

REQUEST:

Site Plan Level III Review / Rezoning from B-1, RS-8 & ROA to B-1 & XP with Commercial Flex Allocation.

Case Number	3ZR12
Applicant	First Presbyterian Church of Fort Lauderdale
General Location	SE corner East Las Olas Boulevard and Tarpon Drive
Property Size	112,336 SF (2.6 acres)
Existing Zoning	B-1, RS-8 & ROA
Proposed Zoning	B-1 and XP
Existing Use	Retail, Office, Parking
Proposed Use	Church Family Center, Church Office, Retail, Surface Parking Lot
Future Land Use Designation	Commercial, Residential Low Medium
Applicable ULDR Sections	47-9 Exclusive Use District 47-24.4 Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility 47-28 Flexibility Rules
Project Planner	Randall Robinson, Planner II

PROJECT DESCRIPTION:

The applicant proposes to construct a 29,158 square foot Family Center, including theatrical, reception, educational, recreational and office space, as well as 7,506 square feet of retail space facing the intersection of East Las Olas Boulevard and Tarpon Drive; and a 103-space Surface Parking Lot.

The construction of the surface parking lot requires the rezoning of a 1.42-acre parcel of land located at the northeast corner of SE 4th Street and Tarpon Drive from Residential Single Family Low/Medium Density (RS-8) and Limited Residential Office (ROA) to X-Exclusive Use Parking lot (XP). Property location and survey is included in the plan sets.

The Hoch Center building at the northwest corner of SE 4th Street and 15th Avenue is proposed to remain. No changes are proposed to the Church.

PRIOR REVIEWS:

The Development Review Committee reviewed the current proposal on May 22, 2012. All comments have been addressed.

REVIEW CRITERIA:

As per ULDR Section 47-9.20 an application for a rezoning to XP shall be reviewed in accordance with the following criteria, applicant responses follow criteria:

1. The property is not zoned RS-4.4, RS-8 or RC-15 except as follows:
 - a. Property which is zoned RS-4.4, RS-8 or RC-15 which was legally permitted to be used as a parking lot prior to the effective date (June 28, 1997) of the ULDR and served a nonresidential use or a use which had been permitted in R-1, R-2, R-3 and R-4 districts prior to the effective date (June 28, 1997) of the ULDR but is no longer permitted in RS-4.4, RS-8 or RC-15 may apply to be rezoned to exclusive use parking lot. All conditions for rezoning to exclusive use parking lots as provided herein must be met except as follows:

Response: Complies. The eastern portion of the property is zoned ROA, and the western portion is zoned RS-8. Prior to the effective date of the ULDR, the western portion of the property (zoned RS-8) was legally permitted to be used as a parking lot. The RS-8 property served as parking for commercial uses on Las Olas (nursing home and formerly hotel) and for ancillary church uses and parking.

- i. Parking lots which served a use which was permitted to be located in an R-1, R-2 or R-3-B zoning district on October 1, 1996 which is no longer a permitted use in RS-4.4, RS-8 and RC-15 will not be required to meet the conditions provided in subsections A.5, 6 and 7.
2. The property is located in an area with available commercial flexibility acreage pursuant to the comprehensive plan and flex acreage is allocated pursuant to Section 47-28, Flexibility Rules, as part of the rezoning.

Response: Complies. The property is designated Residential by the City's Comprehensive Plan. The property is located in Flex Zone 49 which has 57 commercial acres available for allocation. Applicant is requesting an allocation of 1.42 acres of commercial flexibility acreage in order to rezone the property to the XP district.

3. If the property is contiguous to property which has already been granted commercial flexibility in accordance with the comprehensive plan, the total acreage of the contiguous property previously approved for commercial flexibility and the total acreage of the property proposed for exclusive use shall not exceed ten (10) acres.

Response: Complies. The property is not contiguous to property which has already been designated commercial flexibility acreage.

4. The property is designated for residential use on the LUP.

Response: Complies. The property is designated Residential according to the City's Comprehensive Plan.

5. The property proposed for exclusive use abuts or is separated by a right-of-way no greater than twenty (20) feet in width from business property as defined in Section 47-35, Definitions, which has a front yard abutting a street.

Response: Complies. The property to be zoned to XP is separated by an alley of no more than 20 feet from business property.

6. The property proposed for exclusive use and business property must share at least fifty (50) feet of the same property line or if separated by an alley, at least fifty (50) feet of a property line of the exclusive use property is parallel to a property line of business property.

Response: Complies. The property to be rezoned is separated by an alley from business property and at least 50 feet of the exclusive use property is parallel to a property line of business property.

7. Property proposed to be zoned exclusive use shall extend no more than one hundred eighty (180) feet into a residentially zoned district, except property located on the north side of Sunrise Boulevard, between the Florida East Coast Railway and Powerline Road, may extend no more than five hundred (500) feet into a residentially zoned district, but in no case shall the exclusive use zoning in this area go north of the south right-of-way line of N.E. and N.W. 11th Street.

Response: Complies. The property extends approximately 140 feet +/- into the residentially zoned district.

8. An application which meets the requirements of this section is submitted by the owner of the property to be rezoned and is approved by the city commission.

Response: Acknowledged.

9. If the property proposed for exclusive use is to be used for business use as provided in Sec. 47-9.10 in addition to the above, the property proposed for exclusive use and business property described in subsection A.5 must be submitted as a single site plan and the owner of the business property must join in the application for rezoning of the proposed exclusive use property.

Response: Complies. The property is proposed for X-P and does not include a rezoning to X-B pursuant to Subsection A.5.

Sec. 9.10 Permitted uses.

Response: Applicant is proposing to rezone to X-P and use the property as a parking lot, which is a permitted use.

Sec. 47-9.20. Rezoning. (Exclusive Use – Parking)

C. *Criteria.* In addition to the criteria provided for a rezoning approval, the following criteria shall apply:

1. The proposed site and use meet the conditions and performance criteria provided in this section.

Response: See above narrative addressing code section 47-9.2 -Conditions of Exclusive Use zoning.

2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.

Response: N/A. The property currently has a legally nonconforming structure (the “321 Building”) which will remain on the site. The structure will continue to be used as it is today – for church/office uses.

3. If the application is for rezoning to exclusive use district/business, the city commission may include conditions on the business property which are a part of the application in addition to the conditions on the property proposed to be rezoned to exclusive use. All such conditions shall relate to the preservation of the character and integrity of the neighboring property and mitigate adverse impacts which arise in connection with the approval of the rezoning. Conditions for approval may relate to any aspect of the site plan including the property proposed to be rezoned and the business property, including but not limited to height, bulk, shadow, mass and design of any structure and parking and landscaping requirements.

Response: Acknowledged.

The properties to the north have a Land Use designation of Commercial and a zoning classification of Boulevard Business (B-1). The properties to the west have a Land Use designation of Residential Low-Medium and zoning classification of Parking garage with required residential units (X-G-R) and RS-8. The property to the south has a Land Use designation of Residential Low-Medium and zoning classification of Community Facilities – House of Worship (CF-HS), the properties to the east have a Land Use designation of Residential Low-Medium and zoning classification of RS-8.

The applicant has provided a narrative response to the criteria, attached to the plan sets. Staff concurs with applicant’s assessment.

Comprehensive Plan Consistency:

The site is designated Commercial and Residential on the City’s Future Land Use Map. The proposed rezoning will be consistent with the City’s Comprehensive Plan with the allocation of commercial flexibility acreage.

Flexibility Acreage:

The property is located in Flex Zone 49, which has 57 commercial acres available for allocation. Applicant is requesting an allocation of 1.42 acres of commercial flexibility acreage.

The applicant has provided a narrative, included with the site plan and submittal material, to assist the Board in determining if the proposal meets the criteria for allocation of residential flexibility units.

Adequacy and Neighborhood Compatibility:

The applicant has submitted narratives regarding the project's compliance with Section 47-25.2, Adequacy Requirements, and Section 47-25.3, Neighborhood Compatibility Requirements, also attached with the site plan and submittal material, to assist the Board in determining if the proposal meets these criteria.

Parking, Traffic and Circulation:

Vehicular ingress into the surface parking lot is provided from SE 15th Avenue and ingress/egress is provided on SE 4th Street. A total of 97 parking spaces are required for the proposed uses, as follows:

As per ULDR Sec. 47-20, Parking Requirements:

Assembly (21,652 square feet)	@ 1/400 square feet	= 54	
Retail (7,506 square feet)	@ 1/250 square feet	= 30	
Office (3,202 square feet)	@ 1/250 square feet	= 13	
TOTAL			97 parking spaces required
			113 parking spaces provided

A traffic impact statement, prepared by Cathy Sweetapple & Associates and dated June 16, 2012, indicates that the trips generated by the proposed development fall below the threshold requiring a separate traffic impact study for the redevelopment site, pursuant to Sec. 47-25.2.M.4.a. The statement is attached as exhibit 1.

Although the proposed development will not generate sufficient traffic to require a traffic study and therefore any mitigation, the site plan includes the following improvements to maximize pedestrian, vehicular and transit access to the project site:

- The Applicant has worked with City Staff to design an improved public alley between Tarpon Drive and SE 15 Avenue by dedicating an additional 5 feet of right-of-way on the south side of the alley, and expanding the public alley from 10 feet to 15 feet between Tarpon Drive and SE 15 Avenue;
- Outdoor plazas are provided on the southeast corner of East Las Boulevard and Tarpon Drive and along the east side of Tarpon Drive between East Las Olas Boulevard to SE 4 Street;
- A reconstructed sidewalk 10' to 15' in width along East Las Olas Boulevard;
- A 7' to 9' foot wide sidewalk and 8 parallel parking spaces along Tarpon Drive between SE 4 Street and East Las Olas Boulevard;
- A 5' foot wide sidewalk along SE 4 Street from Tarpon Drive to SE 15 Avenue.

The surface parking lot, sidewalks, plazas and walkways are shaded by extensive new and existing canopy trees to provide pedestrian comfort and human scale.

STAFF FINDINGS:

Staff recommends the Board approve this request consistent with:

ULDR Sections:

47-9 Exclusive Use District

47-24.4 Rezoning Criteria

47-25.2 Adequacy Requirements

47-25.3 Neighborhood Compatibility

47-28 Flexibility Rules

PLANNING & ZONING BOARD REVIEW OPTIONS:

If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, 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 47-26B, Appeals.

STAFF CONDITIONS:

Should the Planning & Zoning Board approve the proposed development, the following conditions are proposed:

1. Final determinations regarding preservation by relocation of Live oaks #26, #27A, 27B, 27C (cluster of 3), and #29. Also, investigate whether or not #22 can be preserved in place, or relocated, as well as other specific trees. See Existing Tree Plan ET-1.0, which may require revision.

If determinations are reached that these trees can be preserved, not removed, Site Plan modification may be required.

EXHIBITS:

1. Traffic Impact Statement, Cathy Sweetapple & Associates, June 16, 2012.