

COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: AGENDA ITEM:
COMMISSION REPORT NO:
PREPARED BY:
DEPT:

DEPARTMENT DIRECTOR'S SIGNATURE

AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

CITY MANAGER'S SIGNATURE

TITLE 1:
TITLE 2:

SUBJECT:

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

- REGULAR AGENDA
 - Motion
 - Public Hearing
 - Resolution
 - Purchase
 - Consent Resolution
- CONFERENCE
 - Motion for Discussion
 - Ordinance
 - Presentation
 - Citizen Presentation
- Old/New Business
- Exec Closed Door
- Conference Reports
- Advisory Boards
- City Commission Reports
- City Manager Reports

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:
BIDS SOLICITED/RECEIVED: WBE: LATE BID:
Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

Description of Exhibits:

- | | | |
|--------------------------------|--------------------------------|-----------------------|
| 1. Continuation of Background | 2. MAB & PZB Meeting Minutes | 3. PZB Submittal |
| 4. Neighborhood Correspondence | 5. School Board Correspondence | 6. 2005 Traffic Study |
| 7. Applicants ULDR Narratives | 8. Conditions of Approval | 9. 2007 Traffic Study |

EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s:

PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)

On February 21, 2007, the Planning and Zoning Board approved the applicant's request for a conditional use permit to construct a mixed-use development with the allocation of 329 residential flexibility units.

On March 20, 2007, the City Commission adopted a motion to review the application on May 15, 2007, pursuant to ULDR Section 47-26.A.2, City Commission Request for Review.

On May 15, 2007, the City Commission voted to defer the item to June 19, 2007 per the request of the applicant.

On June 19, 2007, the City Commission voted to defer the item to July 10, 2007 in order for staff to review the applicant's updated traffic study.

BACKGROUND/DETAIL:

The applicant is requesting a Conditional Use permit to construct a mixed-use development consisting of three hundred twenty-nine (329) multifamily residential units (932,546 SF), with 75,468 SF of office, 4,266 SF of clubhouse space, 504,843 SF of structured parking, and a marina with 48 vessel slips.

Additional information regarding the project, including staff's review of compliance with the ULDR is attached as Exhibit 1. The full record of the case is provided as Exhibits 2 through 9, including the site plan package, neighborhood association correspondence, School Board mitigation analysis, original traffic impact study, ULDR narrative responses, and updated traffic impact study. A complete listing of all recommended conditions of approval, including staff conditions, Marine Advisory Board, Planning and Zoning Board, and City Commission conditions (from June 19, 2007), are provided for in Exhibit 8.

If the City Commission determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for a Site Plan Level III and Conditional Use permit, City Commission shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of a Site Plan Level III Conditional Use permit.

If the City Commission determines that the proposed development or use does not meet the standards, requirements and criteria of the ULDR, the City Commission shall deny the application.

Attorney's Initials:

Request:

Site Plan Level III – Conditional Use permit and Waterway Use permit for a mixed-use development with the allocation of residential flexibility units, located on a commercially designated land use parcel.

Applicant	Azurite Corp Ltd. / Yacht Haven	
General Location	North of State Road 84, south of the New River, west of I-95	
Property Size¹	19.95 gross acres (869,127 SF)	
Zoning	General Business District (B-2)	
Existing Use	Recreational Vehicle Park	
Future Land Use Designation	Commercial	
Applicable ULDR Sec.s	47-18.21 Mixed Use Development 47-23.8 Waterway Use 47-24.3 Conditional Use 47-25.2 Adequacy Requirements 47-25.3 Neighborhood Compatibility Requirements 47-28.1 Flexibility Requirements	
	Required	Proposed
Residential Lot Coverage²	Max. 40% of site = 7.98 gross acres	7.90 gross residential acreage (39.6%)
Residential Density	408 units = 50 du / gross acre max.	329 units = 41 units / gross acre
Lot Size	10,000 SF Min.	869,127 SF
Lot Width	100' Min.	165' Min.
Building Height	150' Max	116' (9 stories) Max. (Bldg E-East)
Structure Length	No maximum in B-2 district, 200' for res. bldgs. in mixed-use projects	196' 10" Max. res. (Bldg. E-West) 304' Max. comm. (Bldg. B)
Floor Area Ratio³	NA	Total (100% of site): 1.36 Residential (40% of site): 2.68 Non-Residential: (60% of site): 0.47
Open Space	150 SF/ Unit = 49,350 SF	540,841 SF (462,701 SF at grade)
Parking	1,018	1,065
Setbacks/Yards	Required	Proposed
Front (S)	5'	Varies - 20' min.
Side (W)	15' – when contiguous to res.	Varies - 15' min.
Rear (N)	20' – when contiguous to res.	Varies - 25' min.
Waterway (N)	20'	Varies - 25' min.

¹ As per ULDR Sec. 47-2.2 Measurements, Gross acre is used for the purpose of calculating the maximum density permitted on a parcel when applying flexibility units.

² As per ULDR Sec. 47-18.21 Mixed Use Developments, for a development site that is greater than five (5) acres in size, single use multifamily buildings may be permitted provided gross residential acreage does not exceed the five (5) acres or forty percent (40%) of the total gross acreage of the development site, whichever is greater.

³ Floor Area Ratio (FAR) is not a zoning requirement in the B-2 district. The calculation provided includes all enclosed and structured parking.

Property/Project Description:

The applicant proposes to construct a mixed-use development consisting of three hundred twenty-nine (329) multifamily residential units (932,546 SF), with 75,468 SF of office, 4,266 SF of restaurant and retail space, 504,843 SF of structured parking, and 48 wet boat slips. The applicant is proposing 2,960 linear feet of dockage, or 1,908 linear feet less than the 4,868 linear feet of dockage that currently exists.

The Yacht Haven project is located on a site zoned B-2, along the south fork of the New River, west of I-95 and directly north of State Road 84. Currently, the development site is used as an RV park with 4,868 linear feet of shoreline utilized for boat dockage. The Falls at Maria Bay, a mixed-use development, is located on the New River just east of the development site and is bounded by I-95 and State Road 84. The River Landings and Oak River neighborhoods, comprised of single-family residences, are located north of the site across the New River. The average width of the New River along the development site is one hundred fifty feet (150'). A majority of the properties to the west of the site are zoned B-3 and serve the marine industry.

The applicant intends to construct two (2) six-story (81' 6") office buildings near the development entrance at State Road 84. The building closest to SR 84 (Building A) is approximately 150' wide, and has parking at the ground floor and five levels of office above. The second office building (Building B), is approximately 300' wide, and has four levels of structured parking and two levels of office above.

North of the office buildings, there is a grouping of fifteen (15) residential buildings (Buildings C) consisting of 154 units and ranging in height between three and eight stories. The north, south, and west elevations are comprised of twelve (12) three-story residential structures with three (3) units in each building. The east elevation includes three (3) mid-rise residential buildings, approximately 200' wide each. Each building includes three-levels of structured parking, with a pool area on the fourth floor and additional residential units extending to eight stories (108' 6").

Proceeding north toward the river, the vehicular access splits to the east and west as the site is divided by a marina basin. To the east of the basin are three (3) six-story (79') mid-rise buildings, each approximately 100' wide, consisting of 66 residential units total, with parking at the ground floor (Buildings D). Further north and directly on the New River is a low-rise, three-story (39') multifamily building, consisting of three (3) residential units, with parking enclosed in private garages (Building G).

To the west of the marina basin, and directly abutting the New River, there is a grouping of four (4) residential structures (Buildings E) consisting of 106 units total, and ranging in height between three (3) and nine (9) stories. The elevations facing the New River and the internal marina basin are mostly wrapped with three-story residential units. The fourth floors of Buildings E East and West include pool areas and rooftop terraces, with additional residential units extending to nine and seven stories (116' and 102' respectively). Finally, a two-story (34') clubhouse, which includes a 3,971 SF restaurant and a 1,295 SF convenience store, is located at the northern most point of the site.

Prior Reviews:

The Development Review Committee (DRC) reviewed the proposal on January 11, 2005. On February 2, 2006, the Marine Advisory Board (MAB) approved the marine component of the proposal, subject to the staff recommendations as developed by the Supervisor of Marine Facilities. MAB meeting minutes, including the staff recommendations, are attached as **Exhibit 2**.

On February 28, 2007, the Planning and Zoning Board approved the development request (see minutes of PZB meeting also included in **Exhibit 2**) with the following conditions:

1. The applicant must dedicate 10% of the residential units to County-defined workforce housing;
2. The applicant must obtain all applicable environmental permits through all pertinent review agencies, for approval of the basin dredging, prior to the issuance of a building permit; and
3. The site plan approval period to be extended for 12 months (from 18 to 30 months).

A complete listing of all recommended conditions of approval, including Marine Advisory Board, Planning and Zoning Board, and staff conditions, are provided for in **Exhibit 8**.

Pursuant to ULDR Sec. 47-26.A.2, City Commission Request for Review, the Commission approved a motion on March 20, 2007 to set a public hearing for May 15, 2007 to consider the development application. On May 15, 2007, the Commission voted to defer the item to June 19, 2007, per the applicant's request. On June 19, 2007, the Commission voted to defer the item to July 10, 2007, in order to provide staff with sufficient time to review the applicant's revised traffic impact study.

The applicant's plan package, including the site plan, elevations, landscape plans, renderings, and other project information, is provided as **Exhibit 3**.

Plat Note and Non-Vehicular Access Line (NVAL) Amendments:

As part of a separate application, the applicant has submitted a request for a plat note amendment (Case No. 30-P-05), and an amendment to the non-vehicular access line located parallel to State Road 84 along the southern property line (Case No. 28-P-05). Approval of these two items would be required in order for the development proposal to be achieved. Should the City Commission approve the conditional use permit for the site plan application, these two requests will be scheduled for a future Commission agenda.

Neighborhood Association Contact:

In August 2006, the applicant contacted the following nearby neighborhood associations regarding this development request: Riverlandings Homeowners Association, Greater Flamingo Park Civic Association, and Oak River Homeowners Association. Attached as **Exhibit 4** is a map of the associations and correspondence between the applicant and the association presidents.

Broward County School Board Interlocal Agreement:

This proposal is subject to the provisions of the Broward County School Board Interlocal Agreement, between the City of Fort Lauderdale and the Broward County School District regarding public school facility planning. The applicant will pay an impact fee to Broward County, on behalf of the School Board, relating to the number of students to be generated by the proposed development. A letter from the School Board to the applicant, as well as the applicant’s response to the School Board is attached as **Exhibit 5**. If the residential unit type or mix of units changes, the impact statement must be amended.

Parking and Traffic:

As per *Sec. 47-20, Parking and Loading Requirements*, a total of 1,018 parking spaces are required for the proposed uses (as indicated below). The applicant has provided 1,065 parking spaces on site, nearly all of which are located within structured parking garages.

Required Parking

Residential		= 639
120 – 1 br units @ 1.75 = 210		
156 – 2 br units @ 2.00 = 312		
53 – 3 br units @ 2.20 = 117		
Office 75,468 SF	@ 1/250 SF	= 302
Rest. 3,971SF	@ 1/100 SF	= 40
Retail 1,295	@ 1/100 SF	= 13
Marina 48 slips	@ 0.5	= 24
TOTAL		1,018

Vehicular access to the site is provided from westbound State Road 84. On February 22, 2005, the applicant’s traffic consultant, Tinter & Associates, prepared a traffic impact analysis (**Exhibit 6**), which determined that the proposed development would generate 2,869 new net trips per day. The City’s traffic consultant determined that the analysis generally complied with the criteria and methodology for such studies, and recommended approval (included in **Exhibit 6**).

On June 12, 2007, the applicant submitted a revised traffic impact analysis to account for revisions made to the site plan since original DRC submittal in January 2005 (**Exhibit 9**). Due to a decrease in proposed residential units and office and restaurant use square footage, the revised traffic analysis indicates a reduction in total daily trips by 21% (or 603 less trips per day) than the 2005 analysis. The City’s traffic consultant concluded, “the June 12, 2007 traffic report generally supports the original findings of the February 22, 2005 traffic report” (included in **Exhibit 9**).

February 2005

Land Use	AM Peak	PM Peak	Total Daily Trips
Proposed: Mixed Use Project	347	415	3,871
Existing: RV Park	70	96	847
New Net Trips	263	302	2,869

June 2007

Land Use	AM Peak	PM Peak	Total Daily Trips
Proposed: Mixed Use Project	292	356	3,622
Existing: RV Park & Marina	74	106	1,356
New Net Trips	218	250	2,266

Although the traffic impact analysis indicates minimum impact to area roadways and interSec.s, staff recommends that if any redevelopment proposal were approved for this site, a vehicular and/or pedestrian connection should be provided from the Yacht Haven site to the adjacent Marina Bay development. This cross-access would reduce potential vehicular trips on to SR 84 by eliminating the need for residents, visitors and employees of either site to make multiple vehicular trips to access adjacent uses, and helping to create a cohesive, accessible, and pedestrian-friendly marine “village” as envisioned for the Marina Mile corridor.

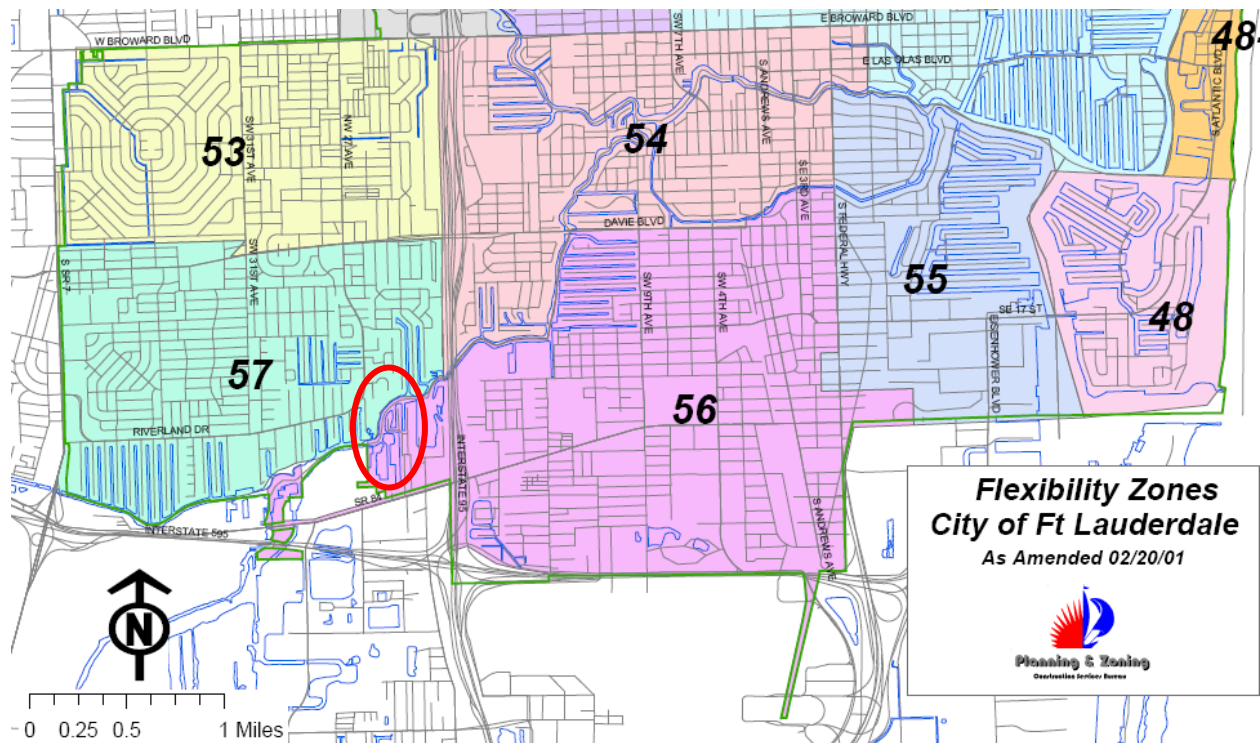
Mixed-Use:

To encourage diversity of compatible land uses on the same development parcel, Sec. 47-18.21.D of the ULDR permits mixed-use developments, which may include a mixture of residential uses in conjunction with commercial retail sales, service or office uses. Mixed-use developments may be permitted on Commercial Land Use designated parcels, subject to the availability of residential flexibility units, the requirements of a Conditional Use permit, and Neighborhood Compatibility criteria. The applicant has provided a narrative addressing the mixed-use criteria, attached as **Exhibit 7**.

Flexibility Units:

As per Sec. 47-28.1.K, the City may allocate residential flexibility units on Commercial Land Use designated parcels, through the approval of a mixed-use development, subject to meeting Neighborhood Compatibility requirements and obtaining a Conditional Use permit. This project will require the allocation of three hundred twenty-nine (329) residential units from Flex Zone 56 (see map below; general location of development site circled in red). The applicant’s request accounts for 41% of the seven hundred ninety-nine (799) units currently available. If the applicant is granted this request, four hundred seventy (470) residential flexibility units will remain in Flex Zone 56.

Staff finds that the amount of residential units being requested is significant in that the number of available units will be drastically reduced, thereby limiting the potential for future mixed-use redevelopment throughout the remainder of Flex Zone 56 (which includes all of SR 84 between I-95 and Federal Highway).



Adequacy and Neighborhood Compatibility:

The applicant has submitted narrative responses to Sec. 47-25.2, Adequacy Requirements, and Sec. 47-25.3, Neighborhood Compatibility Requirements, included in **Exhibit 7**. The proposed project is required to meet Sec. 47-25.3, pursuant to the following Sec.s:

Sec. 47-23.8, Waterway Use, requires that buildings and land uses on parcels abutting waterways 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 in accordance with Sec. 47-25.3.

Sec. 47-24.3, Conditional Use, requires that the location of the use in proximity to a similar use does not impact the character of the district in which the use is located, and that there are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties, in accordance with Sec. 47-25.3.

Neighborhood Compatibility Requirements include performance standards requiring all developments to “be **compatible** with, and **preserve the character** and **integrity** of adjacent neighborhoods... **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. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.”

Staff finds that the Yacht Haven project is not compatible in regard to height, length, mass and scale in relation to the established patterns of development along the New River corridor and within the surrounding residential neighborhoods.

The properties north of the New River are zoned RS-8 (Residential Single Family/Low Medium Density), one of the City’s most restrictive zoning districts. This district limits proposed height to a maximum of thirty-five (35) feet, with a maximum density of 8 units per net acre and maximum FAR of 0.75. The properties northwest of the site are zoned RS-3, under Broward County zoning designation, and have a more restrictive density limit of 3 units per net acre, with similar dimensional requirements as Fort Lauderdale’s RS-4 district, the lowest density residential district in the City. These single-family neighborhoods include buildings of a much lower mass and scale than the Yacht Haven project, as indicated in the applicant’s context and aerial photographs (sheet A-002) and massing model (sheet A-404) and as further described below:

- a. Building footprints average 3,400 SF in the RS-8 district, and 8,000 SF in the RS-3 district, while the Yacht Haven project includes eight and nine-story buildings with footprints of 30,000 SF.
- b. The overall volume of single-family structures ranges from approximately 53,000 cubic feet for a one story home, to 123,000 cubic feet for a two-story home. In comparison, Building C within the Yacht Haven project is 6.9 million cubic feet, approximately fifty times more massive than a typical single-family home in this area.
- c. When traveling east on the New River, the two tallest structures in the Yacht Haven project (Buildings E) appear as one continuous box-like mass, approximately 260’ wide and 116’ tall, set back approximately 30’ from the New River (West Elevation, sheet A4-200). In comparison, the single-family homes to the north of the site are generally set back 25’ from the New River, and are typically between 50’ and 60’ wide along the water and 15’ to 35’ tall.

Not only is the Yacht Haven development not compatible with the single-family properties north and northwest of the New River, but it will also create an abrupt and significant change in scale and mass from the existing Marina Bay mixed-use development located to the east.

- a. The Yacht Haven project is nearly twice as dense [*41 vs. 25 du/acre*], proposes building footprints five times larger [*30,189 vs. 5,800 SF*], and includes structures fifteen to twenty times more massive [*3,820,000 vs. 289,000 cu. ft.*] than structures along the waterway in Marina Bay.
- b. Furthermore, the tallest structure in the Marina Bay project (79’) is located internal to the site (approx. 1,700 ft. from the New River), and is surrounded on two sides by highway overpasses. In comparison, the Yacht Haven project is in closer proximity to the lower density, smaller scale single family neighborhoods to the north and northwest, and proposes 116’ tall structures merely 20’ from the water.

- c. When viewed from the New River just west of I-95, the Yacht Haven structures on the eastern edge of the site will create an abrupt change in the pattern of development from the Marina Bay project to the east. Buildings C and D will significantly alter the character of the area by introducing a series of six massive structures 79' to 108' in height (six to nine stories), three of which include three-story, 200'-wide parking garages (East Elevations, A2-200 and A3-200).

Comparative tables including key zoning requirements and building mass totals for the proposed Yacht Haven project and the adjacent Marina Bay development, as well as typical properties in the adjacent residential zoning districts, are presented below.

Comparative Zoning Analysis

	Yacht Haven	Marina Bay	RS-8*	RS-3*
Lot Size (gross)	19.95 acres	37.74 acres	7,500 SF min.	10,000 SF min.
Units	329	376	1	1
Density¹	41.23 du / acre	24.91 du / acre	8 du / acre	3 du / acre
Residential FAR²	2.68	0.53	0.60 - 0.75 max.	n/a
Building Footprint	30,189 SF (bldg. E-West)	5,800 SF (on New River)	3,400 SF (average)	8,000 SF (average)
Max. Height	116' (9 floors)	79' (6 floors)	35'	2 floors
Distance from New River (for tallest bldg.)	20'	1,700'	25' min.	25' min.
*Calculations reflect the permitted dimensional requirements of the zoning district, if applicable.				
¹ Density calculated based on 40% of the gross site area.				
² Residential FAR calculated based on 40% of the gross site area.				

Comparative Massing Analysis

	Volume (cu. ft.)
Yacht Haven	
Buildings C	6.86 million cu. ft.
Buildings D	1.80 million cu. ft.
Buildings E	3.82 million cu. ft.
Marina Bay	
Three-story structure adjacent to Yacht Haven buildings C	264,000 cu. ft.
Three-story structure adjacent to Yacht Haven buildings D	264,000 cu. ft.
Three-story structure adjacent to New River	289,000 cu. ft.
Single Family Residences (typical)	
Based on a one-story (15') structure with 3,500 SF footprint	52,500 cu. ft.
Based on a two-story (35') structure with 3,500 SF footprint	122,500 cu. ft.
*Volume equates to building mass. Calculations provided by multiplying floor area by height, relative to gross floor area for each level. All measurements are approximate.	

Therefore, because the proposal varies significantly from existing development patterns along the New River, both adjacent single-family residential neighborhoods to the north and the mixed-use development to the east, as outlined above, staff finds the proposed project is not compatible with the neighborhood.

Waterway Use:

In acknowledging the importance of compatible development along Fort Lauderdale's waterways, Sec. 47-23.8 specifically requires waterfront projects to "**preserve the character** of the neighborhood, **harmonize with other development** in the area, and **protect** and **enhance the scenic quality** and **tranquility** of the **waterways**." This Sec. also requires a twenty-foot (20') landscaped yard adjacent to the existing bulkhead line, and conformance with Neighborhood Compatibility requirements. The applicant provided a narrative (**Exhibit 7**) addressing how they feel their proposal meets Sec. 47-23.8.

The New River should be considered permanent open space, providing an unobstructed, unbuffered vista of the project site, and as such, deserving of a heightened sensitivity from adjacent nonresidential development designs. As can be seen on the applicant's renderings of the project superimposed on a photograph of the existing conditions of the area, the Yacht Haven development is not compatible with the surrounding development pattern of single-family neighborhoods to the north and northwest, and does not promote a gradual transition in building mass and scale from neighboring properties to the east.

Therefore, because the proposed does not harmonize with the existing residential development patterns, staff finds that the development will create a severe change in the character of the area, thereby reducing the scenic quality and tranquility of the waterways (see Neighborhood Compatibility above).

Comprehensive Plan Consistency:

Residential uses are permitted on commercial land use designated parcels, without the need to amend the Land Use Plan Map, provided that the City applies flexibility units and the project meets criteria as defined in Chapter 2, Future Land Use Element - Permitted Uses, B. Commercial Use, of the Comprehensive Plan, in that the gross residential acreage does not exceed 40% of the total gross acreage of the commercially designated parcel. The Yacht Haven project site is 19.95 gross acres, of which 7.9 acres or 39.6% consists of single use residential buildings. The following reflects staff findings with respect to additional elements of the Comprehensive Plan.

FUTURE LAND USE ELEMENT, GOAL 1: Promote the use of land in a manner that will preserve and enhance the character of Fort Lauderdale and enhance compatibility of land uses.

FUTURE LAND USE ELEMENT, OBJECTIVE 4: Review development permits in accordance with the adopted goals, objectives, and policies of the Comprehensive Plan to ensure that new developments are compatible with surrounding land uses.

HOUSING ELEMENT, POLICY 1.1.5: Utilize the neighborhood compatibility criteria and other appropriate regulations to maintain or improve the quality of housing in established residential areas.

Staff finds that the quality of housing in the adjacent RS-8 and RS-3 neighborhoods would be compromised because of the proposed project's significant variance with the existing development patterns of the neighborhood (see Neighborhood Compatibility and Waterway Use above).

Conditional Use:

The mixed-use development is subject to a conditional use permit. The applicant has provided a narrative, included in **Exhibit 7**, addressing the criteria of *Sec. 47-24.3, Conditional Use*. A conditional use permit shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and only if no motion is adopted by the City Commission seeking to review the application.

It is the intent and purpose of *Sec. 47-24.3.A* "to provide criteria for conditional uses within specified zoning districts, which, **because of certain characteristics** as evaluated in the review criteria below, **may not be appropriate at particular locations within the district**, but which may be desirable in other locations for the orderly development of the city and for the public convenience or welfare." The following review criteria shall be applied in considering a conditional use permit:

1. Impact on abutting properties as evaluated under Neighborhood Compatibility requirements, *Sec. 47-25.3*
2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular 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.
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;
 - b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;
 - c. On-site improvements have been incorporated into the site plan, which minimize any adverse impacts as a result of permitting the use or structure;
 - 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;
 - e. There are no adverse impacts of the use, which effect the health, safety, and welfare of adjacent properties.

Staff finds that the project as proposed is not appropriate at this particular location within the district, and therefore does not meet the requirements for a Conditional Use Permit (see Neighborhood Compatibility and Waterway Use above).

Conclusion:

Mixed-use developments may be permitted on waterfront, commercial-designated land use parcels, subject to the availability of residential flexibility units and contingent upon meeting the requirements of a Conditional Use permit, Waterway Use, and Neighborhood Compatibility criteria.

While land uses in this area along the New River vary from a mixed-use project to natural mangroves, and from commercial marinas to single family neighborhoods, the existing physical development pattern consists of mostly one, two, and three-story structures. The combination of low-rise residential along the waterfront and larger buildings placed closer to major vehicular corridors collectively creates a unique and cohesive development pattern that must remain in order to preserve the quality of the river experience in this area. As illustrated on the context site plan, perspective renderings, and massing model, the significantly larger scale and massive buildings proposed by the applicant are not consistent with the existing building pattern along the New River.

Therefore, while the proposed project addresses the standards of Adequacy and Mixed-Use Development, as proposed it does not meet Neighborhood Compatibility criteria as described above, and subsequently fails to meet Conditional Use and Waterway Use criteria, and various Goals, Objectives, and Policies of the Comprehensive Plan.

City Commission Action:

If the City Commission determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the City Commission shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the Site Plan Level III, Conditional Use permit.

If the City Commission determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the City Commission shall deny the Site Plan Level III, Conditional Use permit.

Conditions of Approval:

Should the City Commission approve the proposed development, staff proposes conditions as outlined in **Exhibit 8**.

Attachments:

- Exhibit 2** Meeting Minutes (Marine Advisory Board and Planning and Zoning Board)
- Exhibit 3** Applicant's PZ Board Submittal Package (site plans, elevations, renderings)
- Exhibit 4** Neighborhood Association Map and Correspondence
- Exhibit 5** Broward County School Board Mitigation Letters
- Exhibit 6** Applicant's Traffic Study
- Exhibit 7** Applicant's Narrative Response to ULDR Criteria
- Exhibit 8** Conditions of Approval
- Exhibit 9** Revised Traffic Study and response from City Traffic Engineering Consultant