



REQUEST: Site Plan Level IV Review: Rezoning from Residential Single Family/Low Medium Density (RS-8) to Community Business (CB) with 0.25 acre of Commercial Flex Allocation / Waterway Use / Conditional Use for 34-slip Marina with 2,400 Square-Foot Storage Building and 1,553 Square-Foot Crew Club Building

Case Number	ZR17007			
Applicant	Pier 17 Investments 2014, LLC.			
General Location	1500 SW 17th Street			
Property Size	206,066 square feet / 4.731 acres			
Current Zoning	Industrial (I) and Residential Single Family/Low Medium Density (RS-8)			
Proposed Zoning	Industrial (I) and Community Business (CB)			
Existing Use	Vacant (previous use: Marina and Boatyard)			
Proposed Use	Marina			
Future Land Use Designation	Industrial and Low-Medium Residential Density			
Applicable ULDR Sections	47-7.20, Additional requirement for conditional uses in the Industrial (I) District 47-23.8, Waterway Use 47-24.4, Rezoning Criteria 47-24.3, Conditional Use Permit 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28, Flexibility Rules			
	Required (I)	Required (CB)	Proposed (I)	Proposed (CB)
Lot Density	N/A	N/A	N/A	N/A
Lot Size	None	None	195,219 square feet/ 4.48 acres	10,847 square feet/ 0.25 acres
Lot Width	None	None	1,062 feet	
Building Height	150 feet (max)	150 feet (max)	24 feet	
Structure Length	N/A	N/A	80 feet and 51 feet, 4 inches	
Floor Area	N/A	N/A	3,953 square feet	
Landscape Area	7,352 square feet (min)		40,455 square feet	
Parking	34 spaces		48 spaces	
Setbacks/Yards	Required (I)	Required (CB)	Proposed Clubhouse (I)	Proposed Storage (I)
Front (N)	30 feet	5 feet	55.4 feet	32.1 feet
Side (E)	None	5 feet	770.2 feet	1,032.8 feet
Side (W)	None	None	259.4 feet	11 feet
Rear Yard (S)	None	None	105.6 feet	121.8 feet
Notification Requirements	Sec. 47-27.6 Sign Notice 15 days prior to meeting Sec. 47-27.4 Public Participation Section 47-27.6 Mail Notice (300 foot radius), 10 days prior to meeting			
Action Required	Approve, Approve with Conditions, or Deny			
Project Planner	Florentina Hutt, AICP, Planner III			

PROJECT DESCRIPTION

The applicant, Pier 17 Investments 2014, LLC, is proposing to construct a 34-slip Marina for 55 boats. The project contains two buildings on site; a one-story Crew's Club consisting of 1,553 square feet and one-story Storage Building consisting of 2,400 square feet, which is an accessory use to the marina, intended to be used by the marina tenants.

The applicant is proposing to rezone the Residential Single Family/Low Medium Density (RS-8) portion of the property to Community Business (CB) utilizing commercial flex. The residential portion of the property has an underlying land use of Low-Medium Residential Density. Pursuant to City's Unified Land Development Regulations (ULDR) Section 47-28.1.G.1, Allocation of commercial uses on residential land use designated parcels; the commercial use is permitted if the allocation of commercial flex does not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.6 acres available for commercial flex use. The area to be rezoned is 0.25 acres and if approved, 519.3 acres of commercial flex will remain for commercial flex allocation. The proposed rezoning complies with the requirements for commercial flex allocation.

PRIOR REVIEWS

The Development Review Committee reviewed the proposal on May 23, 2017. All comments have been addressed. The DRC record is available on file with the Department of Sustainable Development.

REVIEW CRITERIA

The following criteria apply to the proposed request:

- 47-23.8, Waterway Use
- 47-24.4, Rezoning Criteria
- 47-24.3, Conditional Use Permit
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements
- 47-28, Flexibility Rules

Waterway Use

Pursuant to the City's ULDR Section 23.8, Waterway Use, the project shall demonstrate compliance with criteria for waterway use, which state that buildings and land uses on parcels abutting waterways in nonresidential districts and in multifamily districts shall be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. Special design provisions are required to realize these objectives, and at the same time permit a reasonable use of land based on site and building design, setbacks, landscaping provisions and their relation to the waterway, other uses within the existing context and the overall public realm.

The applicant is proposing a design that is sensitive to the surrounding neighborhood and provides enhanced views to the waterway by proposing an open-air marina with floating docks that house 55 boats. In addition, substantial distance is provided between the clubhouse, the storage building, and the neighboring properties for the purpose of allowing light, air, and view corridors to the waterway as intended by this code section. The requirement for a 20 foot landscaped yard abutting the waterway does not apply to a marina use pursuant to ULDR Section 23.8.B.1.

Rezoning Criteria:

Per the City's ULDR Section 47-24.4.D, 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 proposed rezoning to CB is consistent with the City's Comprehensive Plan through the allocation of commercial flex. The commercial use is permitted if the allocation of commercial flex does not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.6 acres available for commercial flex use. The area to be rezoned is 0.25 acres and if approved, 519.3 acres of commercial flex will remain for commercial flex allocation. The proposed rezoning complies with the requirements for commercial flex allocation.

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 rezoning to CB, in association with the Industrial zoned portion of the property, will allow the entire site to be used and function as a marina. The proposed development is in character with the neighboring properties to the south which also incorporate marinas and boat related uses along the waterway adjacent to residential neighborhoods.

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 surrounding properties have a Land Use designation of Industrial, Commercial, Park-Open Space, and Low-Medium Residential, with associated zoning classifications of Industrial (I), Heavy Commercial/Light Industrial (B-3), Park and Open Space (P) and Residential Single Family/Low Medium (RS-8), respectively. The proposed rezoning does not introduce a new use into this neighborhood, as there are existing marina uses to the south surrounded by residential. The proposed design of the marina is also compatible with the residential neighborhood to the north, by preserving and enhancing views to the water, thus improving the quality of the neighborhood.

Conditional Use

Per the ULDR Section 47-25.2, Conditional Use Permit Requirements the following criteria apply:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements of Section 47-25.3;

The proposed development is a marina with open-air docks fronting the South Fork New River. The project is generally compatible with the uses in the surrounding area, which include marina and boat related uses to the south. Please refer to the Neighborhood Compatibility review section for additional information.

2. Access, traffic generation and road capacities; Consideration will be given to the design capacity of the adjacent roadways, the traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.

The proposed 34-slip Marina will generate approximately 133 vehicular daily trips and will have minimal impact on the adjacent roadway network. SW 17th Street has adequate capacity and it will be widened to 20 feet from its current width of 16 feet. Please refer to the Parking and Transportation review section for additional information.

3. The applicant must show and it must be found by the reviewing body that the following have been met:

- a. The location of the use or structure is not in conflict with the City's Comprehensive Plan;

The Property has a land use designation of Industrial and Low-Medium Residential. All of the proposed structures, Crew's Club and Storage Building, are located within the portion of the property with the Industrial land use designation. Moreover, per ULDR Section 24 - 23.8.c, Waterway Use, industrial zoned properties are required to be utilized for marina or related use when abutting waterways. The proposed use is consistent with the City's Comprehensive Plan on the Low-Medium Residential land use designation, subject to the allocation of commercial flex. Please refer to the Comprehensive Plan review section for additional information.

- b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;

The proposed project will reduce the impacts on the surrounding residential uses and neighborhood. The prior boatyard and repair facility will be eliminated and there will no longer be any facilities for launching or removing boats from the water. As a result, the traffic impacts in the Shady Banks neighborhood will be significantly reduced. The visual clutter is also reduced by eliminating a use which allowed boats in various states of repair.

- c. On-site improvements have been incorporated into the site plan which minimizes any adverse impacts as a result of permitting the use or structure;

The site has been designed to minimize the impacts to the surrounding areas. The change of use to a more passive marina use will significantly reduce many of the adverse impacts generated by the more active repair facility that has operated on the site for more than 65 years. The proposed development will improve the private road, SW 17th street, which will be widen from 16 feet to 20 feet and a cul-de-sac will be constructed improving access to the residential properties to the north. In addition, there will be improvements to the utilities, including the installation of a gravity sewer system, which will connect to the public sewer system as well as drainage improvements to provide for water quality pre-treatment before overflowing into the New River. Visually, the proposed marina will preserve and improve the views to the water through the use of open air docks as described under the Waterway Use analysis above.

- d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;

The location of the project does not impact the character of the zoning districts in that the use is generally consistent with the uses in the adjacent zoning districts; which include marina related uses.

- e. There are no adverse impacts of the use which affect the health, safety and welfare of adjacent properties.

The proposed project does not impact the health, safety and welfare of adjacent properties. The proposed improvements as identified on the site plan and are described herein will help mitigate these aspects.

Additional requirement for conditional uses in the Industrial (I) District

Per the City's ULDR Section 47-7.20, in addition to complying with the requirements for a conditional use permit, the following information shall be required for a conditional use permit for any industrial conditional use:

1. Requirements for an operational plan. An operational plan shall be submitted in conjunction with an application for a conditional use permit including, but not limited to, the following information, where applicable.

An operation plan for the marina is attached as Exhibit 2

- a. Methods and hours of the proposed operation;

The hours of operation for the marina are from 8:00 am to 5:00 pm. Outside of these hours, access is limited to marina staff, yacht owners, crew and their guests only.

- b. Distance of buildings and outside storage areas to nearby waterways, residences, schools, houses of worship, hospitals or parks;

The Crew Club building and storage are proposed to maintain significant distance from the waterway and the adjacent neighborhood as indicated in the site plan.

- c. Design of access streets to accommodate any heavy equipment associated within the operation.

The proposed marina is a passive marina and heavy equipment is prohibited. The operational plan prohibits 16-wheeled vehicles. During the construction of the marina, large vehicles will be limited and only used to transport construction equipment or materials, and no 18-wheeled dump trucks are permitted at any time.

2. Risk management study. A study shall be submitted which identifies impacts of the proposed or existing use and the proposed mitigation of such impacts as it relates to the neighborhood compatibility requirements, as provided in Section 47-25.3. In addition, the study shall document and support methods for controlling the impacts of the use and shall certify the effectiveness of such methods.

The neighborhood compatibility requirements, as provided in Section 47-25.3, have been addressed by the applicant, included in Exhibit 1. The methods for controlling the impacts of the marina are addressed in the Operational Plan, attached as Exhibit 2. Staff finds that proposed marina does not adverse impacts to the surrounding area, as the marina is not intended as a working yard, but rather a boutique marina for mega yachts with boat slips for passive use.

3. Environmental standards. A site plan for the proposed uses which shows how the proposed use will meet the following performance criteria:

- a. Air pollutants. Air pollutants which when measured by the pollutant standard index (PSI) related to five major air pollutants sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and total suspended particulate will not be greater than 100 as measured by the PSI scale and measures to monitor such air pollutants. Demonstration that, if beryllium, mercury, asbestos and vinyl chloride are utilized, they will meet the National Emissions Standards for Hazardous Air Pollutants (NESHAP).

The proposed use is a passive marina and it will not generate any aforementioned air pollutants.

- b. Water quality. Demonstration that water quality standards as established by the national pollutant standards, are being met.

The proposed marina does not generate any water quality issues, other than storm water runoff. The water quality for storm water is being addressed by providing a dry retention area.

- c. Industrial wastes. Identification of the presence of the toxic wastes, reactive wastes, ignitable wastes which may result from industrial and manufacturing processes, including but not limited to emission of gaseous wastes, and emission of pollutants and how the disposal or management of such waste and materials will be controlled to ensure that such operation will not pose substantial hazards to human health or the environment. If corrosive wastes are present, such wastes will be stored in special containers that cannot corrode, or controlled by some other measure to separate such wastes from other waste materials.

The proposed use is a passive marina and it will not generate any industrial waste.

- d. Prohibition on the use of certain industrial chemicals. No polychlorinated biphenyls (PCBs), toxic industrial chemicals, shall be used in the manufacture of any products.

The proposed use is a passive marina and it will not utilize any of the referenced industrial chemicals.

- e. Management of industrial materials. Demonstration that if mercury, explosives, pesticides, radioactive, flammable materials, infectious materials, arsenic, benzene and radio nuclides are being utilized, that measures are being made to ensure that the use of such materials will not pose substantial hazards to human health or the environment.

The proposed use is a passive marina and it will not utilize any of the referenced industrial materials.

- 4. Description of best management practices utilized in the industrial operation. Best management practices that aid in controlling pollution that derives from a proposed Industrial operation shall be utilized in meeting the requirements of this section. Such practices may include, but not be limited to structural controls, nonstructural controls and procedures for operation and maintenance of such uses.

The proposed use is a passive marina and it does not involve an industrial operation.

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. 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 capacity letter is attached as Exhibit 3.

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 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 Industrial zoning district requires a marina use on a property that is abutting a waterway. The site is located along South Fork New River. The proposed use is consistent with surrounding character of the neighborhood, as the properties located to the south side of the river are marina and boat related uses. The proposed design of the marina is compatible with the residential neighborhood to the north, by preserving and enhancing views to the water through

the use of open air docks, thus improving the quality of the neighborhood. The proposed development will improve the private road, SW 17th Street, which will be widen from 16 feet to 20 feet and the applicant will construct a cul-de-sac, which will improve access to the residential properties to the north. In addition, the redevelopment will include improvements to the utilities, including the installation of a gravity sewer system which will connect to the public sewer system and drainage improvements to provide for water quality pre-treatment before overflowing into the New River.

PARKING AND CIRCULATION:

Vehicular ingress and egress into the site is provided from SW 18th Avenue to SW 17th street, which is a private street. A total of 34 parking spaces are required for the proposed uses, as follows:

Table 1 – Parking Summary

Use	Parking Ratio	Required
Marina	(1/2 boat slips) X 55 boats	27.5 spaces
Crew's Club	1 space/250 square feet	6.2 spaces
Total Required		34 spaces
Total Provided		48 spaces

As noted above, the applicant has provided 48 parking spaces on site thereby providing sufficient parking per requirements. The applicant will be widening SW 17th Street from 16 feet to 20 feet and will be constructing a cul-de-sac improving access to the residential properties to the north.

A traffic impact statement, dated April 24, 2018 and prepared by KPB Consulting, Inc., concluded that based on the proposed development use, the project will generate approximately 133 new daily trips. Hence, the trips associated with the subject residential project are minimal from a traffic generation analysis. The traffic study executive summary is attached as Exhibit 4.

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 1.24, Marine Resources, Policy 1.24.2: which encourages design criteria and development standards for marinas and boat yards, as a method to protect and enhance water quality as well as the aesthetic and recreational value of the City's waterways.

The City's Future Land Use Map indicates that the project site has a land use designation of Industrial and Low-Medium Residential. The City's Comprehensive Plan permits commercial uses in residential land use designations through the allocation of commercial flex. Allocation of commercial flex is permitted but shall not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.6 acres available for commercial flex use. The area to be rezoned is 0.25 acres and if approved, 519.3 acres of commercial flex will remain for commercial flex allocation. . Table 2 provides a summary of commercial flex allocation to date.

Table 2 – Citywide Flex Zone

	Commercial Flex Acreage
Total Permitted	519.6
Assigned to Date	0
Pending	.25
Remaining	519.3

PUBLIC PARTICIPATION

The project is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, several public participation meetings were held with Shady Banks Neighborhood Association and River Oaks Civic Association in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project and receive feedback. The public participation meeting summary and affidavit are provided as Exhibit 5.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of 2 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 6 contains the affidavit and pictures of the posted signs.

STAFF FINDINGS:

Staff recommends the Board approve this request consistent with:

- 47-7.20, Additional requirement for conditional uses in the Industrial (I) District
- 47-23.8, Waterway Use
- 47-24.4, Rezoning Criteria
- 47-24.3, Conditional Use Permit
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements
- 47-28, Flexibility Rules

The applicant has submitted narratives outlining how the project complies with ULDR Section 47-23.8, Waterway Use, Section 47-24.4, Rezoning Criteria, Section 47-24.3, Conditional Use Permit, Section 47-25.2, Adequacy Requirements, Section 47-25.3, Neighborhood Compatibility Requirements, Section 47-28, Flexibility Rules, which are attached with the site plan as Exhibit 1, to assist the Board in determining if the proposal meets these criteria.

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.

CONDITIONS OF APPROVAL:

Should the Planning and Zoning Board approve the development, the following conditions apply.

Engineering Conditions:

1. Prior to issuance of Final C.O., applicant shall record an ingress/egress easement along the south side of SW 17th Street (private road), varying from eight (8) feet to eleven and a half (11.5) feet width to complete a twenty (20) foot roadway section, that expands to include proposed seventy (70) foot diameter cul-de-sac located at east end of SW 17th Street (private road), as approved by the City Engineer.
2. Prior to issuance of Final C.O., applicant shall record a utility easement as appropriate along SW 17th Street (private road) for placement of proposed sewer infrastructure located outside of existing right-of-way to facilitate City maintenance access as approved by the City Engineer.

Voluntary conditions resulted from meetings with the neighborhood associations and proffered by the applicant to be conditions herein:

3. Prior to final DRC approval, the applicant agrees to obtain authorization from the Broward County Environmental Protection Department that states any soil or groundwater contamination on this property has been mitigated prior to any land excavation.
4. Applicant/marina manager shall not permit rafting of boats.
5. Applicant previously included two NE residential lots (Parcels 504216350290 and 504216350280) in the DRC site plan application. Those parcels have been removed from the site plan and will not be incorporated into the South Fork Marina project. Applicant shall repair the seawall around parcels (504216350290 and 504216350280) and align the seawall with the deeded property line and shall complete this improvement no later than the completion date of the South Fork Marina.
6. Owner of the Marina shall ensure that 18-wheeled vehicles will be not be permitted to access or service the South Fork Marina site once marina operations commence. During marina construction, or for any major permitted site work, 18-wheeled vehicles will be limited and only used to transport construction equipment (e.g. crane, backhoe, bulldozer, front-end loaders, etc.) or materials (e.g. trusses, concrete blocks, rebar, piping, docks, sod, trees, etc.). No 18-wheeled dump trucks will be permitted at any time.

EXHIBITS:

1. Project Narratives and Site Plan
2. Operational Plan
3. Water/Sewer Capacity Letter
4. Traffic study executive summary
5. Public Participation Meeting Summary and Affidavit
6. Public Notice Signs and Sign Affidavit

