



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#21-0743

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 17, 2021

TITLE: Second Reading – Quasi-Judicial Ordinance Approving a Rezoning from Residential Single-Family and Duplex/Medium Density District (RD-15) to Community Business District (CB) through the allocation of .62 Acres of Commercial Flexibility with and a site plan for a Mixed-Use Development Consisting of 60 Multifamily Residential Units through the Allocation of 60 Residential Flexibility Units and Surface Parking – 1123 NE 4th Avenue FL LLC – Case No. PLN-SITE-20100002 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider adopting an ordinance rezoning the western portion 1123 NE 4th Avenue from Residential Single-Family and Duplex/Medium Density District (RD-15) to Community Business District (CB) through the allocation of 0.62 acres of commercial flexibility (“flex”) and approve an associated site plan and the allocation of 60 residential flex units for a mixed-use development.

Background

The applicant, 1123 NE 4th Avenue FL LLC, is requesting to rezone the western portion of 1123 NE 4th Avenue from Residential Single-Family Duplex/Medium Density District (RD-15) to Community Business (CB) District, through the allocation 0.62 acres of commercial flex acreage, and the approval of a residential mixed-use development with the allocation of 60 residential flex units. The eastern portion of the property on which the mixed-use building is proposed is zoned CB and has a Commercial future land use designation. The western portion of the development site will accommodate parking for the development and is zoned RD-15, with a future land use designation of Residential Medium.

For more information, please see location maps with zoning and land use attached as Exhibit 1, the sketch and legal description of the area to be rezoned attached as Exhibit 2, the application, proof of ownership, and narratives, including applicant’s responses to applicable criteria attached as Exhibit 3, and the site plan attached as Exhibit 4.

The Planning and Zoning Board (PZB) reviewed the application on May 19, 2021, and recommended approval by a vote of 6-0 subject to conditions, including that the applicant record a declaration of restrictions on the rezoned parking lot portion of the

property, which specifies that it shall be limited to a surface parking lot to allow for a buffer between proposed development and adjacent residential uses. The May 19, 2021 PZB staff report is attached as Exhibit 5. The May 19, 2021 PZB meeting minutes are attached as Exhibit 6.

Review Criteria

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Department and the PZB, shall hear public comment on the application and determine whether the request meets the criteria for rezoning and associated development application.

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 uses along NE 4th Avenue and existing residential uses. The CB zoning designation allows for mixed-use 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. The eastern portion of this property is zoned CB. Commercial and residential uses are already existing in the vicinity of the property.

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 eastern portion of the property is zoned CB and the property is adjacent to a bus transit route. Properties to the north and south are zoned CB and consist of vacant lots along NE 4th Avenue. The property's proximity to bus transit makes CB an appropriate zoning designation that will allow residential mixed use as well as less intense commercial uses. There are single family, townhouse, and multifamily developments to the north, west, and south that are zoned RD-15.

Flexibility Rules

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-28.1.K, Allocation of Flex for Mixed Use Development, the city may allocate flexibility units for

mixed use development through approval of a mixed-use development. The previous described section 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.

The City may permit mixed-use development on parcels with a residential future land use designation through rezoning of the parcels under consideration to Community Business (CB) and subject to the allocation of commercial flex acreage. With approval of the rezoning, the entire site will be zoned CB. Mixed-use development is permitted as a conditional use on properties with the CB zoning designation. The applicant proposes to develop 60 residential units on the eastern portion of the site which has a commercial land use designation. Table 1 shows that of the total permitted 10,031 residential flex units, 3,055 have been assigned to date and 3,171 are pending approval including those for the subject development. With the allocation of 60 residential flex units, 4,054 residential flex units will remain if the subject development is approved.

Table 1 – Residential Flex Unit Summary

	Residential Flex Units
Total Permitted	10,031*
Assigned to Date	3,055
Pending Approval	3,171
Remaining	4,054

Pursuant to ULDR Section 47-28.1.G, allocation of commercial uses on residential land use is subject to rezoning the development site to CB. The application for the proposed mixed-use development includes a rezoning of the western portion of the property with the residential land use to CB with allocation of 0.62 acres of commercial flex acreage. Table 2 shows that of the total permitted 519.60 acres of commercial flex acreage, 1.24 acres have been assigned and 1.67 acres are pending approval including those for the subject development. With the proposed allocation of 0.62 acres of commercial flex acreage, 516.69 commercial flex acres will remain if the subject development is approved.

Table 2 – Commercial Flex Acreage Summary

	Commercial Flex Acreage
Total Permitted	519.60
Assigned to Date	1.24
Pending Approval	1.67
Remaining	516.69

Comprehensive Plan Consistency

The City may permit mixed-use development on parcels with a residential future land use designation subject to the allocation of commercial flex acreage and on parcels with a commercial land use designation subject to allocation of residential flex units. The applicant proposes to develop 60 residential units on the eastern portion of the site which has a commercial land use designation. The application also includes a rezoning of the western portion of the property with the residential land use to CB, with allocation of 0.62 acres of commercial flex acreage.

The proposed rezoning aligns with the City's Goals, Objectives and Policies, specifically Future Land Use Element, Goal 2, Objective 2.1: Neighborhood Compatibility, which states, "protect existing and future residential neighborhoods from impacts created by more intense adjacent uses." The site plan is consistent with Future Land Use Element Policy FLU 2.3.1 which states, "Mixed use development shall promote an urban form, which creates well integrated land use combinations, balances intensity and density, and promotes the safe interconnectivity of vehicular, pedestrian, and other non-motorized movement."

Conditions

Should the City Commission approve the rezoning and allocation of residential flex units and commercial flex acreage, the following conditions apply:

1. The applicant shall record at its expense a declaration of restrictions to the parking lot portion of the property, which shall be limited to a surface parking lot.
2. Applicant will be required to pay a park impact fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Section 47-38A, Park Impact Fees.
3. Applicant will be required to obtain a final School Capacity Availability Determination (SCAD) letter prior to the submittal of building permit and provide the City with a copy at time of building permit submittal.
4. Prior to final DRC sign off, the applicant shall provide correspondence from FPL confirming the removal/relocation of the existing utility poles located within limits of the proposed sidewalk along NE 11th Street. The correspondence shall also include an exhibit depicting the final location of the poles to ensure they relocated outside

sidewalk clear path and does not conflict with ADA guidelines. Should FPL deny relocating or removing the existing utility poles, the applicant shall revise the site plan to reflect modifications of the sidewalk location and provide a sidewalk easement as needed.

5. Prior to final DRC sign off, the applicant shall revise the water and sewer plan to depict the location of the proposed 4-inch water meter vault and connection to existing water main along NE 11th Street.
6. Prior to final DRC sign off, the applicant shall include additional details for the right-of-way stormwater improvements, including material, inlet type, and rim/inlet elevations.
7. Prior to issuance of building permit, applicant shall obtain a general/surface water management license from the Broward County Planning and Development Management Division.
8. Prior to issuance of final certificate of occupancy, the applicant shall provide a 25-foot corner chord right-of-way dedication or permanent right-of-way easement on northwest corner of NE 4th Avenue and NE 11th Street intersection (coordinated with FDOT).
9. Prior to issuance of final certificate of occupancy, the applicant shall provide a permanent sidewalk easement as appropriate along west side of NE 4th Avenue to accommodate portion of pedestrian clear path (coordinate required width with FDOT and TAM) that may be located beyond public right-of-way.
10. Prior to issuance of final certificate of occupancy, applicant shall record a permanent sidewalk easement as appropriate along the north side of NE 11th Street, the east side of NE 3rd Avenue and at the northeast corner of NE 11th Street and NE 3rd Avenue intersection to accommodate portion of pedestrian clear path located beyond the public right-of-way and/or right-of-way easement dedication.
11. Prior to issuance of final certificate of occupancy, the applicant shall provide a 10' x 15' (minimum) permanent utility easement for any 4-inch or larger water meter located within the proposed development (for City maintenance access).

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: Nurture and support existing local businesses

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

This item also supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

Attachments

Exhibit 1 – Location Maps with Zoning and Future Land Use

Exhibit 2 – Sketch and Legal Description of the Area to be Rezoned

Exhibit 3 – Application, Proof of Ownership, and Project Narratives

Exhibit 4 – Site Plan

Exhibit 5 – May 19, 2021 Planning and Zoning Board Staff Report

Exhibit 6 – May 19, 2021 Planning and Zoning Board Meeting Minutes

Exhibit 7 – Ordinance

Prepared by: Lorraine Tappen, Principal Urban Planner

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