



PRELIMINARY DRC APPROVAL

Downtown Regional Activity Center

IMPORTANT: Pursuant to Unified Land Development Regulations Section 47-13.20.N.2, final approval of a preliminary DRC application shall not take effect, nor shall a building permit be issued, any sooner than 30 days after the approval date, and then only if no motion is adopted by the City Commission seeking to review the application during this period.

In order to comply with ULDR Section 47-26.A.2, City Commission Request for Review, the City Commission must notify the Department of its intent to call the item up prior to the end of the 30-day period, which falls on April 26, 2019. A motion to set a hearing to review the decision by the lower body shall then be considered, which could take place on the following City Commission meeting dates: **April 2, 2019 or April 16, 2019.**

If the City Commission would like to review the application, please provide a statement of intent via e-mail to Jeff Modarelli, City Clerk, and copy Anthony Greg Fajardo, Director, Department of Sustainable Development. If the City Commission does not intend to review the application, notification of such prior to the end of the 30-day period is requested so the applicant can proceed with the permitting process in a timely manner.

Start of 30-day period: March 28, 2019
Expiration of 30-day period: April 26, 2019

Case Number: R18067
Project Name: New River Yacht Club, Phase III
Applicant: New River III, LLC.
Location: 416 SW 1st Avenue
Zoning District: Downtown Regional Activity Center – City Center (RAC-CC)
Project Description: 230 Multifamily Residential Unit Development with Retail Use

Proposed Uses: 230 residential units
2,400 square feet retail space
Lot Size: 1.7 acres
Height: Twenty levels / 232 feet (top of parapet)
Parking: 324 parking spaces provided

Project Background:

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.

Determination:

The project was reviewed by the Development Review Committee (DRC) on October 9, 2018. All comments have been addressed and are on file with the Department of Sustainable Development.

The applicant has demonstrated compliance with the Downtown Master Plan (DMP) guidelines and is consistent with the following design 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, and the walk-up residential units front 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.

Unit Allocation:

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

Conditions:

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 issuance of building permit, applicant shall provide a copy of the recorded engineering certificate evidencing that all conditions listed on Exhibit "B" of Ordinance No. C-17-18 have been met including but not limited to the removal of an existing 8" sewer main and installation of a new manhole per City standards and as depicted on sheets C-3 and C-9. No building permits shall be issued, with the exception of demolition and any other permits required to perform the work associated with the alley vacation ordinance conditions;
3. Prior to issuance of final Certificate of Occupancy, applicant shall record a 9' Right-of-Way dedication or permanent Right-of-Way Easement along west side of S Andrews Avenue (coordinate with BCHCED), to complete half of 88' Right-of-Way section per the most current Broward County Trafficways Plan; as approved by BCHCED;
4. Prior to issuance of final Certificate of Occupancy, applicant shall record a 10' permanent Right-of-Way Easement along north side of SW 5th Street and a 5' permanent Right-of-Way Easement along north side of SW 1st Avenue consistent with adjacent properties on this block; as approved by the City engineer;

5. Prior to issuance of final Certificate of Occupancy, applicant shall record a 30' corner chord Right-of-Way dedication or permanent Right-of-Way Easement on northwest corner of S Andrews Avenue & SW 5th Street intersection (coordinate with BCHCED) per ULDR Section 47-24.5.D.p; as approved by BCHCED;
6. Prior to issuance of final Certificate of Occupancy, applicant shall record a 2.5' (min.) permanent Sidewalk Easement as appropriate along east side of SW 1st Ave and a 2' (min.) permanent Sidewalk Easement as appropriate along north side of SW 5th Street to accommodate portion of 7' pedestrian clear path located beyond public Right-of-Way and/or Right-of-Way Easement dedication; as approved by City Engineer;
7. Prior to issuance of final Certificate of Occupancy, applicant shall record a permanent right of way/ alley Easement consisting of 8' (min.) width east of the existing 14' alley adjacent to the property as well as 20' (min.) width within the proposed parking garage drive isle to provide access/ connection between SW 5th Street and SW 1st Ave through the remaining alley and prevent a dead end condition; as depicted on site plan and as approved by City Engineer. A copy of the recorded engineer's certificate stating all conditions under Section 2 of easement vacation Resolution No. 17-151 have been met;
8. Prior to issuance of final certificate of occupancy, applicant shall record 10-foot x 15-foot minimum permanent Utility Easement for the following:
 - a. Sanitary sewer manhole #5 off SW 1st Ave
 - b. 6-inch Meter vault off SW 1st Ave
 - c. Sanitary sewer manholes #1 and #3 off Alley
9. Prior to issuance of final certificate of occupancy, applicant shall coordinate a Maintenance Agreement with the City for property frontage along SW 5th Street, SW 1st Ave and 14-foot alley right-of-way (inclusive of corner chords and sidewalk easements). If the County requires a Revocable License Agreement for the streetscape improvements along Andrews Avenue, an ancillary maintenance agreement with the City will also be required. Proposed special improvements for this project within adjacent City/County right-of-way to be maintained in perpetuity by property owner include: on-street parking and driveway connection pavers, Type F curb and gutter, Type D curb and gutter, valley gutter, exfiltration trench system and structures within alley, paver sidewalk, landscaping, *Addapave*, root barrier, structural soil, irrigation and pedestrian lighting, as depicted on maintenance agreement exhibit sheet EX-M;
10. All proposed improvements adjacent to South Andrews Avenue are subject to Broward County Highway Construction and Engineering Division (BCHCED) review and approval; and

Staff Contact: Jim Hetzel, 954-828-5019

PRELIMINARY APPROVAL DATE: March 28, 2019

Please see the digital copy of the abbreviated project plan set for reference. Complete plan sets are available for review upon request.

Thank You.