



DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 03/10/2022

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The development application form must be filled out accurately and all applicable sections must be completed. Only completed the sections indicated for application type with N/A for those section items not applicable. Refer to "Specifications for Plan Submittal" by application type for information requirements for submittal. Select the application type and approval level in **SECTION A** and complete the sections specified.

**A APPLICATION TYPE AND APPROVAL LEVEL** *Select the application type from the list below and check the applicable type.*

<input type="checkbox"/> <b>LEVEL I</b> ADMINISTRATIVE REVIEW COMMITTEE (ADMIN) <ul style="list-style-type: none"><li>- New nonresidential less than 5000 square feet</li><li>- Change of use (same impact or less than existing use)</li><li>- Plat note/Nonvehicular access line amendment</li><li>- Administrative site plan</li><li>- Amendment to site plan*</li><li>- Property and right-of-way applications (MOTs, construction staging)</li><li>- Parking Agreements (separate from site plans)</li></ul> <b>COMPLETE SECTIONS</b> B, C, D, G	<input type="checkbox"/> <b>LEVEL II</b> DEVELOPMENT REVIEW COMMITTEE (DRC) <ul style="list-style-type: none"><li>- New Nonresidential 5,000 square feet or greater</li><li>- Residential 5 units or more</li><li>- Nonresidential use within 100 feet of residential property</li><li>- Redevelopment proposals</li><li>- Change in use (if great impact than existing use)</li><li>- Development in Regional Activity Centers (RAC)*</li><li>- Development in Uptown Project Area*</li><li>- RAC signage</li></ul> <b>COMPLETE SECTIONS</b> B, C, D, E, F	<input type="checkbox"/> <b>LEVEL III</b> PLANNING AND ZONING BOARD (PZB) <ul style="list-style-type: none"><li>- Conditional Use</li><li>- Parking Reduction</li><li>- Flex Allocation</li><li>- Cluster / Zero Lot Line</li><li>- Modification of Yards*</li><li>- Waterway Use</li><li>- Mixed Use Development</li><li>- Community Residences*</li><li>- Social Service Residential Facility (SSRF)</li><li>- Medical Cannabis Dispensing Facility*</li><li>- Community Business District for uses greater than 10,000 square feet</li></ul> <b>COMPLETE SECTIONS</b> B, C, D, E, F	<input type="checkbox"/> <b>LEVEL IV</b> CITY COMMISSION (CC) <ul style="list-style-type: none"><li>- Land Use Amendment</li><li>- Rezoning</li><li>- Plat Approval</li><li>- Public Purpose Use</li><li>- Central Beach Development of Significant Impact*</li><li>- Vacation of Right-of-Way</li></ul> City Commission Review Only (review not required by PZB) - Vacation of Easement* <b>COMPLETE SECTIONS</b> B, C, D, E, F
<input type="checkbox"/> <b>EXTENSION</b> <ul style="list-style-type: none"><li>- Request to extend approval date for a previously approved application</li></ul> <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>DEFERRAL</b> <ul style="list-style-type: none"><li>- Request to defer after an application is scheduled for public hearing</li></ul> <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>APPEAL/DE NOVO</b> <ul style="list-style-type: none"><li>- Appeal decision by approving body</li><li>- De Novo hearing items</li></ul> <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>PROPERTY AND ROW ITEM</b> <ul style="list-style-type: none"><li>- Road closures</li><li>- Construction staging plan</li><li>- Revocable licenses</li></ul> <b>COMPLETE SECTIONS</b> B, C, E

\*Application is subject to specific review and approval process. Levels III and IV are reviewed by Development Review Committee unless otherwise noted.

**B APPLICANT INFORMATION** *If applicant is the business operator, complete the agent column and provide property owner authorization.*

<b>Applicant/Property Owner</b>	Broward County Board of County	<b>Authorized Agent</b>	
<b>Address</b>		<b>Address</b>	
<b>City, State, Zip</b>		<b>City, State, Zip</b>	
<b>Phone</b>		<b>Phone</b>	
<b>Email</b>		<b>Email</b>	
<b>Proof of Ownership</b>		<b>Authorization Letter</b>	
<b>Applicant Signature:</b>		<b>Agent Signature:</b>	

<b>C PARCEL INFORMATION</b>	<b>D LAND USE INFORMATION</b>
<b>Address/General Location</b>	<b>Existing Use</b>
<b>Folio Number(s)</b>	<b>Land Use</b>
<b>Legal Description (Brief)</b>	<b>Zoning</b>
<b>City Commission District</b>	<b>Proposed</b> <i>Applications requesting land use amendments and rezonings.</i>
<b>Civic Association</b>	<b>Proposed Land Use</b>
	<b>Proposed Zoning</b>

**E PROJECT INFORMATION** *Provide project information. Circle yes or no where noted. If item is not applicable, indicate N/A.*

<b>Project Name</b>		
<b>Project Description</b> <i>(Describe in detail)</i>	263 multifamily units (150 affordable housing units, 113 market rate) and 2,500 SF of retail	
<b>Estimated Project Cost</b>	\$	<i>(Estimated total project cost including land costs for all new development applications only)</i>
<b>Waterway Use</b>		<b>Traffic Study Required</b>
<b>Flex Units Request</b>		<b>Parking Reduction</b>
<b>Commercial Flex Acreage</b>		<b>Public Participation</b>
<b>Residential Uses</b>		<b>Non-Residential Uses</b>
Single Family		Commercial
Townhouses		Restaurant
Multifamily		Office
Cluster/Zero Lot Line		Industrial
Other		Other
<b>Total (dwelling units)</b>		<b>Total (square feet)</b>



F

PROJECT DIMENSIONAL STANDARDS

Indicate all required and proposed standards for the project. Circle yes or no where indicated.

	Required Per ULDR	Proposed	
Lot Size (Square feet/acres)			
Lot Density (Units/acres)			
Lot Width			
Building Height (Feet)			
Structure Length			
Floor Area Ratio (F.A.R.)			
Lot Coverage			
Open Space			
Landscape Area			
Parking Spaces			
SETBACKS (Indicate direction N,S,E,W)	Required Per ULDR	Proposed	
Front [ ]			
Side [ ]			
Corner / Side [ ]			
Rear [ ]			
For projects in Downtown, Northwest, South Andrews, and Uptown Master Plans to be completed in conjunction with the applicable items above.			
	Required Per ULDR	Proposed	Proposed Deviation
Tower Stepback			
Front / Primary Street [ ]			
Sides / Secondary Street [ ]			*
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate (square feet)			*
Residential Unit Size (minimum)			_____

\*The floorplate size and south stepback deviations have already been approved by the City

G

AMENDED PROJECT INFORMATION

Provide approved and proposed amendments for project. Circle yes or no where indicated.

Project Name			
Proposed Amendment Description (Describe in detail)			
	Original Approval	Proposed Amendment	Amended Item
Residential Uses (dwelling units)			
Non-Residential Uses (square feet)			
Lot Size (Square feet/acres)			
Lot Density (Units/acres)			
Lot Width			
Building Height (Feet)			
Structure Length			
Floor Area Ratio (F.A.R.)			
Lot Coverage			
Open Space			
Landscape Area			
Parking Spaces			
Tower Stepback			
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate (square feet)			
Residential Unit Size (minimum)			
Does this amendment require a revision to the traffic statement or traffic study completed for the project?			
Does this amendment require a revised water sewer capacity letter?			

H

EXTENSION, DEFERRAL, APPEAL INFORMATION

Provide information for specific request. Circle approving body and yes or no.

Project Name					
Request Description					
EXTENSION REQUEST		DEFERRAL REQUEST		APPEAL REQUEST / DE NOVO HEARING	
Approving Body		Approving Body		Approving Body	
Original Approval Date		Scheduled Meeting Date		30 Days from Meeting (Provide Date)	
Expiration Date (Permit Submittal Deadline)		Requested Deferral Date		60 Days from Meeting (Provide Date)	
Expiration Date (Permit Issuance Deadline)		Previous Deferrals Granted		Appeal Request	
Requested Extension (No more than 24 months)		Justification Letter Provided		Indicate Approving Body Appealing	
Code Enforcement (Applicant Obtain by Code Compliance Division)				De Novo Hearing Due to City Commission Call-Up	



**CHECKLIST FOR SUBMITTAL AND COMPLETENESS:** The following checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide this information will result in your application being deemed **incomplete**.

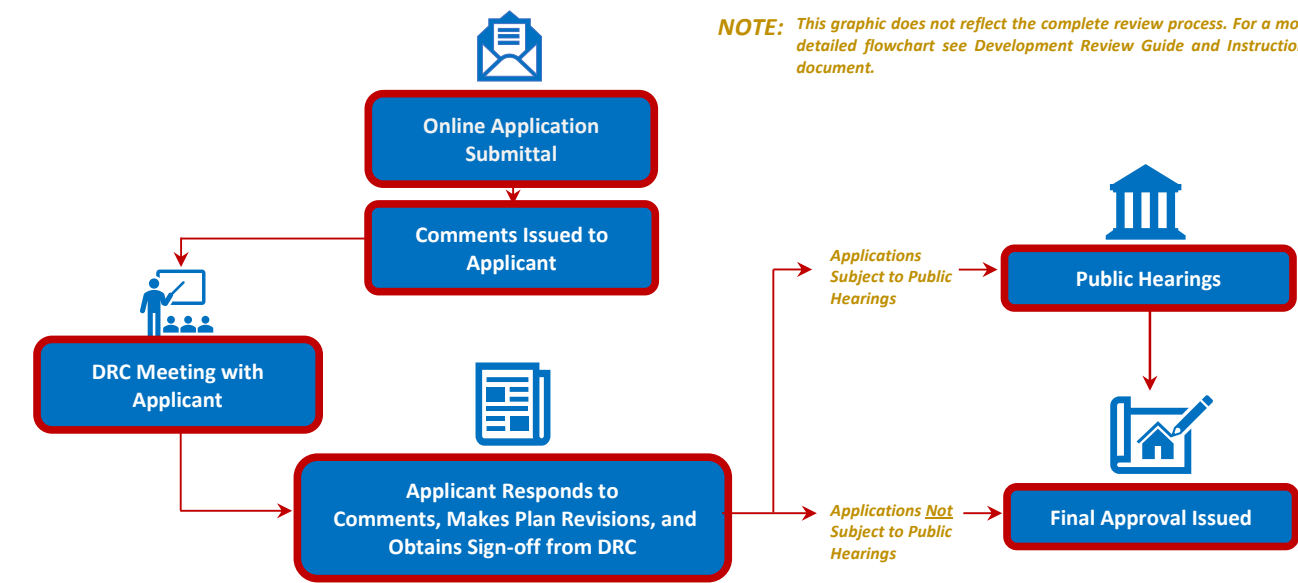
- ☐ **Preliminary Development Meeting** completed on the following date: 

PROVIDE DATE
- ☐ **Development Application Form** completed with the applicable information including signatures.
- ☐ **Proof of Ownership** warranty deed or tax record including corporation documents and SunBiz verification name.
- ☐ **Address Verification Form** applicant contact Devon Anderson at 954-828-5233 or [Danderson@fortlauderdale.gov](mailto:Danderson@fortlauderdale.gov) (address is
- ☐ **Project and Unified Land Development Code Narratives** project narrative and the applicable ULDR sections and criteria as described in the specifications for submittal by application type.
- ☐ **Electronic Files, File Naming, and Documents** consistent with the applicable specifications for application type, consistent with the online submittal requirements including file naming convention, plan sets uploaded as single pdf.
- ☐ **Traffic Methodology, Study or Statement** submittal of a traffic study or traffic statement.
- ☐ **Stormwater Calculations** signed and sealed by a Florida registered professional engineer consistent with calculations as described in the specifications for plan submittal for site plan applications.
- ☐ **Water and Wastewater Capacity Request** copy of email to Public Works requesting the capacity letter.

**OVERVIEW FOR ONLINE SUBMITTAL REQUIREMENTS:** Submittals must be conducted through the City's online citizen access portal [LauderBuild](#). No hardcopy application submittals are accepted. Below only highlights the important submittal requirements that applicants must follow to submit online and be deemed complete. View all the requirements at [LauderBuild Plan Room](#).

- **Uploading Entire Submittal** upload all documents at time the application is submitted to prevent delays in processing.
- **File Naming Convention** file names must adhere to the City's [File Naming Convention](#).
- **Reduce File Size** plan sets and other large files must be merged or flattened to reduce file size.
- **Plan Sets** plan sets like site plans, plats, etc. must be submitted as a single pdf file. Staff will instruct when otherwise.
- **Document Categories** choose the correct document category when uploading.

**DRC PROCESS OVERVIEW:** The entire development review process flowchart can be found in the [Development Application Guide and Instructions](#) document. Below is a quick reference flowchart with key steps in the process to guide applicants.



**CONTACT INFORMATION:** Questions regarding the development process or [LauderBuild](#), see contact information below.

GENERAL URBAN DESIGN AND PLANNING QUESTIONS

Planning Counter  
954-828-6520, Option 4  
[planning@fortlauderdale.gov](mailto:planning@fortlauderdale.gov)

LAUDERBUILD ASSISTANCE AND QUESTIONS

DSD Customer Service  
954-828-6520, Option 1  
[lauderbuild@fortlauderdale.gov](mailto:lauderbuild@fortlauderdale.gov)

**Site Address:** 600 N. Andrews Avenue (“Property”)  
**Project Name:** Gallery at Flagler Village  
**Zoning District:** RAC-UV  
**Character Area:** Urban Neighborhood  
**Prepared by:** Andrew J. Schein, Esq.

### **DOWNTOWN MASTER PLAN DEVIATION NARRATIVE**

The Gallery at Flagler Village is a mixed-income development that was previously-approved under DRC Case No. UDP-S21013. The Project received approval for the following deviations to the Downtown Master Plan (“DMP”):

1. A seven (7) foot stepback facing NE 6<sup>th</sup> Street rather than a twelve (12) foot stepback; and
2. A maximum tower floorplate size of 16,346 square feet rather than 10,000 square feet.

This application seeks four (4) total deviations, two (2) of which were previously approved:

1. A 7-foot stepback facing NE 6<sup>th</sup> Street rather than a 12-foot stepback;
2. A maximum tower floorplate size of 16,345 square feet rather than 10,000 square feet;
3. A podium height of 7 floors rather than 6 floors; and
4. An overall height of 16 floors rather than 12 floors.

The reasons for the deviation request are explained below.

#### **Decrease of Tower Stepback**

The DMP requires that a building podium be set back 35 feet from the centerline of the adjacent roadway and requires that a tower be stepped back 12 feet from the podium. On ordinary streets, the tower would therefore be no less than 47 feet from the centerline of the adjacent roadway. The Property is unique, as a turn lane was constructed within the Property lines, requiring that the podium be set back much further than 35 feet from the centerline.

The podium is set back 56’ – 3” from the adjacent centerline. With the tower stepped back 7 feet from the podium, the tower will be 63’ – 3” from the adjacent centerline, which is significantly more than the 47 feet that the DMP ordinarily calls for. Although this configuration technically does not meet the requirement, the larger setback from the street provides for numerous benefits that otherwise wouldn’t fit on site, including 13’ – 2” clear sidewalks (rather than the 7’ clear that is required) and more area for the pedestrian plaza at the southeast corner. In essence, the tower will be set back further from the centerline than is required, but will be stepped back less from the podium than is required due to the inclusion of the turn lane within the Property.

#### **Increase in Tower Floorplate, Height, and Podium**

As noted in Commission Agenda Memo 21-0877 when the original deviation for the tower floorplate increase was approved, the increase in tower floorplate is needed due to the site constraints (as noted

above) and the specifics of the development program. The Project is a true mixed income development, with 53 units at 50% AMI, 97 units at 120% AMI, and 113 market-rate units. In order to develop a true mixed income development in today's financial climate without reducing the size of the units to micro-units, the floorplate size and overall height need to increase to accommodate the required number of units. In turn, the podium height needs to increase by one (1) floor in order to provide enough parking.

It's important to note that the Property is on the border of the Urban Neighborhood Character Area. The Property immediately to the southwest is approved for a 30-story building, as it's located in the Near Downtown Character Area. The Project's height at 16 stories will provide a sensible transition from the 30-stories that are permitted to the southwest and will not appear "out of place", due to the higher height limitations on nearby properties.



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FORT LAUDERDALE, FLORIDA 33301  
DIRECT LINE: 954.617.8919  
EMAIL: ASCHIEIN@LOCHRIELAW.COM  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

**Site Address:** 600 N. Andrews Avenue  
**Project Name:** Gallery at Flagler Village  
**Character Area:** Urban Neighborhood  
**Prepared by:** Andrew J. Schein, Esq.

### **GENERAL NARRATIVE**

The Project is located north of NE 6<sup>th</sup> Street between Andrews Avenue and NE 1<sup>st</sup> Avenue. The Project consists of 263 multifamily residential units and 2,394 square feet of retail space in a 16-story building. Of the 263 residential units, 53 units will be for residents whose household income does not exceed 50% of the annual median income, 97 units will be for residents whose household income does not exceed 120% of the annual median income, and the remaining 113 units will be market-rate.

The Project includes 273 parking spaces in a structured parking garage. The parking garage is lined with residential units facing Andrews Avenue and NE 6<sup>th</sup> Street and is architecturally screened from public view facing NE 1<sup>st</sup> Avenue. All loading and unloading will be fully internalized in the building.

The Project includes 25,627 square feet of open space. The open space consists of a public plaza at the intersection of NE 6<sup>th</sup> Street and NE 1<sup>st</sup> Avenue at the main entrance for residents. A larger public plaza is provided at the intersection of NE 6<sup>th</sup> Street and NE 1<sup>st</sup> Avenue, centered around a large specimen gumbo limbo tree (34' in height, 30" diameter), which will maximize the shade canopy above the benches and other site furniture and will provide a grand entrance to the retail space.

**Site Address:** 600 N. Andrews Avenue  
**Project Name:** Gallery at Flagler Village  
**Character Area:** Urban Neighborhood  
**Prepared by:** Andrew J. Schein, Esq.

## **DOWNTOWN MASTER PLAN DESIGN GUIDELINES**

<b><u>PRINCIPLES OF STREET DESIGN</u></b>	
S1	Maintain fine-grained street grid: discourage vacations.  <b>Applicant's Response: The Project does not include any requests for street vacations.</b>
S2	Utilize Traffic Calming rather than blocking streets.  <b>Applicant's Response: Applicant is not proposing any blockage of streets. The Project is designed to keep the adjacent right-of-way at the minimum required width.</b>
S3	Maximize on-street parking except on major arterials.  <b>Applicant's Response: On-street parking cannot be provided along Andrews Avenue (a major arterial) or NE 6<sup>th</sup> Street due to safety concerns and the functionality of the roadways at this major intersection. Parallel parking cannot be provided on NE 1<sup>st</sup> Avenue because of conflicts with driveway access to the site.</b>
S4	Provide adequate bike lanes in a planned network (next to on street parking: 5ft; next to travel lane: 4ft).  <b>Applicant's Response: The Project is not located in a known planned bike network.</b>
S5	Maximize street trees on all Downtown Streets.  <b>Applicant's Response: The Project includes street trees on all street frontages.</b>
S6	Encourage location of primary row of street trees between sidewalk and street.  <b>Applicant's Response: The Project includes a primary row of street trees between the sidewalk and the street on all street frontages.</b>
S7	Reduce preferred maximum spacing for street trees (Palms: 22ft; Shade: 30ft).  <b>Applicant's Response: Where not in conflict with driveways, all shade trees are spaced a maximum of 30' apart. See Sheet L-1 for details.</b>



S8	Reduce horizontal clearances for trees (Palms: 6ft; Shade: 12ft).
	<b>Applicant's Response: Clearance requirements for shade trees are respected.</b>
S9	Encourage shade trees along streets, palm trees to mark intersections.
	<b>Applicant's Response: The Project includes shade trees along all streets. At the intersection of NE 1<sup>st</sup> Avenue and NE 6<sup>th</sup> Street, the Project includes a specimen Gumbo Limbo tree to provide increased shade for the activated pedestrian plaza and to provide a grand entrance for the commercial space.</b>
S10	Eliminate County “corner chord” requirement not compatible with urban areas.
	<b>Applicant's Response: The building is not designed to the County’s corner chord requirements, however large corner chords are provided at the intersections in order to provide for larger plazas.</b>
S11	Encourage curb radius reduction to a preferred maximum 15ft; 20ft for major arterials.
	<b>Applicant's Response: Due to the functionality of this intersection, the Project includes a 25’ curb radius at the intersection of NE 1<sup>st</sup> Avenue/NE 6<sup>th</sup> Street and will keep the existing 26.43’ curb radius at the intersection of NE 6<sup>th</sup> Street/Andrews Avenue.</b>
S12	Discourage curb cuts on “primary” streets.
	<b>Applicant's Response: The Project does not include curb cuts on primary streets.</b>
S13	Encourage reduced lane widths on all streets.
	<b>Applicant's Response: Lane widths are minimized to the greatest extent possible.</b>
S14	Encourage fixed Rights-of-Way and setbacks for all Downtown streets (to eliminate uncoordinated City setback and County easement requirements).
	<b>Applicant's Response: The building is set back 49’ from the centerline of Andrews Avenue and 35’ from the centerline of NE 1<sup>st</sup> Avenue, which is consistent with the Downtown Master Plan’s streetscape design guidelines. The building is set back 56’ – 3” from the centerline of NE 6<sup>th</sup> Avenue (NE 6<sup>th</sup> Avenue is not included as a “local street” under the Downtown Master Plan’s streetscape design guidelines). This increased setback is due to the inclusion of a turn lane on Sistrunk Boulevard, requiring a further setback from the centerline.</b>
S15	Encourage reduced design speeds on all RAC streets (15 - 40 mph).
	<b>Applicant's Response: The Project utilizes design techniques to maintain the integrity of the street grid to promote decreased speeds.</b>



S16 Bury all power lines in the Downtown Area.

**Applicant's Response: The powerlines on the site were previously buried. There are no above-ground power lines.**

## **PRINCIPLES OF BUILDING DESIGN**

B1 Framing the street: Building “streetwall” should generally meet setback line (within a percentage).

**Applicant's Response: The building meets the setback line (49' from centerline of Andrews Avenue and 35' from centerline of NE 1<sup>st</sup> Street).**

B2 Framing the street: Encourage open space site requirements for use as pedestrian public space instead of unusable, leftover ‘green perimeter’.

**Applicant's Response: The Project includes active pedestrian plazas at both intersections.**

B3 Framing the street: Minimum and maximum building ‘streetwall’ heights (see character area guidelines for specifics).

**Applicant's Response: Applicant is requesting a deviation to permit a 7-story podium – see response to character area guidelines at the bottom of this document.**

B4 Framing the street: Encourage maximum building ‘streetwall’ length of 300ft.

**Applicant's Response: The Project complies; the streetwall length is approximately 236’.**

B5 Preferred maximum ‘floorplate’ area for towers (see character area guidelines for specifics).

**Applicant's Response: Due to the area constraints of the site and the development program, the Project includes a floorplate size of 16,345 square feet. Please note that the project already received deviation approval for the 16,345 SF floorplate and no additional deviation for floorplate size is being requested.**

B6 Where towers are located on Primary (>60ft wide) and Secondary (< or = 60ft wide) Streets, the towers are encouraged to orient towards the Primary Street.

**Applicant's Response: The tower is oriented towards Andrews Avenue and NE 6<sup>th</sup> Avenue.**

B7 Where towers are located on streets < or = 60ft, increased stepbacks from the ‘shoulder’ are encouraged to reduce the impact on the street.

**Applicant's Response: The lower floors of the building are set back 35' from the centerline of NE 1<sup>st</sup> Avenue. The tower portion of the building is set back 55' from the centerline of NE 1<sup>st</sup> Avenue.**

B8 Surface parking: discourage frontage and access along ‘primary’ street.

**Applicant's Response: N/A, the Project does not include surface parking.**

B9 Parking garages: encourage access from secondary streets and alleys.

**Applicant's Response: Access to the parking garage is provided on NE 1<sup>st</sup> Avenue, a secondary street.**

Encourage street level activities and minimize visual exposure of parking, with active space on the ground floor of a parking garage.

**Applicant's Response: The ground floor of the parking garage includes an active retail space, a lobby, administrative offices/leasing areas, and ground-floor residential units. Other than driveway entrances and the life safety and utility requirements (fire command room, generator room, and FPL vault room), the ground floor is fully activated.**

Upper floors of a parking garage should not be visible along primary streets, waterways, and parks. Active spaces on the upper floors are encouraged as a preferred design.

**Applicant's Response: The upper floors of the parking garage will not be visible along primary streets. The parking garage is lined with residential units facing Andrews Avenue and NE 6<sup>th</sup> Street. The parking garage is architecturally screened on the east elevation facing NE 1<sup>st</sup> Avenue.**

B10 Encourage main pedestrian entrance to face street.

**Applicant's Response: The main pedestrian entrances face Andrews Avenue and NE 6<sup>th</sup> Street.**

B11 Maximize active uses and ‘extroverted’ ground floors with retail in strategic locations.

**Applicant's Response: The ground floor of the parking garage includes an active retail space, a lobby, administrative offices/leasing areas, and ground-floor residential units. Other than driveway entrances and the life safety and utility requirements (fire command room, generator room, and FPL vault room), the ground floor is fully activated.**

B12 Encourage pedestrian shading devices of various types.

**Applicant's Response: The Project includes awnings and street trees, including a specimen Gumbo Limbo at the public plaza.**

B13 Encourage balconies and bay windows to animate residential building facades.

**Applicant's Response: The Project includes balconies.**

B14 In residential buildings encourage individual entrances to ground floor units (particularly in the Urban Neighborhood Character Area).

**Applicant's Response: Due to safety concerns and landscaping locations, individual ground floor entrances cannot be provided.**

B15 High rises to maximize active lower floor uses and pedestrian-oriented design at ground floor.

**Applicant's Response: The ground floor of the parking garage includes an active retail space, a lobby, administrative offices/leasing areas, and ground-floor residential units. Other than driveway entrances and the life safety and utility requirements (fire command room, generator room, and FPL vault room), the ground floor is fully activated.**

B16 Building Design guidelines do not apply to Civic Buildings and Cultural Facilities.

**Applicant's Response: N/A.**

B17 Discourage development above right-of-way (air rights).

**Applicant's Response: The Project does not include any development above right-of-way.**

B18 Mitigate light pollution.

**Applicant's Response: The Project includes adequate screening to mitigate light pollution. See photometric plan for details.**

B19 Mitigate noise pollution.

**Applicant's Response: All mechanical equipment will be adequately screened, and the Project is not expected to produce significant noise pollution. All rooftop mechanical equipment will be screened with screening at least 6" above the highest point of the rooftop equipment.**

B20 Vertical open space between towers on adjacent lots: Towers are encouraged to maintain vertical open space along side and rear lot lines: minimum horizontal distance of 30 ft (abutting property owners can coordinate tower placement as long as maintain 60 ft clearance).

**Applicant's Response: The tower maintains the same 30' tower separation from the northern property line as was previously approved. No other lots under separate ownership abut the property.**

B21 Vertical open space between multiple towers on a single development site: no less than 60 ft apart.

**Applicant's Response: N/A, the Project includes a single tower.**

B22 Residential: Encourage minimum ground floor elevation of 2 ft above public sidewalk level for individual ground floor entrances to private units.

**Applicant's Response: N/A, the Project does not include individual ground floor entrances to private units.**

B23 Avoid drive thrus in the wrong places.

**Applicant's Response: The Project does not include drive thrus.**

#### **QUALITY OF ARCHITECTURE**

Q1 Skyline Drama: Encourage towers to contribute to the overall skyline composition.

**Applicant's Response: The building's kinetic color composition, which is featured throughout the parking podium and tower, climaxes at the 16th level where 3 cubelike volumes meet the sky with angled parapet overhangs. These volumetric elements, which vary in shape, size and design, will house building services and further articulated by colorful murals.**

Q2 Expressive Tops: Encourage expressive tops for tall buildings above 37 stories in Near Downtown and Downtown Core.

**Applicant's Response: N/A, the building is less than 37 floors.**

Q3 Durability and Quality of Materials: Encourage high quality materials for the entire building, with special emphasis on detailing and durability for the first 2 floors.

**Applicant's Response: High quality materials are used throughout the project. Reinforced concrete, impact glass, and aluminum are used throughout the podium and the tower. Special attention is provided along the first two levels in which storefront windows, aluminum overhangs and colorful murals are provided.**

Q4 Respect for Historic Buildings.

**Applicant's Response: N/A, There are no historic buildings on the Project site or immediately adjacent to the site.**

Q5 Parking Podium Façades: Where structured parking must be exposed to the street, exceptionally creative solutions should be explored.

**Applicant's Response: The podium facades facing Andrews Avenue and Sistrunk Boulevard are lined with residential units. The east facade of the parking structure is treated with large colorful murals and a framed metallic panel system to provide relief from its host wall. Parking will not be visible to the street.**

Q6 Response to Natural Environment: Encourage architecture to respond to the unique nature of the south Florida environment (solar orientation, wind direction, rain). Examples: Open breezeway corridors oriented toward prevailing winds; energy efficient glazing; above ground stormwater capture and re-use through bio-swales and rain gardens; solar roof panes/awnings.

**Applicant's Response: The project has been designed to coexist with our local environment. The pedestrian experience is enhanced by shade trees, and corner plazas allowing for a comfortable microclimate along the south, east, and west sidewalks. A composition of deep balconies within the podium and tower work together with low-e glazing to provide thermal heat gain regulation, while allowing natural light and visual release for the residents. The towers east-west**

**configuration allows it to take advantage of the prevailing winds coming from the southeast.**

**Q7 Creative Façade Composition:** Encourage a rich layering of architectural elements throughout the building, with special attention to facades below the shoulder level.

**Applicant's Response:** The buildings facades include floor to ceiling glass, alternating rectilinear color frames, and colorful murals along the pedestrian realm and key moments of the structure such as the roof volumes and garage mural.

**Q8 Original, Self-Confident Design:** Encourage a range of architectural styles that each create a strong identity, strive for the highest quality expression of its chosen architectural vocabulary.

**Applicant's Response:** The project has a contemporary architectural style inspired by the work of Piet Mondrian and the "De Stijl" movement. The composition of colors and volumes bring attention to specific gestures throughout the project's facades.

#### **CHARACTER AREA GUIDELINES:**

##### **Urban Neighborhood**

**3A Frame the streetwall with appropriate heights**

**Applicant's Response:** This revised plan includes two (2) additional deviations: a 16-story height instead of a 12-story height and a 7-story podium instead of a 6-story podium.

Both of these requested deviations are related to each other and to the improved development program. This project will be one of, if not the first, true mixed-income development in the City of Fort Lauderdale. Since first looking at this site and partnering with Broward County (the landowner), the developer has been insistent on making an affordable housing component to the project. However, since its first inception, material and labor costs have significantly increased, financing costs have significantly increased, and the overall market has gotten tighter. In order to develop the true mixed-income development, additional units are needed.

The tower will retain the approved floorplate of 16,345 square feet and will retain the same number of affordable housing units as was previously approved. The new plan includes three (3) additional stories in the tower and one (1) additional story in the podium to provide parking for the additional units.

The area of this project is also in a unique part of the Urban Neighborhood character area. The area immediately to the south and southwest of the project site has a Near Downtown designation, which permits podium heights of 7 floors and overall heights of 30 floors. While significantly less than 30 floors, this project at 16 floors will provide a sensible transition from the areas immediately to the south, southwest, and southeast to the more "true" Urban Neighborhood located to the northeast of this site.

**3B Townhouses are a suitable option, especially on alley blocks.**

**Applicant's Response: The Project is a multifamily development and is not located on an alley block.**

3C Encourage neighborhood-scaled streetscapes; maximum 6 floor building shoulder height and maximum 12 floor overall height. Maximum 10,000 GSF floorplate.

**Applicant's Response: See response to 3A.**

**Site Address:** 600 N. Andrews Avenue  
**Project Name:** Gallery at Flagler Village  
**Character Area:** Urban Neighborhood  
**Prepared by:** Andrew J. Schein, Esq.

**DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS NARRATIVE  
ULDR SECTION 47-13.20**

- A. *Applicability.* The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Sections 47-13.10 to 47-13.14.
1. Downtown Master Plan Design Guidelines. The guidelines contained in Chapter 4 of the Consolidated Downtown Master Plan for the City of Fort Lauderdale, Florida (herein "Downtown Master Plan") as accepted by the City Commission on November 18, 2003 (Resolution No. 03-170) and updated revisions approved by the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

2. Intent. The Downtown Master Plan Design Guidelines are form-based, graphic guidelines intended to guide development within the Downtown Regional Activity Center zoning districts. The Downtown Master Plan includes intent driven language that is not meant to be prescriptive in all situations, to allow for a qualitative design-oriented approach to development and redevelopment proposals.

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

3. Downtown Master Plan Chapter 4 Sections. The Downtown Master Plan Design Guidelines consist of ten (10) sections established in Chapter 4 of the Downtown Master Plan. Any proposed development or redevelopment shall be reviewed against these sections of Chapter 4. These ten (10) sections consist of:
  - a. Principles of Street Design
  - b. Street Design Examples
  - c. Principles of Building Design
  - d. Quality of Architecture
  - e. Principles of Storefront Design
  - f. Character Area Guidelines
  - g. Neighborhood Transition Areas
  - h. Thematic Planning Districts
  - i. Principles of Riverfront Design
  - j. Implementation



**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

B. *Downtown Master Plan Standards.* Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located:

1. Maximum Building Height
2. Maximum Building Streetwall Length
3. Maximum Building Tower Stepback
4. Maximum Building Podium (Pedestal) Height
5. Minimum Building Tower Separation Distance
6. Maximum Building Tower Floorplate Square Footage
7. Minimum Open Space Square Footage
8. Transition Zones
9. Local Street Cross Section

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

C. *Downtown Character Areas.* In addition to the RAC Districts described in Section 47-13.2.1 the Downtown Regional Activity Center shall be further characterized by three (3) distinct character areas. The character areas are defined by geographic boundaries and are intended to create a variety of urban experiences throughout the Downtown Regional Activity Center through guidelines that set maximum building height, maximum podium height, podium stepback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:

1. The Downtown Core character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum stepbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
  - a. RAC-CC
  - b. RAC-AS
  - c. RAC-WMU
2. The Near Downtown character area is made up of a variety of institutional, retail, and office uses, and offers a variety of housing options. It is characterized by intermediate scale buildings that frame the street with a defined building shoulder height and towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
  - a. RAC-CC
  - b. RAC-UV
  - c. RAC-WMU
  - d. RAC-EMU

- e. RAC-SMU
  - f. RAC-AS
3. The Urban Neighborhood area is primarily residential in nature, with supporting community retail, employment opportunities, local amenities and services. It is characterized by varied scale buildings with defined podium heights and some towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
- a. RAC-UV
  - b. RAC-RPO
  - c. RAC-AS
  - d. RAC-EMU
  - e. RAC-WMU
  - f. RAC-SMU
4. Character Area Boundaries. The specific geographical boundaries of each character area are shown on the Addendum "A" of the "Official Downtown Character Area Map of the City of Fort Lauderdale."

**RESPONSE: The Project is located in the Urban Neighborhood character area.**

D. *Development Permit, Density, Effective Date of Approval of Existing Site Plans.*

- 1. Density within the Downtown Regional Activity Center zoning districts is limited in accordance with the number of units as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time, and as per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations. Density may be increased as provided for in the City's Comprehensive Plan.

**RESPONSE: Acknowledged.**

- 2. Dwelling units are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the density pool for future allocation.

**RESPONSE: Acknowledged.**

- 3. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.

**RESPONSE: Acknowledged.**

- 4. Density in the RAC-TMU District and RAC-RPO District.
  - a. All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development, including proposed setbacks, pedestrian movements associated with the proposed

development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

- b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.

**RESPONSE: The Project is not located within the RAC-TMU or RAC-RPO zoning districts.**

5. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.

**RESPONSE: Acknowledged. Applicant has provided a point-by-point narrative addressing Section 47-28.1.**

6. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.

**RESPONSE: Acknowledged.**

7. Existing Site Plans in DRAC. Development applications received and pending review by the City or approved by the City on or before November 5, 2020, may be amended and modified through the use of provisions of the zoning regulations in effect at the time the approved application was submitted.

**RESPONSE: N/A**

- E. *Open Space Regulations.* Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space shall be in pervious landscape area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for purposes of this requirement, may be provided through open planting beds, porous paving systems, sand-set pavers, or any combination thereof.

The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. Open Space for Residential Uses. For development in the RAC districts, except for RAC-CC, open space shall be required for any development that includes residential uses as follows.

- a. For developments of fifty (50) residential units or less, or developments of twenty-five (25) dwelling units per acre or less density: A minimum of two hundred (200) square feet of open space per unit;
  - b. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.a. In no case shall the minimum open space provided be less than ten thousand (10,000) square feet;
  - c. For developments of more than one hundred fifty (150) residential units, or developments of greater than sixty (60) dwelling units per acre density: A minimum of one hundred (100) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.b. In no case shall the minimum open space provided be less than twenty-two thousand five hundred (22,500) square feet.
2. Open space general. For development within the Downtown Regional Activity Center zoning districts that do not include residential uses or for all development within the RAC-CC, open space shall be required at a minimum equivalent of ten (10) percent of the gross lot area. Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way may be applied if approved by the agency with jurisdiction over the subject right-of-way. For development sites of 1.5 acres or less, up to seventy-five (75) percent credit may be applied towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way if approved by the agency with jurisdiction over the subject right-of-way.
  3. For projects that include both residential and non-residential uses the lesser of the calculations above shall apply.

**RESPONSE: The Project includes both residential and nonresidential uses. The Project site is 51,000 square feet, which requires 5,100 square feet of open space. Of the 5,100 square feet of required open space, 2,100 square feet (40%) must be provided at-grade and 1,275 square feet (25%) must be in pervious landscaping.**

**The Project includes 25,627 square feet of open space (502% of the requirement). Of the provided open space, 9,000 square feet is at-grade (428% of the requirement) and 2,524 square feet is in pervious landscaping (197% of the requirement).**

F. *Transition Zones.* Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures to effectively transition between higher and lower density districts. Transition zones shall be established to ensure a suitable transition from those more intensive zoning districts within the Downtown Regional Activity Center to those less intensive zoning districts outside of the Downtown Regional Activity Center.

1. Commercial Transition Zone:
  - a. Proposed maximum height at the boundary of the RAC-CC district shall be one hundred fifty (150) feet and may be increased one (1) foot for every one (1) foot of setback from the RAC-CC district boundary, for a distance of one hundred (100) feet from the RAC-CC district.
  - b. A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within one hundred (100) feet of a nonresidential property outside of the Downtown RAC. This transition zone shall only be required if the

height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following: a maximum of one hundred and fifty (150) feet for that portion of the structure that is within one hundred (100) feet of the zoning district boundary abutting the RAC and the height may increase a maximum of one (1) foot for each one (1) foot of setback from the boundary for a distance of one hundred (100) feet.

2. Residential Transition Zone: A transition zone shall be required for any development of redevelopment located within the Downtown Regional Activity Center that is within two hundred (200) feet of a residential property. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following:
  - a. No structure may exceed a height limitation two and one-half times the height of the maximum height of the zoning district outside of the RAC for a distance equal to mid-block of the development site or for a depth of two hundred (200) feet as measured from the zoning district boundary abutting the zoning district of the RAC, whichever is less.

**RESPONSE: N/A, the Property is not in a transition zone as shown on the City's published Transition Zone Map.**

- G. *RAC Landscape Requirements.* Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements. All other landscape requirements shall comply with the Downtown Master Plan Chapter 4 Design Guidelines.
- H. *RAC Streetscape Design.* All streetscape cross sections shall comply with Chapter 4 of the Design Guidelines of Fort Lauderdale for those streets under City of Fort Lauderdale jurisdiction. Streets not under Fort Lauderdale jurisdiction shall comply with the Downtown Master Plan Chapter 4 Design Guidelines to the greatest extent possible. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees and result in the building being placed more than seven (7) feet away from the build to line as prescribed by the street cross sections of the Design Guidelines.

Development shall meet the following streetscape design requirements:

1. VUA landscaping. Surface parking lots shall meet the landscape requirements for vehicular use areas as provided in Section 47-21, Landscaping and Tree Preservation Requirements.

**RESPONSE: N/A, the Project does not include surface parking lots.**

2. Streetscape improvements. Streetscape improvements are required to be made as a part of a development in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. Developer shall be responsible for making the streetscape improvements in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way.

Modification to the required streetscape improvements may be permitted based on the preservation of natural barriers, avoidance of interference with utility lines or other obstructions as approved by the DRC or may be modified based on an alternative design found to achieve the underlying intent of the streetscape design as indicated in the adopted design standards. Streetscape improvements shall include but are not limited to the following:

- a. Street Trees. Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size

in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.

- i. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.

**RESPONSE: Street trees will be planted with structural soil. See sheet L-1 for details.**

- ii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum every thirty (30) lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with shade trees converge. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:

**RESPONSE: Where possible, the shade trees are maintained at a minimum 12' horizontal clearance from buildings. The Project includes street trees along all street frontages. The shade trees are spaced 30' apart except in areas that conflict with driveways. The Project includes a specimen Gumbo Limbo tree at the corner of NE 6<sup>th</sup> Street/NE 1<sup>st</sup> Avenue to provide shade to the pedestrian plaza.**

- iii. Shade trees: Minimum sixteen (16) feet in height, with a minimum seven (7)-foot ground clearance. Palms are to be single-trunk and a minimum of 7-foot ground clearance and spaced to provide maximum visibility at intersection.

**RESPONSE: The shade trees (gumbo limbo and oaks) are a minimum of 16' in height with a minimum 7' of ground clearance.**

- b. Sidewalk. A minimum 7-foot clear sidewalk shall be provided along all streets defined as local streets in the Downtown Master Plan Chapter 4 Design Guidelines.

**RESPONSE: The Project includes minimum 7' clear sidewalks, with a minimum 10' provided along Andrews Avenue and Sistrunk Boulevard.**

- c. RAC Fencing. Within RAC districts, chain-link fencing shall not be permitted along street frontages.

**RESPONSE: Acknowledged, no chain link fencing is proposed.**

- d. Maintenance Agreement: Applicant shall be required to execute a maintenance agreement providing for the repair, replacement and maintenance of required off-site improvements in form approved by the City Engineer, to be recorded in the public records of Broward County at applicant's expense. The City Engineer is authorized to execute said agreement on behalf of City.

**RESPONSE: Acknowledged.**

- I. *New River Waterfront Corridor.* Except in the RAC-TMU zoning district, development on parcels located within one hundred (100) feet of the New River shall be reviewed pursuant to the process for

a site plan level IV development permit (section 47-24.2) without planning and zoning board review, and shall be required to meet the following regulations:

1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:

- a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than twenty (20) feet from the seawall or the high water mark, if no seawall exists.

If the minimum or greater setbacks specified in subsection J.1. are provided, the development plan shall be reviewed giving consideration to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

- b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (Section 47-24.2) without planning and zoning board review, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:

- i. Principal structures shall provide a minimum of one (1) or more setbacks totaling a minimum of twenty (20) feet, between a height of twelve (12) feet and fifty-five (55) feet.
    - ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line twenty (20) feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.
    - iii. Principal structures shall also provide a minimum of five (5) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.

2. Additional criteria.

- a. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow



pattern that shadows a point on the river's edge for more than four (4) hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).

- b. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and landscaping.

**RESPONSE: N/A, the project is not along the New River Waterfront Corridor.**

J. *Review process.* Except as provided in Section 47-24, Table 1. Development Permits and Procedures, development within the following zoning districts shall be reviewed as a Site Plan Level II permit.

1. A Site Plan Level II approval of a development for which a site plan has been approved by the city commission, or which has been the subject of an agreement with the city shall not be final until thirty (30) days after final DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the city commission.
2. Approval of all other Site Plan Level II developments within the RAC shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR.
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., 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.

**RESPONSE: Acknowledged, the project is being submitted as a Site Plan Level II with two (2) deviations. Please note that this project previously received approval for deviations that are carried over through this revised plan, including a 7' stepback along Sistrunk Boulevard and a floorplate size of 16,345 square feet.**

**This revised plan includes two (2) additional deviations: a 16-story height instead of a 12-story height and a 7-story podium instead of a 6-story podium.**

Both of these requested deviations are related to each other and to the improved development program. This project will be one of, if not the first, true mixed-income development in the City of Fort Lauderdale. Since first looking at this site and partnering with Broward County (the landowner), the developer has been insistent on making an affordable housing component to the project. However, since its first inception, material and labor costs have significantly increased, financing costs have significantly increased, and the overall market has gotten tighter. In order to develop the true mixed-income development, additional units are needed.

The tower will retain the approved floorplate of 16,345 square feet and will retain the same number of affordable housing units as was previously approved. The new plan includes three (3) additional stories in the tower and one (1) additional story in the podium to provide parking for the additional units.

The area of this project is also in a unique part of the Urban Neighborhood character area. The area immediately to the south and southwest of the project site has a Near Downtown designation, which permits podium heights of 7 floors and overall heights of 30 floors. While significantly less than 30 floors, this project at 16 floors will provide a sensible transition from the areas immediately to the south, southwest, and southeast to the more "true" Urban Neighborhood located to the northeast of this site.

Site Address: 600 N. Andrews Avenue  
Project Name: Gallery at Flagler Village  
Character Area: Urban Neighborhood  
Prepared by: Andrew J. Schein, Esq.

### **FLEXIBILITY RULES NARRATIVE**

#### **Sec. 47-28.1.M – Flexibility Rules - Allocation of flex units in the Downtown Regional Activity Center.**

*M. Allocation of flex units in the Downtown Regional Activity Center.*

1. Flex units may be allocated to a development site in the Downtown Regional Activity Center area subject to the following conditions.

a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Land Use Plan.

**RESPONSE:** The City's Downtown Regional Activity Center ("DRAC") future land use designation permits the allocation of flexibility units to projects within the DRAC. Specifically, the comprehensive plan states that the allocations will be made "subject to compliance and consistency with Objectives 1.14 and 1.15, Policies [1.14.1 through 1.14.8], Policies 1.15.1, 1.15.2, 1.15.3, and 1.18.1."

Policy 1.14.1 of the City's future land use element is to provide incentives which encourage housing in the DRAC. In this case, the Project consists of housing units in the DRAC, including a mix of affordable housing units and market-rate units. Therefore, the Project complies and is consistent with this policy.

Policy 1.14.2 of the City's future land use element is to utilize land development regulations for the DRAC to address the core, fringe and corridor areas and to promote mixed-use development in the DRAC. In this case, the Project is located in the Urban Neighborhood/Andrews Avenue corridor and is a mixed-use development, including residential and retail uses. Therefore, the Project complies and is consistent with this policy.

Policy 1.14.3 of the City's future land use element is to improve the pedestrian environment in the DRAC. The Project consists of minimum 7' clear sidewalks (minimum 10' on Andrews Avenue and Sistrunk Boulevard) and includes various improvements to the pedestrian environment such as various shading devices, extensive landscaping, and active ground-floor uses. The Project also includes pedestrian plazas at each intersection. Therefore, the Project complies and is consistent with this policy.

Policy 1.14.5 of the City's future land use element is to incorporate streetscape guidelines for the DRAC to include provisions for landscaping and other pedestrian amenities. As stated above, the Project consists of minimum 7' clear sidewalks, various shading devices, extensive

landscaping, pedestrian plazas, and other active ground-floor uses. Therefore, the Project complies and is consistent with this policy.

Policy 1.14.8 of the City's future land use element is to implement the Downtown Fort Lauderdale Master Plan. The Project meets the intent of the Downtown Master Plan and has been submitted for DRT review to determine consistency with the Downtown Master Plan. Applicant has provided a separate point-by-point narrative addressing the requirements of the Downtown Master Plan.

Policy 1.15.1 of the City's future land use element is to create necessary buffering to protect established neighborhoods from the encroachment of commercial uses. The Project is not adjacent to established neighborhoods outside of the RAC and is consistent with the adjacent projects within the RAC. Therefore, the Project complies and is consistent with this policy.

Policy 1.15.2 of the City's future land use element is to prevent future inconsistent land uses via land development regulations and as a function of redevelopment. The Property is zoned RAC-UV and has a DRAC future land use designation. The Project is consistent with the overall guidelines and standards in the ULDR for projects within the Urban Neighborhood character area and the City's Master Plan. Due to the affordable nature of the Project and the site constraints, the Applicant is seeking a waiver from the floorplate size listed in the ULDR, with such waiver process also being consistent with the ULDR. Therefore, the Project meets the intent of this policy.

Policy 1.15.3 of the City's future land use element is to utilize criteria in the future land use element to limit commercial intensity adjacent to residential uses outside of the DRAC. The Project is not adjacent to residential uses outside of the RAC.

Policy 1.18.1 of the City's future land use element is to encourage parcel assembly, replatting, and higher residential density with design standards in the DRAC. The property does not require replatting. The Project's residential density is consistent with other projects in the area. Therefore, the Project meets the intent of this policy.

Additionally, Objective 1.16 of the City's future land use element is to concentrate development, particularly large-scale, mixed-use development in the Downtown RAC to discourage urban sprawl. The Project, which is a mixed-use development consisting of residential uses and retail uses, furthers this objective.

Since the Project is consistent with Objectives 1.14 and 1.15, Policies 1.14.1 through 1.14.8, Policies 1.15.1, 1.15.2, 1.15.3, and Policy 1.18.1, the allocation of flexibility units to the Project is in conformance with the goals, policies, and objectives of the City's future land use plan.

b. Development in the Downtown Regional Activity Center shall be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Downtown Master Plan ("DMP") and any subsequent

amendments to the DMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.

**RESPONSE: Acknowledged, Applicant has provided a separate point-by-point narrative addressing the requirements of the Downtown Master Plan.**

c. Flex units shall be allocated in accordance with the flex zone boundaries that are contained by the Downtown Regional Activity Center.

**RESPONSE: Acknowledged, the Project is located in a flexibility unit receiving area.**

d. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.

**RESPONSE: Acknowledged, the Project is being submitted as a Site Plan Level II.**

e. Expiration of allocation of flex units. The allocation of flex units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.

**RESPONSE: Acknowledged.**

Site Address: 600 N. Andrews Avenue  
Project Name: Gallery at Flagler Village  
Character Area: Urban Neighborhood  
Prepared by: Andrew J. Schein, Esq.

## **ADEQUACY REQUIREMENTS NARRATIVE**

### **Sec. 47-25.2. Adequacy requirements.**

- A. *Applicability.*** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.
- B. *Communications network.*** Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**Response: The Project is not expected to interfere with the City's communications network.**

- C. *Drainage facilities.*** Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2 ½) inches of runoff from the impervious surface whichever is greater.

**Response: Application will be made to Broward County and the applicant will satisfy all current criteria for surface water requirements and obtain all local and state licenses.**

**D. *Environmentally sensitive lands.***

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and well field protection which ordinances are incorporated herein by reference:
  - a. Broward County Ordinance No. 89-6.
  - b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
  - c. Broward County Ordinance No. 84-60.
2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**Response: There are no environmentally sensitive lands on this site.**

**E. Fire Protection.** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**Response: Watermains exist adjacent to the site. Applicant requested a water/wastewater capacity letter from the City's Public Works Department on January 18, 2023 and will provide the letter to the City upon receipt.**

**F. Parks and open space.**

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**Response: Applicant will pay all required park impact fees prior to the issuance of a building permit.**

**G. Police protection.** Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**Response: The project will take into account all the recommended CPTED principles and incorporate the appropriate improvements into the design.**

**H. Potable water.**

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
2. *Potable water facilities*
  - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

**Response: Watermains exist adjacent to the site. Applicant requested a water/wastewater capacity letter from the City's Public Works Department on January 18, 2023 and will provide the letter to the City upon receipt.**

**I. *Sanitary sewer.***

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

**Response: Sanitary Sewer mains exist adjacent to the site. Applicant requested a water/wastewater capacity letter from the City's Public Works Department on January 18, 2023 and will provide the letter to the City upon receipt.**

- J. *Schools.*** For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

**Response: Applicant has requested a School Capacity Availability Determination ("SCAD") and will provide the SCAD to the City upon receipt.**

**K. *Solid waste.***

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**Response: Owner will contract with a private waste hauler.**



- L. *Stormwater.*** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

**Response: The project will be designed with on-site storm water retention. Application will be made to Broward County and the applicant will be required to satisfy all current criteria for surface water requirements and obtain all local and state licenses.**

**M. *Transportation facilities.***

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. *Traffic impact studies.*
  - a. When the proposed development may generate over one thousand (1,000) daily trips; or
  - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( 1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty

percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( 1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in traffic ways impact analysis which shall:

- i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
- ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed traffic ways.
- iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
- iv. A further detailed analysis and any other information that the review committee considers relevant.
- v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
- vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**Response: Applicant will provide a traffic study/traffic impact statement to the City.**

5. *Dedications of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**Response: If any additional right-of-way is required, the Applicant will dedicate the same by easement.**

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**Response: Applicant is providing sidewalks along all street frontages.**

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the traffic ways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**Response: Acknowledged.**

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

**Response: Acknowledged.**

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**Response: The Project includes landscaping and street trees along all street frontages. Oak trees are provided along Andrews Avenue, Sistrunk Boulevard and NE 1<sup>st</sup> Avenue, spaced approximately 30' on center. The project also includes numerous smaller trees as well as a large specimen gumbo limbo at the pedestrian plaza on the southeast corner of the site. See landscape plans for details.**

#### **N. Wastewater.**

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by

the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

**Response: Sanitary Sewer service will be provided by the City of Ft. Lauderdale. Applicant requested a water/wastewater capacity letter from the City's Public Works Department on January 18, 2023 and will provide the letter to the City upon receipt.**

**O. *Trash management requirements.*** A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**Response: Acknowledged.**

**P. *Historic and archaeological resources.***

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**Response: N/A, the Property has not been identified as having archaeological or historical significance.**

**Q. *Hurricane evacuation.*** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**Response: N/A. This project is west of the Intracoastal Waterway.**