-acre portion of the site to CB requires allocation of commercial flex acreage on land with a Medium-High Residential Future Land Use designation.

PARKING AND CIRCULATION:

The applicant is proposing to provide 302 parking spaces within the parking garage. Table 3 shows the required parking spaces for each specific use in accordance with ULDR Section 47-20, Parking Requirements.

Table 3 – Parking Requirements

CB Uses	Area SF	Ratio	Required	Provided
Fire Station	7 beds	2/bed	14	14
Restaurant	3,000 SF	1/100 SF	30	30
Retail	8,786 SF	1/250 SF	35	35

RAC-EMU Uses	Area SF	Ratio	Required	Provided
Restaurant	3,000 SF	1/100 SF	3*	0
Retail	2,168 SF	1/250 SF	5**	0
Total Spaces Required				87
Total Spaces Provided				302

* The first 2,500 square feet of commercial space is exempt in the RAC-EMU

** 60% of parking requirement applies for square footage above 2,500 square feet

Vehicles will enter and exit the site through the parking garage located on SE 8th Avenue. The Fire/EMS substation will have access from SE 2nd Court for the two emergency vehicle bays. The applicant submitted a traffic statement, dated March 14, 2024, prepared by DC Engineers, Inc. with an analysis performed using rates and formulas published in the Institute of Transportation Engineer's (ITE) Trip Generation Report (11th Edition). The proposed development is expected to produce 941 vehicle trips per day with 25 vehicle trips occurring during the AM peak hour and 81 vehicle trips occurring during the PM peak hour. Based on the traffic statement, a traffic study is not required. The City's Transportation and Mobility Department concurs with these findings. The Traffic Statement is attached as **Exhibit 6**.

COMPREHENSIVE PLAN CONSISTENCY

The proposed parking garage and rezoning is in alignment with the objectives of the Economic Development Element of the Comprehensive Plan, specifically, Objective ED 2.2: Community Investment, that supports economic development throughout the City's neighborhoods through infrastructure improvements and investments in development. The proposed development is further supported through the Future Land Use Element, Objective FLU 2.1: Neighborhood Compatibility, which helps mitigate the intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and buffering requirements. In addition, the proposed Fire/EMS substation supports Coastal Management, Community Health and Safety Management Objective CM 4.5 ensuring proactive measures to enhance community safety and Policy CM 4.5.2 regarding regularly evaluating and determining the need for new fire stations.

In order to permit commercial uses in a residential land use designation, the allocation of flex acreage is required per the City's Comprehensive Plan, Objective 1.2: Utilization of Flexibility Rules, Use of Flexibility and Irregular Density Provision. The tables below provide a summary of commercial flex acreage. The table below shows the commercial flex acreage allowed to be flexed on residential land use. To date 3.43 acres have been allocated, with the current request of 0.62 acres there will be 515.55 acres remaining for future allocation. As Table 4 indicates, commercial flex acreage is available for the proposed development.

Table 4 – Commercial Flex Acreage

	Residential to Commercial Flex Acreage
Total Permitted	519.6
Assigned to Date	3.43
Pending	0.62
Remaining Commercial Flex Acreage	515.55

PUBLIC PARTICIPATION:

The application is subject to the public participation requirements established in ULDR Section 47-24.1. F.14. According to the applicant, mail notification was sent to property owners within 300 feet of the subject property and a public participation meeting was held on August 15, 2024, to offer the

neighborhood and surrounding properties the opportunity to learn about the proposed project. The public participation meeting had four people in attendance. The public participation meeting summary and affidavits are attached as **Exhibit 7**.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted three signs on the property and has met the requirements of this section.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application, based on criteria outlined herein:

- 47-24.4, Rezoning
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements
- 47-28, Flexibility Rules

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level IV review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the Site Plan Level IV permit. If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the Site Plan Level IV permit.

If the Planning and Zoning Board determines that the application meets the rezoning criteria, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant. If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26.B, Appeals.

CONDITIONS OF APPROVAL:

Should the Planning and Zoning Board approve the development, the following conditions apply:

1. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated March 25, 2024, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to application for any Master Permit, 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.
2. Prior to issuance of certificate of occupancy, applicant shall dedicate and record a public right-of-way easement along the south side of SE 2nd Court, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
3. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the south side of SE 2nd Court, 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.
4. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a public access easement along the north side of the ten (10) foot alley, to accommodate a portion of

the respective pedestrian and vehicular path located outside of existing right-of-way as approved by the City Engineer.

5. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the west side of SE 9th 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.
6. Prior to issuance of Certificate of Occupancy, applicant shall dedicate a minimum sixty-five (65) foot by twenty-four (24) foot utility easement for the A-13 lift station 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.
7. Prior to issuance of Certificate of Occupancy, Las Olas Parking Solutions, LLC., shall coordinate and provide a maintenance agreement with the City for property frontage along SE 8th Avenue, SE 2nd Court and SE 9th Avenue. Proposed improvements within adjacent City right-of-way include paver driveway, concrete curb and gutter, paver intersections along SE 8th Avenue/SE 2nd Court and SE 9th Avenue/SE 2nd Court, and landscaping including structural soil and irrigation.
8. The sewer infrastructure requires improvements to reroute the flow based on the proposed project. Master permit will not be issued for this site until the sanitary sewer system improvements are constructed, certified, and in service.

EXHIBITS:

1. Application, Survey, and Sketch and Legal Description
2. Site Plan and Elevation Plans
3. Applicant's Narrative Responses to Criteria
4. DRC Comments, September 12, 2023
5. Water and Wastewater Capacity Availability Letter, March 25, 2024
6. Traffic Statement, March 14, 2024
7. Public Participation Meeting Summary and Affidavits