



DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Project Name: The Forest Apartments

Applicant: Matthew H. Scott, Esquire, agent for Saul Perez, Rez se Land, LLC

Project Location: 787 South State Road 7

DRC #: 23-400047

Application Type: Special Exception

I. RECOMMENDATION:

CONDITIONAL APPROVAL

II. SUMMARY:

Saul Perez, Rez se Land, LLC (“Applicant”) has submitted a Special Exception application in order to develop the 7.14-acre site with a 338-unit multi-family development identified as The Forest Apartments. The Margate Development Review Committee (“DRC”) recommended a conditional approval on June 25th, 2024. The DRC meeting minutes are attached to this staff report as Exhibit A. In addition to the DRC conditions, approval of this Special Exception is a prerequisite to approval of the Plat Note Amendment and a Subdivision Resurvey needed for the project.

III. ANALYSIS:

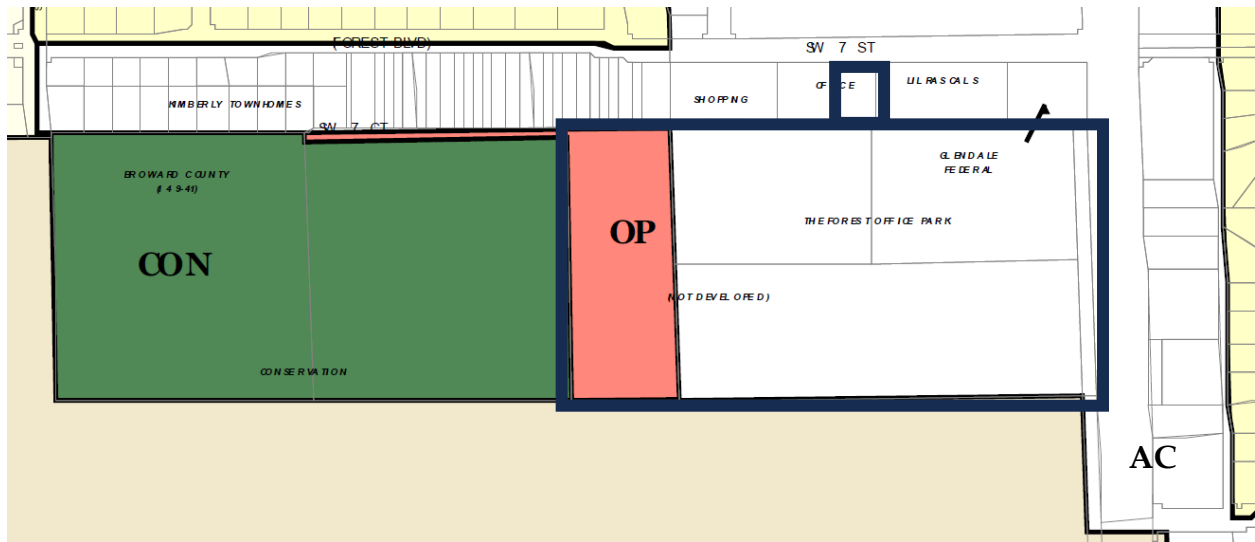
Background

The subject property is zoned Gateway with a Future Land Use designation of Activity Center. It is generally located on the west side of South State Road 7 abutting the southern boundary of the City with the City of North Lauderdale. It consists of 7.1301 acres of the 441 South, LTD. II plat as recorded in Plat Book 124, Pages 41-42 of the public records of Broward County, Florida, identified with folio number 494101310020.

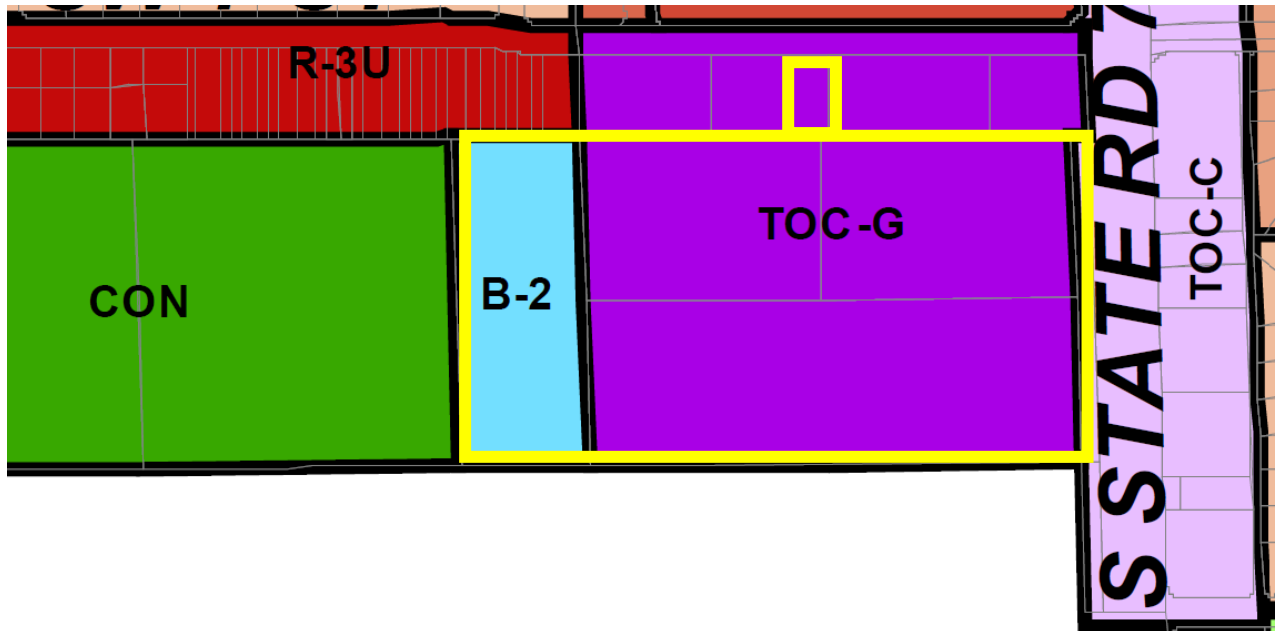
The table below identifies the surrounding properties:

<u>DIRECTION</u>	<u>USE</u>	<u>FUTURE LAND USE</u>	<u>ZONING</u>
North	Office	Activity Center	Gateway
South	Vacant (former car dealership)	Commercial	B-3
East	South State Road 7, Self-Storage	Activity Center	Corridor
West	Vacant (future residential parking lot)	Office Park	B-2

Future Land Use Plan Map



Zoning Map



Residential site, parking lot, shared access and parking lot Location and Key Map



In order to develop this site as proposed, five (5) applications have been filed concurrently:

1. 23-400044 The Forest Office Parking Lot Site Plan is for the vacant B-2 property to the west of the site which will provide cross parking and access through it and the existing office park to SW 7th Street. The necessary two (2) access points to the site for public safety and northbound South State Road 7 access at the signalized intersection of SW 7th Street and South State Road 7 are provided by this site plan approval by the DRC. The southern half of the parking lot will be joined to the residential site.
2. 23-400046 The Forest Residential Site Plan is the exhibit to this Special Exception to develop the property with 338 multifamily units.
3. 23-400047 The Forest Apartments Special Exception is the subject of this report.
4. 23-400043 The Forest Plat Note Amendment is to change the restrictive note on The Forest plat to allow the 338 mid-rise units and assigning the flexibility units to the property.
5. 23-400045 The Forest Subdivision Resurvey is to modify the parcel lines of the properties involved with the multifamily development and parking lot.

On July 5th, 2023, the City Commission approved Ordinance 2023-1500.657, which among other things changed the development standards and restriction on residential uses fronting directly on

State Road 7, opening the door for this development to take place. Of note, while the City Code has recently been re-written (Ordinance 2023-9), these applications were filed before it was changed. They are subject to the regulations in place at the time the applications were filed and the citations contained in this report are from the City Code in place at that time.

All of the applications related to this project were reviewed by the DRC on March 12th, 2024, and again on June 25th, 2024, where they received conditional approval. Other than approval of the Special Exception in order for the residential site plan to get final sign-off, the conditions are all regarding having required documents recorded prior to issuance of Engineering and Building permits. Specifically, 1) record a Unity of Title for the portion of the parking lot being purchased to join it with the residential development (Parcels 2 & 3 of the Subdivision Resurvey), 2) record the Easement Agreement, 3) record the Master Parking Agreement, 4) record the Drainage Agreement, and 5) record the Subdivision Resurvey.

Findings

Special exceptions are subject to the general standards of review listed below; quoted text from the Margate Comprehensive Plan is in *italics*, and staff's findings are indicated in ***bold italics***.

§31-54. - Special exceptions.

(d) General standards of review. In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:

(1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.

Policy 1.1.2(k)-The Activity Center land use category is intended to facilitate a balanced and interconnected mix of land uses, provide incentives for quality development and redevelopment, and give definition to the urban form. Development patterns shall generally reflect planning and design principles that integrate housing, employment, retail, recreation and local and regional community facilities within the Activity Center.

The site plan provides for an urban housing development connected to State Road 7 consistent with what is expected to be found along a redevelopment corridor.

Policy 1.1.7-Facilities and services shall be available concurrent with the impacts of development, while traffic circulation shall meet the level of service standards as specified within the adopted Transportation Element.

The applicant has provided evidence that there will be adequate facilities in place at the time of development that meet the levels of service for drainage, recreation, potable water, public schools, solid waste, transportation, and wastewater (the developer will be upgrading the pumps at the lift station it will be served by).

Policy 1.2.2-The compatibility of existing and future land uses and the established character or predominantly developed areas shall be a primary consideration in the review and approval of amendments to the Future Land Use Plan in order to prevent incompatible uses. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating

areas may appropriately promote the introduction of land use patterns in variance with existing land use patterns.

This multi-family residential development is situated around other uses in which it will be compatible. It is adequately separated from the office use to the north, buffered with a wall from the vacant car dealership to the south, setback adequately from the curb of State Road 7 by 71'-6" to the east, and a parking lot next to a nature preserve to the west.

OBJECTIVE 2.1 Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202 (1), Florida Statutes.

The most efficient place to locate new developments is in areas with existing facilities and access to arterial roadways such as this development is located.

Policy 2.1.2-Developments with a density in excess of 25 units per acre should only be permitted if they are designed around a permanent open space and recreational feature that is of a size and scale appropriate for the development that it serves, or along an east-west arterial roadway as designated by the Broward Metropolitan Planning Organization's Broward County Highway Functional Classifications Map, and within a one-quarter mile radius of a transit facility.

Open space features are incorporated into the site plan and the site is next to a nature preserve with a pedestrian connection to its residents.

Policy 2.1.3-Increased residential density shall be promoted within the Activity Center land use category, and such development shall provide pedestrian access and connectivity to transit facilities.

A new Broward County standard bus shelter that provides more shelter and seating than the existing one will be provided by the developer along State Road 7 in the same location and the development provides a sidewalk connection to it.

Objective 5.3-Discourage urban sprawl by directing new development into areas where necessary regional and community facilities and services exist.

This site is an example of infill development, placing development directly into a place that is next to an arterial and all services exist and are adequate.

Policy 7.2.4 The redevelopment and development within the Activity Center shall ensure that all parcels of land have pedestrian connections leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the Activity Center land use category. Street connections and pedestrian connection locations shall, at a minimum, be consistent with the Activity Center Master Plan.

There is a sidewalk leading from the apartments to a multiuse path and sidewalk along State Road 7 that connects to an existing transit stop that will be enhanced

by the developer with a new shelter that provides more seating and coverage than the existing one.

Policy 7.2.6 New development shall incorporate internal pedestrian and transit amenities to serve residents and employees within the area designated as a Activity Center (such as benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plazas (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food refreshment vendor areas.)

Throughout the site plan ample appropriate pedestrian amenities are provided.

(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The site plan shows a development with adequate setbacks and buffers from adjacent uses and does not pose any negative impacts for the surrounding properties.

(3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the city. It shall be determined that a genuine need for the use is present in the city to support and justify the approval order to avoid creating an excessive proliferation of said special exception use.

There is a genuine need County-wide for additional housing units. Currently, the County has a shortage of over 47,000 housing units, and by 2050 needs 218,000 units to support the projected population growth.

(4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.

This multi-family residential development is situated around other uses in which it will be compatible. It is adequately separated from the office use to the north, buffered with a wall from the vacant car dealership to the south, setback adequately from the curb of State Road by 71'-6" to the east, and a parking lot next to a nature preserve to the west.

(5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the city's adopted levels of service, or will be available concurrent with demand as provided for in the requirements of this Code of Ordinances.

The applicant has provided evidence that there will be adequate facilities in place at the time of development that meet the levels of service for drainage, recreation, potable water, public schools, solid waste, transportation, and wastewater (the developer will be upgrading the pumps at the lift station it will be served by).

(6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public

streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.

The site plan has compliant ingress and egress to South State 7 with adequate stacking for the gate system, additionally the access through the office parking to the north to SW 7th Street provides the residents the opportunity to use the traffic signal at SW 7th Street at South State Road 7 so they can go northbound. The amount of traffic generated will not exceed level of service standards; the only improvement that will be needed is an adjustment to the traffic signal timing at SW 7th Street at South State Road 7 after the project is completed.

(7) There shall be adequate parking areas and off-street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.

There are three (3) loading zones provided which is what is required by the Code, and the plans show the turning movements and site circulation accommodate fire trucks, moving trucks, and solid waste vehicles.

(8) The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties;

The surrounding properties, other than the nature preserve are developed, and with how this property is proposed to be developed is compatible with them. The values will not be negatively impacted.

(9) The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.

All of the Code's requirements have been met and the design minimizes visual impacts of the proposed use. The building along State Road 7 is setback 71'-6" from the curb, the existing mature oak trees are being preserved in place, the required urban greenway is provided, and the front of the development has an open space feature that provides an outdoor activity area at the entrance to the development.

(10) The city commission finds that the granting of the application will be in the best interest of the city.

This a determination to be made by the City Commission.

Summary

Based on the above findings supported by the attached exhibits, staff finds that this application satisfies the Special Exception criteria and recommends approval subject to the conditions of the DRC.



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Development Services Department