



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

24-1141

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

FROM: Susan Grant, Acting City Manager

DATE: December 3, 2024

TITLE: Second Reading – Quasi-Judicial Ordinance Rezoning of 0.62 Acres from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Community Business (CB) District, With Allocation of 0.62 Acres of Nonresidential Flex Acreage and Approval of an Associated Development Permit for a Five-Story Parking Garage With 302 Parking Spaces, 6,000 Square Feet of Restaurant Use, 11,036 Square Feet of Retail Use and an 8,570 Square-Foot Fire/EMS Station – City of Fort Lauderdale – 216 SE 8th Avenue – Case No. UDP-SR23001 – **(Commission District 4)**

Recommendation

Staff Recommends the City Commission consider an application for the rezoning of 0.62 acres of land from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Community Business (CB) District through the allocation of 0.62 acres of commercial flex acreage and approval of an associated development permit for a five-story parking garage with 302 parking spaces, 6,000 square feet of restaurant use, 11,036 square feet of Retail use and an 8,570 square-foot Fire/EMS station at 216 SE 8th Avenue.

Background

The City entered into a Comprehensive Agreement with Las Olas Parking Solutions, LLC., on July 31, 2023. This Agreement requires that Las Olas Parking Solutions, LLC. develop a parking garage, retail space and a Fire/EMS Substation. The subject property is zoned Regional Activity Center – East Mixed Use (RAC-EMU) District and RMM-25, with corresponding future land use designations of Commercial and Medium-High Residential, respectively. The applicant is requesting to rezone the western 0.62-acre portion of the site from RMM-25 to CB, with the allocation of 0.62 acres of commercial flex acreage, for the proposed mixed-use structure. The Location map is attached as Exhibit 1. The application and sketch and legal description are attached as Exhibit 2. The site plan and elevation plans are attached as Exhibit 3. The applicant's narrative responses to the criteria are attached as Exhibit 4.

The Development Review Committee (DRC) reviewed the proposal on September 12, 2023. All comments have been addressed and are available on file with the Development Services Department.

Section 166.033, Florida Statutes requires municipalities to take final action on a development permit application subject to quasi-judicial or public hearing processes within 180 days of the application being deemed complete. The application was deemed complete on August 22, 2023. The applicant agreed to an extension of time, as permitted by Section 166.033(1), Florida Statutes, to December 20, 2024, to accommodate the City Commission review process. The project was reviewed by the Development Review Committee (DRC) on February 27, 2024, and presented to the Planning and Zoning Board (PZB) on September 18, 2024. The September 18, 2024, PZB Staff Report and September 18, 2024, PZB meeting minutes are attached as Exhibit 5 and Exhibit 6, respectively.

Review Criteria:

The following criteria apply to the proposed request:

- 47-6.10, Permitted and Conditional Uses in CB District
- 47-13.20, Downtown RAC Review Process
- 47-24.4, Rezoning
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements
- 47-28, Flexibility Rules

Rezoning Requirements

Pursuant to Section 47-24.4- Rezoning, an application for a rezoning shall be reviewed in accordance with the following criteria:

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

The property has a Medium-High Residential future land use designation. Future Land Use Element Policy 1.1.12 permits office and retail uses on properties with a residential future land use designation, subject to the allocation of commercial flexibility acreage supported by Objective FLU 1.2 regarding the utilization of flexibility rules and Policy 1.2.3.a permitting areas with a residential land use to be used for neighborhood commercial uses. Once commercial flexibility is allocated, the proposed CB zoning district will be consistent with the City's Comprehensive Plan. In addition, the rezoning supports Future Land Use Objective FLU 2.4 which supports growth in the Downtown area and Policy FLU 2.4.1 which encourages creating a vibrant mixed-use Downtown.

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

The rezoning to CB will not adversely impact the character of the surrounding area. The Las Olas Boulevard corridor is generally characterized by commercial uses facing Las Olas Boulevard and parking along SE 2nd Street. The CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit

impact on the surrounding residential neighborhoods to be served by the commercial businesses.

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 rezoning to CB is compatible with the surrounding districts and uses. Located on the north side of SE 2nd Court are several single-family dwellings and a five-unit multifamily residential building. To the east and west of the site are surface parking lots. To the south is the Las Olas Boulevard commercial corridor.

Please refer to Table 1 below for a general comparison of permitted uses in the RMM-25 and CB zoning districts. For a detailed list of uses within the CB zoning district, refer to ULDR Section 47-6.10., List of Permitted and Conditional Uses, Community Business (CB) District.

Table 1: General Comparison of Permitted Uses

<i>Existing Zoning District (RMM-25)</i>	<i>Proposed Zoning District (CB)</i>
Residential Uses	Automotive
Public Purpose Facilities	Boats, Watercraft and Marinas
Child Daycare Facilities	Commercial Recreation
Nursing Home Facilities	Food and Beverage Service
<i>Accessory Uses, Buildings and Structures</i>	Lodging
Urban Agriculture	Public Purpose Facilities
	Retail Sales
<i>Conditional Uses</i>	Services/Office Facilities
Community Residents	Accessory Uses, Buildings and Structures
Lodging	
Mixed-Use Development	<i>Conditional Uses</i>
House of Worship	Marina
School	Mixed Use Developments
Social Service Residential Facility	Social Service Residential Facility
Small and Intermediate Child Daycare Facility	Hospital
	Adult Gaming Center
	Nursing Home

Refer to Table 2 below for a comparison of dimensional requirements between the RMM-25 and CB zoning district.

Table 2: Comparison of Dimensional Requirements

Requirements	Existing Zoning RMM-25	Proposed Zoning CB
Maximum building height (ft.)	55 ft	150 ft
Minimum front yard (ft.):	25 ft	5 ft
Minimum side yard (ft.):	5 ft	0 ft
When Abutting Residential	None	10 ft
Minimum rear yard (ft.):	15 ft	0 ft
When Abutting Residential	None	15 ft
Corner yard (ft.)	25% of lot width, not less than 10 ft, not greater than 25 ft	5 ft

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. The Water and Wastewater Capacity Availability Letter issued by the City of Fort Lauderdale Public Works Department on March 25, 2024, states that the sewer infrastructure requires improvements to meet the increased demand of the proposed project, and a condition has been included herein addressing completion of any necessary improvements prior to obtaining a master building permit for the project. The existing water infrastructure has the capacity to support the proposed development. The capacity letter is attached as Exhibit 7.

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 neighborhood, 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, and alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts”.

The property is located one block north of Las Olas Boulevard. The garage is intended to help alleviate traffic along SE 8th Avenue due to business customers and visitors circulating to find parking. The Fire/EMS facility will provide emergency services to the surrounding area which is needed at this location. The building façades facing the residential neighborhood provide a variety of architectural features including shading devices, awnings, clear glass storefronts, and a variety of garage screening materials to break up the massing. A new fence will screen the existing lift station at the northwest corner of the site.

Flexibility Rules:

Pursuant to Section 47-28.3.E.1.- Flexibility Rules - Allocation of Nonresidential Flex Acreage on Residential, Employment Center, and Industrial Land Use Designated Parcels, the City may permit commercial uses on a parcel with a residential land use designation subject to the following conditions:

- a. Rezoning of the development site to community business (CB) only, or to exclusive use (X-Use).

The Applicant is proposing to rezone the parcel to CB.

- b. No more than five (5) percent of the total area within the citywide flex zone that is designated residential on the City's plan may be rezoned to CB or X-Use.

There is a total of 519.60 acres designated residential within the citywide flex zone of which 0.0064% has been rezoned to CB or X-use. The proposed rezoning brings the percentage to 0.0066%.

- c. The parcel proposed for CB or X-Use use shall not be greater than ten (10) contiguous acres.

The subject parcel is .62 acres.

- d. Development applications for mixed use shall meet the provisions of Section 47-18.21, Mixed Use Development.

Not applicable.

- e. Site Plan Level IV development permit approval in accordance with Section 47-24.2, and Rezoning in accordance with Section 47-24.4, Development Permits and Procedures.

Acknowledged.

Parking and Circulation:

The applicant is proposing to provide 302 parking spaces within the parking garage. Table 3 shows the required parking spaces for each specific use in accordance with ULDR Section 47-20, Parking Requirements.

Table 3 – Parking Requirements

CB Uses	Area SF	Ratio	Required	Provided
Fire Station	7 beds	2/bed	14	14
Restaurant	3,000 SF	1/100 SF	30	30
Retail	8,786 SF	1/250 SF	35	35
RAC-EMU Uses	Area SF	Ratio	Required	Provided
Restaurant	3,000 SF	1/100 SF	3*	0
Retail	2,168 SF	1/250 SF	5**	0
Total Spaces Required				87
Total Spaces Provided				302

* The first 2,500 square feet of commercial space is exempt in the RAC-EMU

** 60% of parking requirement applies for square footage above 2,500 square feet

Vehicles will enter and exit the site through the parking garage located on SE 8th Avenue. The Fire/EMS substation will have access from SE 2nd Court for the two emergency vehicle bays. The applicant submitted a traffic statement, dated March 14, 2024, prepared by DC Engineers, Inc. with an analysis performed using rates and formulas published in the Institute of Transportation Engineer's (ITE) Trip Generation Report (11th Edition). The proposed development is expected to produce 941 vehicle trips per day with 25 vehicle trips occurring during the AM peak hour, and 81 vehicle trips occurring during the PM peak hour. Based on the traffic statement, a traffic study is not required. The City's Transportation and Mobility Department concurs with these findings. The Traffic Statement is attached as Exhibit 8.

Comprehensive Plan Consistency

The proposed parking garage and rezoning is in alignment with the objectives of the Economic Development Element of the Comprehensive Plan, specifically, Objective ED 2.2: Community Investment, that supports economic development throughout the City's neighborhoods through infrastructure improvements and investments in development. The proposed development is further supported through the Future Land Use Element, Objective FLU 2.1: Neighborhood Compatibility, which helps mitigate the intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and buffering requirements. In addition, the proposed Fire/EMS

substation supports Coastal Management, Community Health and Safety Management Objective CM 4.5 ensuring proactive measures to enhance community safety and Policy CM 4.5.2 regarding regularly evaluating and determining the need for new fire stations.

To permit commercial uses in a residential land use designation, the allocation of flex acreage is required per the City’s Comprehensive Plan, Objective 1.2: Utilization of Flexibility Rules, Use of Flexibility and Irregular Density Provision. The tables below provide a summary of commercial flex acreage. The table below shows the commercial flex acreage allowed to be flexed on residential land use. To date 3.43 acres have been allocated, with the current request of 0.62 acres there will be 515.55 acres remaining for future allocation. As indicated in Table 4 below, commercial flex acreage is available for the proposed development.

Table 4 – Commercial Flex Acreage

	Residential to Commercial Flex Acreage
Total Permitted	519.6
Assigned to Date	3.43
Pending	0.62
Remaining Commercial Flex Acreage	515.3

Public Participation:

The application is subject to the public participation requirements established in ULDR Section 47-24.1. F.14. According to the applicant, mail notification was sent to property owners within 300 feet of the subject property and a public participation meeting was held on August 15, 2024, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed project.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a FY 2024 Commission Priority, advancing the Public Places.

This item supports the Press Play Fort Lauderdale 2029 Strategic Plan, specifically advancing:

- The Business Growth and Support, Goal 6: Build a diverse and attractive economy.

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 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.
- Goal 3: Promote the advancement of great neighborhoods throughout the implementation of the Goals, Objectives and Policies of this plan in compliance with the Broward County Land Use Plan and State Regulations.
- The Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Application and Sketch and Legal Description

Exhibit 3 - Site Plan and Elevations

Exhibit 4 - Applicant's Narrative Responses to Criteria

Exhibit 5 - September 18, 2024, Planning and Zoning Board Staff Report

Exhibit 6 - September 18, 2024, Planning and Zoning Board Minutes

Exhibit 7 - Traffic Impact Statement

Exhibit 8 - Water and Wastewater Capacity Availability Letter

Exhibit 9 - Business Impact Estimate

Exhibit 10 - Ordinance

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