

STAFF REPORT 20-816
One Financial Plaza
033-MP-08

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Board on April 14, 2009, for 218,550 square feet of exiting office; 15,500 square feet of existing bank; a 200 room hotel; 25,000 square feet of commercial use; and 300 high-rise units (120 one-bedroom and 180 two-bedroom) on 4 acres. The property is on the east side of Southwest 3 Avenue, between Broward Boulevards and Southeast 2 Street in the City of Fort Lauderdale. The plat was recorded on February 19, 2016 (Plat Book 182, Page 46).

The current note, which was approved by the Board on April March 14, 2009 (Instruments No. 113524742), restricts the plat as follows:

This plat is restricted to **218,550 square feet of exiting office**; 15,500 square feet of existing bank; **a 200-room hotel**; 25,000 square feet of commercial use; **and 300 high-rise units (120 one-bedroom and 180 two-bedroom)**.

The applicant is requesting to amend the plat note to increase the office use from 218,550 square feet to 280,000 square feet; delete the 200-room hotel and revise the residential use from 300 high-rise units to 242 midrise units. The proposed note would read as follows:

This plat is restricted to **280,000 square feet of office**; 15,500 square feet of existing bank; 25,000 square feet of commercial use; and **242 midrise units**.

The applicant is advised that, in accordance with Ordinance 2013-30, effective October 4, 2013, mid-rise units are defined as four (4) or more attached dwelling units in a building with four (4) to eight (8) stories (exclusive of parking levels).

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "Downtown Regional Activity Center" land use category and that this proposal is in compliance with the permitted uses of the effective Land Use Plan. Regarding office, bank and commercial uses are subject to the recorded "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center" (O.R.B. 34094, PG. 1407-1412 B.C.R.). It requires the City of Fort Lauderdale to monitor development activity and to enforce permitted land use densities and intensities within the Regional Activity Center (RAC).

The staff notes that on December 21, 2019, they received written confirmation from the City of Fort Lauderdale on the allocation of 242 "flexibility" units to this plat, which makes the proposed 242 midrise units in compliance with the effective land use plan. It was further noted that the allocation of the "flexibility units" is not subject to Policy 2.10.1 of the Broward County Land Use Plan, as the plat not located within 500 feet of a Broward County or regional park, or an Environmentally Sensitive lands , as defined by

the Broward County Comprehensive Plan, and is not located adjacent to another municipality.

School Mitigation

The attached School Capacity Availability Determination (SCAD) issued by the School Board of Broward County indicates that this plat falls within the boundary of a Regional Activity Center (RAC) and use designation, in which the units are subject to the payment of fees as stated in a Tri-Party Agreement between the City, School Board and the County. The project will draw from the City's pool of flexibility units (see Land Use Comment), which are subject to payment of School Impact fees. Therefore, this plat will be subject to school impact fees which will be assessed in accordance with the fees schedule specified in the Land Development Code during the review of construction plans submitted for County and must be paid on the date of building permit issuance. See the attached School Capacity Availability Determination received from the School Board.

Concurrency Review

This plat with the amended note satisfies the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. This request generates 1,138 PM peak hour trips within the plat. The plat is located within the Eastern Core Transportation Concurrency Management Area and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

Impact Fees

This plat is subject to transportation concurrency, school impact, and regional park impact and administrative fees, which will be assessed in accordance with the fee schedule as specified in the Land Development Code during the review of construction plans submitted for County environmental review approval and must be paid on the date of building permit issuance. The park impact and administrative fees are subject to an annual adjustment on October 1.

Reviewing Agency Comments

The attached letter dated March 5, 2020, from the City of Fort Lauderdale indicates no objection to the requested amendment.

This application has been reviewed by Highway Construction and Engineering Division staff who has no objections to this request.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

The Aviation Department has advised that this property is within 20,000-feet of Broward County's Fort Lauderdale/Hollywood International Airport. Any proposed construction, use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Broward County Review, please contact KFriedman@broward.org and to initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

The Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that there are no recorded historic or archaeological sites within the plat area. However, there are nearby recorded cultural resources, the adjacent Landmark Building, and State of Florida Historic marker located on the Property. The archaeologist determined that the proposed project will have an adverse effect on previously recorded resource(s).

1. The subject property is within one half mile of the cultural resources on the attached list. The following recorded resources may be visible from the property and the effect of project plans on these resources should be reviewed: BD1400, BD04352, BD067723.
2. The adjacent Landmark Building (also known as Regions Bank Building), is Fort Lauderdale's first high rise building dating to the 1970s. The effect of project plans upon this resource should be reviewed.
3. A State of Florida Historic Marker commemorating the Landmark Building as the site of the demolished Fort Lauderdale High School is located on the Northeast 3 Avenue.
 - A) It recommended the marker be protected during construction phases of the project.
 - B) If the Marker is temporarily moved during construction, it is recommended the storage location be reported to and verified by the City's historic preservation staff. After construction, the marker should be reinstalled and visible to the public.

The consulting archaeologist also notes that this property is located in the City of Fort Lauderdale and is outside of the Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the Trisha Logan of the City of Fort Lauderdale at 954-828-7101 or tlogan@fortlauderdale.gov to seek project review for compliance with the City's historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward

County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **May 19, 2021**.

The amended note must also include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **May 19, 2025**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **May 19, 2025**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.
- C) Any structure within this plat must comply with Section 2.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.