

City of Fort Lauderdale Planning and Zoning Board

STAFF REPORT

Case #	161-R-06	March 21, 2007
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Request:

Site Plan Level III / Conditional Use Permit / Waterway Use

Applicant	Sundance Lauderdale Realty, Inc.	
General Location	East of Cordova Road, on the north side of SE 16 th Street	
Property Size	59,326 SF / 1.36 AC	
Legal Description	The east 390 feet of the west 580 feet, less the south 520 feet of Block 6, of HERZFELDS ADDITION TO LAUDERDALE HARBORS, according to the plat thereof, as recorded in P.B. 35, P. 22 of the Public Records of Broward County, Florida	
Zoning	Boulevard Business District (B-1)	
Existing Use	Marina	
Future Land Use Map Designation	Commercial	
Applicable ULDR Sections	47-23.8 Waterway Use 47-24.3 Conditional Use 47-25.2 Adequacy Requirements 47-25.3 Neighborhood Compatibility Requirements	
	Required	Proposed
Lot Size	NA	59,326 SF
Lot Width	NA	151.9'
Building Height	150' Max	150'
Structure Length	NA	387'
Lot Coverage	NA	Building: 72.54% Impervious area: 23.79% Pervious area: 2.54% Wet slip dockage: 1.13%
Total Building SF	NA	62,862 SF
Floor Area Ratio	NA	1.06
Landscape Area (20% VUA)	310 SF	328 SF
Parking	144	144
Setbacks/Yards	Required	Proposed
Front (S)	5'	5'
Rear (N)	None	12.1'
Side (E)	None	None
Side (W)	None	2'
Notification Requirements	Sec. 47-27.4 Sign Notice 15 days prior to meeting	
Action Required	Approve, Approve with Conditions, or Deny	
	Name and Title	Initials
Project Planner	Ella Parker, Planner III	

Approved By	Greg Brewton, Acting Planning and Zoning Deputy Director	
Authorized By	Marc LaFerrier, AICP, Planning and Zoning Director	

Project/Property Description:

The applicant proposes to redevelop and expand the existing Sundance Marina located on the south bank of the Seminole River, east of Cordova Road, on the north side of SE 16th Street. The proposed new marina includes wet and dry slips, boat sales and service, offices, private club amenities, and a robotic parking facility enclosed within the building. The existing facility accommodates 286 dry slips and 24 wet slips. The current proposal is for 21 wet slips and 395 dry slips contained in a fully enclosed building. Marina uses are permitted on waterfront, commercially designated land use parcels, subject to the requirements of a Conditional Use Permit, contingent upon meeting Waterway Use and Neighborhood Compatibility Criteria.

Prior Reviews:

The Development Review Committee (DRC) reviewed the project on November 14, 2006. The Marine Advisory Board recommended approval of the marine component of the project on February 7, 2007 subject to staff conditions (Minutes attached as **Exhibit 1**). The Broward County Environmental Protection Department, Biological Resources Division reviewed the application for an environmental resource license to increase the amount of boat slips on the proposed site. A letter to the applicant, dated January 10, 2007, indicates that as per existing policy, it is recommended that the number of boat slips should be limited to the historical existing number until the Broward County Boat Facility Siting Plan is approved and that the proposal would be reevaluated for consistency with the Plan following its adoption (letter attached as **Exhibit 2**).

Conditional Use:

The proposed marina use is subject to a conditional use permit. The applicant has provided a narrative, included with the plan package, in response to the criteria of ULDR Sec. 47-24.3, Conditional Use. A conditional use permit shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the City Commission seeking to review the application.

The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3.
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.
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;
- b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;
- 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;
- 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;
- e. There are no adverse impacts of the use, which affect the health, safety and welfare of adjacent properties.

Staff review and analysis finds that the applicant has added more intense uses to the development site than currently exist, while not providing the necessary mitigation (to bulk, mass, and scale) to minimize adverse impacts to adjacent properties. Therefore, as proposed the project is not appropriate at this particular location within the district, is not consistent with the criteria for Neighborhood Compatibility and Preservation as defined further below, and does not meet the requirements necessary for a Conditional Use Permit, pursuant to *Section 47-24.3.E.1.*

Waterway Use:

Pursuant to Sec. 47-23.8, buildings on parcels abutting waterways in nonresidential districts shall be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. In addition, a use on a waterway is subject to review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in ULDR Sec. 47-25.3.A. 3.e.i.

The buildings currently existing on the site are of a significantly smaller mass and scale than the development proposed by the applicant. The applicant's proposed building, which is 150' high on the western portion and 133.9' high on the eastern portion has a significantly more massive form, does not contain provisions for breaks and views, and appears as one continuous structure approximately 387' in length.

Projects proposed along waterways should be designed with a heightened sensitivity to transition to neighboring areas. The proposed project is not compatible with the existing development pattern within the adjacent commercial corridor to the south, east and west, and it does not promote a harmonious transition in building mass and scale from the residential areas across the waterway to the north. In addition, views and vistas are not provided to the Seminole River Waterway, which is in essence permanent open space.

While it is clear that this development promotes marine-related uses and activities, as designed the proposal does not meet the requirements of Section 47-23.8, in that the scenic quality and tranquility of the waterways is adversely affected by the proposed structure's mass and scale, the proposal does not harmonize with existing development patterns as described further below and will therefore create a significant change in the character of the area.

Comprehensive Plan:

The following applicable goals, objectives, and policies were evaluated to determine the proposed project's ability to meet various elements of the City's Comprehensive Plan:

FUTURE LAND USE ELEMENT, GOAL 1:

Promote use of land in a manner that will preserve and enhance the character of Fort

Lauderdale and enhance compatibility of land uses.

FUTURE LAND USE ELEMENT, OBJECTIVE 4:

Review development permits in accordance with the adopted goals, objectives, and policies of the Comprehensive Plan to ensure that new developments are compatible with surrounding land uses.

FUTURE LAND USE ELEMENT, POLICY 24.2:

Utilize design criteria and development standards for marinas and boat yards, as a method to protect and enhance water quality as well as the aesthetic and recreational value of the City's waterways.

COASTAL MANAGEMENT ELEMENT, POLICY 1.3.6:

Preserve and enhance existing marinas in the City and standards for future marina siting which address: land use compatibility, availability of upland support services, existing protective status or ownership, hurricane contingency planning, protection of water quality, water depth, environmental disruptions, mitigation actions, availability for public use, economic need and feasibility.

COASTAL MANAGEMENT ELEMENT, POLICY 1.4.1:

Utilize performance standards for siting water-dependent and water-related uses which afford such priority uses in the coastal area while giving consideration to the surrounding uses.

Staff finds that the proposed project meets the intent of the Comprehensive Plan in providing for a water-dependent use at the proposed site and for preserving existing marina uses, however as designed the proposed project is not compatible with the adjacent neighborhoods and is inconsistent with the existing surrounding development pattern as defined further below and therefore does not promote use of land in a manner that will preserve and enhance the character of Fort Lauderdale and enhance compatibility of land uses. In addition, the proposed structure's scale and mass inhibits the objective to protect and enhance the scenic quality of the Seminole River Waterway.

Adequacy and Neighborhood Compatibility:

The applicant has submitted narrative responses to ULDR Sec. 47-25.2, Adequacy Requirements and ULDR Sec. 47-25.3, Neighborhood Compatibility Requirements, included with the plan package. The applicant has addressed the ULDR Adequacy Requirements. Staff review and analysis finds that the proposed project is not consistent with the criteria for Neighborhood Compatibility and Preservation, ULDR Sec. 47-25.3.A.3.e.

The neighborhood compatibility criteria include performance standards requiring all developments to "be compatible with, and preserve the character and integrity of adjacent neighborhoods... 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."

In regards to shadow, as indicated in the applicant's shadow study (Plan sheets D-4 & D-5), the proposed structure will cast a limited amount of shadow on the Seminole River on March 21st and September 21st, and a more significant shadow will be cast on December 21st extending beyond the waterway onto the residential neighborhood to the north.

The proposed project is not compatible in regard to scale, mass, and length in relation to the

established pattern of development within the adjacent commercial corridor and surrounding residential neighborhood. The proposed project is located in the Boulevard Business District (B-1), which allows for height up to 150' and extends to the immediate parcels to the east and west of the proposed site as well as two blocks south of the site.

The project is also surrounded by the Planned Residential Office District (ROC) to the north-west, Residential Multi-family Mid-rise/Medium-high Density District (RMM-25) directly across the water to the north, and the Residential Single-family/Low Medium Density District (RS-8) beyond. The properties zoned ROC and RMM-25 limit proposed height to a maximum of fifty-five (55) feet, with a maximum permitted length of 100' and 200' respectively. The properties zoned RS-8 limit proposed height to a maximum of thirty-five (35) feet. The applicant's building is 150' high on the western portion, 133.9' high on the eastern portion and has a total length of 387'.

The neighboring residential areas as well as the adjacent commercial areas include buildings of a much lower mass and scale than the proposed project, as indicated in the aerial photographs submitted by the applicant (**Exhibit 3**) and reveal that the structure as proposed does not provide a harmonious transition from the residential pattern of development and will in addition create an abrupt change in the established development pattern within the commercial corridor in the general vicinity of the proposed project, as shown on Plan sheet E-2 and on renderings provided by the applicant (attached as **Exhibit 4**).

Furthermore, the proposed project takes up the majority of the site with the proposed structure, provides a limited amount of landscaping and open space, and has virtually no separation between buildings. While the proposed building is broken up into three main components, in actuality it appears as one long, continuous, massive structure as can be seen on the elevation plans (Plan sheet C-1).

Table 1 portrays a comparative analysis of several key zoning requirements between the described zoning districts.

Table 1.

	Proposed Project	B-1	ROC	RMM-25	RS-8
Lot Size	59,326 SF	-	10,000 SF min.	10,000 SF min.	6,000 SF min.
Building Length	387'	-	100'	200'	-
Building Height	150'	150'	55'	55'	35' max
Floor Area Ratio	1.06	-	-	-	.75
Lot Coverage	Building: 72.54% Impervious Area: 23.79%	-	30% - 50%	-	50%

The significantly large-scale and massive structure proposed by the applicant varies significantly from the existing development pattern and building types within the proximity of the surrounding commercial corridor to the south, east, and west of the proposed site and the

adjacent residential neighborhood north of the site.

Fort Lauderdale's coastal location and numerous waterways offer a suitable environment for marine-related activity and while the proposed marina use is an appropriate use at this location, as proposed and designed the project does not harmonize with other development in the area, does not protect and enhance the scenic quality of the waterways and consumes the majority of the site with a massive structure, blocking potential views to the existing Seminole River Waterway.

In summary, while the proposed project addresses the standards of Adequacy, as proposed it does not meet Neighborhood Compatibility criteria as described above, and subsequently fails to meet Conditional Use criteria, Waterway Use criteria, and certain Goals, Objectives, and Policies of the Comprehensive Plan.

Circulation/Parking:

A trip generation analysis, dated January 9, 2007 and prepared by Kimley-Horn and Associates, Inc., concluded that the proposed development is expected to generate an additional 682 trips per day, 12 a.m. peak hour trips and 27 p.m. peak hour trips than the existing development (attached as **Exhibit 5**).

The parking is contained in an enclosed robotic parking facility. Vehicular access via an entrance drive into the robotic parking facility is provided from SE 16th Street. As per ULDR Sec. 47-20, Parking and Loading Requirements, a total of one hundred and forty-four (144) parking spaces are required for the proposed uses, as defined below:

Office – sales (7,618 SF)	@ 1/250 SF	= 30
Private Club (9,790 SF)	@ 1/400 SF	= 24
21 wet boat slips	@ 0.5	= 11
395 dry boat slips	@ 0.2	= 79
TOTAL		144

Planning & Zoning Board Review Options:

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.

If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the site plan level III permit.

A conditional use permit shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the City Commission seeking to review the application or no appeal of the Planning and Zoning Board decision is filed by the applicant as provided in Section 47-26B, Appeals.

Conditions of Approval:

Should the Board approve the proposed development, the following conditions are proposed:

Applicant will be required to obtain all applicable environmental permits through all pertinent review agencies, including approval of the additional dockage and number of boat slips.

The proposal is subject to the conditions set forth by the Marine Advisory Board, as follows:

Dockage and mooring accommodations shall not exceed the specified number of four hundred thirty (430) dry stack storage rack facilities and twenty three

(23) wet slips with required parking to accommodate lot demand and prevent overspill into the adjacent neighborhood.

Fueling is permitted as proposed provided permits are obtained from those regulatory agencies requiring authorization including the City. All such conditions or regulations including the ULDR and the Code of Ordinances, which are applicable, shall be made part of the Planning/DRC permit.

The marina operation shall be equipped with oil spill containment and fire safety attenuation equipment as required by the City Code of Ordinances and as determined in conjunction with the Planning/DRC permit.

No outside loudspeakers, amplification systems or work activities shall be permitted on the marine center site that would be in violation of noise and other nuisance related ordinances or as determined in the final planning/DRC permit.

No rafting of boats shall be permitted along any dock or seawall adjacent to the property except in case of an emergency.

Substantial changes to the marina site plan requiring an amendment to be reviewed by the Planning and Zoning Board shall first be reviewed by the Marine Advisory Board.

The applicant shall comply with all permits required by governmental agencies having jurisdiction over the waterways, and shall comply with all codes and regulations affecting the operation of the marina, including Section 47.24.2 and Section 24.5 of the Urban Land and Development Regulations (ULDR) Adequacy requirements.

The applicant is required to install marine sanitation pumpout service accommodations as proposed and shall comply with established requirements imposed on the applicant by the City and other Environmental Permitting Agencies that may be more restrictive. All such conditions shall be made part of the DRC/Planning permit if necessary.

The applicant shall furnish to the Supervisor of Marine Facilities copies of final plans and required fueling and other Environmental permits with the regulatory agencies for review and comment to the appropriate City Department staff. Additional comments from the Supervisor of Marine Facilities or appropriate staff not requiring Planning and Zoning or Marine Advisory Board reviews will be made part of the DRC/Planning permit.

Should County, State or federal permitting agencies having jurisdiction, impose more restrictive standards to the conditions of local approval as specified above, then the more restrictive standards shall apply.

Exhibit 1 February 7, 2007 Marine Advisory Board Meeting Minutes

Exhibit 2 January 10, 2007 Broward County Environmental Protection Department, Biological Resources Division letter to applicant

Exhibit 3 Aerial Photographs submitted by applicant

Exhibit 4 Project Renderings submitted by applicant

Exhibit 5 January 9, 2007 Trip Generation Analysis, prepared by Kimley-Horn & Associates, Inc.

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