



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#22-0998**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** December 6, 2022

**TITLE:** Quasi-Judicial Resolution Approving an Alternative Design for a Site Plan  
Level II Development Permit– Mainstreet NCC Flagler LCC and 515 Inc.–  
Flagler SV – Case No. UDP-S22020 – **(Commission District 2)**

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**Recommendation**

Staff recommends the City Commission consider a resolution authorizing the issuance of a Site Plan Level II development permit for “Flagler SV”, a mixed-use development proposed in the Downtown Regional Activity Center and approving an alternative design deviation pursuant to Unified Land Development Regulations (ULDR) Section 47-13.20.J.3.

**Background**

The applicant is proposing to redevelop an existing parcel of land located at 501 NE 4th Street with a mixed-use project, consisting of 270 residential units and 2,680 square feet of commercial use. The site is located on the northeast corner of NE 4<sup>th</sup> Street and NE 4<sup>th</sup> Avenue, within the Downtown Regional Activity Center – City Center (RAC-CC) zoning district and has an underlying land use designation of Downtown Regional Activity Center (Downtown RAC). A location map is provided as Exhibit 1.

The project was reviewed by the Development Review Committee (DRC) on June 14, 2022. The DRC case comment report is provided as Exhibit 2. All comments have been addressed and are on file with the Development Services Department. The application and project narratives are provided as Exhibit 3 and the site plan set is provided as Exhibit 4.

**Review Analysis**

The application was reviewed for consistency with the Downtown Master Plan (DMP) and is subject to the following Unified Land Development Regulations (ULDR):

- ULDR Section 47-13.20, Downtown RAC Review Process and Special Regulations
- ULDR Section 47-13.21, Table of Dimensional Requirements for RAC Districts
- ULDR Section 47-24.1, Development Permit and Procedures
- ULDR Section 47-25.2, Adequacy Requirements

### ***Downtown Master Plan Standards - Alternate Design***

In accordance with ULDR Section 47-13.20.J.3, in the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B, Downtown Master Plan Standards, the developer may submit the design of the proposed development for review and approval by the City Commission if the alternative design meets the overall intent of the Downtown Master Plan. Regarding specific DMP dimensional standards, the applicant is requesting alternate design solutions for the building tower stepback and building tower separation, as follows:

- **Principles of Building Design - Building Tower Stepback:**  
Projects in the Downtown RAC are required to provide a 15-foot tower stepback. The applicant is proposing to reduce this distance for tower stepback to include balconies and architectural elements that vary between three feet, eight inches (3'- 8") to five (5') feet in width. The resulting stepback will be ten (10') feet to eleven-feet, eight inches (11' - 8").
- **Principles of Building Design - Building Tower Separation:**  
Projects in the Downtown RAC are required to provide a 60-foot tower separation distance, with a 30-foot minimum on the subject property since it is adjacent to an abutting lot under separate ownership. The applicant is proposing to reduce this distance for tower separation to include balconies and architectural elements that vary between three feet, eight inches (3'- 8") to five (5') feet in width. The resulting tower separation will range from twenty-five (25') feet to twenty-six feet, four inches (26' - 4") to lot lines.

Table 1 provides a summary of the quantitative dimensions in the DMP and those proposed for the project.

**Table 1 – DMP Requirements Comparison Summary**

<b>Near Downtown Character Area Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies or Deviation Request</b>
<b>Maximum Building Streetwall Length</b>	300 feet	218 feet (NE 4th Ave) 123 feet (NE 4th St)	Complies
<b>Maximum Tower Floorplate Size</b>	12,500 square feet	11,322 square feet	Complies
<b>Maximum Podium Height</b>	7 floors	7 floors	Complies
<b>Minimum Tower Stepback</b>	15 feet	10 feet - 11 feet 8 inches	<b>Deviation Request</b>
<b>Minimum Tower Separation</b>	30 feet (to lot lines)	25 feet – 26 feet 4 inches (to lot lines)	<b>Deviation Request</b>
<b>Minimum Residential Unit Size</b>	400 square feet	512 square feet	Complies

### ***Adequacy Requirements***

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 service is provided 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 sufficient water and wastewater capacity exists for the project and no improvements are needed. The Water and Sewer Letter is attached as Exhibit 5.

**Parking and Transportation Network**

Vehicular ingress and egress to the site is located on NE 4th Avenue and NE 4th Street. The proposed project will contain a curb cut on NE 4th Avenue for access into the garage and to the loading area. A curb cut on NE 4th Avenue is proposed for a passenger drop-off area and ground floor parking.

Pedestrian enhancements are proposed along the south and west property frontages within the streetscape improvements per the DMP. The applicant is proposing to provide 270 parking spaces on-site and resident bike storage space in the parking garage. Table 2 provides a breakdown of the total parking for the site based on Transit Oriented Development parking ratios encouraged in the DMP.

**Table 2 – Parking Summary**

Use	Units/Square Footage	Parking Ratio	Required
Residential	270 units	1 space per unit	270 spaces
Commercial	2,680 square feet	Exempt	0 spaces
<b>Required</b>			<b>270 spaces</b>
<b>Provided</b>			<b>270 spaces</b>

In addition, the applicant has submitted a Traffic Study identifying that the project will generate 1,226 new net daily vehicular trips in the area with a net increase of 78 AM peak trips and 93 PM peak trips. The Traffic Study, dated June 2022, prepared by the applicant's consultant, DC Engineers, Inc. indicates that there are impacts on the roadway network, which have been identified as conditions stated herein. The Traffic Study is attached as Exhibit 6.

**Residential Unit Allocation**

The Comprehensive Plan requires that the City track development in the Downtown RAC and monitor the number of units allocated to individual projects. The subject property is also located within the City's Unified Flex Zone and is eligible for residential flex unit allocation. Should the allocation of the 270 residential flex units be approved, 4,757\* residential flex units will remain which includes the last remaining release from Broward County Planning Council (BCPC) of the City's available flex units. Table 3 identifies a breakdown of flex unit allocation to date. The proposed project is included in the pending total provided in the table.

**Table 3 – Unified Flex Summary**

	<b>Flex Units</b>
<b>Permitted</b>	12,008
<b>Assigned to Date</b>	6,981
<b>Pending</b>	270
<b>Remaining*</b>	4,757*

*\*Remaining number of units includes projects under review pending approval.*

Should the City Commission approve the Site Plan Level II Development Permit, the following conditions apply:

1. At time of building permit submittal, the applicant must submit the Final School Capacity Availability Determination (SCAD) letter and provide a copy of the Final SCAD letter to the Development Services Department.
2. Prior to issuance of building permit, applicant will be required to pay the Park Impact Fees for the proposed residential units in accordance with ULDR Section 47-38A, Park Impact Fees.
3. Any proposed drainage well, manhole, pull box, or other utility installed in the sidewalk must be flat, ADA (American Disability Act) compliant and not negatively impact the effective width of the sidewalk's clear path.
4. The City reserves the right to meter on-street parking stalls within the public right-of-way at any time.
5. Prior to Final Development Review Committee (DRC) approval include the following note on the site plan for the on-street parking must be added, "None of the on-street spaces are reserved for the development and may be used by any member of the public. On-street spaces will not count towards the parking requirements for the project; the spaces may be removed at any time for any reason and the City of Fort Lauderdale will not relocate displaced on-street parking."
6. In accordance with the Water and Wastewater Capacity Availability letter issued by the City's Public Works Department, dated September 23, 2022, the existing wastewater distribution system requires improvements to accommodate flow increase from the proposed development. Capital improvement project #12605, once completed, should expand the wastewater capacity required to serve the proposed development, as detailed in the letter. Applicant understands the limitations and restrictions to the issuance of the Certificate of Occupancy as it will not be issued until the expanded wastewater system is fully functional through the completion of above mentioned CIP project.

7. Prior to Final Survey Approval, applicant shall record a pedestrian sidewalk easement along the east side of NE 5th Avenue to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
8. Prior to Final Survey Approval, applicant shall record a pedestrian sidewalk easement along the north side of NE 4th Street to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
9. Prior to Final Survey Approval, applicant shall record a public right-of-way easement along the east side of NE 5th Avenue consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
10. Prior to Final Survey Approval, applicant shall dedicate a minimum of ten (10) foot by fifteen (15) foot utility easement for any of the proposed four (4) inch water meter vault located within the proposed development and outside of existing right-of-way.
11. Prior to Final Survey Approval, applicant shall coordinate a Maintenance Declaration with the with the City for the property frontage along NE 5th Avenue and NE 4th Street. Proposed improvements within adjacent City right-of-way include concrete/specialty sidewalk, driveway paving, on-street parallel parking, concrete curb, landscaping, structural soil, and irrigation as depicted on the maintenance agreement exhibit sheet.
12. Applicant will be responsible for maintenance of proposed storm drain infrastructure improvements located within adjacent City Right-of-Way during a one-year warranty period, until accepted by the City's Public Works Department.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *2022 Commission Priority*, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

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

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

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

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 1, Objective 2.4, Policy 2.4.1, Create a vibrant mixed-use downtown through

the Downtown Master Plan.

- The Urban Design Element
- Goal 1.1, Strengthen the urban form throughout the City by building upon the character and fabric of the built environment while allowing complementary new development through urban design criteria that supports exceptional sense of place.

**Attachments**

Exhibit 1 – Location Map

Exhibit 2 – DRC Case Comment Report

Exhibit 3 – Application and Project Narratives

Exhibit 4 – Site Plan Set

Exhibit 5 – Water and Sewer Availability Letter

Exhibit 6 – Traffic Study Executive Summary

Exhibit 7 – FAA Letter

Exhibit 8 – Resolution Approving

Exhibit 9 – Resolution Denying

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