



**REQUEST:** Site Plan Level IV Review; 54 Multifamily Residential Units and 100-Room Hotel Development with Setback Modifications, in Central Beach Regional Activity Center.

<b>Case Number</b>	UDP-S21031	
<b>Applicant</b>	Sunrise FTL Ventures, LLLP	
<b>Agent</b>	Nectaria Chakas, Esq., Lochrie and Chakas, P.A.	
<b>Property Address</b>	2851, 2091 NE 9 <sup>th</sup> Court	
<b>Existing Use</b>	Restaurant and retail uses	
<b>Zoning</b>	Sunrise Lane Area (SLA) District	
<b>Future Land Use</b>	Central Beach Regional Activity Center	
<b>Applicable ULDR Sections</b>	47-12, Central Beach Zoning Districts 47-25.2, Adequacy Requirements 47-24.3, Neighborhood Compatibility	
	<b>Required</b>	<b>Proposed</b>
<b>Lot size</b>	N/A	54,870 square feet (1.26 acres)
<b>Residential Density</b>	48 dwelling units / acre = 60 units allowed	54 units
<b>Hotel Density</b>	90 rooms / acre = 113 rooms allowed	100 rooms
<b>Building Height</b>	120 feet maximum	120 feet
<b>Building Length</b>	200 feet maximum	200 feet
<b>Building Width</b>	200 feet maximum	60 feet
<b>Distance Between Buildings</b>	20 feet or 20% of the tallest building, whichever is greater (20% of 120 feet = 24 feet)	99 feet, 6 inches
<b>Floor Area Ratio</b>	Commercial retail: 2 maximum	0.086
<b>Parking</b>	196	205
<b>Lot Coverage</b>	N/A	20,793 square feet (38%)
<b>Open Space</b>	N/A	20,170 square feet (37%)
<b>Landscape Area</b>	25%	28% (15,302 square feet)
	<b>Required</b>	<b>Proposed</b>
<b>Setbacks/Yards</b>	½ Building Height or *Request through Site Plan Level IV Review Process	
<b>Front (South)</b>	*20 feet minimum	20 feet
<b>Side(West)</b>	*10 feet minimum	10 feet, 1 inch
<b>Side (East)</b>	*10 feet minimum	40 feet
<b>Rear (North)</b>	*20 feet minimum	20 feet
<b>Notification Requirements</b>	ULDR Section 47-27.2, Sign Notice 15 days prior to meeting ULDR Section 47-27.4, Public Participation	
<b>Action Required</b>	Recommend Approval, Approval with Conditions, or Denial to the City Commission	
<b>Project Planner</b>	Karlanne Grant, Principal Urban Planner	

**PROJECT DESCRIPTION:**

The applicant, Sunrise FTL Ventures, LLLP, is proposing to develop 54 multifamily residential units and a 100-room hotel development proposed at 2851 and 2901 NE 9<sup>th</sup> Court. The project site is approximately 1.26 acres (54,870 square feet) and is generally located east of the Intracoastal

Waterway, west of North Birch Road, south of Sunrise Boulevard and north of NE 9<sup>th</sup> Court. The site has an underlying land use designation of Central Beach Regional Activity Center (Central Beach RAC), is zoned Sunrise Lane Area (SLA) District and is currently occupied with commercial buildings. The proposed development includes the construction of two buildings. The residential building, (western building) will be 11 stories and the hotel (eastern building) is proposed at 12 stories, with an overall building height for both buildings of 120 feet. The application, applicant's narrative responses to applicable criteria, and site plan are provided as **Exhibit 1**.

#### **PRIOR REVIEWS:**

The application was reviewed by the Development Review Committee (DRC) on August 10, 2021. The DRC Report and complete application are available on file with the Development Services Department (DSD).

#### **REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- ULDR Section 47-12, Central Beach District
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements

#### **Central Beach District**

Pursuant to ULDR Section 47-12, the intent and purpose of the SLA district is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood south of Sunrise boulevard. Existing residential and commercial uses and transient accommodations represent a substantial resource of this central beach area to be protected, enhanced and preserved. Subsection 47-12.5, District Requirements and Limitations and Section 47-12.6, Central Beach Development Permitting and Approval Standards are established to ensure that proposed development is consistent with the development standards under the provisions of the zoning district in which the development is located.

The overall project is designed as two buildings that sit above a subterranean garage. The towers have compatible materials with long continuous terraces to break up the mass of the buildings and allow for a continuous view of the surrounding landscape, supported by active uses such as rooftop pool decks for both towers and restaurant, bar, and retail spaces provided in the hotel building. The proposed project enhances the existing mixed-use development in the area.

The application complies with the regulations applicable to the SLA zoning district, subject to the Site Plan Level IV review and approval process. The applicant provides the required 20-foot front and rear setbacks, minimum 10-foot side yard requirement and is consistent with existing high-rise development in the SLA zoning district. The length of each tower is 200 feet with 99 feet, 6 inches of distance between the buildings, and a maximum height of 120 feet.

#### **Adequacy and Neighborhood Compatibility**

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. Water and wastewater is serviced by the City of Fort Lauderdale. A capacity letter dated April 5, 2022, and 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 the existing water and sewer infrastructure does not have the capacity to support the proposed development unless infrastructure improvements are completed. The improvements include the upsizing of the existing 6-inch water main along NE 9<sup>th</sup> Court to a minimum of 10-inches, and the existing 8-inch water main along North Birch Road will need to be upsized to a 10-inch line. The newly upgraded mains need to be directly connected to the existing 16-inch water main located on Sunrise Boulevard. The applicant has proffered to complete these improvements prior to obtaining the

final Certificate of Occupancy for the development, included as a condition of approval herein. The water/sewer capacity letter is attached as **Exhibit 2**.

In addition, a separate application for an easement vacation was submitted to vacate a three-foot-wide utility easement that runs vertically on the site. The easement currently serves no facilities and contains no utilities.

The neighborhood compatibility criteria of ULDR Sec 47-25.3 include performance standards requiring all developments to be "compatible with and preserve the character and integrity of adjacent neighborhoods... the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, buffer yards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

Properties surrounding the site are all located within the same zoning district to the south, east and west of the site and are all within the Central Beach RAC. Hugh Taylor Birch State Park with a fire station is located across Sunrise Boulevard and the project site, and is zoned Parks (P) district. The site abuts Sunrise Boulevard on the south side, is currently the site of commercial establishments and is located in a neighborhood characterized by an assortment of multifamily structures of varying heights and mass as well as architectural themes and styles. The proposed project will be compatible with the multifamily uses and surrounding properties, which consist primarily of existing multifamily residential structures of varying architectural themes, densities, mass, and height, as well as nearby commercial uses such as hotels and retail businesses along Sunrise Boulevard and Sunrise Lane. The proposed project is 12 stories in height. With the exception of the two to three-story condominiums south of the development site, the surrounding high-rise buildings range in height from 15 to 20 stories, consistent with the proposed development. The proposed building exceeds the minimum distance between buildings by more than four times the requirement, which allows for more light and air to pass through. The massing of the building is broken up by pronounced vertical elements that frame the curved terraces and vary in geometry at different levels. In addition, according to the applicant, the proposed project was designed with consideration of the views from nearby existing high-rise towers by the expansive separation of the towers and proposed rooftop landscaped decks to soften the views and animate the roof-scape component of each building.

Potential impacts from noise and odors are reduced as a result of locating outdoor activities on the roof deck, where they are screened from view. Locating the parking within an enclosed parking garage decreases the potential for vehicular noise typically generated from outdoor, exposed surface parking lots.

Visual nuisances created by overhead powerlines, which currently stretch along NE 9<sup>th</sup> Court will be removed and replaced with underground powerlines to aesthetically enhance the street, which serves as the main entrance to the project and adjacent buildings. To address potential shadow impacts, three shadow studies were prepared for the proposed project. Based on the buildings' positioning, there are no negative impacts on the adjacent condominium as the longest shadow occurs at sunrise and sunset and predominately shadows the north. There are no shadow impacts to any adjacent existing pools. The shadow studies are provided as **Exhibit 3**.

Additionally, the project is designed to enhance the visual and pedestrian experience along Sunrise Boulevard and NE 9<sup>th</sup> Court. Natural colors are used throughout the project with planting material and water features on the ground. An outdoor plaza is proposed along Sunrise Boulevard adjacent to a proposed commercial use located on the ground floor of the hotel tower, in addition to seating and bicycle racks within the plaza to enhance the public realm and encourage pedestrian activity in the area. To improve the ease of access to Sunrise Boulevard, the applicant has proffered to provide a pedestrian access easement for pedestrians to walk

along the sidewalk adjacent to the arrival court to access Sunrise Boulevard from NE 9<sup>th</sup> Court more directly. The applicant is also proposing streetscape improvements along NE 9<sup>th</sup> Court, which extend beyond the project limits, to benefit the neighboring properties with proposed on-street parking on the north and south side of NE 9<sup>th</sup> Court, with new sidewalks, and shade trees. Any proposed improvements outside of the project boundary will be subject to approval of a separate permit. An analysis of traffic impacts is included in the Parking and Circulation section herein.

#### **PARKING AND CIRCULATION:**

There are no new access openings proposed from Sunrise Boulevard to allow for continuous pedestrian experience along the corridor. Vehicular ingress and egress to the site is proposed from North Birch Road to access NE 9<sup>th</sup> Court. The proposed development will be served by valet operations. Residents and guests will enter the site at the arrival court to drop off their vehicle to the valet. The arrival court area provides access to the subterranean parking garage. Pursuant to ULDR Section 47-20, Parking and Loading Requirements, the project is required to provide 196 parking spaces and a total of 205 parking spaces are provided. Table 1 provides a breakdown of the required and provided parking for the project.

**Table 1 – Parking Data**

Use	Units	Parking Ratio	Required
Residential – 1 Bedroom	16 units	2 space per unit	32
Residential – 2 Bedroom	17 units	2 space per unit	34
Residential – 3 Bedroom	21 units	2.1 space per unit	44
Hotel Rooms	100 Rooms	0.67 space per room	67
Restaurant	3,210 square feet	1 space per 333 square feet	10
Bar	663 square feet	1 space per 333 square feet	2
Retail	825 square feet	1 space per 333 square feet	2
Offsite Parking Agreement Per ORB 12283, Page 418			5
<b>Required</b>			<b>196 spaces</b>
<b>Provided</b>			<b>205 spaces</b>

In addition, the applicant has submitted a Traffic Impact Study dated January 2022, prepared by the applicant's consultant, DC Engineers, Inc., identified that the proposed development will result in a reduction of 19 net PM peak-hour trips and is expected to produce 1,166 vehicular trips per day. Signalized and unsignalized intersections within the study area are currently operating within acceptable levels of service and are expected to continue operating within acceptable levels upon buildout of the proposed project. The City's Transportation and Mobility Department concurs with the Study's findings. The Traffic Impact Study is provided as **Exhibit 4**.

#### **COMPREHENSIVE PLAN CONSISTENCY:**

The proposed use aligns with the City's Comprehensive Plan Goals, Objectives and Policies, including:

- The Future Land Use Element
  - Goal 2: Uses and densities permitted in the future land use categories are established within the City of Fort Lauderdale Land Use Plan. Development Regulations as to permitted uses and densities must be in compliance with the permitted uses of the City Land Use Plan as shown on the Future Land Map.
- Urban Design Element
  - Goal 1: The City of Fort Lauderdale shall promote high-quality and sustainable building design elements which complement the public realm.

In addition, the Comprehensive Plan requires that the City track development in the Central Beach RAC and monitor the number of residential units and vehicular trips allocated to individual projects. As proposed, the project will result in a net reduction of 19 net PM peak-hour trips. If the proposed project is approved, 93 trips will remain in the Central Beach RAC. Table 2 provides a summary of the residential and vehicular trips allocated in the Central Beach RAC to date.

**Table 2 – Beach RAC Development Tracking Summary**

<b>Residential Unit Summary</b>		<b>Vehicle Trip Summary</b>	
Total Residential Units Permitted	5,500	Total Peak Hour Trips Permitted	3,220
Built and Approved Units <sup>(1)</sup>	5,100	Built and Approved Trips <sup>(1)</sup>	3,196
Demolition Credits <sup>(2)</sup>	34	Demolition Credits <sup>(2)</sup>	50
Number of Available Units	434	Number of Available Trips	74
Allocation for Ocean Park	54	Allocation for Ocean Park	-19
<b>Number of Units Available if Proposed Ocean Park House is Approved</b>	<b>380</b>	<b>Number of Trips Available if Proposed Ocean Park is Approved</b>	<b>93</b>

*(1) Includes built projects, approved not yet built, and pending litigation.*

*(2) Demolition credits for properties that demolition structures after 1989 and did not receive new approvals.*

#### **PUBLIC PARTICIPATION:**

The application is subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within three-hundred feet of City-recognized civic associations. To meet the public participation meeting requirement, the applicant conducted a virtual public participation meeting on January 20, 2022, to provide an opportunity for comments from the public. The public participation meeting summary and affidavit are provided as **Exhibit 5**.

This request is also subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of three 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 April 20, 2022, are provided as **Exhibit 6**.

In addition, public comments submitted to the department to date, commenting on the proposed development, 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 47-12, Central Beach District
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as Exhibit 1, to assist the Board in determining if the proposal meets these criteria.

The Planning and Zoning Board shall determine if the proposed development or use meets the standards and requirements of the ULDR and shall forward its recommendation to the City Commission.

#### **CONDITIONS OF APPROVAL:**

Should the Planning and Zoning Board approve the request, the following conditions are proposed:

1. Prior to Final DRC sign-off, the applicant shall provide structural soil detail and composition to be shown on the site and civil plans.
2. Prior to Final DRC Sign-off, corresponding easement vacation UDP-EV21005 shall be approved by City Commission.
3. Prior to issuance of final certificate of occupancy, applicant shall prepare, execute, and record an agreement or other document for the perpetual maintenance of private

improvements within the existing and proposed rights-of-way of Northeast 9<sup>th</sup> Court, as depicted on Sheet X2 of the site plan.

4. Prior to issuance of final certificate of occupancy, applicant shall record a pedestrian sidewalk access easement along the north side of NE 9<sup>th</sup> Street to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way.
5. Prior to issuance of final certificate of occupancy, the applicant shall provide a pedestrian access easement for public access along a safe pedestrian path through the plaza onsite as depicted on Sheet X3, Utility/Public Access Easement Exhibit, included on page 92 of Exhibit 1 to connect from NE 9<sup>th</sup> Court to Sunrise Boulevard.
6. Prior to issuance of final certificate of occupancy, applicant shall dedicate a minimum ten (10) foot by fifteen (15) foot utility easement for the two four (4) inch water service and meters proposed and located within the proposed development and outside of existing right-of-way to facilitate City maintenance access as approved by the City Engineer.
7. Applicant will be required to pay a park impact fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Section 47-38A, Park Impact Fees.
8. Applicant will be required to obtain a final School Capacity Availability Determination (SCAD) letter prior to the submittal of building permit and provide the City with a copy at time of building permit submittal.
9. If, during the course of development, archaeological materials or unmarked human remains are encountered then excavation in the vicinity of the find shall halt immediately and the developer, property owner, or authorized agent should immediately 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.
10. In accordance with the Water and Wastewater Capacity Availability letter issued by the City's Public Works Department, dated February 8, 2022, the Applicant will make the necessary improvements including design, permitting and construction of said improvements in order to meet adequacy requirements per ULDR section 47-25.2. prior to issuance of a Temporary Certificate of Occupancy and/or Final Certificate of Occupancy.

**EXHIBITS:**

1. Application, Narrative Responses to Code Criteria, and Site Plan
2. April 5, 2022, Water/Sewer Capacity Letter Issued by the City's Public Works Department
3. January 2022 Traffic Impact Study, DC Engineering, Inc.
4. Shadow Study
5. Public Participation Meeting Summary and Affidavit
6. Public Sign Notice and Affidavit
7. Public Comments