



**PRELIMINARY DRC APPROVAL**

Downtown Regional Activity Center

**IMPORTANT:** Pursuant to Unified Land Development Regulations (ULDR) Sec. 47-13.20.N.2, Downtown RAC review process and special regulations, final approval of a preliminary Development Review Committee (DRC) application shall not take effect, nor shall a building permit be issued, any sooner than 30 days after the approval date, and then only if no motion is adopted by the City Commission seeking to review the application during this period.

To comply with ULDR Sec. 47-26.A.2, City Commission Request for Review, the City Commission must notify the Department of its intent to call the item up prior to the end of the 30-day period; **October 10, 2021**. A motion to set a hearing to review the decision by the DRC shall then be considered, which could take place on the next available City Commission meeting on **September 21, 2021** or **October 5, 2021**.

If the City Commission would like to review the application, please provide a statement of intent via e-mail to Jeff Modarelli, City Clerk, and copy Chris Lagerbloom, City Manager; Alain Boileau, City Attorney and Anthony Greg Fajardo, Director, Department of Sustainable Development. If the City Commission does not intend to review the application, notification of such prior to the end of the 30-day period is requested so the applicant can proceed with the permitting process in a timely manner.

**Start of 30-day period:** September 10, 2021  
**Expiration of 30-day period:** October 10, 2021

**Case Number:** PLN-SITE-19120003  
**Project Name:** RK Center Residences - Parcel 3  
**Applicant/Agent:** Courtney Crush, Crush Law, P.A.  
**Location:** 450 NE 9<sup>th</sup> Street  
**Zoning District:** Regional Activity Center - Urban Village (RAC-UV)  
**Project Description:** Proposed Mixed Use Development  
Uses: 135 Residential Units  
15,601 Square-feet of Retail, Art Studio Uses  
4,770 Square-feet of Restaurant Use  
Lot Size: 38,247 Square-feet / .87 Acres  
Height: 15 Floors / 162 Feet  
Parking: 232 parking spaces provided

**Commission District:** 2 – Steven Glassman

### **Project Background:**

The applicant is proposing to redevelop the existing parcel of land bound by NE 9<sup>th</sup> Street to the north, NE 5<sup>th</sup> Avenue to the east, and NE 4<sup>th</sup> Avenue to the west. The subject property contains existing surface parking for the Searstown shopping center. The site is located in the Downtown Regional Activity Center and is subject to the Downtown Master Plan (DMP) guidelines.

The development application for this project was submitted on December 13, 2019, prior to the codification of the DMP. It should be noted that the application was reviewed for consistency with the DMP design guidelines and intent with an evaluation of any site-specific design features proposed to meet the intent of the design guidelines, which have been identified herein. There are two associated applications: "RK Center Mixed-Use – Parcel I" / Case No. PLN-SITE-19120001, and "RK Center Mixed-Use with Hotel – Parcel II" / Case No. PLN-SITE-19120002, provided concurrent with this Preliminary DRC Approval Memorandum.

The project was reviewed by the Development Review Committee (DRC) on January 14, 2020. All comments have been addressed and are available on file with the Department of Sustainable Development. Specific conditions of approval have been identified at the conclusion of this memo.

### **Staff Analysis:**

The project is located in the "Near Downtown" Character Area as defined in the DMP, which identifies the vision for the area with an urban form reflective of strong building street presence, six to eight floor building shoulder with towers stepped back above, and variety of uses with emphasis on residential use. As proposed, the site design contains a single building footprint with pedestrian enhanced streetscape along all three street frontages. The building contains extensive amount of fenestration on the upper levels and the parking podium is screened with architectural screening material. The building is designed with a distinct mid-century style to reflect the design of the associated case for Parcel 1 across the street.

Building tower contains 135 residential units at 16 floors. The ground level contains restaurant use and retail use adjacent to the main entrance to the building at the northeast corner of the site. Back of house activity is accessible from NE 4<sup>th</sup> Avenue, which includes loading area and refuse collection. Parking for residential is calculated at 1.2 spaces per unit and 1 space per 100 square feet for restaurant use with retail use calculated at 1 space per 250 square feet and art studios at 1 space per 400 square feet. The project will also contain bicycle storage for 81 bikes and access to transit.

The applicant has demonstrated compliance with the following DMP design intents:

- Principles of Street Design  
The streetscape designs for NE 9<sup>th</sup> Street, NE 4<sup>th</sup> Avenue, and NE 5<sup>th</sup> Avenue include shade trees, clear pedestrian sidewalks averaging 10 feet, minimum curb cuts, and, where possible, on-street parking.

- Principles of Building Design  
The building is placed on the subject site in a manner that creates a consistent streetwall and frames the street with active ground level activity and pedestrian level shading devices.
- Quality of Architecture  
The project contains high quality building materials, incorporates a consistent thematic style reflective of a mid-century architecture which blends into the existing surrounding building fabric.

Regarding specific dimensional elements in the DMP, the applicant provides site design solutions for certain quantitative dimensions proposed for the project to meet the intent of the DMP. A summary is provided below.

- Building Height  
The proposed project contains a single tower at 16 floors, which meets the height outlined in the DMP.
- Streetwall Length  
The proposed project contains streetwall length that meets the maximum length outlined in the DMP. The streetwall length along NE 9<sup>th</sup> Street is 130 feet, NE 4<sup>th</sup> Avenue is 125 feet, and NE 5<sup>th</sup> Avenue is 170 feet, respectively.
- Floorplate Size  
Floorplate size applies to building towers, which in the "Near Downtown" Character Area is applied for the portion of the building above the building podium height of seven floors which is limited to 12,500 square feet with buildings up to 15 floors limited to 18,000 square feet. The tower has a floorplate size of 14,897 square feet, which is permitted for buildings up to 15 floors in height.
- Parking Podium  
The proposed project contains a parking podium height of five floors which meets the limitation of seven floors for the "Near Downtown" Character Area.
- Tower Stepback  
Similar to floorplate size, tower setbacks apply to building towers, which in the "Near Downtown" Character Area is the portion of the building above the building podium height of seven floors. As proposed, the tower setback along NE 9<sup>th</sup> Street is 20 feet with an encroachment of for balconies. The same occurs for the NE 5<sup>th</sup> Terrace setback and NE 4<sup>th</sup> Avenue.
- Tower Separation  
Tower separation applies to the property toward the south and a small portion to the north. The proposed project is meeting the tower separation for the south; however, the distance to the south is slightly less than the required 30 feet due to an architectural decorative element.
- Minimum Unit Size  
Although the project is not subject to the minimum residential unit size of 400 square feet, such minimum is being met. The project proposes to have a

minimum unit size of 450 square feet for studio, 600 square feet for one bedroom and two-bedroom being 1,000 square feet, respectively.

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

**Table 1 – DMP Design Guideline Comparison Summary**

DMP	Near Downtown	Proposed	Complies or Meets Intent
<b>Maximum Building Height</b>	30 Floors	16 Floors / 162 Feet	Complies
<b>Maximum Building Streetwall</b>	300 Feet	170 Feet (Fronting NE 5 <sup>th</sup> Avenue) 130 Feet (Fronting NE 9 <sup>th</sup> Street) 125 Feet (Fronting NE 4 <sup>th</sup> Avenue)	Complies
<b>Maximum Tower Floorplate Size (Square Feet)</b>	18,000 (up to 15 floors) 12,500 (above podium)	14,897	Complies
<b>Maximum Building Podium Height</b>	7 Floors	5 Floors	Complies
<b>Minimum Building Tower Stepback</b>	15 Feet	12 Feet (Fronting NE 5 <sup>th</sup> Avenue) 12 Feet (Fronting NE 9 <sup>th</sup> Street) 12 Feet (Fronting NE 4 <sup>th</sup> Avenue)	Meets Intent
<b>Minimum Tower Separation</b>	30 Feet	28 Feet	Meets Intent
<b>Minimum Residential Unit Size (Square Feet)</b>	400	450 (studio) 600 (one bedroom) 1,000 (two bedroom)	N/A

Transportation and Traffic

The applicant submitted a Traffic Study identifying that the three projects will generate 3,142 new net daily vehicular trips in the area with 449 AM peak trips and 134 PM peak trips. The totals reflect the two associated applications for Case No. PLN-SITE-19120001 and Case No. PLN-SITE-19120002 completed as one study for the purpose of understanding the overall impacts. The Traffic Study, dated August 2021, prepared by the applicant's consultant Keith, indicates that the surrounding roadway network has sufficient capacity to accommodate the additional vehicular trips from the proposed development and that new traffic will not have a negative impact on the surrounding roadway network and have slight increases in delays at intersections. It is recommended that the developer request traffic signal timing be coordinated for optimization of traffic signals in the area.

Adequacy Requirements

Water and wastewater are serviced by the City of Fort Lauderdale and a capacity letter was issued by the City's Public Works Department identifying the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. A review of the utility services impacted by the development indicate that

improvements to the sanitary sewer mains would be necessary to adequately serve the development. The applicant will need to construct/upsized approximately 2,290 linear feet of gravity sewer to at least a 14-inch pipe along NE 5th Avenue and approximately 600 linear feet of gravity sewer to at least an 18-inch pipe along NE 6th Street. These minimum improvements will allow the gravity mains to sufficiently handle the proposed and existing flows in the contributing area. The size of the pipes shall be designed in consultation with the City's Public Works Department, Utilities Division. The proposed *Flagler Village Pump Station A-24* is estimated to become operational sometime during Fiscal Year 2024 provided unforeseen circumstances are not encountered. Therefore, the timeline of all improvements must be coordinated in advance with the City's Public Works Department and any certificate of occupancy cannot be issued until the expanded wastewater system is fully functional. The analysis was reviewed in conjunction with the associated projects, Case No. PLN-SITE-19120001, and Case No. PLN-SITE-19120002. The improvements described in the capacity letter are included in the conditions of approval stated herein.

Residential Flex Units

The subject property is located within the City's Unified Flex Zone and is eligible for residential flex unit allocation. Should the allocation of the 797 residential flex units be approved, 3,137 residential flex units will remain. The Broward County Planning Council (BCPC) releases flex units in increments of 5,000 and the City has additional flex units in the total flex unit count yet to be released. Table 2 identifies a breakdown of flex unit allocation to date. The proposed project is included in the pending total.

**Table 2 – Unified Flex Summary**

DMP	Flex Units
Permitted	10,280*
Assigned to Date	3,181
Pending	3,962
Remaining	3,137

*\*Broward County Planning Council releases increments of 5,000 flex units based on the City's total flex unit count.*

Public Participation

Public participation is not required for this application. However, the applicant was encouraged and held a number of public meetings regarding the project. A list depicting the meetings conducted by the applicant is attached as Exhibit 5.

Summary of Exhibits

A location map is attached as Exhibit 1. Applicant's narratives and a reduced set of plans with elevations and renderings are attached as Exhibit 2. Traffic Study Executive Summary is attached as Exhibit 3. The City's Water and Wastewater Capacity Analysis Letter is attached as Exhibit 4. Applicant's Public Outreach Meeting List is attached as Exhibit 5. Complete hard copy plans of the development application are available for review upon request.

**Conditions of Approval:**

1. 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.
2. Prior to building permit submittal, the applicant must provide a Final School Capacity Availability Determination (SCAD) letter and provide a copy of the letter to the City.
3. Prior to Certificate of Occupancy, the applicant shall construct and upsize approximately 2,290 linear feet of gravity sewer to at least a 14-inch pipe along NE 5th Avenue and approximately 600 linear feet of gravity sewer shall be upsized to at least an 18-inch pipe along NE 6th Street. The size of the pipes shall be designed in consultation with the City's Public Works Department, Utilities Division. The proposed Flagler Village Pump Station A-24 is estimated to become operational sometime during Fiscal Year 2024 provided unforeseen circumstances are not encountered. Therefore, the timeline of all improvements must be coordinated in advance with the City's Public Works Department. Any Certificate of Occupancy will not be issued until the expanded wastewater system is fully functional.
4. Prior to issuance of Certificate of Occupancy, Provide Maintenance Agreement Area Exhibit, which provides a visual representation of the area within the adjacent public Right-of-Way (adjacent to the proposed development) to be maintained in perpetuity by the developer. Label whether the adjacent Right-of-Way is FDOT, BCHCED, or City jurisdiction, as well as label all proposed improvements, including asphalt and other specialty paving, specialty sidewalks, landscaping, irrigation, lighting, curb and gutter etc. that will be maintained by the applicant throughout the life of the improvements. Perpetual maintenance of newly constructed exfiltration trenches, inlets, etc. within adjacent City Right- of-Way will typically revert to the City, upon successful inspection/acceptance by Public Works after 1-year warranty period.
5. Prior to issuance of Certificate of Occupancy, applicant shall execute a license agreement allowing and defining access to public spaces during hours of operation.

**Staff Contact:** Jim Hetzel, 954-828-5019

**APPROVAL DATE:** September 3, 2021

**Exhibits:**

1. Location Map
2. Applicant's Narratives, Reduced Plans with Elevations and Renderings
3. Traffic Study Executive Summary, August 2021, Keith
4. City's Water and Wastewater Analysis Letter
5. Public Outreach Meeting List