



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

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

**DATE:** October 23, 2018

**TITLE:** Quasi-Judicial Ordinance - Rezoning a portion of 1315 West Broward  
Boulevard from Community Facility (CF) District and Exclusive Use  
Parking (X-P) District to Boulevard Business (B-1) District - Jack and Jill  
Children's Center, Inc. - Case No. Z18005

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**Recommendation**

It is recommended that the City Commission adopt an ordinance rezoning a portion of the site located at 1315 West Broward Boulevard from Community Facility (CF) District and Exclusive Use Parking (X-P) District to Boulevard Business (B-1) District.

**Background**

The Applicant is requesting to rezone 1.37 acres of a 1.61 acre parcel of land located at 1315 West Broward Boulevard from Community Facility (CF) District and Exclusive Use Parking (X-P) District to Boulevard Business (B-1) District to allow for the construction of an elementary school as an addition to the existing daycare facility. The property's future land use Designation is Northwest Regional Activity Center (NW-RAC), which is consistent with the proposed zoning designation of B-1. The Location Map, Zoning District Map, and Sketch and Legal Description are included as Exhibit 1. The Application, Applicant's Narrative and Concept Plans are included as Exhibit 2.

The western portion of the parcel has a Community Facility (CF) zoning designation and the northeast portion has an Exclusive Use Parking (X-P) designation. The remaining southeastern portion of the site has a B-1 zoning designation. The site is surrounded by Residential Mid-Rise Multifamily/Medium High (RMM-25) Density District to the north, Community Facility (CF) District to the South, Boulevard Business (B-1) District to the west, and Exclusive Use (X-P) and Boulevard Business (B-1) Districts to the east. The elementary school is proposed adjacent to the existing day care facility. An existing one-story restaurant occupies the B-1 area of the site and is intended to be removed prior to the construction of the elementary school.

The Applicant is seeking to rezone the entire property to a B-1 zoning designation to unify the zoning on the site and allow for the construction of the elementary school. The X-P District limits uses to parking lots, restricting the parcel's developable area,

therefore the applicant is proposing to rezone this portion of the site to allow for site improvements related to the construction of the elementary school. The proposed B-1 District permits elementary schools as public purpose uses, and is consistent with the existing land use pattern of the surrounding area and the nature of Broward Boulevard as a main corridor, supporting potential future uses of the site to serve the area's social and economic needs.

Below is a list of use categories permitted within each zoning district. A full list of permitted uses for each zoning district have been provided within Exhibit 3.

<b>Existing Zoning Districts</b>		<b>Proposed Zoning District</b>
<b>X-P</b> (Exclusive Parking)	<b>CF</b> (Community Facility)	<b>B-1</b> (Boulevard Business District)
Parking Lot	Public Facilities	Automotive
	Utilities	Boats, Watercraft and Marinas
	Accessory Uses, Buildings and Structures	Commercial Recreation
		Food and Beverage Service
		Lodging
		Mixed Use Developments
		Public Purpose Facilities
		Retail Sales
		Services/ Office Facilities
		Accessory Uses, Buildings and Structures
		Urban Agriculture

The Applicant has submitted a corresponding Site Plan Level II Application (Case #R18042) for the proposed elementary school which was reviewed on the July 10, 2018 Development Review Committee (DRC) meeting. The approval of the site plan application is contingent upon the approval of the rezoning application.

Pursuant to criteria outlined in the Unified Land Development Regulations (ULDR), Section 47-24.4.D, *Rezoning*, the rezoning application was reviewed by the Planning and Zoning Board (PZB) on August 15, 2018. The PZB recommended approval by a vote of 7-0. The PZB Staff Report is attached as Exhibit 4, and the PZB Meeting Minutes from August 15, 2018 are attached as Exhibit 5.

**Review Criteria**

As per Section 47-24.4.D of the City's Unified Land Development Regulations (ULDR), an application for a rezoning shall be reviewed in accordance with the following criteria:

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

The proposed Boulevard Business District (B-1) zoning is consistent with the Northwest Regional Activity Center (NWRAC) Future Land Use Designation for the property. The NWRAC permits commercial and community facilities, which includes schools.

The rezoning is also supported by Objective 1.7 of the Future Land Use Element which aims to support development and redevelopment activities in the Northwest Progresso/Flagler Heights Community Redevelopment Area (CRA), which are in alignment with the Northwest Community Redevelopment Plan. The Northwest Community Redevelopment Plan's intent is to support the local economy and support efforts which strengthen neighborhoods. Reference below section, titled Comprehensive Plan Consistency, for additional information.

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

The character of development in or near the area supports the rezoning. If approved, the B-1 zoning district and the use of this land will be consistent with the pattern of development along this section of the Broward Boulevard corridor. The Boulevard Business District is intended to provide for the location of commercial business establishments dependent upon high visibility and accessibility to major trafficways, in a manner which maintains and improves the character of the major arterials of the City through landscaping and setback requirements. The B-1 district limits certain uses which could have a detrimental effect on abutting residential neighborhoods if these uses were permitted to exist without certain standards being met.

The entire north side of this section of the West Broward Boulevard corridor is zoned B-1. Rezoning from CF and X-P to B-1 is consistent with the pattern of development in and around the area of the site proposed to be rezoned, and therefore would not adversely impact the existing character of development. The intent of the B-1 zone is also in alignment with the proposed location which supports commercial business establishments at a high visibility location. The specific intent of the B-1 zoning district and compatibility criteria help to limit or buffer certain uses which could have an impact on abutting residential neighborhoods. Although B-1 permits up to 120-feet in height, to decrease these potential impacts, the regulations provide additional setback regulations, requiring "a structure greater in height than forty (40) feet [that is] contiguous to residential property,[to have] that portion of the structure...set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half ( $\frac{1}{2}$ ) the height of the building, in addition to the required setback, as provided in the [underlying] district...".

The RMM-25 zoning district is "intended for mid-rise multifamily residences and tourist accommodations" and permits a density of 25 dwelling units per acre and 30 hotel/motel rooms per acre. As stated within the ULDR, the RMM-25 zoning district is intended to act as a "transition from medium high density multifamily housing and hotel development to single family and midrise multifamily residential neighborhoods and shall be located in proximity to arterial or collector

streets or adjacent or near to commercial shopping and office facilities or services”.

If the proposed property is to be rezoned to B-1, the neighborhood compatibility criteria will limit the height and massing of buildings abutting the RMM-25 district to the north and east of the site and the RMM-25 district will provide a natural transition from the higher density developments traditionally located on boulevards, to the lower density RS-8 and RC-15 zoning districts located further north of the properties zoned RMM-25.

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 rezoning of the property to B-1 is compatible given the mixture of land uses and zoning districts surrounding the property. The property is surrounded with the following zoning districts:

- North – Residential Multifamily Midrise/Medium High Density (RMM-25)
- South – Community Facility (CF)
- West – Boulevard Business District (B-1)
- East – Residential Multifamily Midrise/Medium High Density (RMM-25) and Boulevard Business District

The intent of the B-1 district is to limit certain uses which could have a detrimental effect on abutting residential neighborhoods. The B-1 zoning district is compatible with the abutting residential zoning district (RMM-25) to the north, which consists of single-family and multifamily residences with limited non-residential uses. To the east exists a restaurant, to be demolished as part of the owner’s redevelopment plan for the elementary school, and a dentist office. To the west across NW 14<sup>th</sup> Avenue, is a business district (B-1), with an existing liquor store and restaurant. The CF district to the south, contains an existing police station, which abuts a B-1 zoning district to the north, west and east along West Broward Boulevard.

The X-P District limits uses to parking lots, restricting the parcel’s developable area, therefore the applicant is proposing to rezone this portion of the site to allow for site improvements. Although both the proposed B-1 zoning district and CF zoning district permits elementary schools as public purpose uses, the CF zoning district is highly restrictive in comparison to the B-1 zoning district and would limit the future use of the site if ever to change from the intended elementary school use to another use. Rezoning to the B-1 zoning district is more consistent with the existing land use pattern of the surrounding area and the nature of Broward Boulevard as a main corridor and would have the capability of supporting potential future uses that would serve the area’s social and economic needs.

**Comprehensive Plan Consistency**

The proposed rezoning is generally consistent with the City’s Goals, Objectives and Policies of the Northwest Regional Activity Center land use category. Such as, Objective 1.10 of the Comprehensive Plan, which encourages redevelopment and the expansion of employment opportunities in the Northwest Regional Activity Center and Policy 1.10.5, which states that the City shall continue to work with Broward County to “improve and promote the Broward Boulevard Corridor to revitalize Broward Boulevard into a thriving regional center of commercial, residential and cultural activities.”

As it relates to the proximity of the site to adjacent residential uses, Future Land Use Element Policy 1.20.1: states that the City shall continue to maintain, through the ULDR, buffering provisions, which are necessary to protect residential areas from adjacent commercial developments. These provisions are being assessed and applied through the Development Review Committee process to the submitted site plan application and in accordance with ULDR Section 47-24 regarding development permits and procedures for any nonresidential use within one hundred feet of residential property and Section 47-25.3 Neighborhood Compatibility.

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

The Comprehensive Plan restricts development growth within the Northwest Regional Activity Center, based on categories of permitted uses. The following is the remaining units and square footage within each stated category:

Permitted Use	Permitted	Remaining
Residential	10,900 dwelling units	4,574 dwelling units
Commercial	13,500,000 sq. ft.	12,209,506 sq. ft.
Industrial	4,500,000 sq. ft.	1,381,690 sq. ft.
Community Facilities	1,500,000 sq. ft.	402,254 sq. ft.
Utilities	500,000 sq. ft.	488,985 sq. ft.

The applicant has provided narrative responses to all criteria, which are attached as Exhibit 2. Staff concurs with applicant’s assessment.

### **Public Participation**

The rezoning request is subject to the public participation requirements established under Section 47-27.4 and 47-24.1.F.14 of the ULDR. According to the Applicant, a public participation meeting was held on July 16, 2018, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed project. Exhibit 6 contains the public participation summary and sign notification information.

The City Commission shall hold a public hearing to consider the application, the record and recommendations forwarded by the Department of Sustainable Development (DSD) and the PZB, as well as public comment received at the August 15, 2018 PZB meeting. Complete records are available upon request.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

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

- Goal 8: Be known for educational excellence.
- Objective 1: Create a call to action with our partners to elevate our focus on excellent pre-k through 12th grade quality public and private education.

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

### **Attachments**

Exhibit 1 - Location Map, Zoning District Map, and Sketch and Legal Description

Exhibit 2 - Application, Applicant's Narrative and Concept Plans

Exhibit 3 - List of Permitted Uses for Each Zoning District

Exhibit 4 - PZB Staff Report

Exhibit 5 - PZB Meeting Minutes from August 15, 2018

Exhibit 6 - Public Participation Summary and Sign Notification Information

Exhibit 7 - Ordinance

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