

STAFF REPORT 19-447
Zuro's Plat
091-MP-81

A request to amend the note on the plat has been filed with the Planning and Development Management Division. The original plat was approved by the Board on March 2, 1982 for 17,571 square feet of commercial use and 7,594 square feet of office use on Parcel A and 0.42 acres of commercial use on Parcel B. The 1.2-acre property is located on the east and west sides of Seabreeze Avenue (southbound State Road A-1-A), south of Southeast 5 Street, in the City of Fort Lauderdale. The plat was recorded on September 2, 1983 (Plat Book 117, Page 22).

The current note, which was approved by the Board on August 12, 2014 (Instrument No. 112519878), restricts the plat as follows:

Parcel A is hereby restricted to **136 hotel rooms and 20,000 square feet of commercial use**. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances and may be amended by approval of the Broward County Board of County Commissioners. Freestanding banks or banks with drive-thru facilities are not permitted within the commercial use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to increase the number of hotel rooms by 5 and decrease the square footage of commercial use by 1,000 square feet. The proposed note language reads as follows:

Parcel A is hereby restricted to **141 hotel rooms and 19,000 square feet of commercial use**.

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 "Central Beach Regional Activity Center" land use category. This plat is 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, B.C.R.). Section 2.1 of the Agreement 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).

Concurrency Review

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. This request represents an increase of 4 PM peak hour trips generated by development 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

Road impact fees were previously paid for the currently approved level of development. The additional hotel rooms and any outstanding commercial square footage are subject to transportation concurrency fees which will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval.

Reviewing Agency Comments

The attached letter dated December 5, 2019 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 attached pre-application letter from the Florida Department of Transportation (FDOT) indicates approval of the proposed modifications of the site are subject to the conditions and comments contained therein. The applicant is advised to contact Ashok Sampath, FDOT Access Management, at 954-777-4363 or ashok.sampath@dot.state.fl.us.

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 any proposed construction on this property with a height exceeding 200 feet or 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 Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

The Broward County School Board indicates that the plat does not include residential use and as such, is not anticipated to generate additional students into Broward County Public Schools.

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 the proposed project will have an adverse effect on previously recorded resource(s).

- The subject property is located within designated archaeological zone AZ-19 Fort Lauderdale Beach.
- The subject property is adjacent to two historic structures and one resource group (see attached list). Structure BD04466 is recommended NRHP eligible but

has not been evaluated by the State Historic Preservation Office (SHPO), BD05243 has not been evaluated. Linear Resource BD04776 SHPO evaluated as not eligible.

The consulting archaeologist also notes that this property is located in the City of Fort Lauderdale, outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. If any archaeological materials are discovered during the course of development, the property owner must notify Ella Parker, Manager, City of Fort Lauderdale Urban Design and Planning, at 954-828-6520.

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 **February 25, 2021**.

The amended note must also include language stating the following:

- A) Any structure within this plat must comply with Section 2B.1.f., Development Review requirements of the Broward County Land Use Plan regarding hazards to air navigation.
- B) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **February 25, 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
- C) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 25, 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.

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.

KDL