

**Request for Rezoning to
X-Exclusive Use - XP
Parking Lot
223 SE 10th Terrace
Fort Lauderdale, FL
July 29, 2014**

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|---|----------------|
| Section 1: Proposed Rezoning & Use | Page 1 |
| Section 2: ULDR Sec. 47-9.10. Permitted uses | Page 2 |
| Section 3: ULDR Sec. 47-9.2. Conditions for rezoning | Page 2 |
| Section 4: ULDR Sec. 47-9.21. Performance standards for permitted uses | Page 4 |
| Section 5: ULDR Sec. 47-9.22. General design and performance standards | Page 6 |
| Section 6: ULDR Sec. 47-25.2 Adequacy | Page 7 |
| Section 7: ULDR Sec. 47-25.3. Neighborhood Compatibility Requirements | Page 11 |
| Section 8: ULDR Sec. 47-28.1.G. Flexibility Rules | Page 15 |
| Section 9: ULDR Sec. 47-24.4 D. Rezoning Criteria | Page 16 |

Section 1:

This application is a request to rezone the property located at 223 SE 10th Terrace (the "Property") from RMM-25 to X-Exclusive Use for Parking ("X-P").

The Property is vacant and is located directly adjacent and North of the B-1 zoning district that extends along Las Olas Boulevard from the RAC-EMU to the west to the RMH-25 to the east. This specific location is located in the block bounded by SE 9th Ave to the west and SE 10th Terrace to the east, which is in the core of the "Las Olas Shopping District." This area is best known for its rich diversity of high end stores and eateries located along a walkable corridor in the City's downtown.

The blocks from the eastern boundary of the RAC-EMU, which ends just east of SE 8th Ave, to the west at SE 10th Terrace are used almost exclusively for surface parking lots. The western portion is a City of Fort Lauderdale parking lot and the mid section is a Las Olas Companies parking lot and an X-P parking lot is located directly adjacent and to the west of the Property.

The intent and purpose of the X-Exclusive District is to: *"...provide(s) a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area in a manner compatible with the residential character of the area. The X district is also intended to act as a buffer between existing residential and commercial areas..."* ULDR Sec. 47-9.1

The proposed use as a surface parking lot not only provides for a limited low intensity use for the Property, but also provides a buffer between the "back of house" of the commercial uses in the adjacent B-1 district, as well as providing much needed public parking in the area.

Additionally, Applicant has already discussed with the City's Department of Transportation and Mobility administering this public parking lot as part of the City's integrated parking payment system.

The criteria for rezoning to X-Exclusive are codified in Section 47-9 of the City's Unified Land Development Regulations ("ULDR"). The following is a point-by-point response to the applicable requirements:

Section 2:

Sec. 47-9.10. Permitted uses.

- A. *The uses permitted in an X district shall be one or more of the uses listed in this section which are requested by the applicant to be approved in conjunction with the rezoning of the property to exclusive use, and shall only be permitted when conducted in accordance with an approved site plan.*
- B. *Uses which may be approved in connection with the establishment of X districts are:*
 - 1. *Parking lot ("X-P")...*

RESPONSE: The Applicant is requesting rezoning to Parking Lot (X-P).

Section 3:

Sec. 47-9.2. Conditions for rezoning.

- A. *The rezoning of property to an X district for a specified permitted use or uses shall meet all of the following conditions:*
 - 1. *The property is not zoned RS-4.4, RS-8 or RC-15 except as follows...*

RESPONSE: The Property is currently zoned RMM-25.

- 2. *The property is located in an area with available commercial flexibility acreage pursuant to the comprehensive plan and flex acreage is allocated pursuant to Section 47-28, Flexibility Rules, as part of the rezoning.*

RESPONSE: There is available commercial flexibility acreage in the area and allocation of commercial flexibility is being applied for herein.

- 3. If the property is contiguous to property which has already been granted commercial flexibility in accordance with the comprehensive plan, the total acreage of the contiguous property previously approved for commercial flexibility and the total acreage of the property proposed for exclusive use shall not exceed ten (10) acres.*

RESPONSE: The Property is directly adjacent to a parcel that has been granted commercial flexibility, however, the combined acreage of the two properties is: 0.38 acres and therefore meets this condition.

- 4. The property is designated for residential use on the LUP.*

RESPONSE: The Property is designated for Medium-High (25) Residential and therefore meets this condition.

- 5. The property proposed for exclusive use abuts or is separated by a right-of-way no greater than twenty (20) feet in width from business property as defined in Section 47-35, Definitions, which has a front yard abutting a street.*

RESPONSE: The Property is located adjacent to and separated by a 10' Alley to B-1 zoned property which fronts on Las Olas Boulevard and therefore meets this condition.

- 6. The property proposed for exclusive use and business property must share at least fifty (50) feet of the same property line or if separated by an alley, at least fifty (50) feet of a property line of the exclusive use property is parallel to a property line of business property.*

RESPONSE: The Property and the adjacent B-1 property share 75' of the same property line, only separated by a 10' alley as stated in condition 5, and therefore meets this condition.

- 7. Property proposed to be zoned exclusive use shall extend no more than one hundred eighty (180) feet into a residentially zoned district, except property located on the north side of Sunrise Boulevard, between the Florida East Coast Railway and Powerline Road, may extend no more than five hundred (500) feet into a residentially zoned district, but in no case shall the exclusive use zoning in this area go north of the south right-of-way line of N.E. and N.W. 11th Street.*

RESPONSE: The Property, if rezoned, would only extend 110' into the RMM-25 zoning district and therefore meets this condition.

- 8. An application which meets the requirements of this section is submitted by the owner of the property to be rezoned and is approved by the city commission.*

RESPONSE: This application is submitted by the owner of the Property and will travel to the City Commission as a Site Plan Level IV for final review.

9. *If the property proposed for exclusive use is to be used for business use as provided in Section 47-9.10 in addition to the above, the property proposed for exclusive use and business property described in subsection A.5 must be submitted as a single site plan and the owner of the business property must join in the application for rezoning of the proposed exclusive use property.*

RESPONSE: The proposed exclusive use is for a publicly accessible parking lot which is not tied to any specific business aside from the parking lot itself.

10. *Property located within the following described area may not be rezoned to exclusive use for a period ending June 30, 1998 unless sooner terminated by ordinance adopted by the city commission: The area bounded on the east by Federal Highway, the west by the Florida East Coast Railway, the north by Tarpon River and the south by State Road 84.*

RESPONSE: The Property is not located within the described area and therefore is eligible for rezoning to exclusive use.

Section 4:

Sec. 47-9.21. Performance standards for permitted uses.

- A. *Applicability. The design and performance standards shall apply to the uses identified herein and such uses shall comply with the performance standards as a condition for approval of an X district.*
- B. *Parking lot. The following performance standards shall apply to parking lots.*
 1. *Parking lots must meet the requirements for parking lots provided in Section 47-20, Parking and Loading Requirements.*

RESPONSE: The proposed parking lot meets the requirements of ULDR Sec. 47-20 (See Site Plan).

2. *Access.*
 - a. *Pedestrian. When a parking lot parcel does not abut the parcel which it is intended to serve the principal pedestrian access to the X district property shall be along a safe pedestrian path as defined in Section 47-20.4, from the uses it is intended to serve. Off-site public pedestrian amenities may be required as a condition to rezoning in order to provide a safe pedestrian path.*

RESPONSE: The proposed use is for a standalone public parking lot and therefore this section does not apply. However, in any event, there is an existing 5' wide City sidewalk on City property which provides access to the uses on Las Olas Boulevard.

b. *Vehicular. Shall comply with Section 47-20, Parking and Loading Requirements.*

RESPONSE: Applicant acknowledges and complies with this condition (See Site Plan).

3. *Landscape and bufferyards. A parking lot shall comply with the landscape and buffering provisions of Section 47-21, Landscape and Tree Preservation Requirements, and Section 47-25.3, Development Review Criteria, for parking lots. Parking lots which are part of an X-P-OR or X-P-R rezoning shall be required to meet the provisions of subsection E or F as applicable.*

RESPONSE: Applicant acknowledges and complies with this condition (See Site Plan).

4. *Lighting. Lighting of a parking lot shall comply with the requirements of Section 47-20, Parking and Loading Requirements.*

RESPONSE: Applicant acknowledges and complies with this condition (See Site Plan).

5. *Noise. Noise levels shall conform to the performance standards provided in Section 47-9.22.B.*

RESPONSE: Applicant acknowledges and complies with this condition.

6. *Signage. Signage shall comply with the requirements in Section 47-22, Sign Requirements.*

RESPONSE: So Noted.

7. *Pedestrian enhancements shall be provided in accordance with Section 47-9.22.C.*

RESPONSE: See response below.

8. *Waterway use. When located on a waterway, a parking lot shall be required to meet the requirements of Section 47-23.8, Waterway Use.*

RESPONSE: The Property is not located on a waterway and therefore this section does not apply.

9. *Lighting. Lighting shall comply with the requirements of Section 47-20, Parking and Loading Requirements.*

RESPONSE: Applicant acknowledges and complies with this condition (See Site Plan).

Section 5:

Sec. 47-9.22. General design and performance standards.

A. *Applicability. The general design and performance standards shall apply to all of the uses permitted in an X district except residential uses and such uses shall comply with the performance standards as a condition for approval of a rezoning to an X district.*

B. *Noise.*

1. *Maximum permitted level in decibels. Noise associated with a use in an X district shall not exceed the maximum sound levels as follows:*

| <i>Hours</i> | <i>Maximum Permitted Sound Level in dBA</i> |
|--------------------------------|---|
| <i>7:00 a.m. to 10:00 p.m.</i> | <i>55 dBA</i> |
| <i>10:00 p.m. to 7:00 a.m.</i> | <i>45 dBA</i> |

RESPONSE: The proposed parking lot use will not exceed the maximum permitted decibel levels as set forth above.

C. *Pedestrian enhancements.*

1. *Property to be rezoned exclusive use which abuts a street shall provide the following off-site public improvements:*
 - a. *A minimum seven (7) foot wide sidewalk along the street abutting the property proposed to be rezoned in a location approved by the city engineer. The city engineer may approve a lesser width of the sidewalk if one or more of the following conditions exists:*
 - i. *Narrower sidewalks exist on either side of the parcel to be improved, which sidewalks abut a public improvement such as a bridge or park and permitting a narrower sidewalk along the parcel to be improved provides a safer transition from the sidewalk abutting the public improvement; or*

- ii. *Approving a narrower sidewalk will preserve existing specimen trees located within an area where the required sidewalk would be located; or*
- iii. *A public interest exists which outweighs the public purpose supporting the required sidewalk width and permitting a narrower sidewalk will in no way compromise the safety of sidewalk for pedestrian usage; or*
- iv. *In no instance will a sidewalk be permitted to be less than five (5) feet.*

RESPONSE: The proposed parking lot is located in an area of the City where the sidewalks are provided on City owned Rights of Way. The existing sidewalk is located outside of the Property and is 5' in width. The sidewalk system in the area is existing and well coordinated. Additional enhancements are not practical nor feasible given the existing conditions.

- b. *Street trees shall be planted and maintained along the street abutting the property proposed to be rezoned to provide a canopy effect. The type of street trees may include shade, flowering and palm trees. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on the height, bulk, shadow, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties.*

RESPONSE: Street Trees will be provided as set forth in the Landscape Plan of the Site Plan Package (See Sheet L-1).

Section 6:

47-25.2 Adequacy

- 1. ***Communications network: Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.***

RESPONSE: No Buildings or structures are proposed on this parking lot.

- 2. ***Drainage facilities: Adequate stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one half (2½) inches of runoff from the impervious surface whichever is greater.***

RESPONSE: The Property is platted and adequate drainage facilities exist.

- 3. Environmentally sensitive lands: The proposed development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with Broward County Ordinances which address environmentally sensitive lands and wellfield protection.**

RESPONSE: There are no environmental land issues or wellfield issues identified for the Property.

- 4. Fire protection: Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities are provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.**

RESPONSE: The project complies with applicable codes. Please see architectural drawings and civil drawings for compliance.

- 5. Parks and open space: 1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.**

RESPONSE: The proposed parking lot is not a residential development and therefore is not required to subject to the Park Impact Fee ordinance.

- 6. Police protection: Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection**

RESPONSE: The Project provides improvements which are consistent with Crime Prevention Through Environmental Design.

- 7. Potable water: Adequate potable water service shall be provided for the needs of the proposed development. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, should it be deemed necessary.**

RESPONSE: The Property is platted and adequate water capacity exists. City water will be used.

- 8. Sanitary sewer: Engineering will ensure that if the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.**

RESPONSE: The Property is platted and sanitary sewer capacity exists.

Schools: For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as

applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

RESPONSE: The proposed parking lot is not a residential project and therefore will not add capacity to schools.

10. *Solid waste: Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements. 2. Solid waste facilities. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.*

RESPONSE: The proposed parking lot will use City waste collection where applicable.

11. Stormwater: Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems.

RESPONSE: The Offices will use City drainage systems.

12. *Transportation facilities: The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.*

2. *Regional transportation network. The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.*

3. *Local streets. Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.*

4. *Traffic impact studies.* a. *When the proposed development may generate over one thousand (1,000) daily trips; or*

b. *When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis....*

5. *Dedication of rights-of-way.* *Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.*

6. *Pedestrian facilities.* *Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.*

7. *Primary arterial street frontage.* *Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.*

8. *Other roadway improvements.* *Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.*

9. *Street trees.* *In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.*

RESPONSE: The City determined that a traffic study was not necessary given the limited number of trips generated by the Project. As the Property is platted, no additional dedication of Right of Way is required. Pedestrian traffic to and within the Property is designed to be accommodated with sidewalks and pedestrian paths connecting entrances and exits. Sidewalks are located along the North and East boundaries of the Property. Street trees are provided on the plan to provide shade for pedestrians.

12. Wastewater: *Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and*

systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

RESPONSE: Adequate Wastewater facilities will be provided and reviewed by the City.

13. Trash management requirements: *A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision*

RESPONSE: The proposed parking lot will not provide any food service.

14. Historic and archaeological resources: *If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.*

RESPONSE: The structure and site have not been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same.

15. Hurricane evacuation: *If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.*

RESPONSE: The proposed parking lot is not east of the Intracoastal waterway and therefore does not require hurricane evacuation analysis.

Section 7:

Sec. 47-25.3. Neighborhood Compatibility Requirements.

A. The neighborhood compatibility requirements are listed below:

1. *Adequacy requirements.* See Sec. 47-25.2.

RESPONSE: The adequacy requirements are discussed above.

2. *Smoke, odor, emissions of particulate matter and noise.*

- a. *Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.*
- b. *Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.*
- c. *Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.*

RESPONSE: The proposed parking lot will not generate any smoke, noise or emissions. The use is parking only.

3. *Design and performance standards.*

- a. *Lighting. No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.*
 - i. *Glare. Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.*
 - ii. *Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent*

residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

- iii. *In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.*

RESPONSE: The proposed parking lot will not generate any lighting in conflict with this section or the ULDR. No lighting is directed in any manner that illuminates residential property, and there are no neon lights. As the photometric plan shows there is no illumination in excess of .5 footcandles from the lights on the Property.

b. *Control of appearance.*

- i. *Architectural features. The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:*
 - a) *Fenestration such as windows, doors and openings in the building wall; and*
 - b) *Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:*
 - 1. *Detail and embellishments:*
 - a. *Balconies,*
 - b. *Color and material banding,*
 - c. *Decorative metal grates over windows,*
 - d. *Uniform cornice heights,*
 - e. *Awnings.*
 - 2. *Form and mass:*

- a. *Building mass changes including projection and recession,*
- b. *Multiple types and angles of roofline, or any combination thereof.*
- c) *The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.*

RESPONSE: N/A No structure or building is proposed, parking lot only.

ii. Loading facilities. Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

RESPONSE: There are no loading facilities proposed for the parking lot.

iii. Screening of rooftop mechanical equipment. All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and/or adequately screened so that they are not visible from abutting residential uses or vacant residential zoned property.

RESPONSE: There is no rooftop equipment proposed for the parking lot.

c. Setback regulations. When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half (1/2) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

RESPONSE: N/A – No structure or building is proposed – parking lot only.

d. Bufferyard requirements When a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

i. Landscape strip requirements. A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

ii. Parking restrictions. No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

iii. Dumpster regulations. All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

- iv. Wall requirements. A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:*
- a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,*
 - b) Shall be located within, and along the length of the property line which abuts the residential property,*
 - c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,*
 - d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.*
 - e) Application to Existing Uses.*

RESPONSE: N/A - This proposed parking lot is not contiguous with any residential property.

e. Neighborhood compatibility and preservation

a) Development will 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. 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.

RESPONSE: The Medium-High residential land use designation permits rezoning X-Exclusive use district, a district intended to protect the character of existing residential neighborhoods adjacent to commercial uses while supporting the viability of commercial areas. The X district provides a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area such as the proposed parking lot.

b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law.

RESPONSE: The proposed parking lot is consistent with the applicable master plans.

Section 8:

47-28.1.G. Flexibility Rules: Allocation of commercial uses on residential land use designated parcels.

1. 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); and
 - b. No more than five percent (5%) of the total area within a flexibility zone which is designated residential on the city's plan, may be rezoned to CB or X-Use; and
- c. The parcel proposed for CB or X-Use use shall not be greater than ten (10) contiguous acres;
- d. Criteria:
 - i. Demonstration that the use of commercial flex acreage supports and implements the specific goals, objectives and policies of the city's LUP.
 - ii. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures. Part of this application is a rezoning to the CB district with express application of specific square footage.
 - iii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

RESPONSE: The Property is proposed to be rezoned in accordance with the standards above:

- i. The Property is proposed to be rezoned to X-P;
- ii. There is commercial flexibility use available;
- iii. The Property is less than 10 acres;
- iv. Criteria:
 - a. This rezoning supports the City's goal of rearranging land uses without an amendment to the Land Use Plan by effectively allowing the use of land, particularly in an area that would be more appropriately used for a small parking lot, and in a "buffer corridor" between heavy commercial use and residential to the north. The modest scale redevelopment is not more intense than a residential use but the commercial nature of the use ensures that the neighborhood to the north have an active attractive property as part of the community.
 - b. The approval of the rezoning is for specifically 8,250 square feet.
 - c. The rezoning application is being processed in accordance with the procedures for Site Plan Level IV review pursuant to the above.

Section 9:

47-24.4 D. Rezoning Criteria.

An application for a rezoning shall be reviewed for compliance with Section 47-25, Development Review Criteria. In addition, 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.

RESPONSE: The Medium-High residential land use designation permits rezoning X-Exclusive use district, a district intended to protect the character of existing residential neighborhoods adjacent to commercial uses while supporting the viability of commercial areas. The X district provides a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area such as the proposed parking lot.

2. *Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.*

RESPONSE: The blocks from the eastern boundary of the RAC-EMU, which ends just east of SE 8th Ave, to the west at SE 10th Terrace are used almost exclusively for surface parking lots. The western portion is a City of Fort Lauderdale parking lot and the mid section is a Las Olas Companies parking lot and an X-P parking lot is located directly adjacent and to the west of the Property.

The proposed use as a surface parking lot not only provides for a limited low intensity use for the Property, but also provides a buffer between the “back of house” of the commercial uses in the adjacent B-1 district, as well as providing much needed public parking in the area.

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.*

RESPONSE: The blocks from the eastern boundary of the RAC-EMU, which ends just east of SE 8th Ave, to the west at SE 10th Terrace are used almost exclusively for surface parking lots. The western portion is a City of Fort Lauderdale parking lot and the mid section is a Las Olas Companies parking lot and an X-P parking lot is located directly adjacent and to the west of the Property.

The proposed use as a surface parking lot not only provides for a limited low intensity use for the Property, but also provides a buffer between the “back of house” of the commercial uses in the adjacent B-1 district, as well as providing much needed public parking in the area.