



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

#19-0379

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: April 16, 2019

TITLE: Motion for Discussion – City Commission Request for Review – New River
Yacht Club Phase III – New River III, LLC – Case No. R18067

Recommendation

It is recommended the City Commission analyze the proposal and decide whether to set a hearing to review the application known as New River Yacht Club Phase III (Case R18067), reviewed by the Development Review Committee (DRC) on October 9, 2018.

Background

The City Clerk has received a statement of intent by Mayor Dean 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 Preliminary DRC approval of “New River Yacht Club Phase III,” a project consisting of 230 multi-family residential units and 2,400 square feet of restaurant/retail.

The proposed project is located at 416 SW 1st Avenue, generally described as the northwest corner of Andrews Avenue and SW 5th Street, within the Regional Activity Center – City Center (RAC-CC) zoning district. An abbreviated plan set is provided as Exhibit 1. A full set of plans is available upon request. The City Commission Request for Review Memo, including staff analysis is provided as Exhibit 2.

The Development Review Committee (DRC) reviewed the project on October 9, 2018. All comments have been addressed and are on file with the Department of Sustainable Development (DSD). The project received preliminary approval on March 28, 2019.

The City Commission approved a project on the subject site for the New River Yacht Club Phase III development (Case No. R16016) on April 19, 2017 by Resolution 17-88. The project was approved for a mixed-use residential development with 190 residential units, a parking garage, and 2,000 square feet of retail space. The City allocated 32 post-2003 residential dwelling units and 158 dwelling units from the 2016 downtown unit pool. Case No. R16016 is still valid and has not expired.

On September 6, 2018, the applicant submitted a Development Review Committee (DRC) application for the subject site proposing to revise the site plan. The new site plan proposes an increase in the number of residential units from the previously approved plans by adding 40 units, for a total of 230 units. The project also proposes an increased building height from 99 feet to 232 feet, measured to the top of the parapet. The new site plan also proposes 2,400 square feet of ground floor retail space adjacent to the Andrews Avenue and SW 5th Street intersection. If the current site plan is approved, Case No. R16016 will be withdrawn and the previously allocated residential units will be reallocated to the new site plan.

Currently, there are 44 available units from the post 2003 residential dwelling units, which would increase the number of 2003 residential dwelling units allocated to this project and decrease the number allocated from the 2016 downtown unit pool.

Furthermore, the applicant is requesting assignment of residential units based on a Final Judgment Order from the 17th Judicial Circuit Court of Broward County, related to litigation for the applicant's property located at 500 East Las Olas Boulevard, which is currently the site of the "Icon" development project. The subject Final Judgment Order states that 312 residential units were allocated to the subject property on which the "Icon" project is located, and if any of the 312 units were not constructed for said property, then the applicant shall retain the use of the remaining units for another site within the City's Downtown Regional Activity Center boundaries. The Icon constructed 272 of the 312 units leaving a difference of 40 units. The applicant is requesting the 40 units be assigned to the current site plan, Case No. R18067. The applicant has prepared a legal document that reassigns the 40 units to the subject property, and if the project is approved, the document will be recorded in public record. Table 1 provides a comparison summary of unit allocation from the previously approved 2016 case to the current case.

Table 1: Unit Allocation Comparison

UNIT POOL	R16016 (Previous Case)	R18067 (Current Case)
Post 2003 (2003 and 2006 DRAC Units)	32	76
2016 DRAC Units	158	114
Assignment of Units (Final Judgment Order)	0	40
TOTAL	190	230

Adequacy Requirements:

The adequacy criteria of ULDR, Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. Water and wastewater is serviced by the City of Fort Lauderdale. A capacity letter was issued by the City's Public Works Department, dated November 14, 2018, which identified the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. As indicated in the letter, there is sufficient capacity to support the proposed demand for this project. For more information please see the Water and Wastewater Capacity Availability Letter attached as Exhibit 3.

Parking and Circulation:

Vehicular access to the project will be from SW 5th Street and SW 1st Avenue, which lead to the parking garage. A porte cochere for passenger drop-off is provided via a driveway from SW 5th Street thereby removing potential drop-off activity in the public right-of-way.

A Traffic Statement prepared by TrafTech Engineering, Inc., dated November 21, 2018, indicates that the trip generation of the proposed project is 791 daily trips, 71 AM peak hour trips and 48 PM peak hour trips. City staff has concluded that the applicant has addressed the Comprehensive Plan requirements for a DRC application in relation to traffic impacts for the proposed project. The Traffic Statement is attached as Exhibit 4.

Downtown Master Plan Consistency

The project was reviewed by the Development Review Committee (DRC) on October 9, 2018 for compliance with the Downtown Master Plan (DMP). All comments have been addressed and are on file with the Department of Sustainable Development. The applicant has demonstrated compliance with following DMP design guidelines and intents:

- The streetscape designs for Andrews Avenue, SW 5th Street, and SW 1st Avenue contain shade trees, minimum seven-foot wide clear pedestrian sidewalks, and on-street parking;
- An active street presence has been provided with ground floor retail and walk-up residential units; The retail is located at the southeast corner of the site, adjacent to the Andrews Avenue and SE 5th Street intersection with walk-up residential units fronting on SW 1st Avenue;
- The southeast corner of the site contains a public plaza with landscape planters, seating, and shade elements;
- The portion of the building adjacent to the plaza is designed in a manner that complements the plaza space with a double height ground floor level and expansive transparency, high-quality building materials, and pedestrian canopy;
- The sidewalk along Andrews Avenue will connect to the existing sidewalk to the north and will provide direct pedestrian access to the New River;
- The parking garage is internalized and lined with habitable space along the exterior of the garage, thereby screening the garage from public view;
- Balconies are provided each side of the building and contribute to the overall articulation of the building while reducing the appearance of building mass;
- A fifteen-foot tower stepback is provided along Andrews Avenue and the tower floorplate is 12,500 square feet, which meets the DMP floorplate range of 12,500 to 18,000 square feet for the Downtown Core Character Area; and
- The height of the building is 232 feet to the top of the parapet, which is permitted in the Downtown Core Character Area.

City Commission Request for Review

Pursuant to Section 47-13.20.N.2 , ULDR, Site Plan Level II development approvals within the RAC shall not be final until 30 days after preliminary DRC approval 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 finds that DRC has misapplied or failed to apply one or more requirements of the ULDR or the City's Comprehensive Plan in approving the application. 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. Except as provided herein, the motion shall be considered within thirty days of the decision by the lower body.

The motion approving a CRR shall set a date for consideration of the application no later than sixty days from the date the motion is adopted. Notice of the hearing shall be given to the public by posting a sign at least ten days before the hearing in accordance with ULDR, Section 47-27, Notice Procedures for Public Hearing. Review by the City Commission shall be by de novo hearing supplemented by the record below 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.

Should the City Commission wish to proceed with the CRR request, a hearing must be set within the requisite 60-day period to consider the application relative to 629 Residences.

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, specially advancing:

- Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.
- Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

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

Attachments

Exhibit 1 – Abbreviated Plan Set

Exhibit 2 – City Commission Request for Review Memo

Exhibit 3 – Water and Wastewater Capacity Availability Letter

Exhibit 4 – Traffic Statement

Prepared by: Jim Hetzel, Sustainable Development

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