



**REQUEST:** Site Plan Level IV Review: Rezoning from Residential Multifamily Mid Rise/Medium High Density (RMM-25) District to Planned Development District (PDD) with Site Plan Approval for 39 Multifamily Residential Units

<b>Case Number</b>	PDD19002	
<b>Property Owner/Applicant</b>	Towers Retirement Home, Incorporated	
<b>Agent</b>	Robert Lochrie, Lochrie & Chakas P.A.	
<b>General Location</b>	824 SE 2 <sup>nd</sup> Street	
<b>Property Size</b>	31,718 square feet / .73 acres	
<b>Existing Use</b>	Vacant Retirement Home	
<b>Zoning</b>	Residential Multifamily Mid Rise/Medium High Density(RMM-25)	
<b>Proposed Zoning</b>	Planned Development District (PDD)	
<b>Future Land Use Designation</b>	Medium High Residential	
<b>Applicable Unified Land Development Regulations (ULDR) Sections</b>	47-24.4, Rezoning 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-37A, Planned Development District	
	<b>Required (RMM-25)</b>	<b>Proposed (PDD)</b>
<b>Density</b>	25 units per acre	54 units per acre / 39 units
<b>Lot Size</b>	5,000 square feet (min)	31,718 square feet / .73 acres*
<b>Lot Width</b>	50 feet (min)	158 feet, 7 inches
<b>Building Height</b>	55 feet (max)	46 feet, 6 inches
<b>Structure Length</b>	200 feet (max)	96 feet, 5 inches
<b>Parking</b>	78 spaces (2 spaces per unit)	39 spaces* (1 space per unit)
<b>Landscape Area</b>	11,101 square feet (35%)	10,687 square feet*
	<b>Required (RMM-25)</b>	<b>Proposed (PDD)</b>
<b>Setbacks</b>		
Front (N)	25 feet	25 feet
Side (W)	10 feet	5 feet*
Side (E)	25 feet	15 feet*
Rear (S)	20 feet	3.4 feet*
<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, Mail Notice	
<b>Action Required</b>	Approve, Approve with Conditions, or Deny	
<b>Project Planner</b>	Jim Hetzel, Principal Urban Planner	

\*Proposed as part of the PDD rezoning request as site specific development standards.

**PROJECT DESCRIPTION:**

The applicant, Towers Retirement Home, Incorporated, is proposing to redevelop the existing Towers Retirement Home into a residential multifamily project. The subject property is located at 824 NE 2<sup>nd</sup> Street and is zoned Residential Multifamily Mid Rise/Medium High Density District (RMM-25) with an underlying land use of Medium High Residential. The existing building will remain and will be renovated to preserve the historic value of the building in conjunction with an additional smaller residential building proposed on the site. The project will contain a total of 39 residential units, which is the same number of units that exists on the site currently.

The applicant is requesting to rezone the property from Residential Multifamily Mid Rise/Medium High Density District (RMM-25) to a Planned Development District (PDD). The request also includes

the approval of the associated site plan for the property. The application, project narratives, and site plan are provided as **Exhibit 1**.

#### **PRIOR REVIEWS:**

On November 17, 2015, the City Commission designated the property a Historic Landmark, which resulted in the protection of the site from demolition or redevelopment. The application was reviewed by Development Review Committee (DRC) on October 22, 2019. The DRC Report and applicant's responses are available on file with the Department of Sustainable Development (DSD).

The project was presented to the Historic Preservation Board (HPB) at its February 3, 2020 meeting. The applicant requested three Certificates of Appropriateness approvals which included the complete demolition of the two-story accessory structure on the site, major alteration to rehabilitate the historic landmark, and the new construction of a four-story multifamily residential structure in the southwest corner of the parcel in the same location as the existing two story accessory structure. HPB approved the requested items and added a condition requiring the applicant address the amount of paving in the front of the historic landmark structure by mitigating the visual effect of the paving with additional landscaping. The applicant has provided an exhibit that depicts the changes to the project frontage based on the HPB condition. Staff has included a condition that the changes be incorporated into the site plan set prior to Final DRC. The applicant's exhibit portraying changes to the project frontage in response to the HPB condition and the HPB meeting minutes are provided as **Exhibit 2** and **Exhibit 3**, respectively.

#### **REVIEW CRITERIA:**

The following criteria apply to the proposed request:

- ULDR Section 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-37A, Planned Development District

#### **Rezoning Criteria**

Pursuant to the ULDR Section 47-24.4, Rezoning, the rezoning request is subject to the following criteria:

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

The underlying land use is Medium High Residential. The proposed PDD use of residential is permitted in this land use designation and is therefore consistent with the City's Comprehensive Plan. Refer to Comprehensive Plan Consistency section of this report for additional analysis.

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

The proposed development is generally consistent with the character of development in the surrounding area, which is all residential. The general intensity of the surrounding area is medium residential and the project is of similar density to surrounding development. The commercial corridor along Las Olas Boulevard is approximately 350 feet from the southern property line of the subject property and will not adversely impact the surrounding area.

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 residential use is the same as those uses existing in the area and supports the existing built environment. The properties to the north, east, and south are zoned Residential Multifamily Mid Rise/Medium High Density District (RMM-25) and the properties to the west are zoned Residential Multifamily Mid Rise/Medium High Density District (RMM-25) and Regional Activity Center – East Mixed Use District (RAC-EMU). All the surrounding

properties contain existing residential buildings ranging from single family homes and townhomes to multifamily buildings. The proposed project will enhance the site from the existing, unkept appearance and suitable for the surrounding districts.

#### **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 and 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 no improvements to water and wastewater infrastructure are needed to service the project given the number of residential units remain the same. The capacity letter is attached as **Exhibit 4**.

The neighborhood compatibility criteria of ULDR Section 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, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The subject property is zoned Residential Multifamily Mid Rise/Medium High Density District (RMM-25) and the surrounding properties contain the same zoning district. The existing buildings surrounding the property contain building heights that vary from two story residential townhomes to six story multifamily buildings. As proposed, the existing residential use will remain as residential as will the project density. The proposed four story building addition is an increase in height from the existing two story accessory building but within the maximum height permitted under the RMM-25 zoning district. Furthermore, the applicant is requesting site specific design standards under the PDD zoning district which includes reduction on certain setbacks but in general still maintain compatible with the surrounding context. A more detailed analysis on site specific standards are located in the PDD Analysis Section contained herein. With that said, the proposed project design is consistent and compatible with the surrounding neighborhood.

#### **Planned Development District Analysis**

The applicant has submitted a narrative as part of **Exhibit 1**, outlining the design concepts of the development and how the proposal complies with Unified Land Development Regulations (ULDR) Section 47-37A, Innovative Development Requirements.

Pursuant to Section 47-37A.9, PDD Public Improvements, the applicant is proposing that the historic preservation and renovation of the building satisfies the intent for substantial, significant and recognizable improvement to the community. The building was originally constructed in 1925 and the applicant will preserve the building while providing for enhancements that achieve a balance between preserving the structure and architecturally enhancing it. In addition, the overall site will be enhanced with landscape and site amenity features.

The applicant is also proposing to enhance the walking and biking trail adjacent to the site along SE 8<sup>th</sup> Avenue and SE 2<sup>nd</sup> Court. The enhancements provide for off-site public improvements that foster multimodal transportation options in the neighborhood. The PDD will also include on-street parking along SE 9<sup>th</sup> Avenue and minor streetscape enhancements. Table 1 includes an analysis of the PDD requirements.

**Table 1 –PDD Requirements Analysis**

ULDR Section	Section Intent	Staff Analysis
47-37A.1	(A) Promotion of development that	Project site contains The Towers Retirement building, which is a City-designated historic landmark. Over the years, the

<b>Intent and Purpose</b>	<p>demonstrates: Compact building forms, street design standards that encourage safety, sustainability, and multi-modal connectivity</p> <p>(B) Promote flexibility of design with focus on relationship of proposed buildings with surrounding properties</p>	<p>property has been maintained but not improved or enhanced given the age of the structure.</p> <p>The PDD proposal promotes substantial and recognizable improvements to the existing site by renovating the historic structure with architectural enhancements and overall site improvements including landscaping and open space elements. The building form is compact and the replacement of the accessory two-story structure supports infill development principles.</p>
<b>47-37A.2 Definitions</b>	Definitions specific to Section 47-37A.	As applicable.
<b>47-37A.3 Conditions for PDD rezoning</b>	Minimum land area required for an application to an PDD district shall be two (2) acres.	Project site is approximately .73 acres in size and therefore the applicant is requesting approval for less than the minimum two acre requirement.
	Consistency with the goals and objectives of plans adopted for the City's Regional Activity Centers.	See Rezoning Criteria and Comprehensive Plan Sections herein.
	Configuration of the ID zoning district.	Project site is a single tract of land.
	Entire tract under unified control.	Project site is a single tract of land under unified control.
<b>47-37A.4 Uses Permitted</b>	The uses permitted and combination thereof within the PDD district, shall be established at the time of rezoning to PDD and shall be consistent with the City's Comprehensive Plan	PDD proposes residential use as the only permitted use.
<b>47-37A.5 Application Public Outreach</b>	Conduct meeting prior to application submittal providing notice, presentation of project, public participation, and summary.	Applicant has provided documentation regarding public outreach and proper notice was given. Detailed information on public outreach can be found in the applicant's Public Participation Summary attached as Exhibit 5. A pre-application meeting was held with the community on August 28, 2019 prior to the application submittal on September 6, 2019.
<b>47-37A.6 Application Requirements</b>	Application submittal requirements, narratives, plans, project data	Applicant has provided all the necessary documentation regarding application submittal.
<b>47-37A.7 Performance Standards for Permitted Uses</b>	Development standards proposed for the PDD shall be established by ordinance, parking reductions, common ownership, and recordation of a development agreement.	Proposed PDD standards are contained herein and listed specifically in Table 2 – Staff Analysis Summary: Zoning Comparison and Proposed PDD Zoning.
<b>47-37A.8 PDD Criteria and Limitations</b>	Permitted land uses, creating a vibrant living environment, compatibility with adjacent land uses,	The Adequacy and Neighborhood Compatibility contains discussion regarding the proposed PDD development. Also see Table 2 – Staff Analysis Summary: Zoning Comparison and Proposed PDD Zoning.

	street cross sections, density, FAR, height.	
<b>47-37A.9 PDD Public Improvements</b>	PDD shall promote substantial, significant, and recognizable improvements to the neighborhood.	Applicant is proposed two public improvements: (1) the renovation and preservation of the historic landmark building, and (2) improvements to the multipurpose trail along SE 8 <sup>th</sup> Avenue and SE 2 <sup>nd</sup> Court.
<b>47-37A.10 Review Process</b>	Conduct pre-application conference with staff, Rezoning application criteria applied, super majority of four members of the City Commission.	Applicant conducted a pre-application meeting with staff on July 30, 2019. The application was reviewed consistent with rezoning criteria as stated herein on page 2, Review Criteria. The PDD ordinance will require the super majority of four members of the City Commission.

Table 2 depicts a comparison between the current ULDR requirements for the development site and the proposed PDD zoning development standards as well as justification for such requests. The zoning standards that deviate from current ULDR requirements are listed and if approved, will be considered specific development standards for The Towers PDD zoning district. The applicant's justification for the site specific standards has been provided in the table.

**Table 2 – Staff Analysis Summary: Zoning Comparison and Proposed PDD Zoning**

	<b>Required (RMM-25)</b>	<b>Proposed PDD</b>
<b>Density</b>	25 units per acre	25 units per acre du/ac (Existing density 54 units per acre) <u>Justification:</u> The property includes 39 existing units, which is in excess of the number of units permitted under the current zoning district designation of RMM-25. The use of the historic 39 dwelling unit Tower Apartments at a density of 54 units per acre is recognized as a legally nonconforming use pursuant to Section 47-3.1.A. The distribution the 39 dwelling units throughout the development site does not enlarge or extend the nonconformity. To facilitate the preservation of the historic structure in which the use is occupied the dwelling units are distributed on the site in the manner shown on the approved, associated site plan. Section 47-3.1. nonconforming use shall be applicable in all respects within this PDD with the exception of the effective date of June 28, 1997 which is hereby supplanted with the effective date of this PDD ordinance only for this ordinance.
<b>Building Separation</b>	10 feet	8 feet <u>Justification:</u> To provide increased landscaping in comparison to existing conditions while providing amenities to residents, including a pool deck.
<b>Parking</b>	78 parking spaces	39 parking spaces <u>Justification:</u> Increase in the number of existing parking spaces from ten spaces to 39 spaces while recognizing that additional parking beyond the 39 spaces could compromise the historic preservation of the structure and site. Given the site constraints and preservation of the building, the applicant maintains that parking at the proposed ratio of one space per unit is the maximum that can be provided to ensure the project is viable for residential use and to maintain the historic aspects of the site. In addition, ULDR Section 47-20.3.E, Parking Reductions and Exemptions, does permit historic designated landmarks, which are residential use, to park at a ratio of one space per unit.
<b>Backout Parking</b>	Not permitted	18 backout parking spaces provided

		<i>Justification:</i> To provide sufficient parking of one space per units while recognizing that parking design is limited, and typical parking design or structured parking could compromise the historic preservation of the structure and site. Given the site constraints and preservation of the building, the applicant maintains that parking at the proposed ratio of one space per unit is the maximum that can be provided to ensure the project is viable for residential use and to maintain the historic aspects of the site.
<b>Landscape Area</b>	11,101 square feet 35% of site	10,687 square feet 33.6% of site <i>Justification:</i> To provide landscape on site while achieving and balancing other code requirements while not compromising the historic preservation of the structure and site.
<b>Landscape Islands</b>	Every two spaces or at the end of row of parking spaces	<i>Justification:</i> Based on overall site design with backout parking and on-street parking as well as providing the 39 parking spaces, the addition of landscape island cannot be achieved.
<b>Street Trees</b>	Street trees every forty feet of street frontage	<i>Justification:</i> Based on overall site design with backout parking and on-street parking as well as distance requirements to the historic structure, street trees at that distance cannot be achieved. Project will contain seven street trees along the frontage at varying spacing distances not at the distance of every forty feet thereby creating some canopy along the project edge.
<b>Vehicle Use Area (VUA) Landscape</b>	Perimeter landscape and interior VUA landscape	<i>Justification:</i> Existing historic building footprint will remain the same and proposed building footprint which will be located where the two-story accessory building is currently will be increased to meet development program. Together, this limits the amount of landscape to meet this requirement without losing parking spaces.
<b>Setbacks/Yards</b>	<b>Required (RMM-25)</b>	<b>Proposed PDD</b>
Side (W)	10 feet	5 feet <i>Justification:</i> The existing two-story structure has a side setback of one and half feet and the proposed structure will increase the side setback distance to five feet. The historic structure has a side setback to the west of 58 feet.
Side (E)	25 feet	15 feet <i>Justification:</i> The existing historic structure is setback at this distance of 15 feet as this is an existing condition. The proposed structure is 104 feet from the east property line.
Rear (S)	20 feet	3.4 feet <i>Justification:</i> The existing two-story structure has a rear setback of 3.4 feet and the proposed structure will maintain the same rear setback distance. The historic structure has a rear setback of 40 feet.
Front (N)	25 feet	The existing and proposed structures meet the setback distance which are 25 feet and 122 feet, respectively.

#### **PARKING AND TRANSPORTATION:**

Vehicular ingress and egress to the site is located at one point along SE 2<sup>nd</sup> Street, which leads to a surface parking area for the project and is the same access point that currently exists. Backout parking is proposed along SE 2<sup>nd</sup> Street and is part of the request of the PDD application. On-street parking is proposed along SE 9<sup>th</sup> Avenue for neighborhood use.

The applicant is proposing to provide 39 parking spaces on-site at a ratio of one space per unit. This amount is a reduction from the current ULDR requirement of two spaces per unit. Currently, the site only contains ten parking spaces and the 39 spaces will be an increase to existing parking conditions. This is a specific request in the PDD as indicated in Table 2. Given the location of the site near Las Olas Boulevard and Downtown in conjunction with bicycle parking and multimodal pathway improvements, the reduction in parking spaces has been deemed sufficient.

In addition, the project did not require a traffic statement or study given the proposed development intensity remains the same as the existing. With that said, a letter from the City's Transportation and Mobility Department acknowledging review of traffic is not necessary; however, the project was reviewed and approved by the department as part of the DRC review.

#### **COMPREHENSIVE PLAN CONSISTENCY:**

The proposed use is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.19, Neighborhood Compatibility, which provides for development to be compatible with the present residential neighborhood density; and Objective 1.25, Historic Resources, which states protect the historic resources in the City by identifying significant structures and preserve such properties.

The City's Future Land Use Map indicates that the proposed project has a Medium High Residential Land Use Designation. More specifically, the Medium High Residential Land Use Designation is intended primarily for residential dwellings but does permit other land uses such as neighborhood parks and schools. The proposed project meets the intent of this land use designation based on existing provisions in the ULDR for nonconforming uses, structures, and lots.

#### **PUBLIC PARTICIPATION:**

In addition to the public outreach required in ULDR Section 47-37A.5, Application Public Outreach, the application is also subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within 300 feet of City-recognized civic associations. The applicant conducted a public participation meeting on October 22, 2019, with the Beverly Heights Civic Association to provide an opportunity for comments from the public. The applicant's public participation meeting summary and affidavit are provided as **Exhibit 5**.

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 three 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 June 17, 2020, are provided as **Exhibit 6**.

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

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

- ULDR Section 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-37A, Planned Development District

If the Planning and Zoning Board determines that the proposed rezoning and Site Plan Level IV application meets the standards and requirements of the ULDR and criteria for Site Plan Level IV review, the Planning and Zoning Board shall recommend approval or approval with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed rezoning and associated development, the issuance of the Site Plan Level IV permit. If recommended for approval, the following conditions apply:

1. Prior to Final DRC, the applicant shall provide an off-site improvement plan that depicts enhancements to the multipurpose path adjacent to the subject property which extends

approximately 1,200 linear feet from SE 8<sup>th</sup> Avenue to SE 2<sup>nd</sup> Court. Enhancements shall include, at a minimum, new pavement markings or colored pavement or thermoplastic pavement, and 2 signs located at the entry/end points of the path. The applicant may propose additional elements such as landscape, benches, etc. The striping and signing of the multipurpose path must comply with MUTCD design standards and any color used must not match bicycle, transit, or toll lane colors. Enhancements shall be considered off-site public improvements and shall satisfy meeting requirements of ULDR, Section 47-37A.9.

2. Prior to Final DRC, the applicant shall modify the site plan specific to the conditions of approval by the Historic Preservation Board which state that the parking located in the front of the structure be mitigated for its effect on the historic structure by modifying the design of the courtyard entryway.
3. Prior to Final DRC, the applicant shall execute a parking reduction order and record such in public records.
4. Prior to Final DRC, the applicant shall execute a development agreement consistent with ULDR, Section 47-37A.13, Agreements, which shall be recorded in public records and provided to the City post recordation.
5. Prior to final DRC, applicant shall provide a 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.
6. Pursuant to ULDR Section 47-38A, Park Impact Fees, applicant will be required to pay Park Impact Fee for the proposed residential units prior to issuance of building permit.

If the Planning and Zoning Board determines that the proposed rezoning and associated development does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall recommend denial of the rezoning application and Site Plan Level IV permit .

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.

**EXHIBITS:**

1. Application, Project Narratives, and Plans
2. Applicant's Changes to Project Frontage Addressing HPB Condition
3. February 3, 2020 Historic Preservation Board Meeting Minutes
4. Water Sewer Capacity Letter
5. Public Participation Meeting Summary and Affidavit
6. Public Sign Notice and Affidavit