



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0221

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

FROM: Greg Chavarria, City Manager

DATE: March 23, 2023

TITLE: Quasi-Judicial Resolution Approving a Design Deviation Request for a
Site Plan Level II Development Permit – Ben Ft Laud, LLC and Ben Ft
Laud DRC, LLC – The Benjamin – Case No. UDP-S22035 -
(Commission District 4)

Recommendation

Staff recommends the City Commission consider adopting a resolution authorizing the issuance of a Site Plan Level II development permit for “The Benjamin”, a mixed-use development proposed in the Downtown Regional Activity Center and approving a design deviation request pursuant to Unified Land Development Regulations (ULDR) Section 47-13.20.J.3.

Background

The applicant, Ben Ft Laud, LLC and Ben Ft Laud DRC LLC, is proposing to redevelop the property located at 777 SE 3rd Avenue with a 30-story high (348.33 feet) mixed-use project consisting of 542 multifamily residential units and 13,764 square feet of commercial use. The proposed development will encompass the block of SE 2nd Avenue to SE 3rd Avenue and SE 7th Street to SE 8th Street. The site is located within the Downtown Regional Activity Center – City Center (RAC-CC) zoning district and has an underlying land use designation of Downtown Regional Activity Center (Downtown RAC) within the *Near Downtown* character area. A location map is provided as Exhibit 1. The FAA determination of no hazard letter is attached as Exhibit 2.

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 intent of the Downtown Master Plan.

The project was reviewed by DRC on August 23, 2022. The DRC Comment Report is provided as Exhibit 3. All comments have been addressed and are on file with the

Development Services Department. The application and project narratives are provided as Exhibit 4 and the abbreviated site plan set is provided as Exhibit 5.

Review Analysis

The application was reviewed for consistency with the Downtown Master Plan (DMP) and is subject to the following Unified Land Development Regulations (ULDR):

- ULDR Section 47-13.20, Downtown RAC Review Process and Special Regulations
- ULDR Section 47-13.21, Table of Dimensional Requirements for RAC Districts
- ULDR Section 47-24.1, Development Permit and Procedures
- ULDR Section 47-25.2, Adequacy Requirements

Downtown Master Plan Standards - 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 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 standards, the applicant is requesting design deviations for the building streetwall length, as follows:

- **Principles of Building Design - Building Streetwall Length:**
Projects in the Downtown RAC are required to maintain a maximum streetwall length of 300 feet. The applicant is proposing a streetwall length of 341 feet ½ inch along SE 7th street and SE 8th Street.

To minimize the impact of the extended streetwall length, the applicant created different treatments and articulation along the building façade, proposing three frames where different materials and balcony types are proposed, and creating two breaks separating the building façade into three sections which provides variation to the pedestrian experience along the street. A mezzanine is proposed with walk-up loft units that creates a grand look and feel to improve the pedestrian experience, along with commercial spaces at the corner. In addition, clear storefront windows at the ground floors, open space areas, street trees, and minimum 7-foot-wide sidewalks contribute to an active pedestrian experience and walkable environment. Table 1 provides a summary of the quantitative dimensions in the DMP and those proposed for the project.

Table 1 – DMP Requirements Comparison Summary

Near Downtown Character Area Dimensional Requirements	Required	Proposed	Complies or Deviation Request
Maximum Building Height	30 Floors	30 Floors	Complies
Maximum Building Streetwall Length	300 feet	341 feet, ½ inch (SE 7 th Street and SE 8 th Street)	Deviation Request
Maximum Tower Floorplate Size	12,500 square feet	12,353 square feet	Complies

Maximum Podium Height	7 floors	7 floors	Complies
Minimum Tower Stepback	15 feet, 30 feet when street ≤ 60 feet*	15 feet	Complies
Minimum Tower Separation	60 feet	165 feet between towers	Complies
Minimum Residential Unit Size	400 square feet	648 square feet	Complies

*Projects in the Downtown RAC are encouraged to increase setbacks from the shoulder from 15 feet to 30-feet, where towers are located on streets that are less than or equal to 60 feet in width to provide additional distance to reduce the impact of the building tower on the narrower street. SE 7th Street and SE 8th Street are both 25 feet in width. The applicant is proposing to provide the required minimum 15-foot setback.

Adequacy Requirements

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 service is provided 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 sufficient water capacity exists for water infrastructure and no improvements are needed for water infrastructure. Sewer infrastructure requires improvements to meet the demand of the proposed project. The applicant proffered to make the improvements as stipulated in the conditions of approval. The Water and Sewer Availability Letter is attached as Exhibit 6.

Parking and Transportation Network

Vehicular ingress and egress to the site is located on SE 7th Street and SE 8th Street and will contain two access driveways on both streets for access into the garage and to the loading area. The two driveways located near SE 3rd Avenue will primarily be used by delivery trucks while the two western driveways will be used for residents and retail customers. Pedestrian enhancements are proposed along all property frontages providing minimum seven-foot sidewalks along SE 7th Street, SE 8th Street and SE 2nd Avenue and a 10-foot sidewalk along SE 3rd Avenue. In addition, street trees are provided as a buffer between the sidewalks on all frontages.

The applicant has submitted a Traffic Study identifying that the project will generate 2,695 new net daily vehicular trips in the area with a net increase of 170 AM peak trips and 193 PM peak trips. Most of the intersections are expected to operate adequately with the proposed project in place, except for the intersection of SE 3rd Avenue and SE 6th Street which is projected to fail during the afternoon peak period. This intersection is expected to fail under background conditions without the project in place. However, with signal optimization improvements, the intersection is expected to operate adequately. It is recommended that the applicant contact Broward County Traffic Engineering Division to request that the signal timing of the intersection described be optimized, if necessary, by Broward County Traffic Engineering Division after the project is built and occupied. The implementation of a westbound left-turn lane is recommended, if feasible. However, the results of the capacity analysis indicate that the proposed driveway and roadway are expected to operate adequately without the left-turn lane. Due to the limited right of way,

street geometrical issues, and the city's preference for pedestrian movement, the city will not be requiring the left turn lane at the driveway. The Traffic Study, dated October 2022, prepared by the applicant's consultant, Traf Tech Engineering, Inc., is attached as Exhibit 7.

The applicant is proposing to provide 542 parking spaces on-site and 96 bike storage spaces in the parking garage. Table 2 provides a breakdown of the total parking for the project based on the parking standards of ULDR Section 47-20.2, Table 3. Additionally, a total of 15 on-street parking spaces are proposed along SE 2nd Avenue, SE 7th Street and SE 8th Street. Bike spaces are proposed along SE 2nd Avenue and SE 3rd Avenue.

Table 2 – Parking Summary

Use	Units/Square Footage	Parking Ratio	Required
Residential	542 units	1 space per unit	542 spaces
Commercial	13,764 square feet	Exempt	0 spaces
Required			542 spaces
Provided			542 spaces

Residential Unit Allocation

The Comprehensive Plan requires that the department track development in the Downtown RAC and monitor the number of units allocated to development projects. The subject property is located within the City's Unified Flex Zone and is eligible for residential flex unit allocation. Should the allocation of the 542 residential flex units be approved, 2,502 residential flex units will remain. Table 3 identifies a breakdown of flex unit allocation to date. The proposed project is included in the pending total provided in the table.

Table 3 – Unified Residential Flex Unit Summary

	Flex Units
Permitted	12,008
Assigned to Date	8964
Pending	542
Remaining*	2502*

**Remaining number of units includes projects under review pending approval.*

Should the City Commission approve the Site Plan Level II Development Permit and design deviation request, the following conditions apply:

1. At time of building permit submittal, the applicant must submit the Final School Capacity Availability Determination (SCAD) letter and provide a copy of the Final SCAD letter to the Development Services Department.

2. Prior to issuance of building permit, applicant will be required to pay the Park Impact Fees for the proposed residential units in accordance with ULDR Section 47-38A, Park Impact Fees.
3. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated November 23, 2022, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to any Certificate of Occupancy, all improvements necessary to retain water and sewer capacity shall be constructed, certified and in operation per ULDR section 47-25.2.
4. Prior to Final Certificate of Occupancy, applicant shall record a public right-of-way easement along the east side of SE 2nd Avenue, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section.
5. Prior to Final Certificate of Occupancy, applicant shall record a public right-of-way easement along the north side of SE 8th Street, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section.
6. Prior to Final Certificate of Occupancy, applicant shall record a public right-of-way easement along the south side of SE 7th Street, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section.
7. Prior to Final Certificate of Occupancy, applicant shall record a pedestrian sidewalk easement along the east side of SE 2nd Avenue, to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
8. Prior to Final Certificate of Occupancy, applicant shall record a pedestrian sidewalk easement along the north side of SE 8th Street, to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
9. Prior to Final Certificate of Occupancy, applicant shall record a pedestrian sidewalk easement along the south side of SE 7th Street, to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
10. Prior to Final Certificate of Occupancy, applicant shall record a pedestrian sidewalk easement along the west side of SE 3rd Avenue, to accommodate a portion of the required pedestrian clear path located outside of the existing right-of-way.
11. Prior to Final Certificate of Occupancy, applicant shall dedicate a minimum of ten (10) foot by fifteen (15) foot utility easement for any the proposed water meters located within the proposed development and outside of existing right-of-way.
12. Prior to Final Certificate of Occupancy, applicant shall coordinate Maintenance Declaration with the with the City (for property frontage along SE 2nd Avenue, SE 8th Street and SE 7th Street). Proposed improvements within adjacent City right-of-way

include concrete/specialty sidewalk, driveway paving, on-street parallel parking, concrete curb, landscaping, structural soil and irrigation as depicted on maintenance agreement exhibit sheet C-12. Please be advised that applicant will be responsible for maintenance of proposed storm drain infrastructure improvements located within adjacent City Right-of-Way during a one (1)-year warranty period, until accepted by the City's Public Works Department.

13. All proposed improvements adjacent and within SE 3rd Avenue are subject to Broward County Highway Construction and Engineering Division (BCHCED) review and approval.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, specifically advancing:

- The Infrastructure Focus Area.
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure.

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

This item also 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 compatibility of uses.

Attachments

Exhibit 1 – Location Map
Exhibit 2 – FAA Determination of no Hazard Letter
Exhibit 3 – DRC Case Comments Report
Exhibit 4 – Application and Project Narratives
Exhibit 5 – Site Plan Set
Exhibit 6 – Water and Sewer Availability Letter
Exhibit 7 – Traffic Study Executive Summary
Exhibit 8 – Resolution Approving
Exhibit 9 – Resolution Denying

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