



## SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

### PLANNING & ZONING BOARD (PZB) SITE PLAN APPLICATION

Rev: 2 | Revision Date: 10/01/2020 | I.D. Number: SPA

#### PLANNING & ZONING BOARD (PZB)

##### Site Plan Application

**Cover:** Deadline, Notes, and Fees  
**Page 1:** Applicant Information Sheet  
**Page 2:** Required Documentation / Submittal Checklist  
**Page 3:** Sign Notification Requirements & Affidavit  
**Addendum:** PZB Rezone with Flex Allocation <<if applicable>>  
**Addendum:** Parking Reduction Information <<if applicable>>

**DEADLINE:** Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

**NOTE:** If your development site is separated by any public right-of-way (alley, alley reservation, or ROW easement) you must complete a separate application for each parcel.

**NOTE:** Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, for general project inquiries or to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

**FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

___ Planned Development District (PDD) and Planned Unit Development (PUD)	\$ 9,500.00
<input checked="" type="checkbox"/> Site Plan Level IV and in the RAC	\$ 4,100.00
___ Site Plan Level III and in the RAC	\$ 4,300.00
___ Change of Use Requiring PZB review	\$ 750.00
___ Parking Reduction In addition to above site plan fee	\$ 900.00
___ Site Plan Deferral	\$ 950.00
___ Appeal of DRC Review	\$ 2,550.00



## Page 1: PZB Site Plan - Applicant Information Sheet

**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

**NOTE:** To be filled out by Department

<b>Case Number</b>	
<b>Date of complete submittal</b>	

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**.

<b>Property Owner's Name</b>	1123 NE 4TH AVE FL
<b>Property Owner's Signature</b>	* If a signed agent letter is provided, no signature is required on the application by the owner.
<b>Address, City, State, Zip</b>	2850 S Michigan Avenue, Suite 100, Chicago IL
<b>E-mail Address</b>	
<b>Phone Number</b>	
<b>Proof of Ownership</b>	<input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record

**NOTE:** If **AGENT** is to represent **OWNER**, notarized letter of consent is required.

<b>Applicant / Agent's Name</b>	FLYNN ENGINEERING / MARC ISAAC
<b>Applicant / Agent's Signature</b>	
<b>Address, City, State, Zip</b>	241 COMMERCIAL BLVD, LAUDERDALE-BY-THE-SEA,
<b>E-mail Address</b>	marc@flynnengineering.
<b>Phone Number</b>	954-522-1004
<b>Letter of Consent Submitted</b>	See

<b>Development / Project Name</b>	South Middle River
<b>Development / Project Address</b>	Existing: 1123 NE 4TH New: 1123 NE 4TH
<b>Legal Description</b>	PROGRESSO 2-18 D LOTS 13 THRU 32-BLK 143, LESS E 10 FOR ST OF LOTS 13 THRU 24 AKA: NORTH SIDE
<b>Tax ID Folio Numbers</b> (For all parcels in development)	4942 34 04
<b>Request / Description of Project</b>	5 story mixed use building with 60 units and 2,250 SF of commercial space.
<b>Applicable ULDR Sections</b>	
<b>Total Estimated Cost of Project</b>	\$ (Including land costs)

**NOTE:** Park impact fees are assessed and collected at time of permit per each new hotel room and dwelling unit type.

<b>Estimated Park Impact Fee</b>	\$ 117,300 Fee Calculator: <a href="http://ci.flaud.fl.us/building_services/park_impact_fee_calc.htm">http://ci.flaud.fl.us/building_services/park_impact_fee_calc.htm</a>
<b>Future Land Use Designation</b>	Commercial & Medium
<b>Proposed Land Use Designation</b>	Commercial & Medium
<b>Current Zoning Designation</b>	CB &
<b>Proposed Zoning Designation</b>	CB &
<b>Current Use of Property</b>	Parking
<b>Residential SF (and Type)</b>	72,175 SF (Includes Common
<b>Number of Residential Units</b>	60
<b>Non-Residential SF (and Type)</b>	2,250 SF (Commercial) 9,782 SF (Parking
<b>Total Bldg. SF</b> (include structured parking)	84,207
<b>Site Adjacent to Waterway</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Dimensional Requirements	Required	Proposed
<b>Lot Size (SF / Acreage)</b>	10,000 SF / 0.23	64,556 SF / 1.4820
<b>Lot Density</b>	50 Units/	49.4 Units/Gross Acre of CB Zoned
<b>Lot Width</b>	100'	300' x 260'
<b>Building Height (Feet / Levels)</b>	150'	54' / 5
<b>Structure Length</b>	None	Varies
<b>Floor Area Ratio</b>	None	1.3
<b>Lot Coverage</b>	None	19,083
<b>Open Space</b>	12,000 SF	16,682
<b>Landscape Area</b>	None	8,732
<b>Parking Spaces</b>	118	118

**NOTE:** State north, south, east or west for each yard.

Setbacks/Yards*	Required	Proposed
<b>Front</b> <input type="checkbox"/> N	None	7.3'
<b>Side</b> <input type="checkbox"/> W	27' - Per	39.0'
<b>Side</b> <input type="checkbox"/> E	5'	9.0'
<b>Rear</b> <input type="checkbox"/> S	5'	10.0'

## Page 2: Required Documentation / Submittal Checklist

### One (1) copy of the following documents:

- ☐ Original Pre-PZB signed-off set of plans and all supplemental documentation (ie. narratives, photos, etc.)
- ☐ Completed application (all pages must be filled out where applicable)
- ☐ One (1) electronic version of complete application and plans in PDF format

### Two (2) original sets, signed and sealed, of Pre-PZB plans at 24" x 36"

### Thirteen (13) copy sets, of Pre-PZB half-size scaled plans at 12" x 18"


- ☐ **Narrative** describing project specifics, to include but not be limited to: architectural style and important design elements, trash disposal system, security/gating system, hours of operation, dock facilities, etc. Narratives must be on letterhead, dated, and with author indicated.
- ☐ **Narrative** quoting all applicable sections of the ULDR, with point-by-point responses of how project complies with such criteria. Narratives must be on letterhead, dated, and with author indicated.
- ☐ **Land Use and Zoning maps** indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- ☐ **Cover sheet** on plan set to state project name and table of contents.
- ☐ **Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built and Topographic with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City.
- ☐ Most **current recorded plat** including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave. **Note: for Change of Use applications, this is not required.**
- ☐ **Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- ☐ **Plans "A" thru "H".** **Note, for Change of Use applications, items asterisked (\*) are only required if proposed changes affect these plans. Otherwise, these items should be obtained from Property Records if showing current conditions.**
  - A. Site Plan
  - B. Details\*
  - C. Floor Plans
  - D. Building Elevations\*
  - E. Additional Renderings\*
  - F. Landscape Plans\*
  - G. Photometric Diagram\*
  - H. Engineering Plans\*

**Note:** All copy sets must be clear and legible. If original set is in color, copy sets must also be in color.

**Note:** Plans must be bound, stapled and folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11" and stapled or bound.

**Note:** Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details.

**Note:** For examples of project narratives, site plan data tables, and renderings required with your application, please refer to the "Submittal Reference Book" available at Urban Design & Planning.

Applicant's Affidavit		Staff Intake Review	
I acknowledge that the Required Documentation and Technical Specifications of the application are met:		For Urban Design & Planning staff use only:	
Print Name	Marc Isaac	Date	
Signature		Received By	
Date	4/2/2021	Tech. Specs Reviewed By	
		Case No.	

Updated: 10/01/2020



<b>Site Address</b>	<b>1123 NE 4 AVENUE, FORT LAUDERDALE FL 33304</b>	<b>ID #</b>	4942 34 04 0280
<b>Property Owner</b>	1123 NE 4TH AVE FL LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	2850 S MICHIGAN AVE STE 100 CHICAGO IL 60616	<b>Use</b>	28
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOTS 13 THRU 32 BLK 143,LESS E 10 FOR ST OF LOTS 13 THRU 24 AKA: NORTH SIDE ELEM		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

* 2021 values are considered "working values" and are subject to change.								
Property Assessment Values								
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax			
2021*	\$775,040	\$56,400	\$831,440	\$831,440				
2020	\$775,040	\$63,240	\$838,280	\$838,280	\$18,836.38			
2019	\$581,280	\$63,240	\$644,520	\$644,520				
2021* Exemptions and Taxable Values by Taxing Authority								
	County	School Board	Municipal	Independent				
Just Value	\$831,440	\$831,440	\$831,440	\$831,440				
Portability	0	0	0	0				
Assessed/SOH	\$831,440	\$831,440	\$831,440	\$831,440				
Homestead	0	0	0	0				
Add. Homestead	0	0	0	0				
Wid/Vet/Dis	0	0	0	0				
Senior	0	0	0	0				
Exempt Type	0	0	0	0				
Taxable	\$831,440	\$831,440	\$831,440	\$831,440				
Sales History				Land Calculations				
Date	Type	Price	Book/Page or CIN	Price	Factor	Type		
5/28/2019	SWD-D	\$1,350,000	115835123	\$12.00	64,587	SF		
				Adj. Bldg. S.F. (Card, Sketch)				
Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
L								
1						64587		

April 19, 2021

**DRC – Project Overview**

**South Middle River Lofts – 60 units with 2,250 sf of ground floor commercial space**

**1123 NE 4th Avenue, Fort Lauderdale FL**

**FES Project #19-1520.00**

This project is generally located within a portion of the block bounded by NE 4<sup>th</sup> Avenue to the east, NE 3<sup>rd</sup> Avenue to the west and NE 11<sup>th</sup> Street to the south. An aerial of the Property is shown below:



The project of a mixed use 5 story building with 60 residential units, and 2,250 SF of commercial space. The proposed mix-use of residential units and retail will enhance the sense of community and overall quality of life in the area. Parking for the project is included within the surface parking lot to the rear and underneath the building. The project requires 118 parking spaces for the proposed uses, and the Project provides a total of 118 parking spaces (112 on site and 6 on-street parallel spaces along NE 3<sup>rd</sup> Ave).

In addition to the site plan application, a rezoning application with commercial flexibility acreage has been concurrently submitted with this site plan to request to rezone the western half of the property from the existing zoning designation of RD-15 to CB. This is consistent with the existing zoning of the eastern half of the property adjacent to NE 4<sup>th</sup> Avenue. Additionally, currently on the western half of the property is an existing surface parking lot. With the proposed redevelopment of the property, the existing parking lot will be removed and replaced with a new surface lot which now meets all current ULDR

requirements including a 12' landscape buffer yard, additional landscaping and a concrete wall.

Due to the underlying Medium density residential land use of the eastern half of the property to be rezoned a flex rezoning request for 27,000 sf (0.6198 Acres) is being requested.

To satisfy City Engineering Department requirements a 5' sidewalk easement along NE 11<sup>th</sup> Street and a 6.2' sidewalk easement along NE 3<sup>rd</sup> Avenue will be provided. Also, a 25' corner chord at the intersection of NE 11<sup>th</sup> Street and NE 4<sup>th</sup> Avenue will be provided to satisfy FDOT requirements.

A pre-application meeting with FDOT was held on June 11<sup>th</sup>, 2020 verifying that their corner chord, easement and proposed driveway setback requirements have been satisfied.

Due to the existing bus stop on the eastern property line, the Applicant contacted Broward County Transit Division to receive their input. An 8' x 40' wide bus pad was requested to be constructed on NE 4<sup>th</sup> Avenue to service BCT routes 36 and 50.

Great efforts were directed towards enhancing the vegetation by proposing a rich variety of lush tree species and tree canopy along 4<sup>th</sup> avenue. In keeping with the neighborhood "feel" aimed by the South Middle River Civic Association, the proposed structure calls for a truncated corner to address the intersection between 4<sup>th</sup> Avenue and N.E. 11<sup>th</sup> street and a large scale accent mural at the central open plaza, playing up the artistic component which the association is aiming for.

The project has taken into consideration all of the Neighborhood Compatibility Requirements and respected all surrounding existing structures in the area. The upper 4 stories of residential floors step back from the ground floor retail "podium" offering long balconies rhythmically distributed along the main façade. The architectural style is contemporary with stylistic references to Art Deco corner window details and concrete eyebrows. The colors selected, celebrate the themes of the ocean, a theme represented in the City of Fort Lauderdale's Seal.

Respectfully,



Marc Isaac  
Flynn Engineering Services, P.A.

Owner: 1123 NE 4TH AVE FL LLC  
Project: South Middle River Lofts  
Address: 1123 NE 4<sup>th</sup> Avenue  
Case No. PLN-SITE-2010 0002

May 11, 2021  
Narrative  
Conditional Use Criteria

**Sec. 47-24.3.E. - Conditional use permit requirements - Criteria.**

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

**Response:** The Applicant has provided a separate narrative addressing the Neighborhood Compatibility criteria of the code.

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.

**Response:** The Applicant submitted a traffic impact statement prepared by Suzanne Danielsen. The traffic impact statement concluded that the number of new trips generated by the project does not meet the threshold for a traffic study (399 daily trips generated by the project, while 1,000 trips are needed to require a full traffic study).

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;

**Response:** As shown on the land use map below, the Property is split between 2 land use categories. The western portion is designated Residential, while the eastern portion is designated Commercial. The proposed structure is a mixed use project consisting of 60 multifamily units and 2,250 sf of ground floor retail uses. The entire structure is proposed to be placed on the Commercially designated portion of the Property, leaving the residentially designated portion to be used only for parking for the development. The applicant is proposing to apply commercial flexibility acreage to unify the site under one zoning district (CB) and utilize the Residential portion of the property as surface parking.



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

**Response:** The site is currently parking lot. Only the eastern portion of the Property is proposed to be developed with a structure. The remaining portion will continue to be used as a parking lot, but will be reconstructed to meet code.

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

**Response:**

**1 - Wall.** The applicant is proposing to construct a 6' concrete wall (only 5' wall required) along the north and west property lines abutting the residential property. The wall will be installed 1' taller than required at the request of the adjacent homeowner to the west of the property.

**2 - Yard adjacent to residential property.** Structure is 54' in height.

Yard	Required	Provided
At ground level:	15'	39'
Portion of structure above 40': (required 1' per 1' of building height above 40' in height)	29'	39'

**3 - Access point.** All access to the property will be from NE 11<sup>th</sup> Street, which is best suited to handle traffic flow due to its close location to the signalized intersection of NE 4<sup>th</sup> Avenue and NE 11<sup>th</sup> Street. This also mitigates any need for cars to travel on NE 3<sup>rd</sup> Avenue.

**4 - Landscape buffering.** The project also has minimum of 10' landscape buffers along the perimeter of the site which allows a variety of vegetation and trees to be planted. In addition, the Applicant is proposing to plant landscaping between the sidewalk and the travel lane along NE 3<sup>rd</sup> Avenue and NE 11<sup>th</sup> Street wherever possible to allow for additional protection to pedestrians.

**5 - Building placement.** The building is situated wholly on the eastern portion of the site allowing the remaining portion to be used for surface parking, and landscaping.

**6 - On street parallel parking.** There are 6 parallel parking spaces proposed on NE 3<sup>rd</sup> Avenue. Currently, cars are parking along NE 3<sup>rd</sup> Avenue in the swale.

**7 - Decorative (Bollards) pedestrian lighting.** At the request of the neighborhood, the Applicant is installing pedestrian (bollard) lighting along NE 3<sup>rd</sup> Avenue and NE 11<sup>th</sup> Street to illuminate the sidewalks adjacent to the property.

**8 - New Sidewalks.** New sidewalks will be installed adjacent to the development. The sidewalks are a minimum of 7' clear width. This will improve pedestrian circulation not only for the project, but also for the neighborhood residents.



- 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;

**Response:** The proposed building will be located on the CB-zoned property. The applicant is proposing to rezone the western portion of the site to CB (from RD-15) to unify the development site under one zoning district. Because the parking will be placed on the western portion of the Property, this allows for a very large setback between the adjacent residential townhouses and homes. A rendering of the site plan is shown below to illustrate the large open space between the adjacent residential neighbors and the proposed structures.



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

**Response:** The proposed use is multifamily residential with ground floor retail. The neighborhood in which this Project is located is characterized by a mixture of uses which include office, retail, multifamily uses, townhouses and single family. The Project's ground floor retail component is situated along the corner of NE 4<sup>th</sup> Avenue and NE 11<sup>th</sup> Street, which is consistent with the pattern of commercial uses along the NE 4<sup>th</sup> Avenue corridor. The proposed use of the property will complement the existing uses in the community and provide an enhancement to the area through the installation wide sidewalks, landscaping, on street parallel parking and decorative pedestrian lighting adjacent to the site. Therefore, there are no adverse impacts of the proposed use for multifamily and retail uses.

October 2, 2020

South Middle River Lofts - Rezone Application  
1123 NE 4th Avenue, Fort Lauderdale FL ("Property")  
FES Project #19-1520.00

**Sec. 47-24.4 REZONING – Narrative – Rezone from RD-15 to CB with allocation of commercial flexibility acreage.**

D. *Criteria.* An application for a rezoning shall be reviewed for compliance with Section 47-25, Development Review Criteria. In addition, 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.

**RESPONSE:** The underlying land use designation according to the City's Comprehensive Plan is Residential. The Applicant is requesting to rezone the subject parcel from RD-15 to CB to unify the site with the eastern portion of the Property which is already zoned CB. In order to rezone the Property to a commercial zoning district, commercial flexibility acreage will need to be allocated. Concurrently with this rezoning, the Applicant is requesting an allocation of commercial flexibility acreage for the 0.6198 acre parcel to comply with the City's Comprehensive Plan.



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

**RESPONSE:** The neighborhood is characterized by a mixture of residential and commercial uses. The rezoning of the Property from RD-15 to CB will bring the overall development site under one zoning district to allow a multifamily development with ground floor retail uses. The proposed rezoning to CB will not adversely impact the character of the neighborhood because commercial and residential uses already exist in this 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.

**Response:** As noted above, the character of the area proposed is suitable for the uses in the CB zoning district. The proposed rezoning is not introducing a new zoning district to the area, but rather, is simply expanding the CB district to unify an existing parcel under one zoning district to allow the development of a multifamily project with ground floor commercial uses. In addition, the portion of the property to be rezoned will only be used for parking for the multifamily component which entirely situated on the existing CB portion.

Respectfully,

A handwritten signature in black ink, appearing to read 'MI', followed by a long horizontal flourish.

Marc Isaac  
Flynn Engineering Services, P.A.

October 2, 2020

**DRC – Adequacy Requirements Narrative**  
**South Middle River Lofts**  
**1123 NE 4<sup>th</sup> Avenue, Fort Lauderdale, FL 33304**  
**FES# 19-1520.00**

**Sec. 47-25.2. - Adequacy Requirements.**

A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**RESPONSE: The proposed project is not anticipated to interfere with the city's communications network.**

C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

**RESPONSE: The project will comply.**

D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(l), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**RESPONSE: The site has been previously developed. The proposed re-development shall not impact any environmentally sensitive lands.**

E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire

apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**RESPONSE: Adequate fire protection will be provided as required.**

*F. Parks and open space.*

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.

2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**RESPONSE: The project will comply. Park impact fees will be paid at time of building permit.**

*G. Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**RESPONSE: The project will comply.**

*H. Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

**RESPONSE: Existing potable water facilities are available on site and outreach has been made to the city's public works department to verify capacity availability. All applicable easements and fees will be provided as required.**

*2. Potable water facilities.*

a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.

c. Where the county is the projected service provider, a similar written assurance will be required.

**RESPONSE: Water service to this area is provided by The City of Fort Lauderdale. Currently 6" water mains are available adjacent to the project site on NE 3<sup>rd</sup> Avenue and along NE 11<sup>th</sup> Street. Additionally, 4" & 12" water mains are available along NE 4<sup>th</sup> Avenue.**

**I. Sanitary sewer.**

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

**RESPONSE: Sanitary sewer service to this area is provided by The City of Fort Lauderdale. Adequate capacity of the city's sewer system to service the project will be obtained from the city's public works department.**

**J. Schools.** For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

**RESPONSE: The project will comply. A preliminary school capacity availability determination letter will be requested from the School Board of Broward County.**

**K. Solid waste.**

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**RESPONSE: Solid waste & recycling collection will be provided by a private contractor licensed with The City of Fort Lauderdale.**

**L. Stormwater.** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the

public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

**RESPONSE: The project will comply with all applicable code requirements and obtain all required licenses.**

*M. Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

**RESPONSE: If required, applicant will provide a traffic study and/or traffic impact statement.**

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

**RESPONSE: If required, applicant will provide a traffic study and/or traffic impact statement.**

*4. Traffic impact studies.*

a. When the proposed development may generate over one thousand (1,000) daily trips; or

b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( $\frac{1}{2}$ ) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( $\frac{1}{2}$ ) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:

i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.

ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.

iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.

iv. A further detailed analysis and any other information that the review committee considers relevant.

v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.

vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**RESPONSE: If required, applicant will provide a traffic study and/or traffic impact statement.**

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**RESPONSE: Right of way easements are proposed to meet the city & county standards.**

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**RESPONSE: Pedestrian improvements are proposed surrounding the property. Including, the additon of brand new sidewalks along NE 3<sup>rd</sup> Ave and NE 11<sup>th</sup> Street.**



**Along NE 4<sup>th</sup> Avenue the existing 5' sidewalk is to be widened such that pedestrians will now have a 7' clear travel path.**

*7. Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**RESPONSE: Access to the site is provided through secondary roadways.**

*8. Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

**RESPONSE: Signage and pavement marking improvements will be provided as applicable.**

*9. Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**RESPONSE: Street trees will be provided with the DRC site plan application for compliance with the ULDR.**

*N. Wastewater.*

*1. Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with

Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

**RESPONSE: This site is serviced by The City of Fort Lauderdale. The existing 10" sanitary sewer mains along NE 3<sup>rd</sup> & 4<sup>th</sup> Avenues will be utilized and maintained. A capital expansion fee of \$216,710.55 is estimated.**

*O. Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**RESPONSE: The project will comply as applicable. A consolidated trash room will be maintained within the building, and all collection will be maintained on-site.**

*P. Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**RESPONSE: The site was previously developed and has not been identified as having any archaeological or historical significance.**

*Q. Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**RESPONSE: Not applicable. The Property is not located east of the Intracoastal Waterway.**

Respectfully,



Marc Isaac  
Flynn Engineering Services, P.A.

April 19, 2021

**DRC –Mixed Use Development Narrative**  
**South Middle River Lofts**  
**1123 NE 4<sup>th</sup> Avenue, Fort Lauderdale, FL 33304**  
**FES# 19-1520.00**

**Sec. 47-25.3. - Neighborhood compatibility requirements.**

A. The neighborhood compatibility requirements are as follows:

1. *Adequacy requirements.* See Sec. 47-25.2.

**RESPONSE: The applicant has provided a separate point-by-point narrative addressing the adequacy requirements.**

2. *Smoke, odor, emissions of particulate matter and noise.*

a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.

b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.

c. Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.

**RESPONSE: Should any DRNP licenses be required, the applicant will apply and obtain as applicable.**

3. *Design and performance standards.*

a. *Lighting.* No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.

i. Glare. Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.

**RESPONSE: The site lighting is designed by a licensed engineer. A photometric plan has been provided which demonstrates that any light produced by the project shall be less than 1 foot candle at the property lines adjacent to existing residential properties.**

ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

**RESPONSE: All parking areas are to be screen from adjacent residential properties via masonry walls and/or landscaping.**

iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

**RESPONSE: Acknowledged.**

b. *Control of appearance.* The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3.

i. *Architectural features.* The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:

- a) Fenestration such as windows, doors and openings in the building wall; and
- b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
  1. Detail and embellishments:
    - a. Balconies,
    - b. Color and material banding,
    - c. Decorative metal grates over windows,
    - d. Uniform cornice heights,
    - e. Awnings.
  2. Form and mass:
    - a. Building mass changes including projection and recession,
    - b. Multiple types and angles of roofline, or any combination thereof.
  - c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

**RESPONSE: The Project proposes, fenestration such as windows and openings in the building wall, balconies, color material banding, awnings, building mass changes (projections and recessions).**

ii. *Loading facilities.* Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

**RESPONSE: The loading/ service area is located beneath the building at the south end of the parking area, and is adequately screened so that it is not visible from the street or abutting residential properties.**

iii. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

**RESPONSE: All mechanical equipment is screened from view.**

c. *Setback regulations.* When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half ( $\frac{1}{2}$ ) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

**RESPONSE: The project complies by providing a 40' setback adjacent to the existing residential property on the west.**

d. *Bufferyard requirements.* Excluding parks, open space and conservation areas, when a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

i. *Landscape strip requirements.* A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

**RESPONSE: The project complies as applicable.**

ii. *Parking restrictions.* No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

**RESPONSE: The project complies.**

iii. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

**RESPONSE: The project complies. The trash room is located beneath the building at the south end of the covered parking garage.**

iv. *Wall requirements.* A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:

- a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,
- b) Shall be located within, and along the length of the property line which abuts the residential property,
- c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
- d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

**RESPONSE: A 6' tall concrete wall along the adjacent residential properties is proposed.**

v. *Application to existing uses.* Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d unless compliance would cause one (1) or more of the following to occur:

- a) Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;
- b) Reduction of required parking spaces;
- c) A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of Section 47-20, Parking and Loading Requirements in effect on and applicable to such use on March 6, 1990;
- d) Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;
- e) Access to the land would be substantially impaired;
- f) Installation of the wall as provided in subsection iv. would require a modification of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property;
- g) In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further

requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

**RESPONSE: Acknowledged.**

e. *Neighborhood compatibility and preservation.* In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

i. All developments subject to this Sec. 47-25.3 shall comply with the following:

a) Development will 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. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

**RESPONSE: Response: The proposed use of the Property as a mixed use development (multifamily and retail uses) is compatible with the existing commercial and residential uses in the area. The neighborhood is characterized by a mixture of uses consisting of the following:**

- **North: vacant land and residential**
- **South: vacant land, residential, church**
- **East: Commercial uses (Home Depot, restaurant, tile store, retail)**
- **West: Residential**

The new development consists of 60 multifamily units, 2,250 sf of retail uses. The new multifamily and commercial uses will take place on the area which is now used as an abandoned surface parking lot. The proposed project will be significant improvement from the surface parking lot use, and will improve the pedestrian realm and interaction in this area through the placement of ground floor commercial uses, new sidewalks and attractive landscaping to frame the internal and perimeter streets/driveways. All of the parking is accommodated in a surface lot on the west side of the Property to allow for transition from the residential homes on the west side of NE 3<sup>rd</sup> Avenue. In addition, the Project proposes to have its recreational areas on the northwest corner to provide additional transition and buffering from the residential uses abutting the development site.

**1 - Parking.** As noted above, the project provides its parking in the parking garages on site. In addition this is some parallel parking along the internal driveways to give a more urban feel to the development as well as provide some convenience parking rather than going through the garage.

**2 – Driveways.** Primary access to the building is from NE 3<sup>rd</sup> Avenue. This allows the building and streetscape to frame the street and allows for uninterrupted sidewalk along NE 4<sup>th</sup> Avenue.

**3 - Building design.** There is no predominant style of architecture in this area. The proposed new buildings will be designed in the contemporary style of architecture having a neutral color palette with blue accents.

**4 - Landscaping and sidewalks.** The applicant is proposing to install landscaping along the perimeter of the project to further enhance this area. The landscaping consists of a mixture of shade trees, palm trees and ground vegetation, and will be maintained by the Applicant. Additionally, the sidewalk along NE 4<sup>th</sup> Avenue will be reconstructed (to a minimum of 7' in width) and new sidewalks will be installed along NE 11th Street and NE 3<sup>rd</sup> Avenue.

b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will 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. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

**RESPONSE:** While there is no adopted master plan for this area, the Applicant has incorporated design elements to make this a more pedestrian-friendly environment. New sidewalks, on street parallel parking and new landscaping will be installed along the 3 street frontages to enhance the pedestrian realm (currently there is no sidewalk along NE 11<sup>th</sup> Street and the other street frontages have sidewalks that are in poor condition). To eliminate the need for podium parking, the Applicant is proposing to use the western portion of the site as a surface parking lot. This enables the western portion of the property to remain as open space and allows the building height to be at a modest height of 5 stories. The layout and design elements allow the building to be placed entirely on the CB portion of the Property to mitigate and perceived impacts to the adjacent residential uses to the west of the development site.

Respectfully,



Marc Isaac  
Flynn Engineering Services, P.A.



Owner/Applicant: 1123 NE 4<sup>th</sup> Ave FL, LLC  
Project/Site Address: South Middle River Lofts / 1123 NE 4<sup>th</sup> Avenue  
Case No. PLN-SITE-20100002

March 8, 2021

Narrative

SECTION 47-28. - Flexibility Rules

Sec. 47-28.1. - Applicability; conditions.

A. *Density*. The maximum density permitted on a development parcel is limited by the maximum density permitted by the city's land use plan (LUP). Density of a development parcel may be increased, subject to flexibility rules (FR).

**Response: Acknowledged. The Property currently has split land use and zoning. The aerial below illustrates the split land use and zoning of the Property (west side is zoned RD-15 and the east side zoned CB). The corresponding net and gross acreage of the RD-15 and CB portions of the Property are itemized on the chart below.**



	Net acreage	Gross acreage
Site area designated Residential	0.6198 net acres	0.7828 net acre
Site area designated Commercial	0.8622 net acres	1.2136 net acres
Overall site acreage (net/gross):	1.48 net acres	1.996 gross acres

To unify the Property under one zoning district (CB) for site plan purposes, the Applicant proposes utilizing both commercial flexibility acreage and the flexibility dwelling units to the Property.

B. *Flexibility rules.* Flexibility rules permit the city to revise and rearrange land uses and permit additional residential dwelling units without requiring an amendment to the Broward County Land Use Plan (BCLUP).

**Response: Acknowledged.**

C. *Definitions.*

**Response: Acknowledged. No response needed.**

D. *Determination by the city of available residential dwelling units or available commercial acreage.*

1. If a sufficient number of units are available to allocate reserve units or flexibility units to a parcel, or if sufficient commercial flex acreage is available to be applied to a parcel, the city may allocate the units or commercial flex acreage, provided that the FZ and regulations of the ULDR are met.

2. The city shall maintain a log of the number of available reserve or flexibility units, the number of reserve or flexibility units assigned to parcels, and the reason for assigning units to a parcel. The city shall also maintain a log of the number of flex commercial acreage assigned to parcels and the reason for assigning the commercial acreage to each parcel.

**Response: According to the latest flexibility acreage/unit inventories, a sufficient amount of commercial flexibility acreage and flexibility units exist to allocate to the Project. The breakdown of the flexibility acreage and units requested as part of this Project is as follows:**

	<u>Allowed by code</u>	<u>Proposed Allocation</u>
Commercial flexibility acreage	100% of the residentially designated land area	0.6198 net acres / 0.7828 gross acres of "Commercial" flexibility acreage
Flexibility Units	50 units/gross acre (60 flex units allowed for this property) (1.2136 gross acres x 50 units)	60 flexibility units



E. *Increase of residential densities on residential land use designated parcels.*

1. Additional dwelling units may be allocated to a development site with a residential land use designation by applying available flexibility units or reserve units. Flexibility units or reserve units may be allocated subject to the following conditions:

a. *Flexibility units applied to a residential land use designated parcel.*

i. Amendment to the city's land use plan; and

**Response:** An amendment to the City's land use plan is not needed because the Applicant is not utilizing the residentially designated land for density purposes. The applicant is simply seeking to unify the site for zoning purposes and rezone the western portion of the Property from RD-15 to CB through the allocation of commercial flexibility acreage. All residential density/flex units will be placed on the eastern portion of the Property which is already designated Commercial and zoned CB and allows multifamily uses subject to allocation of flexibility units and conditional use approval.

ii. Criteria:

a) Demonstration that the use of flexibility units supports and implements the specific goals, objectives and policies of the city's LUP.

**Response:** The allocation of flexibility acreage and units to the Project furthers the following Objectives and corresponding policies of the City's Comprehensive Plan.

Objective 1.6: Redevelopment and Revitalization of Blighted Areas. Continue to redevelop and revitalize blighted areas of the City.

**Response:** The Property is located within the Central CRA which has been declared a blighted area. The redevelopment of the Property will revitalize the area by the addition of new residential units, ground floor retail and improvement to the surrounding streetscape.

Objective 1.21: Encourage mixed use development to enhance the livability of the City through encouragement of attractive and functional mix of living, working, shopping and recreational activities.

**Response:** The Project consists of 60 multifamily units and 2,250 sf of ground floor commercial uses contained in a 5-story building. This development site is located in close proximity to the City downtown and will provide additional housing options for those that wish to be close to downtown but not directly in the city center. The development site is also adjacent to public transit and in close proximity to major shopping, entertainment, and recreational destinations. In addition, the Project itself incorporates recreational components (fitness, pool and lounge area) for residents to enjoy on site. The streetscape surrounding the project will be improved through the installation of new sidewalks, swales, pedestrian lighting, on street parallel parking and landscaping/irrigation. The streetscape enhancements will improve the walkability of the neighborhood.

Objective 1.22: Encourage High Quality Development. Continue to respond to identified problems/opportunities; develop incentive systems for quality developments and redevelopment; prevent incompatible uses; and incorporate design criteria.

**Response:** The redevelopment of the Property will have a positive impact on the neighborhood by converting this blighted property into a 5-story mixed use development consisting of 60 multi-family units and 2,250 sf of ground floor retail uses. The proposed multifamily and commercial uses complement the area which is characterized by a mixture of commercial and residential uses. The Project complies with the design standards of the ULDR and mixed use regulations.

Objective 1.36: Use of flexibility rules and irregular density provisions – utilize the flexibility rules and irregular densities established by the Broward County Land Use Plan in order to facilitate the arrangement of residential densities and commercial acreage to allow the City to respond to changing conditions.

**Response:** The Property currently is vacant but is located adjacent to a heavily traveled commercial corridor. As part of this redevelopment project, the Applicant is proposing to develop an efficient and compact building which will contain 60 multifamily units and ground floor commercial uses. In order to achieve this, the application proposes the allocation of 0.6198 net / 0.7828 gross acres of commercial flexibility acreage and 60 residential flexibility units. The allocation of flexibility units and commercial acreage is a logical and reasonable request for a Property located along a corridor characterized by a mixture of residential and commercial uses.

b) Rezoning in accordance with Sec. 47-24.4, Development Permits and Procedures.

**Response:** The application requests to rezone the western portion of the Property from RD-15 to CB to unify the development site under one zoning district.

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

**Response:** Applicant is proceeding to the Planning and Zoning Board for approval (i.e. Site Plan Level III).

F. *Allocation of residential units on commercial or office park land use designated parcels.*

**Response:** Applicant is proposing 60 residential flexibility units on the portion of the property which is designated Commercial on the City's Land Use Map.

2. For mixed-use development, see subsection K.

**Response:** See narrative addressing mixed use regulations.

G. *Allocation of commercial uses on residential land use designated parcels.*

**Response:** N/A. Property is designated Commercial.

H. *Allocation of bonus density for affordable housing on parcels with a residential land use designation.*

**Response: N/A.**

I. *Allocation of bonus sleeping rooms for special residential housing, group homes, foster care facilities, etc.*

1. The city may permit an increase in the number of sleeping rooms permitted by the city's land use plan, by applying bonus sleeping rooms to a special residential facility by site plan approval (level III) without allocating additional density by applying flexibility units or reserve units. For the purpose of calculating density, sleeping rooms shall be counted as one-half (½) a dwelling unit.

**Response: N/A.**

2. Subject to the requirements for social service residential facilities (SSRF), see [Sec. 47-18.32](#)

**Response: N/A.**

3. Criteria: Site plan approval level III in accordance with [Sec. 47-24.2](#), Development Permits and Procedures.

**Response: N/A.**

J. *Allocation of commercial uses within areas designated industrial land use or employment center land use.*

**Response: N/A.**

K. *Allocation of flex for mixed use development.*

1. The city may allocate flexibility units for mixed use development through approval of a mixed use development, as provided in Sec. 47-18.21, Mixed Use Development. This applies to both the allocation of residential flexibility units on a commercial land use designated parcel and for allocation of commercial flex acreage on a residential land use designated parcel.

**Response: Applicant is proposing 60 residential flexibility units on the portion of the property which is designated Commercial on the City's Land Use Map.**

L. *Allocation of reserve units in the Downtown Regional Activity Center.*

**Response: N/A. The Property is not located in the Downtown Regional Activity Center.**