



REQUEST: Site Plan Level III Review: Waterway Use and Conditional Use for Increased Building Height Exceeding 120 Feet East of the Intracoastal Waterway, Waterway Use, and Yard Modifications Request for 36 Multifamily Residential Units

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|--|---|--------------------------------|-------------------|
| CASE NUMBER | UDP-S23002 | | |
| APPLICANT | Ocean Harbor Properties, LLC. | | |
| AGENT | Stephanie Toothaker, Esq. | | |
| PROJECT NAME | Ocean Harbor Residences | | |
| PROPERTY ADDRESS | 3013 and 3019 Harbor Drive | | |
| PROPERTY SIZE | 33,062 Square Feet / 0.76 Acres | | |
| ZONING | Residential Multifamily High Rise/ High Density (RMH-60) | | |
| FUTURE LAND USE | High Residential | | |
| APPLICABLE ULDR SECTIONS | 47-23.8, Waterway Use 47-23.11, Modification of Required Yards 47-24.3, Conditional Use Permits 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements | | |
| | REQUIRED | PROPOSED | |
| DENSITY | 48 Units/Acre = 36 Units* | 47 Units/Acre = 36 Units* | |
| LOT SIZE | 5,000 Square Feet | 33,062 Square Feet / .76 Acres | |
| BUILDING HEIGHT | 120 Feet* | 240 Feet* | |
| STRUCTURE LENGTH | 200 Feet | 160 Feet | |
| LOT WIDTH | 50 Feet (minimum) | 200 Feet | |
| FLOOR AREA | 400 Square Feet (per unit) | 2,013 Square Feet | |
| LANDSCAPE AREA | 35% (minimum) 11,572 Square Feet | 40.6% 13,433 Square Feet | |
| PARKING | 79 Spaces | 104 Spaces | |
| SETBACKS/YARDS | REQUIRED | PROPOSED** | |
| | | BUILDING | BALCONY |
| Front (S) | 25 Feet or 120 Feet (½ Height of Building) | 26 Feet, 7 Inches | 52 Feet |
| Side (E) | 10 Feet or 120 Feet (½ Height of Building) | 21 Feet, 5 Inches | 10 Feet |
| Side (W) | 10 Feet or 120 Feet (½ Height of Building) | 20 Feet, 11 Inches | 10 Feet |
| Rear (N) | 20 Feet or 120 Feet (½ Height of Building) | 26 Feet, 3 Inches | 25 Feet, 9 Inches |
| NOTIFICATION REQUIREMENTS | Sec. 47-27.6, Sign Notice 15 days prior to meeting Sec. 47-27.4, Public Participation | | |
| SECTION 166.033, FLORIDA STATUTES | 180-DAY EXPIRATION DATE | EXTENSION DATE (S) | |
| | July 22, 2023 | January 20, 2024 | |
| ACTION REQUIRED | Approve, Approve with Conditions, or Deny | | |
| PROJECT PLANNER | Jim Hetzel, AICP, Principal Urban Planner | | |

* East of the Intracoastal Waterway, maximum height is one hundred twenty (120) feet, and may be increased to two hundred forty (240) feet subject to a conditional use permit and density is forty-eight (48) dwelling units per acre.

** Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, modification of required yards may be permitted subject to Site Plan Level III.

PROJECT DESCRIPTION:

The applicant, Ocean Harbor Properties, LLC., is proposing to redevelop the property located at 3013 and 3019 Harbor Drive with a residential development consisting of 36 residential units. The site is east of the Intracoastal Waterway on the barrier island near the Bahia Mar property. The applicant proposes to demolish the existing structures and build a single structure with a residential

tower. A location map is attached as **Exhibit 1**. The application, applicant's narratives, and plan set are attached as **Exhibit 2**.

PRIOR REVIEWS:

The project was reviewed by the Development Review Committee (DRC) on February 14, 2023. All comments have been addressed, subject to conditions identified herein, and the DRC Comment Report with Applicant's Responses is attached as **Exhibit 3**.

REVIEW CRITERIA:

The following criteria apply to the proposed request:

- ULDR Section 47-23.8, Waterway Use
- ULDR Section 47-23.11, Modifications of Required Yards
- ULDR Section 47-24.3, Conditional Use Permit
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirement

Waterway Use

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 23.8, Waterway Use, the project shall demonstrate compliance with criteria for waterway use, which states that buildings and land uses on parcels abutting waterways 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 site is designed with the building setback 25 feet along the northern property line, which fronts the Intracoastal Waterway. On the east side of the property, the building is setback 21 feet, 5 inches and on the west side, the building setback is 20 feet, 11 inches. These areas provide views to the Intracoastal Waterway from the public realm and contain landscape material which are less impactful to such views such as palms and low ground cover.

In addition, ULDR Section 23.8 requires a 20-foot landscaped yard abutting the waterway, adjacent to the bulkhead line. The required 20-foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted uses, unless specifically approved by the Planning and Zoning Board (PZB). The applicant is meeting this requirement with landscape material and a pedestrian pathway proposed along the northern property line fronting the Intracoastal Waterway. No other improvements are proposed and the existing docks will remain.

Modification of Required Yards

Pursuant to ULDR Section 47-23.11.A.3, Criteria for Modification of Required Yards, the PZB may consider a request to modify the required yards provided that by adjustment of the yards, it is found there is continuity of architectural features with adjacent properties, which encourages public pedestrian interaction between the proposed development and the existing neighborhood.

According to the applicant, the request for yard modifications is based on the site constraints and the need to provide for visual interest consistent with emerging development patterns. The request is a reduction to the required side yard setbacks from 120 feet to 21 feet, 5 inches on the east and from 120 feet to 20 feet, 11 inches on the west, respectively. Pursuant to ULDR Section 47-19.2.B, unenclosed balconies are allowed to encroach into the required front yard up to five feet and into the side and rear yards up to three feet. This yard modification request includes balcony encroachments on both side yards which exceed the permissible three feet. The balconies are unique with a curved design which creates a range of encroachment distance. On the east

setback, the balconies encroachment ranges from three feet, six inches to nine feet, nine inches. On the west setback, the balconies encroachment ranges from four feet to nine feet, ten inches. The minimum setback from the east and west property lines to the balconies is ten feet. The proposed design provides for a well-defined entrance and improved landscaping in the front yard contribute to the quality of public realm. In addition, the design of the building incorporates a variety of materials, façade articulation, and the use of cantilevered glass balconies that enhance the overall project design while allowing light and air to flow. These architectural treatments are consistent with the adjacent neighborhood and newer projects.

Pedestrian experience will be improved with the installation of the new sidewalk along Harbor Drive and an enhanced pedestrian entrance with direct connection to the new sidewalk. The existing back out parking along Harbor Drive will be removed and replaced with landscaping.

Conditional Use

Pursuant to the ULDR Section 47-24.3, Conditional Use Permit Requirements are listed below with a staff analysis under each.

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

The site currently contains existing residential buildings. The applicant proposes to demolish the existing structures and redevelop the site with 36 residential units. The project will enhance the site and provide improvements along the Intracoastal Waterway. The proposed use of the site is compatible with the surrounding neighborhood and the project is designed to be harmonious with the adjacent buildings. Please refer to the Adequacy and Neighborhood Compatibility section herein 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 development will have access from Harbor Drive and will have minimum impact on the transportation network with minor increase in traffic due to the 36 units. Please refer to the Parking and Circulation section herein 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 location of the use conforms to the City's Comprehensive Plan in that the property has an underlying land use of High Residential, which provides for residential up to 60 units per acre as well as other permitted uses such as hotels, lodging, parks, community facilities, and office and retail subject to allocation of commercial flex. Please refer to the Comprehensive Plan Consistency section herein for additional information.

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

The property will be enhanced streetscape improvements, new sidewalk separating the pedestrian from vehicular traffic, and other safety measures.

- 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 property will be enhanced by removing the back out parking and replacing it with streetscape improvements and new sidewalk, defined access points, and overall compatible building design. Large building setbacks have been incorporated on the

north and south facing portions of the property to reduce the appearance of the building along the public realm, both street and waterway. In addition, all proposed parking will be internalized in a parking structure thereby minimizing the visual impact of surface parking, which exists today.

- 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;

As designed, the proposed development does not impact the character of the zoning district or surrounding area. The area to the north and east are within the Central Beach Regional Activity Center which contains a range of permitted use and allows residential, mixed use, hotels, and other similar uses. The area to the south and west are zoning and land use residential. Similar to adjacent zoning districts and the existing built character of such districts, the proposed development contains residential.

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

The proposed development does not adversely impact the health, safety and welfare of adjacent properties. Proposed improvements include enhancing the site with a new building, waterfront views, safe and efficient site lighting, landscaping, and overall aesthetic site improvements.

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 and 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 letter indicates that there is sufficient capacity to service the proposed project; however, wastewater improvements will be needed which includes new upgraded pipe lines and enhancements to pump station D-33. The City's capacity letter is attached as **Exhibit 4**.

The neighborhood compatibility criteria of ULDR Section 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 property is adjacent to residential uses to the south and west, to the east is vacant land, and to the north is the Intracoastal Waterway. The surrounding zoning districts consist of Residential Multifamily High Rise/ High Density (RMH-60) to the south and west, South Beach Marina and Hotel Area District (SBMHA) to the east, and Planned Development District (PDD) to the north. The RMH-60 district permits a building height of 120 feet for buildings east of the Intracoastal Waterway up to 240 feet with Conditional Use approval. The SBMHA district permits a building height of 120 feet and the PDD permits a height specific to the PDD of 300 feet. The proposed building height is 240 feet is compatible with the adjacent zoning district height limitations.

The building is setback along the Intracoastal Waterway at 25 feet from the bulkhead which exceeds the minimum distance requirement of 20 feet as outlined in the ULDR, Section 47-23.8, Waterway Use Requirements, and is setback along the southern property line, which is the front of the site, at 25 feet. The setbacks along the eastern and western property lines, which are the side setbacks, are 21 feet, 5 inches and 20 feet, 11 inches, respectively; however, balconies are 10 feet from side property lines as discussed in the yard modifications section.

As proposed, the building is placed in the middle of the site with four level podium and a single tower above. The ground level of the building is active with the residential lobby and lounge area. The upper levels of the building, which faces the Intracoastal Waterway, are designed with large balconies and the facades contain extensive fenestration which reduces the overall mass of the tower and lightens the appearance of the structure. The parking podium is screened on all four sides with an undulating metal screen material to reduce the visual impact of the podium and the overall building elevations contain variation in articulation, extensive glazing, and reflects a design that is clean and modern in its appearance. In addition, the top level of the tower contains an active amenity deck for residents.

Open space requirements for the project were reviewed based upon ULDR, Section 47-21, which specifies that developments in RMH-60 zoning district must provide 35% of open space landscape area of the lot area. The required open space is 11,572 square feet and the applicant is proposing 13,433 square feet, approximately 40%, which meets the open space requirements.

PARKING AND TRANSPORTATION

Vehicular ingress and egress to the site is located from Harbor Drive. The applicant proposes to improve the pedestrian environment with new sidewalk along the public street with the removal of the existing back out parking. The project is required to contain 79 parking spaces and the applicant is proposing 104 spaces. Bicycle storage is also proposed for the project with such storage areas within the parking podium. Table 1 below provides a breakdown of parking required and provided for the site.

Table 1 – Parking Summary

| Use | Units | Parking Ratio | Required | Provided |
|--------------------------------|----------|-----------------------|------------------|-------------------|
| Residential - 3 Bedroom | 9 units | 2.1 spaces / per unit | 19 spaces | 23 spaces |
| Residential - 4 Bedroom | 26 units | 2.2 spaces / per unit | 58 spaces | 78 spaces |
| Residential - 5 Bedroom | 1 unit | 2.2 spaces / per unit | 2 spaces | 3 spaces |
| TOTAL | | | 79 spaces | 104 spaces |

The applicant has submitted a Traffic Statement, dated January 9, 2023, prepared by the applicant’s consultant, TrafTech Engineering Inc., identifying that the project will generate 163 daily vehicular trips in the area; 10 AM peak trips and 12 PM peak trips, which results in a net increase of one trip. The Traffic Statement indicates that the surrounding roadway network has sufficient capacity to accommodate the vehicular trips generated from the proposed development and that new traffic will not have a negative impact on the surrounding roadway network. The Traffic Statement is attached as **Exhibit 5**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed development is consistent with the City’s Comprehensive Plan in that the residential use and density proposed are allowed in the High Residential land use category. Staff has determined the proposed development is consistent with the City’s Comprehensive Plan Goals, Objectives, and Policies, including the Future Land Use Element, Goal 1, Objective FLU 1.1, Policy FLU 1.1.1, density and intensity standards are utilized to control the intensity of uses within the City; Policy 1.1.4, arrangement of dwelling units on a parcel of land designated for residential use is compatible with the land use plan and map as to the number of units permitted on the parcel; and Urban Design Element, Goal 1, promotion of high-quality and sustainable building design elements which complement the public realm.

The City’s Future Land Use Map indicates that the proposed project is located in the High Residential future land use designation which permits up to 60 dwelling units per acre; however this density is further restricted by the City’s ULDR, Section 47-5.38, which limits density east of the Intracoastal Waterway to 48 units per acre. Therefore, the maximum number of units allowed on this property is 36 dwelling units and the applicant is proposing 36 dwelling units.

Public Participation

This application is subject to the public participation requirements established in ULDR Section 47-27.4. The applicant has conducted three public outreach meetings which are listed below. The applicant's public participation meeting summary and affidavit are provided as **Exhibit 6**.

- Harbourage Place Condo Association Virtual Meeting – August 24, 2023
- Public Participation Virtual Meeting with Harbor Beach, Harbor Inlet, Harbourage Place Condo, Villa Madrid Apartments, Bahia Vista Club, and Central Beach Alliance – September 18, 2023
- Central Beach Alliance General Membership Meeting – September 28, 2023

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs, reflecting the meeting date of November 15, 2023, and are provided as **Exhibit 7**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a determination based on the following criteria:

- ULDR Section 47-23.8, Waterway Use
- ULDR Section 47-23.11, Modifications of Required Yards
- ULDR Section 47-24.3, Conditional Use Permit
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirement

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the Planning and Zoning Board 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 permit. If approved, the following conditions apply:

1. Prior to Final DRC, the applicant shall address the following:
 - a. Sheets A7.02 through A8.01, Sales Center, provide for vehicle use area landscape, drainage calculations for temporary uses, and Parking design standards including ADA.
 - b. Provide documentation from Broward County Emergency Management indicating that the development of the property does not impact the acceptable for level of service for hurricane evacuation routes and does not impact emergency shelter capacity.
2. At time of building permit submittal, applicant shall obtain a Final School Capacity Availability Determination (SCAD) letter and provide the Development Service Department with a copy at time of building permit submittal
3. At time of building permit issuance, applicant shall pay the Park Impact Fee for the residential units in accordance with ULDR Section 47-38A, Park Impact Fees.
4. Be advised, no archaeological resources are likely to be encountered within the subject parcel and no impacts are anticipated; however, if unmarked human remains are encountered during development, then excavation in the vicinity of the find shall halt immediately, and the property owner / agent shall alert the City's historic preservation staff to coordinate the discovery and take measures to implement Chapter 872.05 *Florida Statutes* as it pertains to the discovery of unmarked human remains. For any questions, please contact Trisha Logan, Principal Urban Planner, at tlogan@fortlauderdale.gov or 954.828.7101.
5. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated July 10, 2023, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to any

Certificate of Occupancy, all necessary improvements stated in the latest Water and Wastewater Capacity Availability letter shall be constructed, certified and in operation per ULDR section 47-25.2.

6. Prior to master permit issuance, the proposed ramp at the SE corner of the property providing access from the new sidewalk in the Right-of-Way to private property shall be redesigned to take into consideration the existing pole and streetlight. Any pole that currently has a streetlight attached to it must keep the light in place.
7. Prior to master permit issuance, grading plan, details and cross sections of Harbor Drive shall be revised to follow City of Fort Lauderdale Standard details; grass swale depth shall follow standard details for 50' Right-of-Way, with minimum depth of 8" (plans currently show 6").
8. Prior to issuance of Final Certificate of Occupancy, applicant shall dedicate a minimum ten (10) foot by fifteen (15) foot exclusive water utility easement for the proposed water meter vault located within the proposed development and outside of existing right-of-way to facilitate City maintenance access as approved by the City Engineer.
9. Prior to issuance of Final Certificate of Occupancy, applicant shall coordinate and provide a Maintenance Agreement with the City (for property frontage along Harbor Drive). Proposed improvements within adjacent City right-of-way include driveway, sidewalk, ramps, and landscaping.

If the Planning and Zoning Board 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 Planning and Zoning Board shall deny the Site Plan Level III permit.

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein, attached as part of Exhibit 2, to assist the Board in determining if the proposal meets these criteria.

EXHIBITS:

1. Location Map
2. Application, Project Narratives, and Plan Set
3. DRC Comment Report with Applicant's Responses
4. Water and Wastewater Capacity Letter
5. Traffic Statement, January 9, 2023, TraffTech Engineering, Inc.
6. Public Participation Meeting Summary and Affidavit
7. Public Sign Notice and Affidavit