

**CITY OF OAKLAND PARK, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT**

AGENDA ITEM NO. 2

MEETING DATE: 4/3/2019

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SUBJECT:

An application by Integra Real Estate, LLC to use the Additional Building Height Program for the Oakland Park Square Project, a proposed mixed use development to be located at the two vacant city blocks on the west side of N. Dixie Highway between N.E. 37th Street and N.E. 39th Street.

1. BACKGROUND/HISTORY

Issue Statement: Integra Real Estate, LLC is requesting use of the Additional Building Height Program, which is available to properties in the Downtown Mixed Use District, for the Oakland Square Project, a mixed use development on the two vacant properties located at the northwest and southwest corners of N. Dixie Highway and Park Lane East (N.E. 38th Street).

On March 11, 2019, the Planning and Zoning Board voted to recommend the Additional Building Height application by a vote of 4 to 1.

Recommended Action: Staff recommends the City Commission review and approve the application for the Additional Building Height Program for the Oakland Square Project.

Background: On October 17, 2018, the City Commission passed a Resolution #R-2018-154 unanimously approving the City enter into a Development Agreement with Integra Real Estate, LLC for development of the west Dixie Lots. The corresponding Purchase and Sale Agreement for the site was also approved by the City Commission that day.

The Development Agreement sets forth the process and conditions under which the west Dixie Lots are to be redeveloped into the Oakland Park Square Mixed Use Development project in response to RFQ #121517, which was issued by the City October 16, 2017. The Development Agreement provides the following project components:

- Eighty-Seven (87) Residential Apartment Units;
- Eleven (11) Live/Work Units;
- 34,600 Square Feet of Ground Floor Retail/Commercial space;
- 29,000 Square Feet of City Hall Office; and
- Parking Facility for no less than 343 Parking spaces.

A 5% variance in the project is allowed.

Additional Building Height Program: Section 24-269 of the City’s Land Development Code provides for projects within the Downtown Mixed Use District to construct additional height within the North End Urban Residential, Boulevard Commercial, Park Place, Dixie Mixed Use and Civic Use Sub-Areas. This project is within the Dixie Mixed Use Sub-Area.

Site Description: The site consists of two vacant city blocks on the west side of N. Dixie Highway separated by N.E. 38th Street. The site is in the Dixie Mixed Use subzone of the Downtown Mixed Use Zoning District (DMUD). The southern parcel (south block) is a 1.2 acre rectangular lot with frontage on N. Dixie Highway, N.E. 37th Street, N.E. 11th Avenue, and N.E. 38th Street (Park Lane Road). The northern parcel (north block) is a 0.9 acre triangular shaped lot with frontage on N. Dixie Highway, N.E. 38th Street (Park Lane Road), N.E. 11th Avenue, and N.E. 39th Street. These lots are city-owned and intended for redevelopment.

Application Requests: As presented in September and October, the development agreement requires two pre-development conditional approvals by the Commission: 1) the allocation of flex units, and 2) the additional building height program.

This agenda item requests the use of the Additional Building Height Program under Section 24-269. A corresponding item, under a separate agenda report addresses flexibility housing units.

Existing Zoning: Downtown Mixed Use District (DMUD) – Dixie Mixed Use Sub-Area. This sub-area is intended to promote mixed use buildings and a pedestrian-oriented environment.

Comprehensive Plan Designation: Local Activity Center

2. CURRENT ACTIVITY

Applicant requests to utilize the Additional Building Height Program pursuant to section 24-269.

To meet the requirements of the Additional Building Height program, the developer is providing parking to support downtown development. Section 24-269 requires the value of the public amenity exceed 0.5 percent of the construction cost of the added height. Acceptable amenities, enumerated within the Code, include public parking. Under the code, the project requires 293 parking spaces. The garage will have 343 spaces. The 50 additional spaces constitute the public amenity.

The cost of construction for the additional height is estimated at \$18,389,892 for the project. The value of the 50 parking spaces is estimated to be in excess of \$1 million. Under the public amenity calculation (0.5 percent of the construction cost) the applicant would have to spend \$ 91,949.46 (also calculated for both north and south) toward public amenities to qualify for the additional height. The applicant is spending well in excess of the amount required.

District Regulations

DMUD Dixie Mixed Use Subzone Bulk Requirements

Requirements	Required	Proposed*	Zoning Status
Front	12’ from Dixie Hwy	12’	Conforming
Side	10’	10’	Conforming
Rear	10’ from curb	10’	Conforming
Minimum Pervious	5%	TBD. This will be determined when landscape plan is submitted*	TBD (see comment below)*
Multifamily Unit Size Minimum	1100 avg SF	1151 SF avg based on preliminary plans	Conforming
Parking Spaces	293 (see Parking Calculations table below)	343	Conforming
Building Height Limits	3 stories/Max 36 Feet	South Block: 3 stories/68 Feet**;	

	Or 5 stories/68 Feet with Additional Building Height Program	North Block: 5 stories/68 Feet	Additional Building Height Program requested
Units Per Acre	45/acre - South Block: 54; North Block: 40	South Block: 11; North Block: 87	Allocation of flexibility units requested for 47 units for North block

*Based on preliminary proposal.

** Per City code the habitable space must exceed fifty (50) percent of the floor area for that story. Floors that contain more than fifty (50) percent parking area do not count towards the maximum number of stories. Thus, floors 2 through 5 of the south block do not meet the definition.

Applicable Code Sections:

ARTICLE XX. – Oakland Park Downtown Mixed Use District Regulations Sec. 24-269. – Additional Building Height Program.

(A) *Building height.* Property owners may obtain approval to construct additional stories provided they contribute toward public amenities. In the Park Place and Dixie Mixed Use Sub-Areas, owners must also meet the aggregation requirements in section 24-269(E) below to obtain additional height.

(B) *Sub-Area regulations.* Three additional stories may be added in the following sub-areas:

- (1) North End Urban Residential.
- (2) Boulevard Commercial.
- (3) Park Place.

Two additional stories may be added in the following sub-areas:

- (1) Dixie Mixed Use.
- (2) Civic Use (except within 225 feet west of NE 13th Avenue).

(C) *Neighborhood compatibility requirement in North End Urban Residential Sub-Area.* Buildings in the North End Urban Residential Sub-Area closest to the perimeter of the sub-area, unless adjacent to the Dixie Mixed Use Sub-Area, shall not exceed three stories with a maximum of thirty-six (36) feet.

(D) *Density bonus.* A density bonus may be granted by the city commission of up to five (5) units per acre if said density bonus is consistent with:

- (1) The adopted goals, objectives and priority improvement projects of the City's Community Redevelopment Plan adopted pursuant to F.S. § 163.360, and;
- (2) The adopted City of Oakland Park Downtown Mixed Use District Design Guidelines, and;
- (3) When a property owner terminates or voluntarily abandons a nonconforming use.

(E) *Required aggregation in Park Place and Dixie Mixed Use Sub-Areas.* Property owners in the Park Place and Dixie Mixed Use Sub-Areas must also assemble all parcels within a city block measured from right-of-way to right-of-way and provide site plans for the entire area within the right-of-way block to participate in the additional building height program.

Proper may also be assembled to include former right-of-ways to increase property size for development or to create a plaza or equivalent area for public assembly. In the Park Place Sub-Area, owners assembling entire blocks must also obtain the NE 11th Avenue right-of-way, additional land to the west, and create a new roadway according to the Oakland Park Downtown District Master Plan as approved in 2004 by city commission in order to participate in the additional height program.

(F) *Developer contribution for public amenities.* Developers shall be required to provide public amenities equal in value to five-tenths (0.5) percent or more of the construction cost for each story above three (3) stories. Construction cost will be

calculated based upon two hundred dollars (\$200.00) per square foot (in 2004 dollars) for each story above three (3) stories. The method of calculating construction cost may be reviewed and adjusted on an annual basis by the city commission.

(G) *Public amenities to be provided.* Public amenities include the following:

- (1) Additional public open space or public park;
- (2) Water feature;
- (3) Community facility (i.e. amphitheater);
- (4) Additional public art;
- (5) Additional pedestrian connection features;
- (6) Critical infrastructure enhancements;
- (7) Special downtown entry features (Boulevard Commercial and North End Urban Residential Sub-Areas only);
- (8) Public parking;
- (9) Or as determined by the city commission.

(H) *Additional Building Height Program procedure.*

- (1) *Funds for public amenity.* Developers shall provide the city with an irrevocable letter of credit or bond, which is acceptable to the city and will guarantee the developer's construction of the public amenity as described section 24-269(F)
- (2) *Approval of public amenity by city commission .* The developer must provide appropriate drawings and documentation regarding the cost of the public amenity from a certified engineer to city staff for review by the development review committee and an urban designer. City staff and an urban designer shall submit a report for city commission approval of the proposed public amenities.
- (3) The public amenity must be installed within six (6) months of the issuance of the certificate of occupancy and receive final approval from city staff and an urban designer.
- (4) A developer may ask for an extension of the six-month period referred to in section 24-269(H)(3) above from the city commission.
- (5) In the event that the developer fails to construct the public amenity as approved by city commission or if the value of the public amenity is determined by the city to be less than the required contribution as stated in 24-269(F), the city shall be entitled to withdraw from the letter of credit or bond stated in 24-269(H)(1) for the cost of the public amenities. The funds from any withdrawal shall be used by the city exclusively for capital improvements in the Downtown Mixed Use District.
- (6) In the event the city draws on the letter of credit or bond in accordance section 24-269(H)(5), the city shall be responsible for the city's reasonable cost incurred in drawing against the security.

Findings

The Development Review Committee reviewed this application on February 28, 2019 and found that this project meets the criteria for the Additional Building Height Program.

On March 11, 2019, the Planning and Zoning Board voted to recommend the Additional Building Height application by a vote of 4 to 1.

3. FINANCIAL IMPACT

NA

4. RECOMMENDATION

Staff recommends the City Commission review and approve the application for the Additional Building Height Program for the Oakland Square Project.

ATTACHMENTS:

[Application Form](#)

[Conceptual Site Plan](#)

[Public Amenity Letter](#)

[Trip Generation Analysis](#)

[DRC Report](#)

[Map of Site](#)

[Public Amenities Analysis Report](#)