



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0762

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: September 22, 2022

TITLE: Quasi-Judicial Resolution - Amendment to a Site Plan Level IV Beach
Development Permit – Birch Road, LLC. And Cheston MM, LLC. – 530
North Birch Road - Case No. UDP-A22036 - **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider adopting a resolution amending a Site Plan Level IV Beach Development Permit for the “530 Birch” development project, adding residential units and amending dimensional requirements including height and minimum building tower stepback, pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-12.5.F1 and ULDR Section 47-12.6.C.1.b.

Background

The original site plan (Case #PL-R18065) proposed at 530 North Birch Road was approved by the City Commission on February 19, 2019. The original site plan proposed an eleven-story (120 feet high) multifamily residential building with 21 units.

With this application, the applicant is proposing to build a fourteen-story, multifamily residential building, requesting to increase the height of the approved project by 24 feet, and adding eleven (11) additional residential units to the previously approved site plan. The applicant is also requesting a minimum building tower stepback of ten (10) feet, where twelve (12) feet is required.

The site has an underlying land use designation of Central Beach Regional Activity Center (Beach RAC) and is zoned North Beach Residential Area (NBRA) District. A location map is attached as Exhibit 1. The application, applicant’s narratives, site plan and project renderings are attached as Exhibit 2. City Commission Resolution No. 19-31, which approved the original development, and approved project elevation plans and renderings are attached as Exhibit 3.

Central Beach District Requirements

In accordance with ULDR Section 47-12.5.F.1, a Beach Development Permit may be issued for a development with a height that exceeds the maximum structure height as provided in Section 47-12.4.1 by up to twenty percent (20%) but not exceeding a height of 144 feet, provided that the structure has a maximum floorplate of 16,000 square feet and the development permit is subject to City Commission approval pursuant to

Section 47-12.6. The project includes a maximum floorplate size of 9,503 square-feet, which meets the intent of this section.

Pursuant to ULDR Section 47-12.6.C.1.b., Modification of Tower Stepback, the stepback requirement may be modified if the applicant demonstrates that compliance with the 12-foot stepback requirement is not feasible due to site constraints, such as a small or irregularly shaped lot, and the proposed development plan demonstrates the following:

- i. Vertical articulation is used to moderate the scale and bulk of buildings; and,
- ii. The design considers the overall height of the building in respect to the width of the street and does not negatively impact light and air passing through to the street; and,
- iii. The design of the building shall emphasize corner features and ground-level elements and include a double-story height along primary streets to offset the stepback modification; and,
- iv. Proposed development is harmonized with buildings on neighboring properties by maintaining compatibility of scale with neighboring properties.

The application meets these criteria. The building design incorporates articulation to moderate scale, the building height is appropriate in the context of the existing streets, is not located along a primary street as identified in Section 47-12.5.D.3, and the proposed development harmonizes with and maintains compatibility of scale with neighboring properties. Table 1 provides a summary of the quantitative dimensional requirements specified for the NBRA district and those proposed for the project.

Table 1 – Amended Dimensional Requirements

	Required	Proposed
Maximum Building Height	120 Feet (up to 144 feet subject to City Commission review)	144 Feet
Maximum Building Streetwall Length	200 Feet	160 Feet Length 110 Feet Width
Maximum Tower Floorplate Size	16,000 Square Feet	9,503 on floors 4 through 14
Maximum Building Podium Height	65 Feet	37 Feet, 6 Inches
Minimum Building Tower Stepback	12 Feet	10 Feet
Minimum Tower Separation	30 Feet	N/A
Minimum Residential Unit Size	400 Square Feet	550 minimum 870 average

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. Adequate public services are available in the area to meet the needs and demand of the project. Water and wastewater are serviced by the City of Fort Lauderdale. A capacity letter has been issued by the City's Public Works Department dated August 29, 2022, which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. The letter states the existing infrastructure has sufficient capacity to serve the proposed project with no improvements required.

A traffic generation statement was prepared by the applicant's traffic consultant, Kimley Horn Consulting on August 20, 2018, and revised on July 18, 2022, to include the additional trips generated by the 11 additional residential units proposed. The proposed residential redevelopment on site is expected to generate an increase of 17 net new external weekday daily trips in comparison to the vested hotel use on site. Without applying any credit for existing uses, the new site development generates 145 external weekday daily trips. The proposed residential redevelopment on site is expected to generate an increase of 3 net new external weekday PM peak hour trips in comparison to the existing use on site (net change of +3 inbound / 0 outbound trips).

The July 2022 Traffic Generation Statement is attached as Exhibit 4. The water and sewer capacity letter is attached as Exhibit 5.

Comprehensive Plan Consistency

The proposed use is consistent with the Central Beach Regional Activity Center (Beach RAC) land use designation. The proposed development is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element Objective 1.11, Policies 1.11.2 and 1.11.3 which require enhancing landscaping, street and pedestrian amenities through the development review process within the Beach-RAC and views of the oceanfront and Intracoastal Waterway within the Beach-RAC. Objective 1.21 also encourages mixed-use developments to enhance the livability of the City through encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The City's Future Land Use Map indicates that the proposed project is located within the boundaries of the Beach RAC. Per an Interlocal Agreement between the City and Broward County, the City is required to monitor and track development entitlements in the City's Regional Activity Centers. The Beach RAC development limitations are based on residential units and vehicular trips. The project proposes 11 additional residential units and will add a net of 3 PM peak trips. If approved, there will be 369 residential units and 107 trips remaining for development allocation. The remaining totals do not reflect pending projects currently under review.

Conditions of Approval

Should the City Commission approve the development, the following conditions apply:

1. Prior to issuance of building permit, applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Prior to building permit application, applicant shall provide a final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. Engineering Conditions:
 - a) Prior to Building Permit application, applicant shall provide a bond for the construction and/ or replacement of public sidewalks/ ADA ramps abutting the proposed development. The bond amount shall be for 125% of the total construction cost. A cost estimate breakdown for the installation of the public sidewalk improvements (including but not limited to materials, labor, mobilization, MOT, permitting and certification) signed and sealed by a Florida Professional Engineer shall be submitted for review and acceptance prior to finalizing the bond.
 - b) Prior to Building Permit application, applicant shall provide a non-objection letter from utility owners for the proposed on-site drainage improvements and (any other encroachments) within the existing 4' utility easement along the east boundary of the property
 - c) Prior to issuance of final Certificate Occupancy, applicant shall record a twenty (20) feet corner chord Right-of-Way dedication or right-of-way easement to the City on southeast corner of Windamar Street & Birch Road intersection and on northeast corner of Birch Road & Viramar Street intersection per ULDR Section 47-24.5.D.p, as approved by the City Engineer.
 - d) Prior to issuance of final Certificate Occupancy, applicant shall record a permanent Sidewalk Easement as appropriate along east side of Birch Road and north side of Viramar Street to accommodate portion of the 7' (min.) pedestrian clear path that may be located beyond public Right-of-Way and/or Right-of-Way Easement dedication; as approved by the City Engineer.
 - e) Prior to issuance of final Certificate Occupancy, applicant shall record a 10' x 15' (min.) permanent Utility Easement for any 4 Inch or larger water meter located within the proposed development (for City Maintenance access); as approved by the City Engineer.
4. The subject property is located on the coastal barrier island in an area identified as the Fort Lauderdale Beach Archaeological Zone. This area has previously yielded significant prehistoric and historic archaeological deposits including recently identified site 8BD5880 (Alhambra), located approximately 1,600 feet south of the subject property. The Alhambra site is a prehistoric midden with evidence that suggest the site was the locus of fishing activities between 1000 BC to AD 1700. The site was discovered during post-demolition archaeological survey of the Casa Alhambra parcel and demonstrates prehistoric archaeological features may remain preserved beneath

existing twentieth century development. The following is recommended for archaeological testing and monitoring as part of this new development:

- a) Archaeological Testing – An archaeological survey of vacant lot 2 should be conducted in coordination with the issuance of a demolition permit within the subject property. At the time of applying for a demolition permit, a letter of agreement with a professional archaeologist shall be submitted to the Historic Preservation Planner. The study should consist of shovel test pits (STP) distributed evenly across the parcel at approximately 10 meter intervals (3 transects of 5 STP equaling approximately 15 STP total). If necessary, mechanical assistance may be used to remove asphalt and surface pavement/overburden in order to provide suitable access to the site for conducting STPs. All mechanical operations should be supervised by an archaeologist to monitor activities for archaeological discoveries. STPs that yield prehistoric archaeological materials shall be bounded by double negative judgmental STPs placed at half-intervals in cardinal directions. Upon completion of the survey, a preliminary report documenting the survey findings and methodology must be submitted prior to applying for foundation, utility, or building permits to the Historic Preservation Planner – Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at: tlogan@fortlauderdale.gov. Dependent on results of initial survey additional testing or modifications may be required, including any measures to implement Chapter 872.05 *Florida Statutes* as it pertains to the discovery of unmarked human remains.
- b) Archaeological Monitoring - An archaeologist should monitor subsurface disturbances within the subject property (lots 2 and 3) during the demolition of existing structures. The purpose of the archaeologist will be to observed ground-disturbances and to record and collect discoveries as they deem appropriate. In the event that significant archaeological materials or unmarked human remains are encountered then the archaeologist shall be empowered to direct the project site manager to halt excavation in the vicinity of the find and to 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. Upon completion of monitoring activities, a preliminary monitoring report documenting the monitoring findings and including a monitoring log must be submitted to the Historic Preservation Planner - Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at tlogan@fortlauderdale.gov.
- c) A final archaeological survey report should be submitted, prior to the issuance of a foundation or building permit, to the Historic Preservation Planner. The report should document study methodology, findings, and recommendations and include results of the survey of lot 2 and accessible portions of Lot 3 as well as the results of the archaeological monitoring.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2022 Commission Priority*, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- Neighborhood Enhancement
- Goal 4: Build a thriving and inclusive community of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatible uses.
- The Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application and Applicant's Narratives, Site Plan and Project Renderings

Exhibit 3 – Resolution No. 19-31 and Approved Project Elevation Plans and Renderings

Exhibit 4 – July 2022, Traffic Generation Statement

Exhibit 5 – Water and Sewer Capacity Letter

Exhibit 6 – Resolution Approving

Exhibit 7 – Resolution Denying

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