

Office of the City Manager
George R. Keller, Jr. CPPT
City Manager



tel: 954.921.3201

March 31, 2026

Sent via Electronic Delivery

Broward County Board of Commissioners
Honorable Mayor Mark Bogen, Vice Mayor Robert McKinzie, and County Commissioners
115 South Andrews Avenue
Room 422
Fort Lauderdale, FL 33301

Re: Request for Review of Formal Interpretation of the Broward County Land Use Plan for
the Property located at 1301 S. Ocean Drive, Hollywood, FL 33019

Dear Mayor Bogen, Vice Mayor McKinzie, and County Commissioners:

I. Introduction

1. This is a written request for County Commission review of the formal decision of the Broward County Planning Council regarding the land use designation for the City-owned property located at 1301 South Ocean Drive ("Property"). The City of Hollywood ("City") appreciates the process and opportunity to appeal this matter to the Board of County Commissioners per the guidance received in the letter from the Broward County Planning Council ("Planning Council") dated March 4, 2026. *See Exhibit 1.*

2. This request arises from an administrative action by the Planning Council staff that changed the underlying land use designation for the Property and a subsequent formal determination by the Planning Council.

3. The City's position is that the Property has maintained a Broward County ("County") land use designation ("Land Use") of at least Medium-High (25) Residential ("MH-25") since the 1970s, when the Property served as the offices for the development company that later sold the Summit Condominium property.

4. There have been no formal amendments to the County Land Use for the Property. However, Planning Council staff administratively changed the Property's Land Use from MH-25 to Community.

2600 Hollywood Boulevard
P.O. Box 229045
Hollywood, Florida
33022-9045

hollywoodfl.org

5. Based on the information provided below, it is the City's position that the underlying County Land Use for the Property is MH-25.

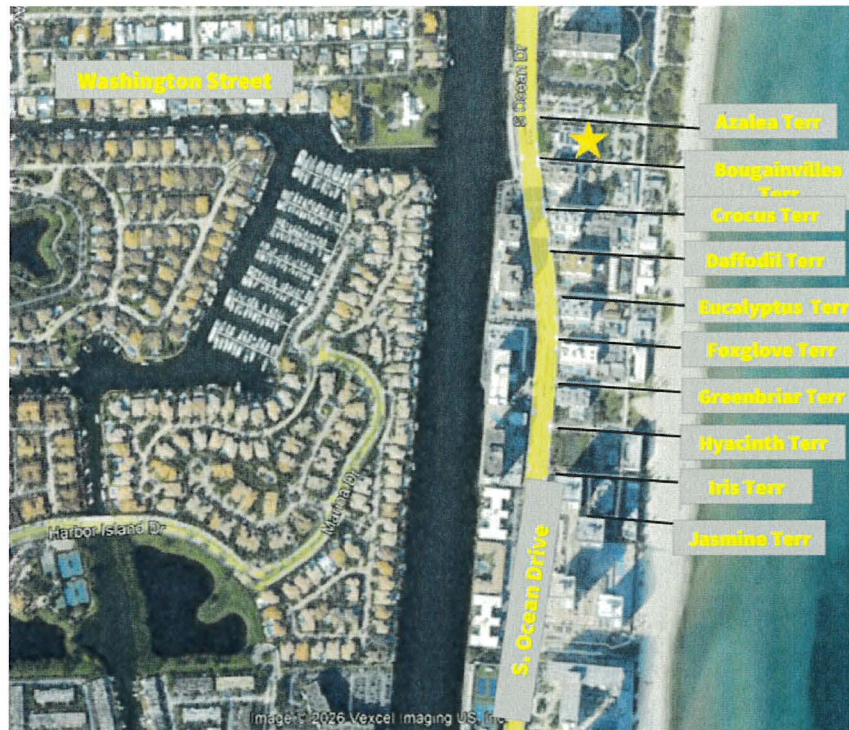
II. Statement of the Question that is the Subject of this Written Request for Review

6. Whether the County Land Use on the Property is MH-25?

III. Statement of Facts Necessary to Answer the Question(s)

A. *Property Location:*

7. Below is a location map of the Property. It is located on the starred-parcel, between Azalea Terrace and Bougainvillea Terrace.



More specifically, it is the property outlined in the following aerial:



B. *City Ownership of the Property:*

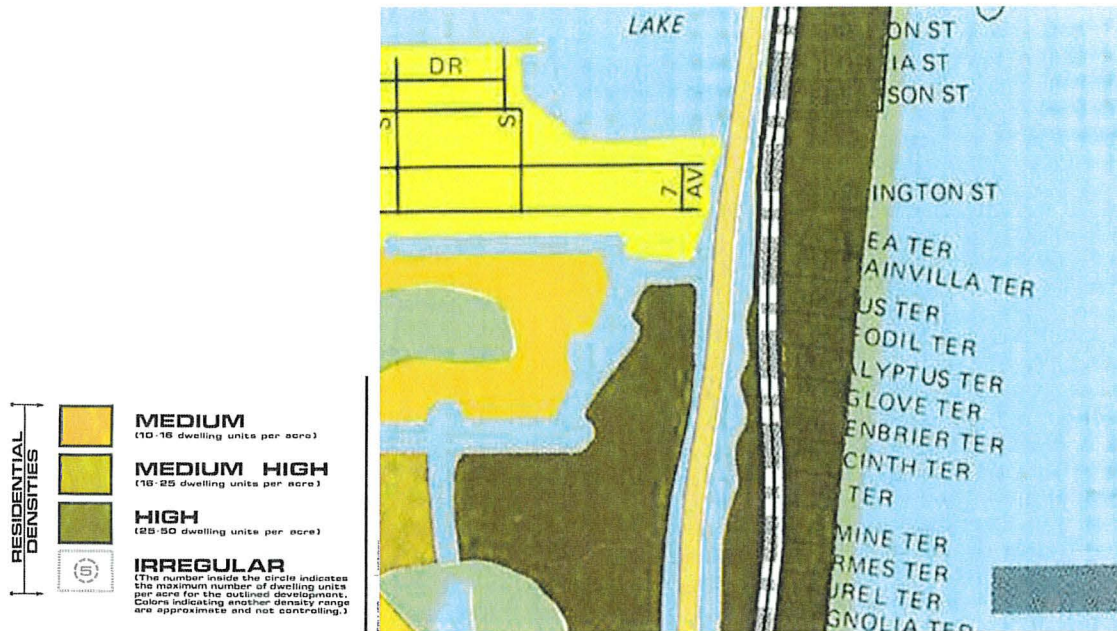
8. In the early 1970s, the owner of the land, part of which became the Summit Condominium, sued the City over a zoning density cap of 25 units per acre the City was attempting to impose on the property down from the 50 units per acre that was in place when the property was acquired.

9. As part of the eventual settlement agreement in 1974, the original density for the land was vested, and the office/sales center land was deeded to the City on or about December 31, 1974.

C. *Property's County Land Use History:*

10. The Broward County Land Use Plan was established during the 1970s and 1980s when much of the County was undeveloped and unincorporated. The initial Broward County Land Use Plan ("BCLUP") was adopted in 1977 and subsequently amended in 1989 to address the 1985 Florida Growth Management legislation, utilizing the 1977 Plan as its foundation.

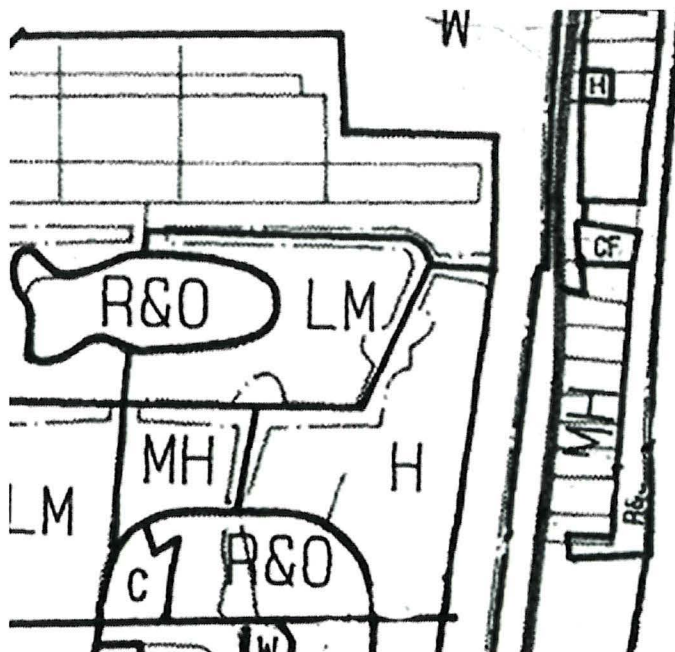
11. Under the original 1977 Future Land Use Map ("FLUM") of the BCLUP, the Property was designated as High Residential 25-50. An excerpt from the 1977 Future Land Use Map is below:



See Exhibit 2.

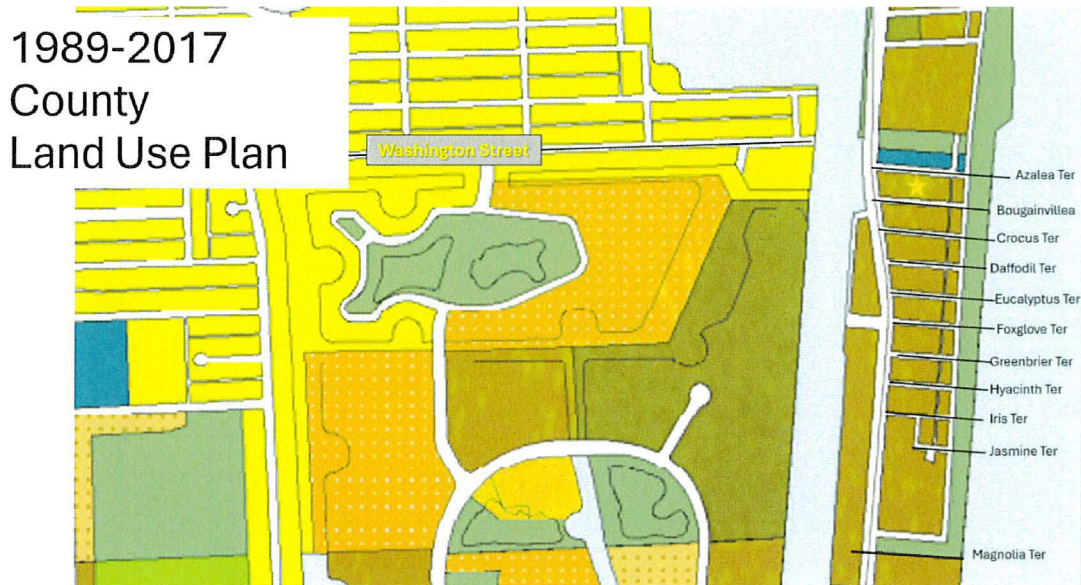
12. Noted above, the City obtained ownership of the Property in 1974. Nonetheless, the Property had a Land Use of High Residential 25-50 on the 1977 FLUM.

13. Under the 1989 FLUM, the Property has a Land Use of MH-25. An excerpt from the 1989 FLUM is below:



See Exhibit 3.

14. From 1989 to 2017, the BCLUP was amended piecemeal scores of times. The County maintains a 1989-2017 FLUM, which map reflects the Land Use during this period. Below is an excerpt from the 1989-2017 FLUM, which excerpt has been labeled with the relevant streets, noting the Property with the red star:



See **Exhibit 4**.

15. On April 22, 2014, the County Commission initiated a comprehensive evaluation and update of the BCLUP, as a joint undertaking by the Planning Council and County Planning staff, in coordination with municipalities and affected and interested stakeholders. The effort was branded “BrowardNext.” BrowardNext was a comprehensive update to the County’s land planning program and resulted from extensive outreach and communication with both municipalities and the community. BrowardNext was formally adopted on April 25, 2017.

16. Section III of the Amendment Report specific to the BrowardNext update to the BCLUP Map (PC 16-7) provides:

The existing map is included for reference. **The proposed amendment maintains or increases allowable intensities and densities, resulting in no net loss to property rights.** Local government plans may be more restrictive.

(emphasis in original). See excerpt from Amendment Report as **Exhibit 5**.

17. This commitment to maintaining the underlying intensity and density of the Property is likewise evidenced by the 2017 BrowardNext FLUM, wherein the Property retains its

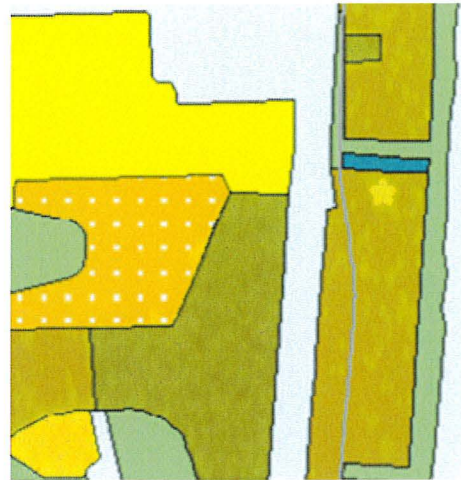
MH-25 Land Use:¹

BROWARD COUNTY LAND USE PLAN

Draft: April, 2017

LEGEND

Palm Beach County Rural Residential 10	Activity Center
Rural Ranches	Commerce
Rural Estates	Agricultural
Estate (1) Residential	Conservation - Natural Reservations
Low (2) Residential	Conservation - Reserve Water Supply Areas
Low (3) Residential	Recreation and Open Space
Low (5) Residential	Commercial Recreation
Low-Medium (10) Residential	Community
Medium (16) Residential	Electrical Generation Facilities
Medium-High (25) Residential	Tribal Lands
High (50) Residential	Mining
Irregular Residential	Transportation
Dashed-Line Area	Water



18. Discussed in more detail below, it was not until late 2022 that the Planning Council reviewed the Land Use of the Property and determined that the underlying Land Use was Community. Planning Council thereafter administratively amended the FLUM; no formal application or process was followed in changing the Land Use of the Property from MH-25 to Community.

19. Below is a historical overview of the BCLUP FLUM from 1989 through 2023. As seen below, the Property maintained a Land Use of MH-25 until such time as the Planning Council administratively amended the FLUM in 2023:

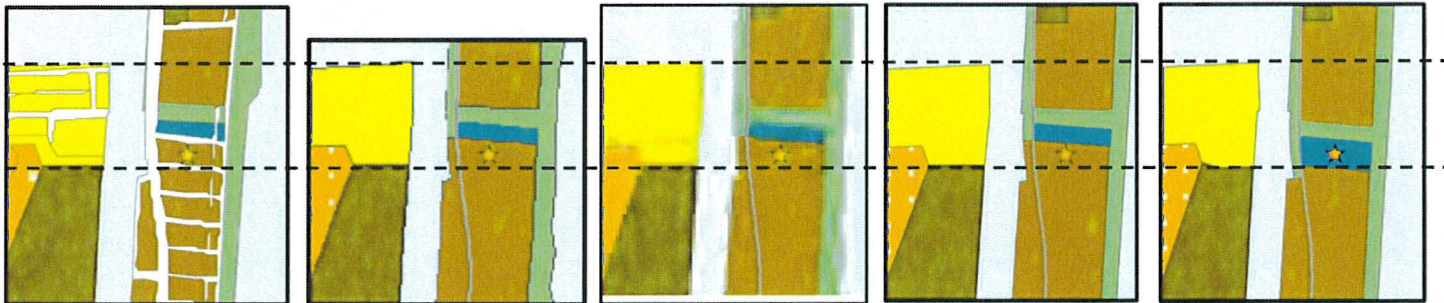
1989-2017

2018

2019

2022

2023



D. *Property Development*

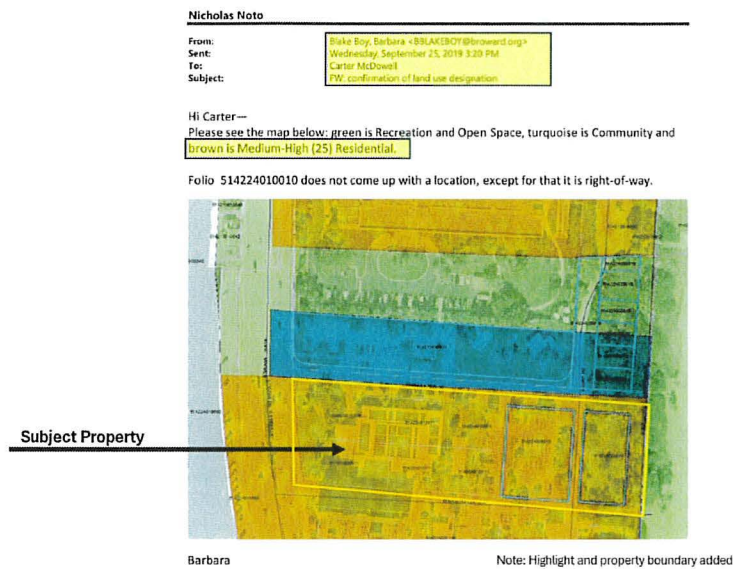
20. The Property currently serves as the Hollywood Beach Culture and Community Center and a surface parking lot. Previously, the Property functioned as the development

¹ Note this excerpt is Exhibit 9 (titled PC 16-7 BCLUP Map) to Item 43 on the April 25, 2017 County Commission agenda wherein the Board of County Commissioners adopted the amendments to the BCLUP. See **Exhibit 6**.

office/sales center for the property to the north that was developed into the Summit Condominium.

21. The former office/sales center, now a community center, has reached the end of its useful life and needs to be redeveloped in alignment with County resiliency standards and federal requirements.

22. On September 25, 2019, in preparation for making a proposal to the City for the redevelopment of the Property, counsel for PRH 1301 S Ocean, LLC (“PRH 1301”) requested and received email confirmation from the Planning Council staff confirming, in accordance with the County’s approved FLUM, that the Land Use for the parcels of land where the Hollywood Beach Culture and Community Center is located (*i.e.*, the Property) (“Parcels D & E”) was MH-25. **See Exhibit 7.**



23. Based upon and in reliance on this determination, PRH 1301 proceeded to prepare and, on January 21, 2020, submitted a Public-Private Partnership proposal in accordance with Fla. Stat. § 255.065 to the City. PRH 1301’s proposal made direct reference to the County’s FLUM designation of Parcels D & E which played a significant and material role in its decision to pursue selection to build the new project.

24. After a competitive solicitation process that included multiple public hearings and spanned more than 10 months, on March 17, 2021, the City Commission unanimously selected PRH 1301 to redevelop the Property. PRH 1301 again reached out to the Planning Council seeking a formal land use confirmation and acreage determination concerning the Property and the surrounding City-owned properties to confirm the maximum permissible density of the Project so that negotiations with the City could proceed with certainty.

25. On July 19, 2021, PRH 1301 received an Acreage Determination and Land Use Confirmation from the Executive Director of the Planning Council regarding all of the City-owned

contiguous land near the 1301 S. Ocean Drive Project site. See **Exhibit 8**. That determination was provided to the City and again confirmed, in accordance with the County’s approved FLUM, that the future land use designation for Parcels D & E was MH-25 (See Parcels D & E on Exhibit 8) providing for 112.5 units of existing residential density for the development site.



July 19, 2021 Via Email Only

Carter N. McDowell
 Bilzin Sumberg Baena Price & Axelrod LLP
 1450 Brickell Avenue, 23rd Floor
 Miami, Florida 33131

Dear Mr. McDowell:

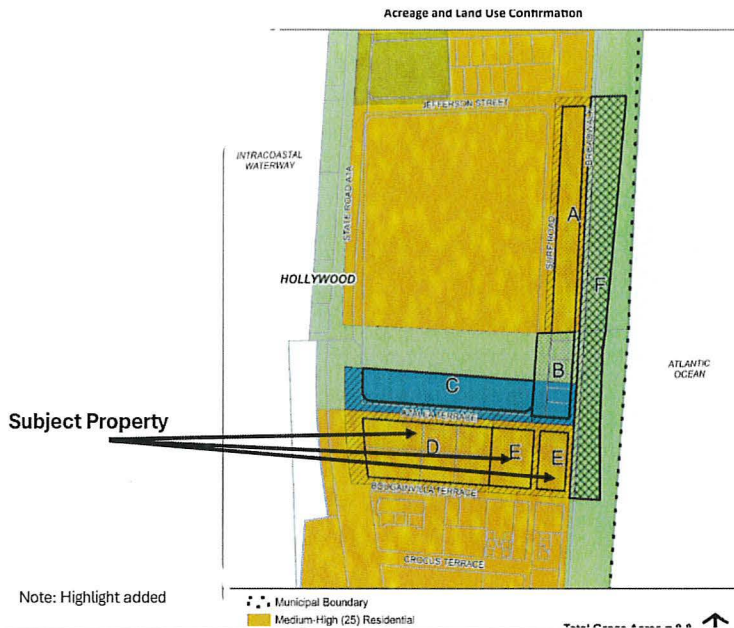
Subject: Hollywood - Acreage Determination and Land Use Confirmation

This letter is in response to your request of June 28, 2021, to verify the gross acreage for parcels generally located on the east side of State Road A1A, between Jefferson Street and Bougainville Terrace, in the City of Hollywood.

Based on the graphic you have provided and our Geographical Information System (GIS), Planning Council staff calculations indicate that the total area encompasses approximately 8.8 gross acres, which is designated by the BrowardNext - Broward County Land Use Plan (ECLUP) as indicated below:

PARCEL	ACRES	BROWARDNEXT-BCLUP DESIGNATION
Parcel A (Folio ID: 5142-1301-1652)	1.0	Medium-High (25) Residential
Parcel B (Folio ID: 5142-2402-0010)	0.3	Recreation and Open Space
(calculation based on the entire folio parcel)	0.2	Community
Parcel C (Folio ID: 5142-1303-0020)	1.0	Community
Parcel D (Folio ID: 5142-2401-0011)	1.3	Medium-High (25) Residential
Parcel E (Folio ID: 5142-2402-0013)	0.7	Medium-High (25) Residential
Parcel F (all land east of the Broadwalk)	1.7	Recreation and Open Space
NET ACRES	6.2	
Parcel A Right-of-Way	0.6	Medium-High (25) Residential
Parcel B Right-of-Way	0.1	Recreation and Open Space
Parcel C Right-of-Way	0.1	Community
Parcel D Right-of-Way	0.5	Community
Parcel E Right-of-Way	0.6	Medium-High (25) Residential
Parcel F Right-of-Way	0.3	Medium-High (25) Residential
Parcel G Right-of-Way	0.4	Recreation and Open Space
RIGHT-OF-WAY ACRES	2.6	
TOTAL GROSS ACRES	8.8	

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Note: Highlight added

26. In continued reliance upon the now-reconfirmed Planning Council determination letter, a Comprehensive Agreement and Ground Lease were negotiated between PRH 1301 and the City. This negotiation and approval process spanned more than a year, countless hours, and two more public hearings culminating on May 5, 2022, with the execution of a Comprehensive Agreement and Ground Lease providing for the redevelopment of the overall development area, inclusive of the Property. The approved conceptual design was for a new community center for the City, a renovated park, additional public parking and 159 residential condominium units, with business terms that provided for a maximum of 190 residential units and a minimum of 135 residential units (“Project”). The Comprehensive Agreement required PRH 1301 to pursue the land entitlements and governmental approvals necessary for the Project.

27. According to the Acreage and Land Use Confirmation received in July of 2021 from Planning Council and accepted by the City, the existing residential density for the redevelopment area was 112.5 units, based on 4.5 acres of MH-25 shown on the adopted BrowardNext FLUM. This meant PRH 1301 would need a small-scale land use plan amendment to achieve the minimum number of residential units (135 units) per the agreement with the City.

28. With the Comprehensive Agreement and Ground Lease in place, PRH 1301 began

to work on the land use and zoning entitlements to permit the Project.

29. On June 2, 2022, the Developer and City staff met with the Planning Council Director to discuss the Project to confirm the next steps in the Planning Council's ultimate approval process based upon the County land use designation of the Property and development area and the use and consolidation of the density from the surrounding City-owned lands. During that meeting the City brought up a possible discrepancy between the County and City land use maps. While the hierarchy of the County's map controls, the City found that the County FLUM designation was MH-25, whereas the City's online map showed Community Facility.

30. After performing some additional research, on September 27, 2022, the City's Director of Development Services sent a letter to the Planning Council's Executive Director acknowledging an error on the City Map and confirming the correct City Land Use for the Property as MH-25 ("Director's Letter") See **Exhibit 9**.

31. On October 31, 2022, nearly three years after the initial FLUM confirmation, and after PRH 1301 spent over \$5 million in bringing this Project to fruition, Planning Council staff advised the City that it was withdrawing its original confirmation for the land use designation and would be conducting additional review into the "correct" FLUM. See **Exhibit 10**.

32. In the October correspondence, Planning Council Staff indicated that, following a review of the City's zoning which must be consistent with the underlying future land use designation, it believed the previously issued land use confirmation no longer aligned with the BCLUP and therefore withdrew its July 19, 2021, opinion for further review.

33. On December 1, 2022, Planning Council Staff hosted another meeting with the City and PRH 1301 and informed the parties that the Planning Council staff had changed its position and administratively determined that the County's adopted map and land use designation of MH-25 was incorrect, and the City's map controlled.

34. In reaching this conclusion, Planning Council staff did not provide any ordinance that was approved to change the adopted County FLUM amending the future land use of Parcels D & E. The map was subsequently changed online, without any statutory or public process.

35. According to our search of the public records, the Property maintained a residential designation of at least MH-25 Land Use on the FLUM since 1977 (See Exhibit 2). This designation seems to have carried over to Broward County's 1989 future land use map (See Exhibit 3), as well as the 2017 Broward Next Map (See Exhibits 4 and 6). At all times, from 1977 until Planning Council staff's administrative change, the County FLUM designated Parcels D & E as MH-25.

36. PRH 1301 has reconfigured the Project to a lower density, more resilient design, with a raised community center, increased public park space, and the preservation of the Azalea Terrace roadway. This revised design was submitted to the City in the summer of 2025 and has 111 residential condominium units, a new state-of-the-art community center, improvements to the

neighboring Harry Berry Park and enhanced public parking (the “Revised Project”). The development is conservatively estimated to yield between \$1 billion to \$1.8 billion to the City over the course of the 99-year ground lease. Due to the uncertainty of the City land use maps, PRH 1301 applied for a City land use map amendment; based on the 2017 BrowardNext adopted land use map, the Revised Project would not require a Broward County FLUM change.

37. In December of 2025, the Hollywood City Commission voted to approve a City land use map change, conforming the City map to the 2017 BrowardNext adopted FLUM.

Statement of the Local Government’s Position and Supporting Legal Authority

A. Property Land Use Remained RM-25; no formal Amendment Ever Occurred

38. Comprehensive plans and any amendments thereto are governed by Chapter 163 of Florida Statutes. In relevant part, Florida Statute § 163.3187 provides the process for adoption of a small-scale comprehensive plan amendment (*i.e.*, 50 acres or fewer and a change to a future land use map for a site-specific small scale development activity). An amendment is approved via ordinance.

39. Chapter 163 outlines two distinct situations where changes to a comprehensive plan are not deemed an amendment: (i) modifications to 5-year capital improvement schedule (*see* Fla. Stat. § 163.3177(3)(b)); and (ii) corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan (*see* Fla. Stat. § 163.3187(4)).

40. This statutory framework is likewise mirrored in the BCLUP and the County Administrative Rules Documents (“Admin. Code”). Specifically, Section 2, Definitions, of the BCLUP defines an “Amendment” as follows:

AMENDMENT - means any change to an adopted comprehensive plan except for corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other elements, as provided in Section 163.3187(4), Florida Statutes.

Likewise, Section 2 of the BCLUP defines “Comprehensive Plan” as follows:

COMPREHENSIVE PLAN - means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, as amended.

Moreover, the BCLUP defines the BCLUP and FLUM, respectively, as:

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN - means the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

FUTURE BROWARD COUNTY LAND USE PLAN MAP (SERIES) - means the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, Cultural Resource Map Series and Natural Resources Map Series.

Reading these sections together, and consistent with Chapter 163, the BCLUP qualifies a change to the FLUM as an amendment.

41. For decades, the Property maintained an MH-25 designation on the County FLUM. Planning Council staff, without any action by either the County Commission or the City Commission, made an administrative change to the adopted County FLUM.

42. As outlined above, no such change to the adopted FLUM may occur without strict compliance with Chapter 163, Part II, Florida Statutes and County regulations, inclusive of public noticing and hearings, and final approval by the Board of County Commissioners via ordinance.

B. County Reliance on City Zoning and FLUM Misplaced

43. In making its determination, the Planning Council reviewed and relied upon the City zoning and FLUM. However, such reliance on the City zoning and FLUM was misplaced.

44. With respect to zoning, the Property's 'Governmental Use' (GU) zoning permits residential uses and affords the City Commission unilateral discretion over the use of publicly owned property, subject to consistency with adopted County land use plans; the application of residential uses in this case was consistent with the County's adopted MH-25 land use designation.

45. With respect to the City FLUM, municipal land use plans are only required to be in "substantial conformity" with the BCLUP. The municipal land use plan may be more restrictive than the BCLUP and may depict uses and categories other than those shown on the BCLUP FLUM for specific parcels.

46. Noted above, the City determined that there was an error in the City FLUM and that the Land Use on the City map should have reflected the County's historical MH-25 designation. Further, a City amendment was approved at first reading changing the City Land Use on the Property. Notwithstanding the foregoing, to the extent the analysis of the Planning Council was based upon a City FLUM showing the Property as having a City Land Use of Community Facilities, the Community Facilities designation is in "substantial conformity" with the County MH-25 designation.

47. Given that the Property's zoning is consistent with its Land Use of MH-25 and a City Land Use of Community Facilities is in "substantial conformity" with County MH-25, the Planning Council's reliance on the Property's underlying zoning and Land Use to otherwise invalidate the Property's County Land Use was improper.

C. County is Equitably Estopped from Changing the Property's Land Use

48. The County is equitably estopped from unilaterally altering the Property's Land Use. Under Florida law, equitable estoppel applies when there is (1) a representation of material fact; (2) reasonable reliance on that representation; and (3) a detrimental change in position based on that reliance. *See, also, e.g., Sakolsky v. City of Coral Gables*, 151 So.2d 433 (Fla.1963); *Hollywood Beach Hotel Co. v. Hollywood*, 329 So.2d 10 (Fla. 1976) for equitable estoppel application to local governments.

49. Here, the County made clear, repeated representations of the MH-25 designation through decades of published FLUMs and multiple written confirmations by Planning Council. In reasonable reliance on these official County representations, the City has expended hundreds of hours in staff's time with respect to the Project and reviewing of the various bids. Further, the City and PRH 1301 entered into a binding Comprehensive Agreement and Ground Lease. Additionally, upon information and belief, acting in reliance upon the County's written representations, PRH 1301 has expended over \$5,000,000 to date in pre-development, design, and entitlement costs. Planning Council cannot, without any statutory process or action by either the County Commission or the City Commission, administratively change the adopted County FLUM from MH-25 to Community after such extensive reliance and to severe detrimental impact.

D. County is Barred by Laches from Changing the Property's Land Use

50. The Planning Council and County are barred from administratively changing the Property's FLUM under the equitable doctrine of laches. Laches serves to protect a party from being unfairly prejudiced by another party's unreasonable delay in asserting a claim or correcting an alleged error. Here, the County FLUM depicted the Property's Land Use as residential since at least 1977. It was not until October of 2022 that Planning Council stated there was an error in the FLUM and administratively changed the designation to Community.

Based on the foregoing, the City seeks a formal review and appeal of the Planning Council's formal determination. We respectfully request that the Board of County Commissioners reverse the Planning Council's formal determination and direct the Planning Council to reinstate and recognize the MH-25 Land Use designation on the official County FLUM.

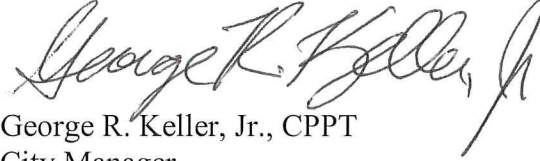
By filing this request for formal review and appeal, the City does not waive, and expressly reserves, all rights, claims, and causes of action it may have under Florida law.

In accordance with BCLUP Implementation Requirements and Procedures Section 6, the City has no objection to an extension of the forty-five (45) day County Commission action requirement to the

Broward County Board of Commissioners
Honorable Mayor Mark Bogen, Vice Mayor Robert McKinzie, and County Commissioners
March 31, 2026
Page 13

extent the County Commission requires additional time to act or place this written request for review of formal interpretation on the County Commission agenda. We appreciate your attention to this matter and the opportunity to address this issue before you.

Sincerely,

A handwritten signature in black ink, appearing to read "George R. Keller, Jr.", written in a cursive style.

George R. Keller, Jr., CPPT
City Manager

cc:

Monica Cepero (via email: mcepero@broward.org)
Maite Azcoitia, Esq. (via email: mazcoitia@broward.org)
Barbara Blake Boy (via email: bblakeboy@broward.org)
Damaris Henlon, Esq. (via email: dhenlon@hollywoodfl.org)