



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

FROM: Greg Chavarria, City Manager

DATE: February 21, 2023

TITLE: Quasi-Judicial Resolution – Approving a Site Plan Level II Development Permit and Design Deviation Request – 200 Third, LLC – 200 Third – Case No. UDP-S21048 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider adopting a resolution authorizing the issuance of a Site Plan Level II development permit for a 43-story, mixed-use building with 388 residential units and 2,628 square feet of commercial use proposed at 200 NE 3rd Street, and a design deviation request pursuant to Section 47-13.20.J.3.

Background

The applicant, 200 Third, LLC, is proposing to construct a 43-story, mixed-use building at 200 NE 3rd Street with a design deviation request for the tower separation requirement. The site has an underlying land use designation of Downtown Regional Activity Center (DRAC) and is zoned Regional Activity Center – City Center (RAC-CC) District. A location map is attached as Exhibit 1. The application and project narratives are attached as Exhibit 2, and the site plan and project renderings are attached as Exhibit 3.

The City Commission is to consider the application, the record and recommendations forwarded by the Development Review Committee (DRC), and public comments on the application when determining whether the proposed development or use meets the standards and requirements of the ULDR and criteria for a Site Plan Level II Development Permit and whether the design deviation request meets the overall intent of the Downtown Master Plan.

The Development Review Committee (DRC) reviewed the plans on December 14, 2021. All comments have been addressed and are on file with the Development Services Department. The DRC comments are attached as Exhibit 4.

Downtown RAC Review Process and Special Regulations

The project is located in the Downtown Core Character Area as defined in the Downtown Master Plan (DMP). The purpose of the Downtown Core character area is to create a mixed-use center with high density housing, commercial and civic uses. The RAC-CC zoning district permits mixed-use development, higher density residential, a wide range

of employment, shopping, service, cultural, and other more intense land uses. Commercial retail uses are required on the ground floor of buildings on streets where pedestrian activity is encouraged. Residential uses are permitted above business uses and encouraged to be located abutting the public street/sidewalk to promote an urban character.

Downtown Master Plan

The following is a summary regarding the project's compliance with the Downtown Master Plan (DMP) design guidelines:

- Quality of Architecture
The building contains extensive fenestration, angled balconies, articulation of building façade including a vertical element extending from the ground floor to the rooftop to break up the mass and scale. The ground floor contains floor to ceiling windows, and high-quality materials such as stone cladding and metal composite. Above the lobby and retail space, a four-story high mural will screen the parking podium with the remainder of the podium to be lined with metal composite wall panels. The project's self-confident design is enhanced by the multiple rooftop angles adding to the overall Downtown Fort Lauderdale skyline composition.
- Active Uses and Building Program
The ground floor of the building is activated with 2,682 square feet of commercial space and 7,372 square feet of leasing/lobby area. The proposed ground floor will provide a 22.67-foot floor to ceiling height.
- Streetscape Design
The project includes shade trees, seven-foot-wide sidewalks, an outdoor seating area, and active ground floor uses for the majority of the ground floor that will enhance the pedestrian experience. All loading and unloading activities will be conducted at the rear of the building in the alley to the south. There is one vehicular entrance to the parking garage from NE 3rd Street.
- TOD Guidelines
Parking for 84 bicycles is available on the ground floor. The design encourages pedestrian activity by placing retail space and the residential lobby along NE 3rd Street. The commercial/retail spaces along the northern portion of the project will border a seven-foot sidewalk lined with street trees and benches.
- Streetwall Length
The project proposes a streetwall length of 200 feet along NE 3rd Avenue which is less than the maximum 300 feet prescribed by the Downtown Master Plan.
- Building Height
The proposed project is 43 stories or 448.5 feet high. The 9-story parking podium reaches a proposed height of 104 feet 2 inches. The upper level of the parking podium contains several amenity features including the pool, a lounge, bar, and several seating areas.

- Floorplate Size

Floorplate size applies to building towers, which in the Downtown Core character area is applied for the portion of the building above the nine-story podium. For this character area, the tower floorplate size is not to exceed the preferred maximum of 18,000 square feet up to 15 floors and 12,500 square feet for the remainder of the tower up to 43 floors in height. The proposed residential building contains a maximum floorplate size of 12,500 square feet from the tenth story to the forty-third story.

- Parking Garage

The parking garage is accessed from NE 3rd Street. Parking is located on levels two through nine. The garage is screened with a mural above the ground floor retail space from floors two through five. The remaining garage is screened by perforated metal screening, metal composite wall panels and stucco walls, with metal intake/exhaust louvers

Downtown Master Plan Design Deviation Request

In accordance with ULDR Section 47-13.20.J.3, in the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B, Downtown Master Plan (DMP) Standards, the developer may submit the design of the proposed development for review and approval by the City Commission if the alternative design meets the overall intent of the Downtown Master Plan. Regarding specific DMP dimensional elements, the applicant is requesting a design deviation request for the tower separation requirements, as follows:

Tower separation

The DMP encourages maintaining 60 feet between building towers above the podium to allow light and air to circulate between buildings. Therefore, a 30-foot space is required to be provided by the applicant between the building façade and the property's lot lines or to the centerline of an adjacent alley. Any balconies that intrude on the 60-foot requirement between the building towers requirement are a design deviation request. The applicant proposes deviations from the tower separation requirements with a 24-foot separation on the east side, a 24-foot separation on the west side and a 24-foot separation on the rear of the property to the centerline of the alley, where a 30-foot separation is required for each. The proposed tower separation from the side and rear lot lines meet the intent of the Downtown Master Plan due to the building's overall smaller footprint represented by its 200-foot streetwall length and 12,500 square foot tower floorplate. The project incorporates transparent glass-paneled railings along the balconies on all sides of the tower which also reduces the tower separation design deviation.

Table 1 provides a summary of the quantitative dimensions in the DMP and those proposed for the project. Specific design solutions, as described in detail above, are categorized by topic and compliance with the requirement is noted accordingly.

Table 1 – Downtown Master Plan and Riverwalk Master Plan Design Guideline Comparison Summary

	Downtown Core	Proposed	Complies or Deviation Request
Maximum Building Height	None (FAA Restrictions Apply)	43 Floors 448.3 feet	Complies
Maximum Building Streetwall Length	300 Feet	200 Feet	Complies
Maximum Tower Floorplate Size (Square Feet)	18,000 Square Feet	12,500 Square Feet	Complies
Maximum Building Podium Height	9 Floors	9 Floors	Complies
Minimum Building Tower Stepback	None	30 feet	Complies
Minimum Residential Unit Size (Square Feet)	400	581 minimum 843 average	Project Complies
	Required Tower Separation	Proposed Tower Separation	Complies or Deviation Request
Minimum Tower Separation	35 Feet from Street Centerline	36 feet 6 inches	Complies
	30 Feet to Side Lot Line (West)	24 Feet	Deviation Request
	30 Feet to Side Lot Line (East)	24 Feet	Deviation Request
	30 Feet to Center of Alley	24 Feet	Deviation Request

Adequacy

A traffic impact study was prepared by the applicant’s traffic consultant, Danielsen Consulting Engineers, Inc. dated May 2022. The development is projected to generate 1,838 net new daily vehicle trips, resulting in 102 additional vehicle trips in the AM peak hour and 126 additional vehicle trips during the PM peak hour. The traffic impact study is attached as Exhibit 5.

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 are serviced by the City of Fort Lauderdale. A capacity letter has been issued by the City’s Public Works Department dated June 10, 2022, which identifies the facilities and associated infrastructure servicing this project and the project’s impact on capacity. The letter indicates that several sewer pipes require upsizing to accommodate the increase in

sewer flow from the proposed development. which is included as a condition of approval. The capacity letter is attached as Exhibit 6.

Residential Units

The subject property is located within the City’s Downtown Regional Activity Center. Should the allocation of the 388 residential flex units be approved, 1,697 residential flex units will remain. Table 2 identifies a breakdown of flex unit allocation to date. The proposed project is included in the pending total provided in Table 2.

Table 2 – Unified Residential Flex Unit Summary

	Flex Units
Permitted	12,008
Assigned to Date	9,923
Pending	388
Remaining	1,697

Comprehensive Plan Consistency

The proposed development supports Future Land Use Element Objective FLU 2.3 regarding a Mixed-Use Development Multimodal Environment and Policy 2.3.1 which requires mixed-use residential development to promote an urban form, which creates well integrated land use combinations, balances intensity and density, and promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement. In addition, the project supports Urban Design Element Policy UD 1.1.6 which states that where buildings engage the streets, high quality building design will be promoted through the use of high-quality materials and building façade features such as transparency.

The project fulfills Objective FLU 2.4 which states that the City will direct growth to designated Urban Redevelopment/Downtown Revitalization Areas to discourage urban sprawl, maximize the use of existing public facilities and centralize commercial, governmental, retail, residential, and cultural activities. It supports Policies FLU 2.4.1 by creating a vibrant mixed-use Downtown, combining new homes with office space, shops, and restaurants, and places for art, culture and civic life through the Downtown Master Plan.

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 1, Objective 2.4, Policy 2.4.1, Create a vibrant mixed-use downtown through the Downtown Master Plan.
- The Urban Design Element
- Goal 1.1, Strengthen the urban form throughout the City by building upon the character and fabric of the built environment while allowing complementary new development through urban design criteria that supports exceptional sense of place.

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 final DRC, 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. Provide a letter from the FAA indicating that such review has been performed. FAA approval must be obtained prior to building permit.
4. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated July 10, 2022, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Applicant voluntarily assumes responsibility for the design, permitting and construction of said improvements to meet adequacy requirements per ULDR section 47-25.2. Prior to issuance of any Final Certificate of Occupancy, these improvements shall be constructed, certified and operational. If applicant requests a Temporary Certificate of Occupancy (TCO) for a portion of the building, applicant shall be required to demonstrate that Water and Wastewater Capacity is available for the portions of the building operating under a TCO.
5. Prior to Final Certificate of Occupancy, applicant shall dedicate a five (5) foot public right-of-way easement along the south side of Northeast 3rd Street to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
6. Prior to Final Certificate of Occupancy, applicant shall dedicate a four (4) foot pedestrian sidewalk non-exclusive easement along the south side of Northeast 3rd Street, to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way. The sidewalk easement shall be measured from the back of the required five (5) foot public right-of-way easement.

7. Prior to Final Certificate of Occupancy, applicant shall dedicate a minimum of ten (10) foot by ten (10) foot non-exclusive utility easement for the proposed above ground four (4) inch water meter located within the proposed development and outside of existing right-of-way.
8. Prior to Final Certificate of Occupancy, applicant shall coordinate Maintenance Declaration with the City (for property frontage along Northeast 3rd Street). Proposed improvements within adjacent City right-of-way include driveway paving, concrete curb, sidewalk, and landscaping as depicted on maintenance agreement exhibit sheet X-2.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

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

- The Business Development Focus Area.
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses.

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

Attachments

Exhibit 1 – Location Map
Exhibit 2 – Application and Applicant's Narratives
Exhibit 3 – Site Plan and Project Renderings
Exhibit 4 – DRC Comments
Exhibit 5 – Traffic Impact Study
Exhibit 6 – Water and Sewer Capacity Letter
Exhibit 7 – Resolution Approving
Exhibit 8 – Resolution Denying

Prepared by: Lorraine Tappen, Principal Urban Planner, Development Services Department

Department Director: Christopher Cooper, AICP, Development Services Department