



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0074

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: February 2, 2016

TITLE: Quasi-Judicial – Ordinance Rezoning from South Beach Marina and Hotel
Area District to Innovative Development Zoning District including Approval
of Associated Development Plan – Bahia Mar – TRR Bahia Mar LLC -
Case Number 15001

Recommendation

It is recommended that the City Commission adopt an ordinance rezoning 38.65 acres of land, located west of Seabreeze Boulevard and east of the Intracoastal Waterway, commonly known as the “Bahia Mar” property, from South Beach Marina and Hotel Area District (SBMHA) to Innovative Development Zoning District (ID).

Background

The subject property, which is owned by the City and leased by the Rahn Bahia Mar, LLC (the “Lessee”), is presently occupied by the existing Bahia Mar Hotel and Marina as well as parking serving the uses. See Exhibit 1 for location map. The City and Lessee have negotiated terms to a new master lease agreement that will be reviewed and considered by the City Commission in separate action. See CAM 16-0002. TRR Bahia Mar, LLC, the Applicant on behalf of the lessee, proposes to rezone the subject property from the existing South Beach Marina and Hotel Area District (“SBMHA”) to Innovative Development Zoning District (“ID”) that includes the approval of the associated development plan that becomes the specific zoning regulations and standards for the subject property. See Exhibit 2, ID Project Narrative Binder and Site Plan Package, for applicant’s narratives and the overall project design.

Rezoning to Innovative Development District

The Applicant has submitted a narrative as part of Exhibit 2, outlining the design concepts of the development and how the proposal complies with Unified Land Development Regulations (ULDR) Section 47-37A, Innovative Development Requirements. Table 1 below depicts a comparison between the current SBMHA zoning district requirements for the development site and the requirements of the proposed ID zoning district. If approved, these requirements will become the specific zoning regulations and standards for the Bahia Mar ID Zoning District.

Table 1. Comparison ULDR Requirements and Proposed ID Zoning Development Standards

ULDR Section:	SBMHA Requirement:	Proposed ID Requirements:
47-12.5.F.1, SBMHA District Dimensional Requirements - Setbacks	Front (E): 20 feet	<ul style="list-style-type: none"> • North Tower: 20 feet • South Tower: 26 feet, 11 inches • Bahia Mar Hotel: 22 feet, 5 inches • Villages (pavilions): 21 feet
	Side (N): 10 feet Minimum or 1/2 Building height: (202 feet based proposed height)	<ul style="list-style-type: none"> • North Tower: 28 feet, 1 inch • Bahia Mar Hotel: 66 feet, 5 inches (seawall) 489 feet, 11 inches (property line) • Boat Show Garage: 86 feet, 3 inches (seawall) 513 feet, 1 inch (property line) • NW Restaurant: 36 feet, 6 inches (seawall) 451 feet, 5 inches (property line)
	Side (S): 10 feet Minimum or 1/2 Building height: (202 feet based proposed height)	<ul style="list-style-type: none"> • South Tower: 99 feet, 6 inches (seawall) 658 feet, 6 inches (property line) • Boat Show Garage: 85 feet, 5 inches (seawall) 655 feet (property line) • SW Restaurant: 31 feet, 9 inches (seawall) 601 feet, 11 inches (property line) • Villages (pavilions): 1 foot, 8 inches
	Rear (W): 20 feet Minimum or 1/2 Building height: (11 feet based proposed height)	<ul style="list-style-type: none"> • Boat Show Garage: 177 feet, 9 inches (seawall) 231 feet, 9 inches (property line) • NW Restaurant: 26 feet, 6 inches (seawall) 89 feet, 9 inches (property line) • SW Restaurant: 27 feet 7 inches (seawall) 83 feet, 6 inches (property line) • Villages (pavilions): 2 feet, 9 inches (seawall)
47-12.5.F.2, SBMHA District Dimensional Requirements - Height	120 feet Maximum	<ul style="list-style-type: none"> • North Tower: 404 feet, 1 inch • South Tower: 409 feet, 7 inches • Bahia Mar Hotel: 151 feet, 1 inch (existing hotel height) • Bahia Mar Garage: 61 feet, 1 inch • Boat Show Garage: 61 feet, 9 inches • SW Restaurant: 22 feet, 7 inches • NW Restaurant: 15 feet, 7 inches
47-12.5.F.6, SBMHA District Dimensional Requirements – Length and Width	200 feet Maximum	<ul style="list-style-type: none"> • North Tower: 160 feet, 5 inches by 443 feet, 9 inches • South Tower: 170 feet by 375 feet, 4 inches • Bahia Mar Hotel: 377 feet, 11 inches by 351 feet (existing building is 351 feet) • Boat Show Garage: 446 feet, 3 inches by 306 feet, 8 inches
47-20.2 Parking and Loading Requirements	2,238 parking spaces	<ul style="list-style-type: none"> • 2,167 spaces (3.2% reduction)

Note: References to “seawall” and “property line” distinguish legal limits of the subject property, which include the marina and centerline of adjacent waterway.

Permitted Uses

As part of the Bahia Mar ID Zoning District, the applicant is proposing a list of permitted non-residential uses in addition to the hotel and residential use components of the project, as listed below in Table 2. The uses proposed by the applicant are consistent with the Central Beach Regional Activity Center Land Use, the underlying future land use designation, and are generally consistent with the SBMHA Zoning District.

Table 2. Proposed ID Zoning Permitted Uses

ULDR Section:	SBMHA Requirement:	Proposed ID Requirement:
47-12.5.F.5, SBMHA District List of Permitted Use, Site Plan Level IV Development	<ul style="list-style-type: none"> Hotels and suite hotels Multiple-family dwellings and apartments Marinas as a conditional use Museums Swimming pools Parking garages Amphitheaters Restaurants Moped/scooter rental as a conditional use 	1. BOATS, WATERCRAFT AND MARINAS <ul style="list-style-type: none"> a. Charter & Sightseeing Boat b. Marina Parts & Supply Store c. Marina d. Watercraft Repair e. Marine Service Station 2. FOOD & BEVERAGE SERVICE <ul style="list-style-type: none"> a. Bar, Cocktail Lounge b. Coffee Shop c. Convenience Store d. Delicatessen e. Food and Beverage Carry-Out f. Grocery/Food Store g. Ice Cream/Yogurt Store h. Liquor Store i. Restaurant
47-12.5.F.5, SBMHA District List of Permitted Use, Site Plan Level III Development	<ul style="list-style-type: none"> Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities 	3. LODGING <ul style="list-style-type: none"> a. Hotel 4. PUBLIC PURPOSE <ul style="list-style-type: none"> a. Civic & Private Club Facility b. Government Administration c. Museum d. Public/Private Recreation
47-12.5.F.5, SBMHA District List of Permitted Use, Site Plan Level I Development	<ul style="list-style-type: none"> Parking lots Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable 	5. RESIDENTIAL <ul style="list-style-type: none"> a. Multifamily Residential 6. RETAIL SALES <ul style="list-style-type: none"> a. Retail Stores & Shops 7. SERVICES / OFFICE FACILITIES <ul style="list-style-type: none"> a. Automobile Rental as Accessory to Hotel or Marina b. Child Care Facilities c. General Services (such as, but not limited to, Financial Institution, Hair Salon, Health and Fitness Center / Spa, Travel Agency, etc.) d. Medical & Professional Offices e. Parking Facility f. Pet Spa / Boarding Facilities 8. ACCESSORY USES <ul style="list-style-type: none"> a. Catering Services b. Outdoor Dining and Sidewalk Cafés c. Uses Customarily Accessory to Any Permitted Use Listed Above

Proposed Development Program

The proposed development program includes renovation of the existing Bahia Mar Hotel, new ground floor retail and restaurant space, new hotel and multi-family residential condominiums, parking garage, open park space, waterfront promenade, and grocery store. The proposed mixes of use are mutually supportive and provide a variety of amenities and services. The specific development program includes:

- 236 Hotel rooms
- 625 Residential units
- 24,697 square feet of Retail
- 27,263 square feet of Restaurant
- 31,001 square feet of Supermarket
- 17,125 square feet of Fitness Area/Gym
- 44,725 square feet of Office
- 217 Marina Slips
- 10 Marina Live-aboard Slips
- 10 slips for existing Fishing Charters

Public Realm Improvements

Pursuant to Section 47-37A.9 of the ULDR, ID Public Improvement Examples, the applicant has incorporated a variety of elements to benefit the public and surrounding community. These elements include promenades, plaza and park space, enhanced connection to the public sky bridge, and new wayfinding components. For overall location of proposed improvements, please see Exhibit 2, Innovative Development Site Plan Package, Sheet L3.00. A public access easement will be granted for the public realm elements described herein.

The applicant is proposing a perimeter waterfront promenade that will contain a continuous pedestrian path around the water's edge. The promenade will be accessible to the public and will contain seating areas, landscaping, and shade. The promenade will connect to a new 10-foot wide sidewalk along Seabreeze Boulevard and provide direct pedestrian connection into the development. The waterfront promenade consists of approximately 1.03 of an acre.

The development will also contain three public plazas. The North Park Plaza is located on the north side of the North Residential Tower and is .08 of an acre. This plaza has direct pedestrian access to public sidewalk along Seabreeze Boulevard and during the annual boat show will function as the entrance area. The North Promenade Plaza is located on the south side of the North Residential Tower and is .09 of an acre. Designed as an extension of the space serving the nonresidential uses, the plaza area is intended to contain outdoor seating opportunities, sculptures, and identify as the main entrance into the waterfront promenade. The third plaza is located at the southern entrance of the waterfront promenade, adjacent to the main Bahia Mar waterfront area. This .05 acre plaza will contain views of the marina, as well as provide connections into the "Village at Bahia Mar" and waterfront promenade.

Most significant of the public spaces is the .75 acre western park, an open area field proposed on the west edge of the development. The purpose of maintaining the park as open space with no physical structures is to provide for a variety of programs or uses without many physical restraints. The open area can be used by the public as open space, or occasionally programmed for special events.

Collectively, the above described public realm space equals 1.95 of an acre, approximately 12% of the upland area of the project site.

Innovative Design

As part of the Bahia Mar ID zoning request, the applicant proposes a variety of innovative design strategies that create a new unique opportunity for enhanced public access to a waterfront destination and new public realm features including retail, restaurants, open spaces, and a waterfront promenade, while improving the integration and accommodation of the Fort Lauderdale International Boat Show.

The ID zoning request allows the applicant to create uses and utilize dimensional requirements that better accommodate programming needs that maintain a high-quality boat show experience and a sustainable long-term home base. The site is being designed to accommodate the boat show with new exhibit space within the parking garage located on the western side of the site, referred to as the "Boat Show Garage". The innovative design approach includes the following:

- Exhibit hall within the Boat Show Garage can be turned into a 2-story exhibit space from garage space;
- Indoor exhibit space specifically designed to meet the needs of the boat show including ceiling to floor height dimensions, electrical needs, and required square footage of space;
- New boat show entrance at the North Park Plaza space that allows better functionality;
- Condensed building footprints that allow for more open space for increased use of the property during the Boat Show; and
- Promenade areas that will function as display areas, as well as accommodate pedestrian movement during the boat show, similar to how it will function during non-show periods.

The Bahia Mar redevelopment includes design strategies that incorporate sustainable techniques. These items include:

- Sustainable stormwater techniques such as natural filtration, Silva cells, and collection via cistern for flooding controls;
- Energy Efficient Building Design, including overhangs and canopies, light colored paint to reduce heat gain, LED lighting;
- Water Efficient Components such as low water usage features, heat exchangers, and utilization of the EPA's *WaterSense* program;
- The project encourages the re-use of on-site materials, locally sourced materials, rapidly renewable materials, and concrete with recycled concrete, among others;

- High performance techniques such as CO2 monitoring, high Energy Efficient Ratio (EER) and Seasonal Energy Efficiency Ratio (SEER) for Air Conditioning systems/equipment to promote indoor / outdoor environmental quality;
- Establishment of fundamental, strategic, and proactive planning for emergency / extreme weather conditions;
- Reserve power systems including generators for lighting and ventilation fans which provide minimal thermal safety; and
- Educational wayfinding components introduced along the Marina Promenade which reference the historical significance and economic resilience of Fort Lauderdale's iconic waterways.

Development Phasing

The applicant is proposing a development/construction plan that contains three phases. Phase 1 is divided into 3 components (Phase 1A, 1B, and 1C) for the purposes of coordinating renovations of the existing Bahia Mar Hotel, as well as ensuring construction of all public realm improvements during Phase 1. In summary, Phase 1 includes the renovation and expansion of the Bahia Mar Hotel, all public realm improvements as outlined under the “Public Realm Improvements” section in this staff report, North Residential Tower, and construction of both restaurants along the waterfront. Phase 2 includes the South Residential Tower, connection of the pedestrian sky bridge, and hardscape/landscape improvements adjacent to the residential tower. Phase 3 includes the boat show garage and liner residential units, and hardscape/landscape improvements surrounding the building. See Exhibit 2, Innovative Development Site Plan Package, Sheet L-1.07, Phasing Plan.

Circulation, Parking, and Traffic Study

As proposed, the project addresses circulation by incorporating improvements that accommodate multiple modes of transportation. Pedestrian enhancements are provided throughout the project site and via a new multi-use area of 10 to 12 feet along Seabreeze Boulevard, accommodating both pedestrians and bicycles with direct access and connectivity along the perimeter of the development. Vehicular access is proposed at strategic locations along the site to minimize pedestrian/vehicular conflicts. In addition, accommodations for water taxi service and trolley have been incorporated into the site design.

Per Section 47-20 of the ULDR, Parking and Loading Requirements, 2,238 parking spaces are required to accommodate the proposed development program uses. Based on proposed programming, the applicant proposes 2,167 parking spaces to meet the needs of the project, a 3.2% difference from standard code parking requirements based on proposed uses. The parking spaces are accommodated throughout the project and include parking in the hotel garage, residential tower garages, and boat show garage. In addition, there is on-street parking along the waterfront promenade that is available for public use.

A traffic study and corresponding parking analysis was prepared by Kimley-Horn and Associates, Inc. The applicant indicates weekday peak-season and peak-hour demand

for shared uses would result in a need for 1,916 parking spaces, which would be 14.4% less than the required 2,238 spaces. The weekend peak-season and peak-hour demand for shared uses would result in a need for 1,568 parking spaces, which would be 29.9% less than required by Section 47-20 of the ULDR. The study concludes that 1,916 spaces would be required based on a shared parking analysis. The applicant is proposing to provide 2,167 spaces. See Exhibit 2, Bahia Mar Transportation Improvement Summary and Shared Parking Analysis, for a more detailed analysis.

Furthermore, due to proximity of the development to the Las Olas Corridor and associated planned improvements, staff and the applicant worked to address overall circulation and additional improvements within the project area, as identified under staff conditions.

Review Criteria

The Bahia Mar ID application was reviewed by the Development Review Committee (DRC) on July 14, 2015. In accordance with Section 47-24.4 of the ULDR, Rezoning, and Section 47-37A.10 of the ULDR, ID Review Process, the rezoning was reviewed by the Planning and Zoning Board (PZB) on December 16, 2015, and recommended for approval by a vote of (6-2), subject to the following conditions:

- Applicant shall provide an updated Letter of Determination of Archeological Significance from Broward County, and;
- PZB Staff Report conditions of approval, attached as Exhibit 5.

Per the ULDR, and as presented to the PZB, the applicant has provided documentation to the rezoning criteria, responses to adequacy and neighborhood compatibility, and met the requirements for public outreach. The staff report and minutes from the Planning and Zoning Board are attached as Exhibit 3 and Exhibit 4. Exhibit 6 contains the applicant's Public Participation Affidavit demonstrating compliance with public participation requirements.

Innovative Development Criteria

ULDR, Sec. 47-37A.8, ID Criteria; the Bahia Mar development contains a mix of land uses that are compatible and mutually-supportive. The overall design of the site focuses on enhanced public access and new amenities at the site, incorporating pedestrian connectivity throughout. A significant bulk of the development is positioned along the eastern side of the property. This allows most of the activity along the most active public edge of the site, shifts development away from neighborhoods across the Intracoastal Waterway, and allows for view corridors, while providing opportunities for open space, plazas and new and enhanced pedestrian access along the site perimeter.

By utilizing the ID zoning, building massing has been configured by shifting building height toward the eastern edge of the property to allow a more gradual transition to the west and to residential properties across the Intracoastal Waterway. The existing marina allows for generous setbacks at the north and south sides of the site, thereby buffering the taller buildings from adjacent properties. Active ground floor uses create a vibrant streetscape along Seabreeze Boulevard and continues internally to the site.

The waterfront promenade, in conjunction with the internal perimeter roadway, is designed with wider access and shade trees to enhance pedestrian comfort, as well as reduce heat gain from the vehicular perimeter roadway.

The proposed development creates a waterfront destination and a permanent home for the international boat show, while creating a vibrant destination, with a variety of amenities and sense of place for the community. In that way, the Innovative Development Zoning District allows the site to be redeveloped with recognizable improvements for the public, while accommodating the functionality and long-term sustainability of the boat show, maintaining an important marine industry component.

Rezoning Criteria

Pursuant to Section 47-24.4 of the ULDR, Rezoning;

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

The property is located in the Central Beach Regional Activity Center Land Use which permits the proposed Bahia Mar Innovative Development Zoning District uses.

2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.

The proposed development is generally consistent with the pattern and design of previous and current projects within the Central Beach area. For example, the proposed Central Beach Community Redevelopment Area (CRA) projects propose significant improvements to City owned land directly to the north of Bahia Mar, which will change the character of the area as well as demonstrate a firm commitment of CRA funds in the vicinity. The proposed project and design are consistent with the development trends occurring on the beach and align with efforts being conducted by the Beach CRA.

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

The project is suitable given the proposed uses are the same as those uses existing on the beach today and further provides uses that area needed on the beach, such as a neighborhood grocery store and are consistent with the Central Beach Regional Activity Center Land Use. The proposed development pattern and design is generally consistent with projects in the Central Beach area.

The applicant has provided responses, as part of Exhibit 2, Innovative Development Project Narrative Binder.

Adequacy Requirements and Neighborhood Compatibility

The applicant has provided responses to Section 47-25.2 of the ULDR, Adequacy Requirements, demonstrating the project meets the adequacy needs set forth in the ULDR, either through the design of the project and proposed development improvements or payment of impact fees.

The neighborhood compatibility criteria of Section 47-25.3 of the ULDR include performance standards requiring all developments to be “compatible with, and preserve the character and integrity of adjacent neighborhoods...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, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts”.

The properties to the north are zoned A-1-A Beachfront Area District (ABA) and SBMHA, properties to the south are zoned SBMHA and Residential Multifamily High Rise/High Density (RMH-60), properties the west across from the Intracoastal Waterway are zoned Residential Single Family/Low Medium Density (RS-8), and properties to the east are zoned Parks, Recreation and Open Space (P). Buildings located to the north have heights of 12 and 13 stories, and buildings to the south have heights of 2 stories to 17 stories. The applicant has submitted narratives regarding the project's compliance with Section 47-25.2 of the ULDR, Adequacy Requirements, and Section 47-25.3 of the ULDR, Neighborhood Compatibility Requirements, as Exhibit 2, to assist in determining if the proposal meets these criteria. A context plan, perspective renderings depicting the height, mass, scale, shadow, materials and details, etc. of the proposed development as it relates to surrounding properties have also been provided with the site plan submittal material in Exhibit 2.

Of importance, is to note that the majority of building mass has been shifted to the east side of the property to protect the residential neighborhoods across the Intracoastal Waterway. In addition, this design approach allows active ground level uses on the side of the property where majority of pedestrian activity occurs. Furthermore, the project density and intensity permitted under the SBMHA zoning are 48 units per acre and floor area ratio of 5.0 of the site, whereas the proposed density is 39.77 units per acre and a proposed floor area ratio of 3.4 of the site, below the permitted development under the SBMHA zoning

Comprehensive Plan Consistency

The proposed project is consistent with the City's Comprehensive Plan, in that the proposed uses are permitted in the Central Beach Regional Activity Center (RAC) Land Use Designation, without the need to amend the Land Use Plan Map. The proposed development will add 347 pm peak hour vehicular trips to the street network. If approved, there will be 615 trips remaining (including pending projects) in the Central Beach Regional Activity Center.

Public Outreach

The applicant has conducted public outreach as outlined in Section 47-37A.5 of the ULDR, Pre-Application Public Outreach, and Section 47-27.4. of the ULDR, Public Participation. See Exhibit 1, Innovative Development Project Binder, Section J, for summary on public outreach and Exhibit 3, Public Participation Affidavit, for signed copy of affidavit.

Commission Action

The City Commission shall hold two quasi-judicial proceedings to consider the application, the record and recommendations forwarded by the DRC and the PZB, as well as the public comments when determining whether the rezoning request meets the criteria for rezoning for Innovative Development per the ULDR. The records and recommendations are available upon request. Approval requires an affirmative vote of a super majority of four members of the City Commission.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Bahia Mar Innovative Development Project Binder and Development Plan

Exhibit 3 – PZB Staff Report

Exhibit 4 – Draft PZB Meeting Minutes from the December 16, 2015

Exhibit 5 – City Staff Conditions of Approval

Exhibit 6 – Public Participation Report and Affidavit

Exhibit 7 – Ordinance

Prepared by: Jim Hetzel, Principal Planner, Sustainable Development

Department Director: Jenni Morejon, Sustainable Development