



REQUEST: Site Plan Level IV Review: Rezoning from Residential Multifamily High Rise/High Density (RMH-60) District to Community Business (CB) District with .52 Acres of Commercial Flex Allocation for 28,795 Square-Foot Supermarket

Case Number	PLN-SITE-19110004	
Property Owner/Applicant	Preste Corporation, Royal Quality Homes, LLC., and Ocean Reef Investments, LLC.	
Agent	Heidi Davis Knapik, Gunster Law	
General Location	2985 N. Ocean Boulevard	
Property Size	61,592 square feet / 1.41 acres	
Existing Use	Office and Surface Parking	
Existing Zoning	Community Business (CB) District and Residential Multifamily High Rise/High Density (RMH-60) District	
Proposed Zoning	Community Business (CB)	
Future Land Use Designation	Commercial and High Density Residential	
Applicable Unified Land Development Regulations (ULDR) Sections	47-6.10, Permitted Uses in CB District 47-24.4, Rezoning 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28, Flexibility Rules	
	Required (CB)	Proposed (CB)
Density	N/A	N/A
Lot Size	N/A	61,592 square feet / 1.41 acres
Floor Area Ratio (FAR)	N/A	.5
Structure Length	N/A	338 feet
Structure Width	N/A	154 feet
Building Height	120 feet (east of the Intracoastal Waterway)	24 feet
Parking	118 spaces	118 spaces
Landscape	20% / 178 square feet (vehicle use area)	12% / 7,778 square feet
Setbacks	Required (CB)	Proposed (CB)
Front (N)	5 feet	1.6 feet*
Side (E)	5 feet	0 feet*
Side (W)	5 feet	9 feet
Rear (S)	15 feet	10 feet*
Notification Requirements	ULDR Section 47-27.2, Sign Notice ULDR Section 47-27.4, Public Participation ULDR Section 47-27.5, Mail Notice	
Action Required	Approve, Approve with Conditions, or Deny	
Project Planner	Jim Hetzel, Principal Urban Planner	JH EP

*Applicant seeking Board of Adjustment approval for setback variances.

PROJECT DESCRIPTION:

The applicant, Preste Corporation, Royal Quality Homes, LLC., and Ocean Reef Investments, LLC., is proposing to redevelop several parcels of land located at 2985 N. Ocean Boulevard to develop a Publix Supermarket. The subject site is located at the southwest corner of Ocean Boulevard and NE 30th Street and contains an existing office building and surface parking. The proposed development will be a 28,795 square-foot supermarket with roof top parking.

The site has split land use of Commercial and Residential High at 60 units per acre, and split zoning of Residential Multifamily High Rise/High Density (RMH-60) District and Community Business (CB)

District, respectively. In order to permit the supermarket use, the applicant is requesting to rezone a portion of the site from RMH-60 District to CB District with application of .52 acres of commercial flex on the residential land use portion of the site. The application, site plan and project narratives are provided as **Exhibit 1**.

In addition, the applicant is seeking Board of Adjustment (BOA) approval for setback variances. The requests are for reductions in the front, side (corner), and rear setbacks. These variances are currently scheduled on the September 9, 2020, Board of Adjustment agenda. Additional information is provided in the "Permitted Uses in CB District" section herein.

PRIOR REVIEWS:

The project was reviewed by the Development Review Committee (DRC) on December 10, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:

The following criteria apply to the proposed request:

- ULDR Section 47-6.10, Permitted Uses in CB District
- ULDR Section 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28, Flexibility Rules

Permitted Uses in CB District

Pursuant to the ULDR Section 47-6.10, Permitted and Conditional Uses in the Community Business (CB) District, any use and its accessory uses together or individually, when greater than 10,000 square feet in total area, must be approved as a Site Plan Level III; however this application contains a concurrent rezoning request which raises the application to a Site Plan Level IV. The proposed development will consist of a 28,795 square-foot supermarket and therefore, is subject to this requirement.

In addition, ULDR Section 47-6.20, Dimensional Requirements in the CB District, states the yard setbacks applicable to the development. The site plan proposes front, side (corner), and rear setbacks consistent with the reduction sought from the BOA through variances. The applicant is requesting that the Planning and Zoning Board (PZB) take notice of the variances, if granted by the BOA at its September 9, 2020 meeting, as tentatively approved and providing for reductions in the required yard setbacks as outlined in Table 1 below.

Table 1 – Setback Summary

Setback	Required	Proposed	Variance Request
Front (N)	5 feet	1.6 feet	3.6 feet
Side (E)	5 feet	0 feet	5 feet
Rear (S)	15 feet	10 feet	5 feet

Rezoning Criteria

Pursuant to the ULDR Section 47-24.4, Rezoning, the rezoning request is subject to the following criteria:

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

The underlying land use is Commercial and Residential High. The proposed rezoning is consistent with the underlying land use subject to allocation of commercial flex on the residential land use portion. Refer to the "Comprehensive Plan Consistency" section of this report for additional analysis.

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

The proposed rezoning is generally consistent with the character of development in the surrounding area, which includes predominantly multi-family residential and commercial uses such as restaurants, retail, and hotels. The general intensity of the surrounding area ranges from medium to high residential on the west side of Ocean Boulevard and medium to low residential on the east side of Ocean Boulevard, with pockets of commercial uses. The proposed project is similar to existing commercial uses and will not adversely impact the character of the area.

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 proposed rezoning will permit a use suitable and similar to those uses existing in the area. The properties to the north are zoned CB and contain existing residential development and commercial uses. Properties to the west and south are zoned RMH-60 and contain residential uses. Properties to the east are zoned RMM-25 with a range of residential density from single family lots to multifamily development. The proposed rezoning is generally compatible with surrounding districts and uses.

A general comparison of permitted uses in the current and proposed zoning districts are provided in Table 2. For the complete detailed list of uses, refer to ULDR Section 47-5.21, List of Permitted and Conditional Uses for the Residential Multifamily High Rise/High Density (RMH-60) District and ULDR Section 47-6.10, List of Permitted and Conditional Uses for the Community Business (CB) District. A comparison of current and proposed dimensional standards for each district are provided in Table 3.

Table 2: Comparison of Zoning District Uses

Existing Zoning District	Proposed Zoning District
Residential Multifamily High Rise/High Density (RMH-60)	Community Business (CB)
<u>Permitted Uses:</u> Residential Uses Lodging Public Purpose Child Day Care Nursing Homes	<u>Permitted Uses:</u> Automotive Boats, Watercraft and Marinas Commercial Recreation Food and Beverage Service Lodging Retail and Wholesale Public Purpose Facilities Retail Sales Service/Office Facilities
Accessory Uses, Buildings and Structures	Accessory Uses, Buildings and Structures
Urban Agriculture	Urban Agriculture
<u>Conditional Uses:</u> Community Residence Mixed Use Development Helistop Hospital House of Worship School Social Service Residential Facility Nursing Home	<u>Conditional Uses:</u> Marinas Mixed Use Development Social Service Residential Facility Hospital Adult Gaming Nursing Home

Table 3: Comparison of Dimensional Standards

	Existing Zoning District	Proposed Zoning District
	Residential Multifamily High Rise/High Density (RMH-60)	Community Business (CB)
Density	60 units per acre (maximum)	N/A
Building Height	120 feet (east of Intracoastal, up to 240 feet as conditional use)	120 feet (maximum)

Building Length	400 feet (maximum) Varies depending on use	N/A
Floor Area Ratio (FAR)	N/A	3.0
Front Setback	25 feet	5 feet
Rear Setback	15 to 20 feet 20 feet abutting a waterway	0 feet 15 to 25 feet when abutting a residential property
Side Setback	5 feet 20 feet abutting a waterway	0 feet 15 to 25 feet when abutting a residential property
Lot Size	2,500 square feet (minimum)	N/A
Landscape Area	35% of site	20% of vehicle use area

Adequacy and Neighborhood Compatibility

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 and a capacity letter was issued by the City's Public Works Department which identified the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. The letter indicates that there is sufficient capacity for both water and wastewater to service the project. The City's capacity letter is attached as **Exhibit 2**.

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 property is located east of the Intracoastal Waterway on the barrier island, south of Oakland Park Boulevard. The project is generally compatible with the surrounding area and existing development pattern. Properties to the north, west, and south are a mixture of medium to high density residential and commercial uses. Properties to the east include a mixture of medium to low density residential uses. Commercial uses in the area range from restaurants and general retail to convenience stores and a gas station.

The proposed building fronts Ocean Boulevard and NE 30th Street with the main store entrance facing NE 30th Street. Parking is located on the western portion of the site with ground level access as well as rooftop parking located on the top of the building. The overall building height is 53 feet to the top of the stairwell and mechanical screening, with the majority of the building at 24 feet. The rooftop parking level contains a trellis structure strategically placed to help minimize the visual impact of garage parking from the adjacent higher residential towers.

The building is placed on the portion of the site with proposed reduced setbacks which require variances. If approved by the BOA, the reduced setbacks will allow for the building to have a stronger building presence on the street reflecting the existing pattern of numerous buildings in the area. Staff worked extensively with the applicant to enhance the building architecture by increasing the quality of building materials, adding various breaks and movement to the building corner at Ocean Boulevard and NE 30th Street, increasing the amount of storefront glazing, and requesting larger width in building scorelines.

The southern and western building elevations contain additional design elements given these elevations front residential properties. As this site directly abuts residentially zoned property to the south, ULDR Section 47-25.3.d, states that the proposed development shall provide a 10-foot wide

landscape strip and a 5-foot high buffer wall. The proposed project contains the required landscape strip along the southern property line. There is an existing 5-foot buffer wall on the residential property that screens surface parking. Due to this condition, the existing wall was determined to be sufficient in meeting this ULDR section. Staff has provided a staff condition that in the event, the existing buffer wall is removed, the applicant will need to install a new buffer wall.

PARKING AND TRANSPORTATION:

Vehicular ingress and egress to the site is located from NE 30th Street and NE 33rd Avenue. Access on NE 33rd Avenue is a right turn-in/right turn-out only to prevent vehicle movement into the residential neighborhood. The vehicular ramp leading to the rooftop parking is accessible from the internal parking area and not directly to the street network. The project will contain 118 parking spaces as well as parking spaces for scooters and bike racks. The site has an off-site parking agreement still in effect which is for bar business located at 3074 NE 33rd Avenue. The off-site parking agreement is currently being amended to remove the parking requirement from the subject site. A condition has been proposed to this effect and stated herein. Table 4 provides a breakdown of the parking for the site.

Table 4 – Parking Summary

Use	Units/Square Feet (sq. ft.)	TOD Parking Ratio	Required
Grocery/Supermarket	28,795 sq. ft.	1 space per 250 sq. ft.	118 spaces
Total Provided			118 spaces

In addition, the applicant submitted a Traffic Study identifying that the project will generate 85 AM peak trips and 147 PM peak trips. The Traffic Study, dated July 2020, prepared by the applicant's consultant, KBP Consultants, Inc., indicates that the surrounding roadway network has sufficient capacity to accommodate the additional vehicular trips from the proposed development. The Traffic Study Executive Summary is attached as **Exhibit 3**. The City's Transportation and Mobility Department approval letter is attached as **Exhibit 4**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed use is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.36, Use of Flexibility and Irregular Density Provision, which permits the use of flex units to facilitate development based upon changing conditions; and Objective 1.38, Economic Development, which states the support of a diverse economy.

The City's Future Land Use Map indicates that the subject property has split land use consisting of Commercial and Residential High designations. The City's Land Use Plan allows properties with residential land use designations to be converted for commercial uses through the allocation of commercial flex without having to amend the land use. The portion of the development that is designated Residential High is approximately .52 acres, which is the subject of the rezoning application. Therefore, .52 acres of commercial flex is proposed for allocation. Table 5 below provides a summary of commercial flex allocation to date. If the .52 acres are allocated for the project, there will be 517.09 acres of commercial flex acreage available.

Table 5 – Commercial Flex Summary

	Residential to Commercial Flex Acreage
Total Permitted	519.60*
Assigned to Date	.66
Pending	1.85
Remaining	517.09

**Total permitted and fixed as of July 2018 upon approval of the City's Unified Flex Tables.*

PUBLIC PARTICIPATION:

This application is subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within 300 feet of City-recognized civic associations. The applicant

conducted a virtual public participation meeting on July 9, 2020, with the Central Beach Alliance to provide an opportunity for comments from the public. The applicant's public participation meeting summary and affidavit are provided as **Exhibit 5**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs reflecting the meeting date of September 16, 2020, are provided as **Exhibit 6**.

CONDITIONS:

If approved, the following conditions shall apply:

1. Prior to Final DRC, the applicant shall demonstrate that the existing off-site parking agreement applicable to this site has been either amended, terminated, or a new agreement has been executed thereby removing the off-site parking obligations for the subject site. A fully executed off-site parking agreement amendment, termination, or new off-site parking agreement removing the off-site parking obligations for the subject site must be recorded in the Broward County Public Records prior to Final DRC approval.
2. In the event the existing buffer wall located along the southern property line is removed for any reason, then the applicant will need to install a new 5-foot high buffer wall along the southern property line in place of such.
3. Prior to issuance of building permit, the applicant shall revise the plans to relocate the above-ground FP&L transformer along NE 33rd Avenue right-of-way to within the proposed development.
4. Prior to issuance of Certificate of Occupancy, applicant shall complete the following:
 - a. Record a 10-foot right-of-way dedication or permanent right-of-way easement along west side of State Road A1A/N Ocean Boulevard (coordinate with FDOT), to complete half of 100-foot right-of-way section per the Broward County Trafficways Plan; as approved by FDOT; and
 - b. Execute a Maintenance Agreement with the City for property frontage along NE 30th Street and NE 33rd Avenue for the special improvements within City right-of-way to be maintained in perpetuity by property owner which includes asphalt driveway, curb and gutter, lighting, landscaping, structural soil, irrigation, and specialty paving sidewalks.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a determination based on the following criteria:

- ULDR Section 47-6.10, Permitted Uses in CB District
- ULDR Section 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28, Flexibility Rules

If the Planning and Zoning Board determines that the proposed development and the rezoning application meet the standards, requirements, and criteria of the ULDR for Site Plan Level IV as stated herein, the Planning and Zoning Board shall recommend approval or approval with conditions or recommend a rezoning to a more restrictive zoning district than that requested in the application, to ensure compliance with the ULDR and criteria for the proposed development or use, City Commission issuance of the Site Plan Level IV permit.

If the Planning and Zoning Board determines that the proposed development and the rezoning application does not meet the standards, requirements, and criteria of the ULDR for Site Plan Level

IV as stated herein, or the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall recommend denial of the Site Plan Level IV permit to the City Commission.

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as **Exhibit 1**, to assist the Board in determining if the proposal meets these criteria.

EXHIBITS:

1. Application, Project Narratives, and Site Plan
2. Water and Sewer Capacity Letter
3. Traffic Study Executive Summary, KBP Consultants, Inc., July 2020
4. Transportation and Mobility Department Approval Letter
5. Public Participation Meeting Summary and Affidavit
6. Public Sign Notice and Affidavit