



REQUEST: Site Plan Level III Review: Waterway Use, Conditional Use Permit for Height Increase from 150 Feet Maximum to 300 feet, and Request for Yard Modifications for a 44-unit Multifamily Residential Building

CASE NUMBER	UDP-S24005		
APPLICANT	900 Intracoastal Drive, Inc.		
AGENT	Courtney Crush, Crush Law, P.A.		
PROJECT NAME	900 Intracoastal Drive		
LOCATION	900 Intracoastal Drive		
ZONING DISTRICT	Residential Multifamily High Rise/High Density (RMH-60)		
LAND USE	High Residential		
COMMISSION DISTRICT	1 - John Herbst		
NEIGHBORHOOD ASSOCIATION	N/A		
PROPERTY SIZE	33,003 Square Feet (0.757 Acres)		
	Required	Proposed	
LOT DENSITY	60 Units Per Acre Maximum = 45 units	44 Units	
LOT SIZE	5,000 Square Feet Minimum	16,499 Square Feet/(0.3787 Acres)	
LOT WIDTH	50 Feet Minimum	100 Feet	
BUILDING HEIGHT	150 Feet Maximum (300 Feet Subject to Conditional Use Permit)	292 Feet, 9 Inches*	
STRUCTURE LENGTH	200 Feet Maximum	156 Feet	
LANDSCAPE AREA	11,550 Square Feet Minimum	11,551 Square Feet	
PARKING	97 Parking Spaces	99 Parking Spaces	
SETBACKS/YARDS	Required	Proposed	
		Podium	Tower
FRONT (W)	146 Feet (1/2 building height)	25 Feet 5 inches **	32 Feet 5 inches **
SIDE (S)	146 Feet (1/2 building height)	22 Feet **	60 Feet **
SIDE (N)	146 Feet (1/2 building height)	22 Feet **	60 Feet **
REAR (E)	116 Feet (1/2 building height)	22 Feet 7 inches **	37 Feet 5 inches **
APPLICABLE ULDR SECTIONS	47-23.8, Waterway Use 47-23.11, Modification of Yards 47-24.3, Conditional Use Permit Requirements 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements		
NOTIFICATION REQUIREMENTS	Sec. 47-27.6, Sign Notice Sec. 47-27.4, Public Participation		
STATE STATUTE 166.033 EXPIRATION DATE	180-day Expiration Date	Extension Date (s)	
	July 28, 2024	September 27, 2024	
ACTION REQUIRED	Approve, Approve with Conditions, or Deny		
PROJECT PLANNER	Yvonne Redding, Urban Planner III		

*Conditional Use Request

**Yard Modification Request

PROJECT DESCRIPTION:

The applicant proposes to develop a new 44-unit, 28-story, multifamily residential building on 0.757 acres of land, located at 900 Intracoastal Drive. The subject property is zoned Residential Multifamily High Rise/High Density (RMH-60) District and has a High Residential future land use designation. The existing site contains a 16-unit multifamily residential building that will be replaced by the proposed development.

The applicant is requesting the approval of a waterway use and a conditional height increase from the maximum height of 150 feet to a maximum height of 292 feet and 9 inches. Additionally, the RMH-60 zoning district requires that front, side, and rear setbacks are half the height of the building. The required front, side, and rear setbacks are 146 feet. The applicant is requesting a deviation from the setback requirements for the podium and tower, proposing a western front yard setback of 25 feet and 5 inches, north and south side yard setback of 22 feet, and the eastern rear yard setback of 22 feet and 7 inches. The tower is substantially setback from the podium, providing 32 feet and 5 inches for the western front setback, 60 feet north and south, and 37 feet and 5 inches for the eastern rear setback.

The application is attached as **Exhibit 1**. The site plan, elevations, and survey are attached as **Exhibit 2**. The applicant's narrative responses to criteria are attached as **Exhibit 3**.

PRIOR REVIEWS:

The Development Review Committee (DRC) reviewed the proposal on February 27, 2024. DRC comments and applicant's responses are attached as **Exhibit 4**.

REVIEW CRITERIA:

The following criteria apply to the proposed request:

- 47-23.8, Waterway Use
- 47-23.11, Modification of Yards
- 47-24.3, Conditional Use Permit Requirements
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements

WATERWAY USE:

Pursuant to Section 47-23.8, Waterway Use, an application for a waterway use approval shall be reviewed in accordance with the following criteria:

B. *For purposes of this Section 47-23.8, "on a waterway" means a development site which abuts a waterway. This section shall not apply to development within the downtown RAC, except for development within the RAC-RPO district, and shall not apply to the central beach area districts. Any proposed nonresidential or multifamily use on a waterway shall require a site plan level III development permit, as provided in Section 47-24, Development Permits and Procedures. The application shall include all elevations visible from the waterfront. A use on a waterway shall, in addition to all other requirements of the ULDR, meet the requirements as follows:*

1. *A twenty-foot landscaped yard is required adjacent to the existing bulkhead line. The required twenty-foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted nonresidential or multifamily waterfront uses, unless specifically approved by the Planning and Zoning Board. The twenty-foot yard shall not apply to marinas or yacht clubs.*

The applicant is providing a 37-foot, 5-inch rear yard setback at ground level, with a landscaped pedestrian pathway and dock adjacent to the bulkhead line, exceeding the requirement at the ground level. The podium provides a setback of 22-feet and 7-inches between the 2nd and 5th floors. The tower portion of the building, between the sixth and 22nd floors, provides a setback of 37 feet and 5 inches from the face of the tower to the property line.

2. *Review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in Section 47-25.3.A.3.e.i.*

Reference the Neighborhood Compatibility analysis section located herein.

MODIFICATION OF YARDS REQUIREMENTS:

Pursuant to Section 47-23.11, Modification of Required Yards, an application to modify yard requirements shall be reviewed in accordance with the criteria listed below. Table 1 outlines the required and proposed yard modifications.

Table 1. Required Yards

	Required	Proposed
Front Yard - West	½ Building Height (292/2 =146 Feet)	Floor 1: 32 Feet, 6 inches Floors 2-5: 25 Feet, 5 inches Floors 6-27: 32 Feet, 5 inches
Side Yard - North	½ Building Height (292/2 =146 Feet)	Floors 1-5: 22 Feet Floors 6-27: 60 Feet
Side Yard - South	½ Building Height (292/2 =146 Feet)	Floors 1-5: 22 Feet Floors 6-27: 60 Feet
Rear Yard – East (Intracoastal)	½ Building Height (292/2 =146 Feet)	Floor 1: 37 Feet, 5 inches Floors 2-5: 22 Feet, 7 inches Floors 6-27: 37 Feet, 5 inches

A. *Criteria for modification of required yards.* The Planning and Zoning Board shall upon application for site plan level III approval, as provided in Section 47-24.2, Development Permits and Procedures, consider a request to modify the required yards as specified in the Table of Dimensional Regulations within the RMM-25, RMH-25 and RMH-60 residential zoning districts, and may change such minimum yard requirements, provided, however, that the following additional criteria for such approval are met:

1. *By adjusting the location of the structure on the site, an architectural and/or engineering study can graphically prove that a superior site development as relating to shadows will result from such adjustment.*

With the modified yard, 900 Intracoastal provides an enhanced design which centers the building on the property while providing landscape buffers between the properties to the north and south.

2. *By adjusting the location of the structure on the site when the site abuts the Intracoastal Waterway or other permanent public open space, land or water and it is found that allowing a reduction is compatible with adjacent properties, as defined in this section.*

The yard modification for the proposed project is generally compatible and consistent with adjacent residential buildings.

3. By adjustment of yards it is found that:

a. There is continuity of yards between the proposed development and adjacent properties.

The proposed site plan provides continuity of yards between the proposed development and adjacent properties. Aquablu to the north provides a similar front yard setback connecting the 5-foot sidewalk and landscape buffer along Intracoastal Drive. The Corinthian to the north and Sunrise Tower to the south are located along the curvature of the road and do not provide a sidewalk or a pedestrian connection.

b. There is continuity of architectural features with adjacent properties which encourages public pedestrian interaction between the proposed development and the public street;

The applicant is providing a 5-foot sidewalk and a large landscape buffer within the right-of-way and is setback from the right-of-way similar to the development to the north providing for a clear unobstructed pedestrian experience along Intracoastal Drive.

c. There is continuity of architectural features with adjacent properties. Architectural features include but are not limited to those listed in subsection A.3.e;

Similar to Aquablu to the north, the project offers tall aluminum storefront with clear glass, metal finished porte cochere, defined pedestrian midblock sidewalks and accessible ramps.

d. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;

There is continuity of urban scale with adjacent properties. The Corinthian to the north stands at 22-stories in height. The Aquablu adjacent to the site stands at 16-stories. The Sunrise Tower to the south stands at 15-stories. The proposed project will provide a similar setback from the street as Aquablu and similar setbacks to the podium. The Corinthian and Sunrise Tower developments are located along the curvature of the street and although the buildings are setback further from the street, they generally align with the proposed development.

e. In addition to the reduction in minimum yards meeting subsections A.3.a and b or subsections A.3.c and d, the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.

The proposed project features all glass balconies, a variety of architectural materials such as banding, wood, and aluminum finishes. The cantilevered podium is treated with perforated metal and spandrel glass. The expansive metal-finished porte cochere provides for a unique entry feature. Street trees and enhanced landscaping in the front yard will enhance the pedestrian experience.

4. *In addition to subsection A.1, 2, or 3 the following shall be met:*

a. The applicable minimums pertaining to all other zoning requirements applicable to the development are met.

All other minimum zoning requirements have been met.

b. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way and extending those lines across the public area perpendicular to the development site.

The project does not cast a shadow exceeding fifty percent of the Intracoastal Waterway. Per the applicant's shadow study provided on Sheet AR-003 (pages 6 and 7) of Exhibit 2.

- c. *The intent and spirit of the dimensional regulations of the applicable district concerning yards as relating to air, light and shadow is maintained.*

The podium is five floors, with a tower setback of 34 feet above the 5th floor/amenity deck, and a 32-foot and 5-inch tower setback on the east side, 60 feet on the north and south side, and 37 feet, 5 inches on the west (rear) side. The slender tower and recessed building façade above the fifth-floor podium will allow light and air to be maintained along the sides of the building.

CONDITIONAL USE PERMIT REQUIREMENTS:

Pursuant to Section 47-24.3, Conditional Use Permit Requirements, the following criteria apply:

1. *Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3.*

Reference the Neighborhood Compatibility analysis section located herein.

2. *Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.*

A traffic impact statement, prepared by Kimley Horn and Associates, Inc. dated July 17, 2023, concluded that the project produced fewer than 1000 trips, generating 1 new AM Peak Hour trip and 8 PM Peak Hour trips. Reference the traffic impact statement included as Exhibit 6.

3. *The applicant must show and it must be found by the reviewing body that the following have been met:*

- a. *The location of the use or structure is not in conflict with the City's Comprehensive Plan;*

The location and residential use of the property is in compliance with the High Residential Land Use of the City's Comprehensive Plan. See Comprehensive Plan Consistency section herein for additional information.

- b. *Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;*

The proposed development will remove the existing backout parking condition that currently exists on-site. Internalizing the site circulation minimizes vehicular pedestrian conflicts and creates a more walkable environment along Intracoastal Drive. The development will also provide a sidewalk which currently does not exist in this area.

- c. *On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;*

The building facades of the proposed project are activated by balconies and a variety of materials. The first floor is activated by a building entrance, lobby, mailroom, and clear view through the lobby to the waterway. The pedestrian experience will be enhanced with street trees and enhanced landscaping. The request for additional height allows for a slender tower, allowing more light and air between buildings, including a 97-foot tower separation to the *Aquablu* development and 120-foot tower separation to *Sunrise Tower*.

- d. *The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;*

The location of the use does not impact the character of the zoning district. Abutting and nearby properties have an underlying land use of High Residential, and RMH-60 zoning that permit heights up to 150 feet, or 300 feet through a conditional use request. The proposed multi-family residential building provides infill redevelopment within the existing context of the built environment and surroundings.

- e. *There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.*

The proposed development does not adversely impact health, safety and welfare of adjacent properties.

ADEQUACY REQUIREMENTS:

The adequacy criteria of the Unified Land Development Regulations (ULDR) Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. The Water and Wastewater Capacity Availability Letter issued by the City of Fort Lauderdale Public Works Department, on February 13, 2024, states that the existing water and sewer infrastructure has the capacity to support the proposed development. The capacity letter is attached as **Exhibit 5**.

NEIGHBORHOOD COMPATIBILITY:

The neighborhood compatibility criteria of ULDR Sec 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhood, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, and alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The site abuts the Intracoastal Waterway to the east, Intracoastal Drive to the west, a 16-story multifamily building directly to the north, and a 15-story multifamily building to the south of the site. The first floor of the project contains a double height lobby. The north and south side yards provide a landscape buffer and pathway to the rear yard. The eastern facade facing the Intracoastal Waterway includes a pool, cabanas, and landscaping. The building's mechanical equipment is located on the unoccupied open-aired rooftop, with mechanical screening. Building materials include a variety of treatments such as an aluminum framing system with spandrel glass panels, glass guardrails, a wood-colored metal fin, horizontal wood cladding and perforated metal screening.

Above the five-story podium, the applicant proposes a tall, slender tower to allow for a larger tower separation between the proposed building and the adjacent properties. The tower separation to the north (*Aquablu tower*) will be 97 feet 3 inches and podium separation will be 42 feet. The tower separation to the south (*Sunrise Tower*) will be 120 feet and podium separation will be 82 feet. The pedestrian experience will be enhanced with street trees, enhanced landscaping and a new public sidewalk. The proposed development will remove the existing backout parking condition that currently exists on-site. Internalizing the site circulation minimizes vehicular pedestrian conflicts and creates a more walkable environment along Intracoastal Drive.

PARKING AND TRAFFIC:

As per ULDR Section 47-20, Parking Requirements, 46 parking spaces are required for the proposed project, as shown in Table 2.

Table 2. Parking Requirements

Use	Parking Ratio	Required
Residential Units	2.2 Spaces X 22 (2 + Bedroom Units)	97 Spaces
Total Required		97 Spaces
Total Provided		99 Spaces

The applicant is proposing an internalized parking garage, providing 99 on-site parking spaces between the second and fourth floors. The site contains two curb cuts along Intracoastal Drive, with ingress and egress located on the northwest corner of the site.

The applicant submitted a traffic statement, dated July 17, 2023, prepared by Kimley Horn and Associates, Inc. A trip generation analysis was conducted using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition for the existing development and proposed redevelopment. The proposed development does not warrant further study, and a traffic study is not required as it generates less than 1,000 net new daily trips and less than 20.0 percent (20%) of the net new daily traffic is generated during each of the peak hours, in accordance with ULDR Section 47-25-2.M.4.b. The traffic statement is attached as **Exhibit 6**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed development is consistent with the City's Comprehensive Plan in that the residential use and density proposed are allowed in the High Residential land use category. The proposed development is consistent with the City's Comprehensive Plan Goals, Objectives, and Policies, including the Future Land Use Element, Goal 1, Objective FLU 1.1, Policy FLU 1.1.1, density and intensity standards are utilized to control the intensity of uses within the City; Policy 1.1.4, arrangement of dwelling units on a parcel of land designated for residential use is compatible with the land use plan and map as to the number of units permitted on the parcel; and Urban Design Element, Goal 1, promotion of high-quality and sustainable building design elements which complement the public realm.

The City's Future Land Use Map indicates that the proposed project is located in the High Residential future land use designation which permits up to 60 dwelling units per acre; the maximum number of units allowed on this property is 45 dwelling units and the applicant is proposing 44 dwelling units.

PUBLIC PARTICIPATION:

The application is subject to the public participation requirements established under ULDR Section 47-24.1. F.14. In accordance with this section, several meetings have been held to present and discuss the project beginning in November 2023. The Final presentation was presented during a virtual public participation meeting held on May 21, 2024, to offer the neighborhood and surrounding properties the opportunity to view and discuss the final version of the project. The public participation meeting had 30 attendees participating by Zoom. In addition to the required public participation meetings, the applicant indicated they held five additional project meetings with neighboring buildings.

This request is also subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted two signs on the property and has met the requirements of this section. The public participation meeting summary and affidavits are attached as **Exhibit 7**. Public correspondence including letters of support are attached as **Exhibit 8**.

CONDITIONS OF APPROVAL:

Should the Planning and Zoning Board approve the development, the following conditions apply:

1. Applicant will be required to pay a Park Impact Fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Sec. 47-38A, Park Impact Fees;

2. Prior to Building Permit Issuance, the applicant shall provide a School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. Prior to issuance of Certificate of Occupancy, applicant shall coordinate and provide a Maintenance Agreement with the City (for property frontage along Intracoastal Drive). Proposed improvements within adjacent City right-of-way include paver driveway, sidewalk, and landscaping including structural soil and irrigation.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application, based on criteria outlined herein:

- 47-23.8, Waterway Use
- 47-23.11, Modification of Yards
- 47-24.3, Conditional Use Permit Requirements
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility Requirements

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.

If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the Site Plan Level III permit.

EXHIBITS:

1. Application
2. Survey, Site Plans, and Elevations
3. Applicant's Narrative and Responses to Criteria
4. DRC Comment Responses
5. Water and Wastewater Capacity Availability Letter, February 13, 2024
6. Traffic Statement prepared by Kimley Horn, July 17, 2023
7. Public Participation Meeting Summary and Affidavits
8. Letters of Support and Public Comment