

REQUEST: Site Plan Level IV Review: Rezoning from Residential Multifamily Low Rise/Medium-High Density District (RML-25) District to Community Business (CB) District with 0.227 Acres of Commercial Flex Allocation and Conditional Use for a Marina Sales and Service Facility

Case Number	PLN-SITE-20060001	
Applicant	Len & Melody Renne and Christian Garay	
Authorized Agent	Andrews Schein / Lochrie & Chakas, P.A.	
Project Name	Seven Seas	
General Location	1490 & 1500 W Broward Boulevard	
Property Size	±1.15 acres (portion of property to be rezoned: ±0.227 acre)	
Current Zoning	Boulevard Business (B-1) and Residential Multifamily Low Rise/Medium-High Density District (RML-25)	
Proposed Zoning	Boulevard Business (B-1) and Community Business (CB)	
Existing Use	Auto Repair, Tire Sales, Marine Sales and Service Facility Use	
Proposed Use	Marine Sales and Service Facility Use	
Future Land Use Designation	Commercial and Medium-High Density Residential	
Applicable ULDR Sections	47-24.3, Conditional Use Criteria 47-24.4, Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28, Flexibility Rules	
Notification Requirements	Sec. 47-24.1 Public Participation Sec. 47-27.6 Sign Notice 15 days prior to meeting Sec. 47-27.6 Mail Notice (300-foot radius) 10 days before meeting	
Action Required	Recommend Approval, Approval with Conditions, or Deny	
Project Planner	Yvonne Redding, Urban Planner III	<i>YMR</i> ^{ER}

PROJECT DESCRIPTION:

The applicant is requesting to rezone a parcel of land located at 1500 W. Broward Boulevard from Residential Multifamily Low Rise/Medium-High Density (RML-25) District to Community Business (CB) District, with the allocation of 0.227 acres of commercial flex acreage, to allow for the expansion of an existing marina sales and service use located at 1490 W. Broward Boulevard.

The existing building located at 1500 W. Broward will be demolished and the area proposed to be rezoned will be used for outdoor display of marine vessels for sale. The property located at 1490 W. Broward Boulevard is currently the site of the “Broward Tires and Auto Repair” shop. The applicant intends to renovate and repurpose the existing structure located at 1490 W. Broward Boulevard and relocate the marina sales and office uses for the existing marina facility to this structure. The entire development site incorporates both sides of the vacated portion of SW 15th Terrace.

A location map and sketch and legal description of the property proposed to be rezoned are attached as Exhibit 1. The application and site plan are attached as Exhibit 2. Applicant’s narrative responses to Conditional Use, Adequacy and Neighborhood Compatibility Requirements, and Rezoning Criteria are attached as Exhibit 3.

PRIOR REVIEWS:

The Development Review Committee reviewed the rezoning with associated site plan application on July 14, 2020. All comments have been addressed and are available on file with the Department of Sustainable Development. The associated Right-of-Way application (PLN-VAC-20060001) was also reviewed by the Planning and Zoning Board on February 17, 2021 and approved by a vote of 8-0.

REVIEW CRITERIA:

The following criteria apply to the proposed request:

ULDR Section 47-24.3, Conditional Use Criteria
ULDR Section 47-24.4, Rezoning Criteria
ULDR Section 47-25.2, Adequacy Requirements
ULDR Section 47-25.3, Neighborhood Compatibility Requirements
ULDR Section 47-28, Flexibility Rules

CONDITIONAL USE PERMIT:

Pursuant to ULDR Section 47-37B.5, Table of Dimensional Requirements for the CB Zoning District, marina uses must be reviewed as a conditional use. The applicant is proposing a marina use at this location based on the following criteria:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Section 47-25.3;

Refer to Adequacy and Neighborhood Compatibility section contained herein.

2. Access, traffic generation and road capacities; Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.

The development will have access from Broward Boulevard at the northernmost portion of the site. Based on existing uses, it is not anticipated that the redevelopment project will generate additional vehicular traffic.

3. The applicant must show, and it must be found by the reviewing body that the following have been met:

- a. The location of the use or structure is not in conflict with the City's Comprehensive Plan;*

The location of the use conforms to the City's Comprehensive Plan. Policy 1.24.6 of the Comprehensive Plan's future land use element promotes the "development, reuse and redevelopment of waterfront sites, giving the highest priority and preferences to water-dependent uses". By rezoning to CB and permitting a marina use as a conditional use, the applicant will be able to redevelop and reuse the marina site.

- b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;*

The subject property has been operating as a marina and automotive repair facility for over 20 years. The property is adjacent to a waterway and meets the intent of a waterway use. The proposed site plan associated with the rezoning addresses required neighborhood compatibility bufferyard requirements, including a 10-foot landscaping buffer and a new 5-foot high masonry wall along the southern property line.

- c. On-site improvements have been incorporated into the site plan which minimizes any adverse impacts as a result of permitting the use or structure;*

The proposed development will reduce the adverse impacts created by the automotive repair use. The applicant proposes to improve the vacated right-of-way (Case PLN-VAC-20060001 reviewed by the Planning and Zoning Board on February 17, 2021). and to construct new parking spaces, landscape islands and trash enclosure to create a more aesthetic site.

- d. *The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;*

The marina use has existed at this location for over 20 years and will not impact the character of the zoning district in which the use is located.

- e. *There are no adverse impacts of the use which affect the health, safety and welfare of adjacent properties.*

The proposed development does not adversely impact the health, safety and welfare of adjacent properties. Proposed improvements include the removal of the automotive repair use which will improve impacts on adjacent properties.

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.*

The proposed CB zoning designation will provide an appropriate transition between the more intense commercial use along the major corridor and existing residential uses. The CB zoning designation allows for Marina uses provided the request is approved under the Conditional Use permit application. Reference section herein, titled Comprehensive Plan Consistency, for additional information.

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 will not adversely impact the character of development in or near the area under consideration. By rezoning the southern lot to CB, the applicant will be able to improve the site and reduce adverse impacts created by the automotive repair use.

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 CB zoning district is compatible with surrounding uses and zoning districts. The properties to the north and east are zoned B-1 and consists of auto repair and sales and marine sales and service. There are residential properties to the south and east of the subject property.

Please refer to Table 1 below for a general comparison of permitted uses in the RML-25 zoning and CB zoning districts and Table 2 for a comparison of dimensional requirements. For a detailed list of permitted uses within the CB zoning district, refer to ULDR Section 47-6.10. - List of permitted and Conditional Uses, Community Business (CB) District.

Table 1: General Comparison of Permitted Uses

<i>Existing Zoning District</i>	<i>Proposed Zoning District</i>
RML-25	CB
Single Family Dwelling	Automotive
Multifamily Use	Boats, Watercraft and Marinas
Active and Passive Park	Commercial Recreation

Social Service Residential Facility, Level I	Food and Beverage Sales and Service
Day Care Facility	Lodging
Conditional Uses	Public Purpose Facilities
Community Residence	Retail Sales
Bed and Breakfast	Services/Office Facilities
Hotel	Accessory Uses, Buildings, Structures
House of Worship	Urban Agriculture
School	Conditional Uses
Social Service Residential Facility Level II	Marina
	Mixed Use Development
	Social Service Residential Facility
	Hospital
	Adult Gaming Center
	Nursing Home

Table 2: Comparison of Dimensional Requirements

Requirements	Existing Zoning District	Proposed Zoning District
	RML-25	CB
Maximum building height (ft.)	35 Feet	150 Feet
Minimum front yard (ft.):	25 Feet	5 Feet
Minimum side yard (ft.):	20 Feet	0 Feet
When Abutting Residential	20 Feet	10 Feet
Minimum rear yard (ft.):	20 Feet	0 Feet
When Abutting Residential	20 Feet	15 Feet
Corner yard(ft.)	25 Feet	5 Feet

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 on September 8, 2020, 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 site is located on the east side of the New River and on the south side of the Broward Boulevard commercial corridor. The proposed CB zoning district is compatible with surrounding uses and zoning districts. The properties to the north and east along Broward Boulevard are zoned B-1 and consists of auto repair and sales and marine sales and service. This site is also within close proximity to the City of Fort Lauderdale Police Station. There are residential properties to the south and east of the subject property located within the Sailboat Bend neighborhood.

The proposed CB zoning designation will provide the appropriate buffer between the more intense commercial use along the major corridor and the residential uses. CB allows for Marina use provided the request is approved under the Conditional Use permit application.

The existing marina use is compatible with surrounding uses which are located along the commercial corridor, which include restaurant, vehicle sales and service, hotel and automotive fuel sales. Within the B-1 and CB Zoning Districts, maximum permitted height is 150 feet and the height of the existing structure will remain at 14 feet. Properties to the south are zoned medium-high density residential, but mostly consist of single-family homes. Properties directly to the east along Broward Boulevard include commercial uses such as restaurants, hotel and auto sales and service shops.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed rezoning aligns with the City’s Goals, Objectives and Policies, specifically Future Land Use Element, Goal 1, Objective 1.19: Neighborhood Compatibility, which states “in existing neighborhoods, development shall be compatible with present neighborhood density and with specific plans for redevelopment and revitalization” and Policy 1.19.5 “Limit intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements”.

The portion of the development that is designated Residential Medium-High and is proposed to be rezoned is approximately .227 acres. Therefore, .227 acres of commercial flex is proposed for allocation. Table 3 below provides a summary of commercial flex allocation to date. If the application is approved, there will be 515.80 acres of commercial flex acreage available.

Table 3- Flex Acreage

	Flex Acreage
Total Permitted	519.60
Assigned to Date	1.24
Pending	2.56
Remaining	515.80

FLEXIBILITY RULES

Pursuant to the ULDR Section 47-28.1.G, for the allocation commercial uses on residential land use designated parcels this application is subject to the following conditions:

1. The city may permit commercial uses on a parcel with a residential land use designation 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 RML-25 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 to be rezoned to CB is approximately .227 acres.

d. Pursuant to the ULDR Section 47-28.1.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 RML-25 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, and a conditional use request for the marina.

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 neighborhood of Sailboat Bend Homeowners Association and surrounding properties the opportunity to learn about the proposed rezone and site plan application.

In addition, this request was 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, mail notification affidavit and sign affidavit are attached as Exhibit 4.

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 47.24.3, Conditional Use Permit
- 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 and City Commission issuance of the Site Plan Level IV permit, 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.

If the Planning and Zoning Board determines that the proposed development or the rezoning request 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 and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26.B, Appeals.

EXHIBITS:

1. Location Map and Sketch and Legal Description
2. Application and Site Plan
3. Applicant's Narrative Responses to Adequacy Requirements, Neighborhood Compatibility Requirements, and Rezoning Criteria.
4. Public Participation Affidavit, Mail Notification Affidavit, and Sign Affidavit