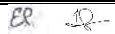


REQUEST: Site Plan Level IV Review: Rezoning from Exclusive Use Parking (XP) District to Community Business (CB) District with .18 Acres of Commercial Flex Allocation for 138-Room Hotel and 5,698 Square Feet of Retail Use with Associated Parking Reduction

Case Number	PLN-SITE-20080001	
Property Owner/Applicant	800 Las Olas, LLC & Mustang Properties, Inc.	
Agent	Robert Lochrie, Lochrie & Chakas, P.A.	
General Location	1007 E. Las Olas Boulevard	
Property Size	20,000 square feet / .45 acres	
Existing Use	Retail and Surface Parking	
Existing Zoning	Exclusive Use Parking Lot (X-P) and Boulevard Business (B-1)	
Proposed Zoning	Community Business (CB) and Boulevard Business (B-1)	
Future Land Use Designation	Commercial and High Density Residential	
Applicable Unified Land Development Regulations (ULDR) Sections	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 ULDR Section 47-20.3.A.5, Parking Reduction and Exemption Criteria	
	Required (B-1 and CB)	Proposed (B-1 and CB)
Lot Size	N/A	20,000 square feet / .45 acres
Floor Area Ratio (FAR)	N/A	6.02
Structure Length	N/A	220 feet
Structure Width	N/A	95 feet
Building Height	150 feet (max)	116'-8" feet (9 floors)
Parking	161 spaces	73 spaces*
Landscape Area	N/A	766 square feet
Setbacks	Required (B-1 and CB)	Proposed (B-1 and CB)
Front (North)	5 feet	9.7 feet
Front (East)	5 feet	5 feet
Front (South)	5 feet	10.2 feet
Side (West)	0 feet	0.3 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	Trisha Logan, Historic Preservation Planner	

*Parking Reduction Request

PROJECT DESCRIPTION:

The applicant, 800 Las Olas, LLC & Mustang Properties, Inc., is proposing to redevelop several parcels of land located at 1007 E. Las Olas Boulevard to construct a 120,427 square-foot hotel with 5,698 square feet of ground-level retail space and underground parking. The subject site is located at the northwest corner of East Las Olas Boulevard and Southeast 10th Terrace and currently contains an existing one-story retail building and surface parking.

The site has split land use of Commercial and Residential-High at 60 units per acre, and split zoning of Exclusive Use Parking (X-P) and Boulevard Business (B-1) District, respectively. In order to construct the hotel, the applicant is requesting to rezone a portion of the site from X-P to Community Business (CB) District with application of .18 acres of commercial flex on the residential land use portion of the site. The proposed new hotel development is associated with a proposed vacation of right-of-way which is also scheduled on the February 17, 2021 Planning and Zoning

Board agenda as Case# PLN-VAC-20080001. The application and project narratives are provided as Exhibit 1. The site plan package is provided as Exhibit 2.

PRIOR REVIEWS:

The project was reviewed by the Development Review Committee (DRC) on September 8, 2020. 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 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28, Flexibility Rules
- ULDR Section 47-20.3.A.5, Parking Reduction and Exemption Criteria

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 acreage 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 consistent with the character of development on the East Las Olas Boulevard corridor which includes commercial uses such as restaurants, retail, and hotels. The character of development of properties to the north includes predominantly single-family and multi-family residential properties. The general intensity of the surrounding area ranges from medium to high residential on the north side of SE 2nd Court and directly to the east and west of the subject parcels which is zoned Residential Multifamily Mid Rise (RMM-25). Intensity along both sides of East Las Olas Boulevard is commercial. The proposed project is similar to existing commercial uses along the East Las Olas Boulevard corridor. The proposed rezoning will extend the CB zoning approximately 120 feet north of the existing B-1 zoning line and will support the redevelopment of the site with a viable hotel use, appropriate for the Las Olas corridor, an established commercial and tourist area. Use of CB zoning between the B-1 zoning along East Las Olas Boulevard to the South and the RMM-25 zoning to the north creates a transitional area. This transitional area provides for proposed uses that are less intense than those along the commercial corridor in order to transition into the adjacent residential neighborhood. This type of zoning pattern is found along other major corridors throughout the City including along Federal Highway to transition into the Victoria Park neighborhood as well as along Sunrise Boulevard to transition into the Lake Ridge neighborhood.

Pursuant to ULDR Section 47-6.2.A, the CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The CB district is located on collector and arterial streets, providing for both vehicular and pedestrian traffic, as is the case for Las Olas Boulevard and will serve as a transition from the residentially zoned properties to the more intense B-1 zoned corridor.

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 south are zoned B-1 and contain existing residential development and commercial uses. Properties to the west and east are zoned X-P and contain surface parking lots. Properties to the north are zoned RMM-25 with a range of residential density from single family lots to multifamily development. The proposed rezoning is compatible with surrounding districts and uses.

A general comparison of permitted uses in the current and proposed zoning districts is provided in Table 1. For the complete detailed list of uses, refer to ULDR Section 47-5.21, List of Permitted and Conditional Uses for the X-Exclusive Use 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 2.

Table 1: Comparison of Zoning District Uses

Existing Zoning District	Proposed Zoning District
X-Exclusive Use District – Parking Lot (X-P)	Community Business (CB)
<u>Permitted Uses:</u> Parking Lot Parking Lot with Required Residential Units Parking Garage Parking Garage with Required Residential Units Commercial Recreation Food and Beverage Service Service/Office Facilities	<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
Active and Passive Park	Urban Agriculture
Parking Lot, Parking Garage, Business Uses or Any Combination of Same with Optional Residential Units	<u>Conditional Uses:</u> Marinas Mixed Use Development Social Service Residential Facility Hospital Adult Gaming Nursing Home

Table 2: Comparison of Dimensional Standards

	Existing Zoning District	Proposed Zoning District
	X-Exclusive Use District – Parking Lot (X-P)	Community Business (CB)
Density	N/A	N/A
Building Height	N/A	120 feet (maximum)
Building Length	N/A	N/A
Floor Area Ratio (FAR)	N/A	3.0
Front Setback	N/A	5 feet
Rear Setback	N/A	0 feet 15 to 25 feet when abutting a residential property
Side Setback	N/A	0 feet 15 to 25 feet when abutting a residential property
Lot Size	N/A	N/A
Landscape Area	N/A	N/A

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 3.

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 fronts East Las Olas Boulevard at the corner of SE 10th Terrace. The proposed use is compatible with the surrounding area, but its scale and massing is greater than properties in the immediate vicinity. Within the B-1 and CB Zoning Districts, maximum permitted height is 150 feet and the proposed height is 116 feet 8 inches. Properties to the north are a mixture of medium to high density residential. Properties directly to the east and west are currently used as parking lots. Properties to the south include a mixture of commercial uses. Commercial uses in the area range from restaurants and general retail to office space and a hotel.

Elements are incorporated into the overall massing of the structure to mitigate impacts on the neighboring structures that are lower in height. Movement is created in the south elevation façade with a stepback of approximately 20 feet starting at the second floor. This setback allows for the creation of a second floor terrace overlooking East Las Olas Boulevard.

Additionally, the north building elevation contains additional design elements to offset the structure from the residential properties to the north. The first level is setback from the property line 16 feet 8 inches with an additional stepback of approximately 4 feet 6 inches starting at the third floor and extending to the ninth floor. Properties to the north along SE 2nd Court are primarily one to three stories in height. On the ground level a plazalette with decorative landscaping and a fountain is incorporated into the façade; staff has suggested incorporating public art into this space. A partial section view showing the relationship between the proposed new development and the properties on the north side of the street is provided on Sheet A-7 of Exhibit 2.

At the first and second floor the structure is broken into two components with the south end of the site acting as commercial space and the north end of the site containing services related to the hotel. This division is evident on the first floor where an alleyway shows a visual division. On the northern end of SE 10th Terrace the street level entrances are lined with several decorative aluminum screens and contains two entrances to the hotel drop-off area beyond. At the south end of the site, the south elevation is setback from the property line to align with adjacent properties. This portion of both the south and east elevations contains multiple sets of double-height commercial storefronts covered by ornamental aluminum awning and a chamfered corner entrance.

Two floors of subterranean parking encompass the entire site. Underground parking is accessed by two car lifts that are located on the first floor of the structure. The car lifts are located on the southern portion of the site and entry is through either a one-way hotel drop-off area or through the alleyway. The overall building height is 116 feet 8 inches to the top of the roof slab and 127 feet 8 inches to the top of the mechanical screening.

Staff worked with the applicant to enhance the building architecture on the west side of the structure to add visual interest to the blank wall surfaces. The applicant has proposed to continue the lime stucco pattern on the solid walls and incorporate faux window opening throughout the façade. These faux openings create a pattern of recessed areas that match the size of actual window openings with metal trim to simulate mullions. A detail of this recessed niche as well as the west elevation drawing is provided on Sheet A-6 of Exhibit 2.

Flexibility Rules

Pursuant to the ULDR Section 47-8.1.G, for the allocation commercial uses on residential land use designated parcels this application is subject to the following conditions:

a. Rezoning of the development site to community business (CB) only, CB zoning, or to exclusive use (X-Use).

This application includes a request to rezone the parcel from X-P to CB.

b. No more than five percent (5%) of the total area within a flexibility zone which is designated residential on the city's plan, may be rezoned to CB.

The total residential to commercial flex acreage permitted is 519.60, with 1.24 acres assigned to date and another 2.34 acres pending assignment with 516.02 acres unassigned.

c. The parcel proposed for CB use shall not be greater than ten (10) contiguous acres.

The parcel proposed for CB is approximately .18 acres.

Pursuant to the ULDR Section 47-8.1.G, for the allocation commercial uses on residential land use designated parcels this application is evaluated using the following criteria:

i. Demonstration that the use of commercial flex acreage supports and implements the specific goals, objectives and policies of the City's Land Use Plan.

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.

ii. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.

This application includes a request to rezone the parcel from X-P to CB.

iii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

This application is a Site Plan Level IV that includes an associated request for rezoning with flex allocation, a parking reduction, and a conditional use as a hotel.

PARKING AND TRANSPORTATION:

Vehicular ingress to the site is located from SE 2nd Street and vehicular egress is located on SE 10th Terrace. Site access can also be gained from the alleyway that runs through the center of the site with traffic traveling from west to east. The project will contain 73 parking spaces, including 69 standard spaces and 4 compact spaces, as well as a relocated BCycle station.

As part of the site plan approval, the applicant is proposing a parking reduction based on ULDR Section, 47-20-3.A.5, Parking Reduction Criteria. More specifically Section 47-20.3.A.5.b, states that the use, site, structure or any combination of same, evidences characteristics which support a determination that the need for parking for the development is less than that required by the ULDR for similar uses. The required parking per the ULDR would result in 162 required spaces.

The applicant submitted a Trip Generation Statement, prepared by the applicant's consultant DC Engineers, Inc., dated November 24, 2020, identifying that the project will generate 63 AM peak trips and 81 PM peak trips. The parking analysis used the Institute of Transportation Engineers (ITE) Trip Generation 10th Edition manual formulas and was based on data collected from the nearby Riverside Hotel. From the data collected at the Riverside Hotel, the percentage of guests arriving by private vehicle is 31%. If this rate was applied to the 1007 E Las Olas Blvd Hotel, the resulting parking space count required would be 34 guest parking spaces and 30 hotel employee parking spaces totaling a 64-parking space requirement. Adequate unoccupied parking spaces within a 700 foot radius are estimated to be in place to accommodate the 24 parking spaces needed by the retail component. The 1007 E Las Olas Hotel is proposing to provide 73 spaces in total. The applicant is requesting a parking reduction of 65 spaces for the hotel use and 24 space reduction for the retail use.

The parking spaces are proposed to be located within two floors of subterranean parking. Underground parking is accessed by two car lifts that are located on the first floor of the structure. The car lifts are located on the southern portion of the site and entry is through either a one-way hotel drop-off area or through the alleyway. Table 3 provides a breakdown of the total parking required for the site.

Table 3: Parking Summary

Use	Units/Square Feet (sq. ft.)	TOD Parking Ratio	Required
Commercial/Retail	5,963 sq. ft.	1 space per 250 sq. ft.	24 spaces
Hotel	138 Units	1/Unit	138 spaces
Total Provided			162 spaces

The Trip Generation Statement is attached as Exhibit 4. The City's Transportation and Mobility Department concurs with the applicant's assessment and an approval letter is attached as Exhibit 5. In addition to a parking reduction order, two conditions have been proposed related to this request related to the mitigation of the removal of metered parking spaces and the relocation of the BCycle station have also been proposed and are further outlined below.

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 .18 acres, which is the subject of the rezoning application. Therefore, .18 acres of commercial flex is proposed for allocation. Table 4 below

provides a summary of commercial flex allocation to date. If the .18 acres are allocated for the project, there will be 516.02 acres of commercial flex acreage available.

Table 4: Commercial Flex Summary

	Residential to Commercial Flex Acreage
Total Permitted	519.60*
Assigned to Date	1.24
Pending	2.34
Remaining	516.02

**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 November 23, 2020, that was noticed to all property owners within 300' of the proposed project as well as to the presidents of the Beverly Heights and Colee Hammock Civic Associations to provide an opportunity for comments from the public. The applicant's public participation meeting summary and affidavit are provided as Exhibit 6.

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 February 17, 2021, are provided as Exhibit 7.

CONDITIONS:

If approved, the following conditions apply:

1. Pursuant to ULDR Section 47-38A, Park Impact Fees, applicant will be required to pay Park Impact Fee for the proposed hotel rooms prior to issuance of building permit.
2. Should the application for a parking reduction be approved, an amended parking reduction must be executed and recorded in the public records of Broward County at the applicant's expense, prior to Final DRC approval.
3. Per the City's Landscape Reviewer, to achieve an aesthetically uniform and cohesive new streetscape along Las Olas Boulevard, the street trees along Las Olas Boulevard are to be placed approximately 30 feet on center to align with the precedent that has been set at 1201 E Las Olas Boulevard.
4. Per the City's Transportation and Mobility Department, to mitigate the City's loss for the permanent displacement of the three (3) metered parking spaces on SE 10th Terrace, applicant agrees to either: (a) pay the City's Transportation and Mobility Department (payment shall be remitted in the name of the "City of Fort Lauderdale") a sum to be determined by the Transportation and Mobility Department based on the average usage rate; (b) install parking improvements and/or enhancements near the project, with such improvements to be identified by and agreed to by applicant and TAM; or, (c) provide the City with three additional on-street metered parking spaces in the vicinity. This condition must be met prior to the issuance of a final certificate of occupancy.
5. Per the City's Transportation and Mobility Department, to mitigate the City's loss for the permanent displacement of the BCycle station on SE 10th Terrace, applicant agrees to design, furnish and install a new BCycle station at the applicants expense after the applicant receives and reviews the likekind-specifications from the City and/or BCycle operator. The location shall be determined by the Transportation and Mobility Department

and the BCycle operator. The new station shall be installed prior to the installation of right-of-way improvements on 10th Terrace. This condition must be met prior to applying for a building permit.

6. Per the City's Engineering Reviewer, prior to Final DRC Sign-off, the Alley Vacation-Case No. PLN-VAC-20080001 must be approved by City Commission.
7. Per the City's Engineering Reviewer, prior to issuance of Final Certificate of Occupancy (C.O.), applicant shall record a five (5)-foot wide public right-of-way dedication along the north side of East Las Olas Boulevard.
8. Per the City's Engineering Reviewer, prior to issuance of final certificate of occupancy, applicant shall prepare, execute and record a Maintenance Agreement or other document for the perpetual maintenance of private improvements within the existing and proposed rights-of-way of East Las Olas Boulevard, South East 10th Terrace and South East 2nd Court, as depicted on Sheet X7 of the site plan.
9. Per the City's Engineering Reviewer, prior to permit issuance, applicant shall meet all provisions of ULDR Section 47-19.4.D.7 regarding requirements for an oil/sand separator and connection to the public sanitary sewer system.

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 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28, Flexibility Rules
- ULDR Section 47-20.3.A.5, Parking Reduction and Exemption Criteria

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 and Project Narratives
2. Site Plan Package
3. Water and Sewer Capacity Letter
4. Traffic Study Executive Summary
5. Transportation and Mobility Department Approval Letter
6. Public Participation Meeting Summary and Affidavit
7. Public Sign Notice and Affidavit