





**REQUEST:** Site Plan Level IV Review: Request for Reduced Setbacks and Application of Prior Zoning Regulations to Exceed Building Length for a 65 Multi-family Residential Development

<b>Case Number</b>	UDP-S20009		
<b>Property Owner/Applicant</b>	Bayshore Concepts, LLC		
<b>Agent</b>	Courtney Crush, Esp., Crush Law P.A.		
<b>General Location</b>	551 Bayshore Drive		
<b>Existing Use</b>	Vacant Lot		
<b>Zoning</b>	Intracoastal Overlook Area (IOA) Zoning District		
<b>Future Land Use Designation</b>	Central Beach Regional Activity Center		
<b>Applicable Unified Land Development Regulations (ULDR) Sections</b>	47-12, Central Beach Zoning Districts 47-25.2, Adequacy Requirements 47-24.3, Neighborhood Compatibility 47-26.A.1, Request for Application of Prior Zoning Regulations		
	<b>Required</b>	<b>Proposed</b>	
<b>Lot size</b>	N/A	67,011 square feet (1.54 acres)	
<b>Density</b>	48 dwelling units /1.54 = 73 units allowed	65 residential units	
<b>Building Height</b>	120 feet maximum	120 feet	
<b>Building Length</b>	200 feet maximum	388 feet, 6 inches Per ULDR Section 47-26.A.1, Request Application of Prior Zoning Regulation	
<b>Distance Between Buildings</b>	20 feet or 20%, whichever is greater	39 feet, 3 inches	
<b>Parking</b>	139	151	
<b>Open Space</b>		28,714 square feet	
<b>Landscape Area</b>	25%	25.05% (16,788 square feet)	
<b>Setbacks/Yards</b>	<b>Required</b>	<b>Proposed</b>	
		<i>Minimum Provided to Building Envelope</i>	<i>Minimum Provided to Balcony</i>
<b>Front (East)</b>	20 feet	20 feet Minimum 25' - 6" (4 <sup>th</sup> Floor) 30' - 9" (11 <sup>th</sup> Floor)	20 feet
<b>Side (North)</b>	<b>½ Building Height or *Request through a Site Plan Level IV Review Process</b>		
Up to 35 feet	*10 feet	3 <sup>rd</sup> Floor (30' - 6" high):	20 feet
35-75 feet	*20 feet	4 <sup>th</sup> Floor (41' - 6" high) to 7 <sup>th</sup> Floor (73' - 6" high):	undulates from 31 feet, 1 inch to 37 feet
75-115 feet	*30 feet	8 <sup>th</sup> Floor (84' - 2" high) to 10 <sup>th</sup> Floor (105' - 6" high)	undulates from 31 feet, 1 inch to 37 feet
Beyond 115 feet	*40 feet	11 <sup>th</sup> Floor (116' - 2" high) Roof (120' high)	47 feet
			N/A

Setbacks/Yards	Required	Proposed		
		Minimum Provided to Building Envelope	Minimum Provided to Balcony	
<b>Side(South)</b>	<b>½ Building Height or *Request through a Site Plan Level IV Review Process</b>			
Up to 35	*10 feet	3 <sup>rd</sup> Floor (30' - 6" high):	20 feet	20 feet
35-75 feet	*20 feet	4 <sup>th</sup> Floor (41' - 6" high) to 7 <sup>th</sup> Floor (73' - 6" high):	undulates from 30 feet, 2 inches to 34 feet, 8 inches	20 feet
75-115 feet	*30 feet	8 <sup>th</sup> Floor (84' - 2" high) to 10 <sup>th</sup> Floor (105' - 6" high)	undulates from 30 feet, 2 inches to 34 feet, 8 inches	27 feet, 1 inch
Beyond 115 feet	*40 feet	11 <sup>th</sup> Floor (116' - 2" high) Roof (120' high)	46 feet, 11 inches	N/A
<b>Rear (West)</b>	<b>½ Building Height or *Request through a Site Plan Level IV Review Process</b>			
Up to 35 feet	*10 feet	3 <sup>rd</sup> Floor (30' - 6" high):	20 feet	20 feet
35-75 feet	*20 feet	4 <sup>th</sup> Floor (41' - 6" high) to 7 <sup>th</sup> Floor (73' - 6" high):	Undulates from 21 feet, 5 inches to 22 feet, 3 inches	20 feet, 6 inches
75-115 feet	*30 feet	8 <sup>th</sup> Floor (84' - 2" high) to 10 <sup>th</sup> Floor (105' - 6" high)	Undulates from 21 feet, 5 inches to 22 feet, 3 inches	20 feet, 6 inches
Beyond 115 feet	*40 feet	11 <sup>th</sup> Floor (116' - 2" high) Roof (120' high)	21 feet, 5 inches	N/A
<b>Notification Requirements</b>	ULDR Section 47-27.2, Sign Notice 15 days prior to meeting ULDR Section 47-27.4, Public Participation ULDR Section 47-27.5, 10-day legal ad			
<b>Action Required</b>	Recommend Approval, Approval with Conditions, or Denial to the City Commission			
<b>Project Planner</b>	Karlanne Grant, Urban Planner III			

**PROJECT DESCRIPTION:**

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) District and is currently a vacant parcel of land. The Application, Site Plan, and Applicant's Narrative responses to applicable criteria are provided as **Exhibit 1**.

**PRIOR REVIEWS:**

The application was reviewed by Development Review Committee (DRC) on January 12, 2021. The DRC Report and complete application are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

The following criteria apply to the proposed request:

- ULDR Section 47-12, Central Beach District
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-26.A.1, Request for Application of Prior Zoning Regulations

### **Central Beach District**

Pursuant to ULDR Section 47-12, the intent and purpose of the IOA district is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that front on the eastern Intracoastal Waterway. Existing residential uses and transient accommodations represent a substantial element of the central beach housing stock to be protected, preserved and enhanced. Subsection 47-12.5, Districts Requirements and Limitations and Section 47-12.6, Development Permitting and Approval Standards are established to ensure that proposed development is consistent with the development standards under the provisions of the zoning district in which the development is located.

The application complies with the regulations applicable to the IOA zoning district subject to the Site Plan Level IV review and approval process. The project satisfies the review criteria because the building design is compatible with both the character and overall plan of development contemplated by the revitalization plan for the Central Beach Area and the design guidelines. The overall project is designed as two structures compatible with the new construction in the area, while incorporating distinct features that create a unique urban streetscape and waterfront environment, supported by active residential dwellings. The proposed project enhances the existing housing stock of the Central Beach by providing amenities not currently available in the area.

In addition, the project complies with the setback requirements and in some areas exceeds the requirements for the side yards, by providing at least ten (10) feet greater setback than required. The rear yard setback of 20 feet also meets the requirement, which is consistent with other buildings in the IOA zoning district.

The length of each tower is 143 feet, 6 inches, but because the podium connects the two towers, the overall building length is 388 feet, 6 inches where no more than 200 feet is required, therefore the applicant is seeking relief pursuant to ULDR Section 47-26.A.1. Request for Application of Prior Zoning Regulations. A more detailed analysis of the request to apply prior zoning regulations is located in the Request for Application of Prior Zoning Regulations section contained herein.

### **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. Water and wastewater is serviced by the City of Fort Lauderdale. A capacity letter was issued by the City's Public Works Department which identified the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. The letter indicates that the existing water main does not have the capacity to support the proposed development unless infrastructure improvements are completed. The improvements include the upsizing of the existing 6-inch water main to a minimum of 10 inches in diameter water main, starting at the intersection of Terramar Street and Bayshore Drive for a length of 400 linear feet. The applicant has proffered to complete these improvements prior to obtaining the final Certificate of Occupancy for the development. The existing sewer infrastructure has the capacity to support the proposed development. The capacity letter is attached as **Exhibit 2**.

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 neighborhoods... 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, buffer yards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The site abuts the Intracoastal Waterway to the west and is located in a neighborhood characterized by an assortment of multifamily structures of varying heights and mass with various architectural themes and styles. The proposed project will be compatible with the multi-family district of the Central Beach Area which consists primarily of existing multi-family residential structures and uses of varying architectural themes, densities, mass, and height. The project is designed to enhance the visual and pedestrian experience along Bayshore Drive. This is accomplished both by design elements which minimize the buildings' impact such as internalizing the buildings' vehicular arrival area, trash collection, and loading areas, and by amenities and features that will benefit the public including active uses and residences on the ground floor, enhanced landscaping and streetscape along Bayshore Drive and surrounding the property. The large separation between the two buildings, helps to mitigate visual barriers and streetscape enhancements improve the pedestrian experience along Bayshore Drive. The parking structure will not be visible from either the street or the waterway.

### **Request for Application of Prior Zoning Regulations**

Pursuant to ULDR Section 47-26.A.1, the following criteria shall apply for a request for an application of prior zoning regulations:

1. The new project is consistent with the City's Comprehensive Plan.

The project is consistent with and will support the goals of the Central Beach Regional Activity Center by providing high quality residential options which will support the local beach economy. Further, the project has been designed to be resilient to sea level rise; creates a connectivity between Bayshore Drive and the Intracoastal; and creates a strong sense of place with its exemplary architecture.

2. The new project meets all of the requirements of the ULDR except for the zoning regulation which has been amended on or after the adoption date and, but for the amendment of such zoning regulation, the project would meet all the provisions of the ULDR.

The project is located in the IOA zoning district and meets all of the district's requirements, with the exception of ULDR Section 47-12.5.D.5. The dimensional requirements for the IOA and for the proposed new development are similar with the shortened structure of the parking exceeding 200 feet – allowing the parking podium to be shorter than would be necessary to meet the parking requirements if the length was restricted to 200 feet.

3. The new project is suitable for the property and meets the Neighborhood Compatibility Criteria as provided in Sec. 47-25.3.

The project meets the Neighborhood Compatibility requirements. Refer to the Adequacy and Neighborhood Compatibility section herein for additional information.

4. Restricting the property from being used for the proposed new project as a result of the new zoning regulation unreasonably restricts the use of the property such that the property owner bears a disproportionate share of a burden imposed for the good of the public which in fairness should be borne by the public at large.

Application of the 200-foot maximum limitation on the garage, that is only two levels in height, unreasonably burdens the property by the literal application of the dimensional limitation. The design of the project provides an open ground level experience to the general public and masks the parking. The requirement to separate the garage into two garages could potentially result in a taller, less pedestrian friendly design with additional vehicular entrances for access and loading access would be introduced at the ground level, disrupting the public realm and replacing some of the ground level townhomes with garage openings. The Property is unusual in shape in that it is very long. This design also preserves and creates views of the Intracoastal Waterway.

- The new project if approved protects the public interest served by the regulation at issue and is the appropriate relief necessary to prevent the governmental regulation from unreasonably restricting the use of the real property.

The dimensional limitation disproportionately burdens and restricts the use of the applicant's property. The project's design with low-level hidden parking, greater ground level uses and public interaction with pedestrian amenities enhances the public realm.

- No action of the City which prohibits a new project from being built based on an amendment to the ULDR on or after the adoption date and which project is eligible to be reviewed under this section shall be deemed final until a denial of an application under this section.

Acknowledged by applicant.

**PARKING AND TRANSPORTATION:**

Vehicular access to the site will be provided by one full access driveway on Bayshore Drive that will provide access to the parking garage. A second driveway will be provided on Bayshore Drive that will provide access to the service/loading area. Pursuant to ULDR Section 47-20, Parking and Loading Requirements, the project is required to provides 139 parking spaces and a total of 151 parking space are provided. Table 1 provides a breakdown of the required and provided parking for the project.

**Table 1 – Parking Data**

Use	Parking Ratio	Spaces
<b>Residential Units and Room Type</b>		
4 units = 2 Bedroom	2 space/unit	8
29 units = 2 Bedroom+ Den/ 3 Bedroom	2.1 spaces/unit	60.9
32 unit s= 3 Bedroom+Den	2.2 spaces/unit	70.4
<b>Subtotal</b>		139.3
<b>TOTAL PROVIDED</b>		<b>151</b>

In addition, the applicant has submitted a Traffic Impact Statement identifying that the proposed development will generate 31 PM peak-hour trips. If the proposed project is approved, 123 trips will remain. Table 2 provides a summary of the residential and vehicular trips allocated to date. The applicant does not propose a use that will generate more than 1,000 daily trips, therefore a traffic impact study is not required for the project. The Traffic Impact Statement is provided as Exhibit 3.

**Table 2 – Central Beach RAC Development Tracking Summary**

Residential Unit Summary		Vehicle Trip Summary	
Total Residential Units Permitted	5,500	Total Peak Hour Trips Permitted	3,220
Built and Approved Units <sup>(1)</sup>	5,035	Built and Approved Trips <sup>(1)</sup>	3,116
Demolition Credits <sup>(2)</sup>	34	Demolition Credits <sup>(2)</sup>	50
Number of Available Units	499	Number of Available Trips	154
Allocation for Olakino House	65	Allocation for Olakino House	31
<b>Number of Trips Available if Proposed Olakino House is Approved</b>	<b>434</b>	<b>Number of Trips Available if Proposed Olakino House is Approved</b>	<b>123</b>

(1) Includes built projects, approved not yet built, and pending litigation.

(2) Demolition credits for properties that demolition structures after 1989 and did not receive new approvals.

### **COMPREHENSIVE PLAN CONSISTENCY:**

The proposed use aligns with the City's Comprehensive Plan Goals, Objectives and Policies, including:

- The Future Land Use Element
- Goal 2: Uses and densities permitted in the future land use categories are established within the City of Fort Lauderdale Land Use Plan. Development Regulations as to permitted uses and densities must be in compliance with the permitted uses of the City Land Use Plan as shown on the Future Land Map.
- Objective FLU 2.1 Neighborhood Compatibility,
- Policy FLU 2.1.1: Continue to utilize intensity criteria contained in the Future Land Use Element to ensure that all new development is compatible with adjacent residential land uses.
- The Neighborhood Enhancement
- Urban Design Element
- Goal 1: The City of Fort Lauderdale shall promote high-quality and sustainable building design elements which complement the public realm

In addition, the Comprehensive Plan requires that the City track development in the Central Beach RAC and monitor the number of residential units and vehicular trips allocated to individual projects. As proposed, the project requires the allocation of 31 PM peak-hour trip.

### **PUBLIC PARTICIPATION:**

The application is subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within three-hundred feet of City-recognized civic associations. To meet the public participation meeting requirement, the applicant presented at the Central Beach Alliance Civic Association virtual meeting on May 13, 2021, to provide an opportunity for comments from the public. The public participation meeting summary and affidavit are provided as **Exhibit 4**.

In addition, this request is subject to mail notice and sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs, reflecting the meeting date of July 21, 2021, are provided as **Exhibit 5**.

### **PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board shall consider the application and make a determination based on the following criteria:

- ULDR Section 47-12, Central Beach District
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-26.A.1, Request for Application of Prior Zoning Regulations

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as **Exhibit 1**, to assist the Board in determining if the proposal meets these criteria.

The Planning and Zoning Board shall determine if the proposed development or use meets the standards and requirements of the ULDR and shall forward its recommendation to the City Commission.

**CONDITIONS OF APPROVAL:**

Should the Planning and Zoning Board approve the request, the following conditions are proposed:

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 and 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.

**EXHIBITS:**

1. Application, Site Plan, and Narrative Responses to Code Criteria
2. Water/Sewer Capacity Letter
3. Traffic Impact Statement
4. Public Participation Meeting Summary and Affidavit
5. Public Sign Notice and Affidavit