



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

**#23-0631**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** June 20, 2023

**TITLE:** Motion for Discussion – City Commission Request for Review – RK Center  
Mixed-Use Parcel 2 – 550 NE 9<sup>th</sup> Street – Case No. UDP-A22052 –  
**(Commission District 2)**

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**Recommendation**

Staff recommends the City Commission consider review of a proposed amendment to a site plan for the project known as “RK Center Mixed-Use Parcel 2”, Case No. UDP-A22052, and determine whether to set a de-novo hearing to review the application.

**Background**

The City Clerk has received a statement of intent filed from the office of Mayor Dean J. Trantalis, pursuant to the City of Fort Lauderdale Unified Land Development Regulations (ULDR), Section 47-26A.2, City Commission Request for Review (CRR) to review the amended site plan for “RK Center Mixed-Use Parcel 2”.

The applicant is proposing to amend the approved site plan, DRC Case No. PLN-SITE-19120002, Site Plan Level II in the Downtown Regional Activity Center (RAC) for the property bound by NE 9<sup>th</sup> Street to the north, NE 5<sup>th</sup> Terrace to the east, and NE 5<sup>th</sup> Avenue to the west located at 550 NE 9<sup>th</sup> Street. It should be noted that the original review of this site plan was done in conjunction with two other site plan reviews for parcels 1 and 3, commonly referred to as the Searstown properties. A Location Map is attached as Exhibit 1.

The development application for this project was submitted on December 13, 2019, prior to the codification of the DMP design guidelines. The City Commission approved the original application on October 10, 2021. The applicant submitted an application to amend the plans, Case #UDP-A22052, which was reviewed administratively under ULDR, Section 47-24.2.5, Site Development Permits. The proposed amendments include converting hotel rooms to residential units and an increase in parking spaces. There are no proposed building design changes. Specific conditions of approval have been identified herein.

The original site plan approval contained a development program of 22 residential units, 192 hotel rooms, 4,770 square-feet of commercial use, and 279 parking spaces. The proposed amendment is to convert the 192 hotel rooms to residential units resulting in a total of 214 units. The amendment also increases the number of parking spaces from 279 to 320. The applicant is not proposing any building design changes to the project thereby not impacting height, setbacks, setbacks, and other qualitative design elements. However, due to development program changes staff re-analyzed the traffic for the project as well as the water and wastewater capacity.

The proposed project contains residential unit sizes that range from 350 square-feet to 600 square-feet. The original development application was submitted prior to the codification of the DMP design guidelines and the applicant is applying ULDR, Section 47-13.20.D.7, which provides that development applications approved on or before November 5, 2020, may be amended and modified through the regulations in effect at the time the approved application was originally submitted. There was no minimum square footage requirement for residential units prior to the codification of the Downtown Master Plan, whereas the current minimum unit size is 400 square feet, and therefore, this application complies with the regulations in effect at the time of its original approval. The Application, Applicant's Narratives, and Amended Plan Set are attached as Exhibit 2.

#### Transportation and Traffic

The applicant submitted a Traffic Statement prepared by TrafTech Engineers, Inc., dated September 26, 2022, that compared the original trip generation for hotel use to proposed residential use. Hotel use would generate 88 AM peak trips and 113 PM peak trips; whereas the conversion to residential would result in 61 AM peak trips and 73 PM peak trips. Therefore, the proposed amendment results in a reduction in total trips. The Traffic Statement by TrafTech Engineers, Inc., dated September 26, 2022, is attached as Exhibit 3.

#### Adequacy Requirements

Water and wastewater are serviced by the City of Fort Lauderdale and a capacity letter was issued by the City's Public Works Department with the original site plan approval. It should be noted that the analysis was conducted for three site plans during the original development review. The attached capacity letter references the three site parcels with the proposed revised program for this current application. The capacity letter indicates that there is sufficient water service capacity to serve the project. However, there is not sufficient wastewater capacity to service the project and improvements will be required to provide for adequate wastewater flow.

The applicant will need to upsize approximately 400 linear feet of gravity sewer to at least a 15-inch pipe along NE 5<sup>th</sup> Avenue and approximately 600 linear feet of gravity sewer to at least an 18-inch pipe along NE 6<sup>th</sup> Street prior to issuance of building Certificate of Occupancy. These minimum improvements will allow the gravity mains to sufficiently handle the proposed and existing flows in the contributing area. Additionally, Pump Station A-21 does not have sufficient capacity and the proposed Pump Station A-24 shall be constructed and on-line prior to the issuance of Certificate of Occupancy for the

proposed project. The applicant acknowledged construction of the improvements to be completed. The City’s Updated Water and Wastewater Analysis Letter, dated April 21, 2023, is attached as Exhibit 4.

**Residential Units**

The subject property is located within the City’s Downtown Regional Activity Center and within the City’s Unified Flex Zone. The original site plan approval was allocated 22 residential flex units. The proposed amendment will be allocated residential units from the Downtown RAC entitlements. There are currently 319 available Downtown RAC units from the 2016 unit pool. Should the allocation of the 214 units be approved, 105 units will remain. Table 1 provides a summary on unit allocation.

**Table 1 – Unit Summary**

<b>Downtown RAC 2016 Unit Pool</b>	<b>Units</b>	<b>Affordable Units</b>
<b>Permitted</b>	4,250	750
<b>Assigned to Date</b>	3,931	360
<b>Pending</b>	214	0
<b>Remaining</b>	105	390

**City Commission Request for Review**

Pursuant to ULDR, Section 47-24.2.A.6, approval of site plan development permit subject to City Commission Request for Review (CRR) shall not be final until thirty (30) days after preliminary 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 City Commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area which due to characteristics of the project and the surrounding area requires additional review to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for CRR may be initiated by a statement of intent filed by any member of the City Commission with the City Clerk with a copy to the department. The motion shall be considered within 30 days of the decision by the lower body with the certain exceptions provided in Section 47-26.A.2 of the ULDR. The Mayor’s Statement of Intent is attached as Exhibit 5.

The motion approving a CRR shall set a date for consideration of the application no later than sixty (60) days from the date the motion is adopted. Notice of the hearing shall be provided by posting a sign at least ten days before the hearing in accordance with ULDR, Section 47-27, Notice Procedures. Review by the City Commission shall be by de-novo hearing supplemented by the record and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the City Commission shall take action approving, approving with conditions or denying the application.

set within the requisite sixty (60) day period to consider the application and should include the following conditions:

1. 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.
2. Prior to building permit submittal, the applicant must provide an updated Final School Capacity Availability Determination (SCAD) letter and provide a copy of the letter to the City.
3. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated April 21, 2023, the existing sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to Certificate of Occupancy, all necessary improvements stated in the latest Water and Wastewater Capacity Availability letter shall be constructed, certified and in operation for development to meet ULDR section 47-25.2.
4. Prior to issuance of Final Certificate of Occupancy, applicant shall dedicate and record a public right-of-way easement along the west side of Northeast 5th Terrace, south side of Northeast 9<sup>th</sup> Street, and east side of Northwest 5<sup>th</sup> Avenue, consisting of five (5) feet to complete the respective minimum fifty (50) feet right-of-way section as approved by the City Engineer.
5. Prior to issuance of Final Certificate of Occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the west side of Northeast 5th Terrace, south side of Northeast 9<sup>th</sup> Street, and east side of Northwest 5<sup>th</sup> Avenue, to accommodate a portion of the required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
6. Prior to issuance of Final Certificate of Occupancy, applicant shall dedicate a minimum ten (10) feet by fifteen (15) feet utility easement for the proposed 6-inch water meter vault and first private sanitary sewer manhole located within the proposed development and outside of existing right-of-way and proposed right-of-way easements to facilitate City maintenance access as approved by the City Engineer.
7. Prior to issuance of Final Certificate of Occupancy, applicant shall provide a recorded Maintenance Declaration with the City (for property frontage along Northeast 5th Terrace, Northeast 9<sup>th</sup> Street, and Northeast 5<sup>th</sup> Avenue). Proposed improvements within adjacent City right-of-way include driveway, curb, landscaping, and irrigation.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

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

- Neighborhood Enhancement
- Goal 4: Build a thriving and inclusive community of neighborhoods
- Objective: Ensure a range of affordable housing options

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We are

## Community

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

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

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant’s Narratives, and Abbreviated Plan Set

Exhibit 3 – Traffic Statement, September 29, 2022, TrafTech Engineers, Inc.

Exhibit 4 – City’s Updated Water and Wastewater Analysis Letter, April 21, 2023

Exhibit 5 – Mayor’s Statement of Intent

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Prepared by: Jim Hetzel, AICP, Principal Urban Planner, Development Services Department

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