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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** May 4, 2021

**TITLE:** Second Reading – Quasi-Judicial Ordinance Approving a Rezoning from Community Facility-House of Worship (CF-H) District to Exclusive Use Parking Lot (X-P) District, the Allocation of 0.274 Acres of Commercial Flex, and Site Plan Approval of a Surface Level Parking Lot - First Presbyterian Church of Fort Lauderdale, Inc. – Case No. PLN-SITE-20090013 – **(Commission District 4)**

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**Recommendation**

Staff recommends the City Commission consider an ordinance to rezone 0.274 acres of land generally located at 1401 SE 4<sup>th</sup> Street and 325 Tarpon Drive, from Community Facility-House of Worship (CF-H) District to Exclusive Use-Parking Lot (X-P) District with the allocation of 0.274 Commercial Flex acres to permit public parking on an existing surface level parking lot for the First Presbyterian Church of Fort Lauderdale.

**Background**

The subject property is currently a surface level parking lot, serving the First Presbyterian Church. With the site's close proximity to Las Olas Boulevard, the applicant is seeking to provide metered public parking to help increase parking opportunities in the area.

Under a previous application approved February 05, 2020 (Case Number R19042) the applicant reconfigured and improved the existing parking lot, which incorporated the site directly to the north and integrated streetscape improvements along Tarpon Drive and East Las Olas Boulevard. Based on the underlying Future Land Use of Low-Medium Residential, the proposed rezoning application requires allocation of commercial flex acreage to permit metered parking to serve a business purpose. Site improvements under Case Number R19042 have already been completed, with no proposed modifications as part of the applicant's current request.

The Development Review Committee reviewed the proposal on October 27, 2020. All comments have been addressed and are available on file with the Department of Sustainable Development.

A location map, zoning map, sketch and legal description, of the property are attached as Exhibit 1. The application and site plan are attached as Exhibit 2. The applicant's narrative responses to adequacy requirements, neighborhood compatibility requirements, and X-P rezoning criteria are attached as Exhibit 3.

Per the Unified and Development Regulations, Section 47-24.4 - Rezoning, if the Planning and Zoning Board (PZB) determines that an application meets the rezoning criteria, the PZB shall “recommend that the rezoning be approved, or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.”

As reflected in the February 17, 2021, PZB meeting minutes, members of the PZB had concerns over the parking lot changing to another use if the site was rezoned to CB, and rezoning to X-P would still accomplish the applicant’s goals of permitting public parking. Mr. Tilbrook, the applicant’s Authorized Agent, expressed reservations on the more restrictive zoning recommendation because CB afforded his client more flexibility, but agreed the Applicant would accept the X-P zoning designation if the PZB desired to recommend a more restrictive zoning district. The PZB voted to recommend approval of the subject parcel to a more restrictive zoning district of Exclusive Use - Parking Lot (X-P) District by a vote of 9-0.

The PZB staff report, application, and exhibits are attached as Exhibit 4. The PZB meeting minutes are attached as Exhibit 5.

**REVIEW CRITERIA:**

The following criteria apply to the proposed request:

- ULDR Section 47-9.20, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28, Flexibility Rules
- ULDR Section 47-24.4, Rezoning Criteria

**ADEQUACY**

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. The site was previously improved, and the applicant has met all adequacy criteria. There are no proposed site modifications under the current application, and therefore, no increased demand on public services and facilities.

**NEIGHBORHOOD COMPATIBILITY REQUIREMENTS**

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

The subject site is located along Tarpon Drive in close proximity to East Las Olas Boulevard. The surrounding area contains a mixture of bars, restaurants, retail establishments, church facilities and associated parking lots. North of the subject property is a surface level parking lot, abutting East Las Olas Boulevard, within the Business Boulevard (B-1) zoning district which services the First Presbyterian Church and offers public parking during nonservice hours. To the east and southeast is the First Presbyterian Church family campus, with CF-H and Community Facility-House of Worship and School (CF-HS) zoning district designations. To the west and southwest is the All Saints Protestant Episcopal Church, located in the CF-H and Residential Single Family Low-Medium Density (RS-8) zoning districts.

Rezoning the site to an X-P zoning district is compatible with the surrounding uses outlined above and serves to support local businesses without affecting the preservation of neighborhood character. The site has been used as a parking lot for many years and the applicant is seeking to increase utilization of the lot by permitting public parking. In addition, the applicant has made improvements to the parking lot as part of a previous application (Case Number R19042) which included streetscape enhancements, sidewalk improvements, improved stormwater mitigation, and the inclusion of trees and other plant materials.

**REZONING CRITERIA:**

Per the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning Criteria, 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.

A complete analysis of consistency with the City's Comprehensive Plan can be found on page 4 of this memo titled Comprehensive Plan Consistency.

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

The site has been used as a parking lot for many years and is in alignment with the adjacent B-1 zoning district. Because the use of the site is not changing, the continued use of the site as a parking lot would not have an adverse impact on the surrounding neighborhood. Further, the lot has already been updated to meet today's standards for development of a surface parking lot.

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 X-P zoning district is restricted to parking and is compatible with surrounding uses. The B-1 zoned area to the north consists of parking, retail, and restaurants, with Las Olas Blvd approximately 150 feet from the subject site. There are no residential zoned properties that would be adversely affected by the continued use of the site as a parking lot. The sites to the east, west and south consist of CF-HS and CF-H zoning districts and includes church facilities that are primarily owned by the applicant.

Please refer to Table 1 below for a general comparison of permitted uses in the CF-H zoning district and X-P zoning district. For a detailed list of permitted uses within the X-P zoning district, refer to ULDR Section 47- 9.10. – Permitted Uses.

**Table 1: General Comparison of Permitted Uses**

<i>Existing Zoning District</i>	<i>Proposed Zoning District</i>
<b>CF-H</b>	<b>X-P</b>
House of Worship	<b>Conditional Uses</b>
Public Purpose Facilities	Parking Lot
Secondary Uses	
Accessory Uses	
Urban Agriculture	
<b>Conditional Uses</b>	
Addiction Treatment Center	
Senior Citizen Center	

**COMPREHENSIVE PLAN CONSISTENCY:**

The proposed rezoning aligns with the City’s Goals, Objectives and Policies, specifically Future Land Use Element, Goal 1, Objective 1.36: Use of Flexibility and Irregular Density Provisions, which supports the use of flexibility rules to “facilitate the arrangement of... commercial acreage to allow the City to respond to changing conditions” and Objective 1.32 Guiding Growth To Discourage Sprawl And Encourage Transit. The existing parking lot is underutilized during non-church service hours and rezoning the property to permit public parking would help maximize the utility of the otherwise empty parking lot and in return support the local economy. Las Olas has been an economic driver for the City and has grown to serve both visitors and surrounding neighborhoods for dining, shopping, and entertainment. As the City continues to grow, additional parking will be required and the use of the property for public parking will eliminate the construction of another parking facility, reducing urban sprawl from the periphery of the commercial corridor into the residential neighborhoods.

The City’s Future Land Use map indicates that the subject property has a Low-Medium Future Land Use Designation. To permit commercial uses in a residential land use designation, the allocation of flex acreage is required per the City’s Comprehensive Plan, Goal 1, Objective 1.36, Use of Flexibility and Irregular Density Provision. The City is required to monitor and track the allocation of flex. Table 2 below provides a summary of allocating 0.274 acres of land and the remaining balance of flex acreage if the project is approved.

**Table 2- Flex Acreage**

	<b>Flex Acreage</b>
<b>Total Permitted</b>	519.60
<b>Assigned to Date</b>	1.24
<b>Pending</b>	2.34
<b>Proposed</b>	0.274
<b>Remaining</b>	515.746

**PUBLIC PARTICIPATION**

The rezoning request is subject to the public participation requirements established under ULDR Section 47-24.1.F.14. According to the applicant, a public participation meeting was held on October 27, 2020, to offer the Colee Hammock Homeowners Association and surrounding properties the opportunity to learn about the proposed rezoning and site plan application.

In addition, this request is subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted two (2) signs along the right-ways of the property and has met the requirements of this Section. The required public participation affidavit and mail notification affidavit are attached as Exhibit 6.

**Resource Impact**

There is no fiscal impact associated with this action.

**Strategic Connections**

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Create a responsive and proactive business climate to attract emerging industries

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

**Attachments**

Exhibit 1 – Location Map, Zoning Map, and Sketch and Legal Description

Exhibit 2 – Application and Site Plan

Exhibit 3 – X-P Rezoning Criteria, Adequacy, and Neighborhood Compatibility Requirements

Exhibit 4 – February 17, 2021 Planning and Zoning Board Staff Report, Application, and Exhibits

Exhibit 5 – February 17, 2021 Planning and Zoning Board Meeting Minutes

Exhibit 6 – Public Participation Affidavit and Mail Notification

Exhibit 7 – Ordinance

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