

ORDINANCE NO. C-24-

AN ORDINANCE AMENDING SECTION 47-1.6.B OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS THROUGH THE REVISION OF THE OFFICIAL ZONING MAP OF THE CITY OF FORT LAUDERDALE AND SCHEDULE "A" REVISED COMPILATION ATTACHED THERETO AND BY REFERENCE MADE A PART THEREOF, SO AS TO REZONE FROM COUNTY HOTEL "COUNTY R-6" DISTRICT AND COUNTY ONE-FAMILY "COUNTY R-1-C" DISTRICT TO PLANNED DEVELOPMENT "PDD" DISTRICT, ALL OF TRACT 1, "SHELL AT I-95", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE VACATED CANAL ADJACENT TO SAID TRACT 1, RECORDED IN OFFICIAL RECORDS BOOK 12368, PAGE 909 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF EAST CYPRESS CREEK ROAD (NORTHEAST 62ND STREET), EAST OF I-95 (STATE ROAD 9), WEST OF DIXIE HIGHWAY AND SOUTH OF CYPRESS CREEK CANAL (C-14 CANAL), ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, in accordance with Sections 47-37A, 47-24.4, 47-25.2 and 47-25.3 of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR"), rezoning to a Planned Development District ("PDD") zoning district requires the approval of a development plan which meets the criteria provided in the above sections of the ULDR; and

WHEREAS, applicant, PFL VII, LLC, has submitted a development plan for the project known as "Westin/Aura Cypress Creek" located at 200 and 400 North Corporate Drive, Fort Lauderdale, Florida, as part of the zoning application to develop a mixed-use development consisting of 340 multi-family residential units and 4,717 square feet of commercial space, which includes the existing Westin hotel, the existing parking lot for the Westin hotel and mixed-use building, to be rezoned as more particularly described in Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, applicant also proposes a 15 percent set aside of dwelling units (51 residential units) for affordable housing and publicly accessible open space on the western and southern portion of the approximate 6.8 acre site; and

WHEREAS, the Planning and Zoning Board functioning as the local planning agency, at its meeting of December 20, 2023, (Case No. UDP-PDD22003) recommended to the City Commission of the City of Fort Lauderdale (“City Commission”) that the rezoning application be approved and that the lands herein described should be rezoned from Broward County Hotel (“County R-6”) District and Broward County One-Family (“County R-1-C”) District to Planned Development District (“PDD”) based on the development plan as reviewed and approved as described herein and that the Official Zoning Map and Schedule “A” attached thereto should be amended to include such lands; and

WHEREAS, the City Clerk notified the public of public hearings to be held on Tuesday, March 5, 2024, at 6:00 p.m., or as soon thereafter as possible, and on Tuesday, March 19, 2024, at 6:00 p.m., or as soon thereafter as possible, at the Horvitz Auditorium located at the NSU Art Museum, 1 East Las Olas Boulevard, Fort Lauderdale, Florida, for the purpose of hearing any public comment to such rezoning; and

WHEREAS, such public hearing was duly held at the time and place designated after notice was given as required by law, and the City Commission determined that the applicant demonstrated by competent, substantial evidence in the record that the requested rezoning met the criteria for the PDD zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and incorporated into this ordinance by reference.

SECTION 2. The City Commission finds that the application for rezoning of lands described in Section 3 of this ordinance meets the criteria of Sections 47-37A, 47-24.4, 47-25.2 and 47-25.3 of the ULDR, subject to the conditions imposed by the Development Review Committee and the Planning and Zoning Board, as enunciated and memorialized in the minutes of its meetings of March 5, 2024 and March 19, 2024, a portion of those findings expressly listed as follows:

[RESERVED FOR FINDINGS OF FACT]

SECTION 3. That the City of Fort Lauderdale, Florida ULDR, together with the Official Zoning Map of the City of Fort Lauderdale and revised Schedule “A”, describing the lands lying within each zoning district, as approved on June 18, 1997, and described in Section 47-1.6 of the ULDR, be amended by rezoning from Broward County Hotel (“County R-6”) District and Broward County

One-Family (“County R-1-C”) District to Planned Development District (“PDD”) the following lands situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

ALL OF TRACT 1, "SHELL AT I-95", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE VACATED CANAL ADJACENT TO SAID TRACT 1, RECORDED IN OFFICIAL RECORDS BOOK 12368, PAGE 909 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Location: North of East Cypress Creek Road (Northeast 62nd Street), east of I-95 (State Road 9), west of Dixie Highway and south of Cypress Creek Canal (C-14 Canal)

being more particularly described in Exhibit “B” attached hereto and made a part hereof.

SECTION 4. That in accordance with Section 47-37A. Planned Development District (“PDD”) zoning district of the ULDR, the development plan attached hereto as Exhibit “A” (the “Development Plan”) is hereby approved, subject to the conditions imposed by the department and City Commission set forth in the attached Exhibit “C”, and by reference made a part of this Ordinance as the specific zoning regulations and standards for the development of the property identified in SECTION 3 hereof (the “Property”).

SECTION 5. All provisions of Section 47-37A of the ULDR shall apply to this PDD, including but not limited to, regulations regarding amendments of the PDD and expiration and extension of the PDD development plan.

SECTION 6. If there is a conflict between any of the documents comprising the approved Development Plan, the more restrictive interpretation by the City’s Zoning Administrator shall govern the development of the Property.

SECTION 7. That the appropriate City officials of the City of Fort Lauderdale shall indicate such zoning upon a copy of the Official Zoning Map, and shall indicate an amendment of Schedule “A” accordingly, upon the records with proper reference to this ordinance, the date of passage, and a notation that the zoning may revert to the ABA zoning district if the PDD approval expires pursuant to Section 47-37A.16 of the ULDR.

SECTION 8. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the proper city officials are hereby authorized to issue the necessary building and use permits that conform with this Ordinance upon recording of this Ordinance and fulfilling all conditions imposed by the department and the City Commission.

SECTION 9. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 10. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 11. That this Ordinance shall be in full force and effect on the date it is recorded in the Public Records of Broward County, Florida.

SECTION 12. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality 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.

SECTION 13. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

PASSED FIRST READING this ____ day of _____, 2024.

PASSED SECOND READING this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

EXHIBIT "A"

***PLACEHOLDER FOR DEVELOPMENT PLAN AS PART OF
EXHIBIT 3 TO COMMISSION AGENDA MEMORANDUM NO. 24-0081.
FULL DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION.***

EXHIBIT "B"

**SKETCH AND LEGAL DESCRIPTION
CASE NO. UDP-PDD22003**

m. D. a. k.



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION

REZONE FROM R-6 (COUNTY) TO PDD (PLAN DEVELOPMENT DISTRICT)

NOT A SURVEY

400 CORPORATE DRIVE

LEGAL DESCRIPTION

ALL OF TRACT 1, SHELL AT I-95, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 102, AT PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF THAT CANAL VACATED BY ORDINANCE RECORDED IN OFFICIAL RECORDS BOOK 12368, AT PAGE 909, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF TRACT 3 AND EAST AND NORTH OF TRACT 1, OF SAID "SHELL AT I-95".

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CURVED NORTH RIGHT-OF-WAY LINE OF N.E. 62ND STREET WHERE THE SAME IS INTERSECTED BY THE WESTERLY RIGHT-OF-WAY LINE OF N.E. 7TH AVENUE; THENCE RUN WESTERLY 129.96 FEET WITH THE NORTH RIGHT-OF-WAY LINE OF N.E. 62ND STREET AND WITH A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5784.58 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 86°10'40" WEST 129.96 FEET TO AN ANGLE POINT; THENCE RUN NORTH 79°01'29" WEST 201.82 FEET TO AN ANGLE POINT; THENCE RUN NORTH 89°23'23" WEST 125.00 FEET TO A POINT AT THE SOUTHEASTERLY END OF A RIGHT-OF-WAY CUTBACK FROM INTERSTATE 95; THENCE RUN NORTH 44°50'58" WEST 270.20 FEET WITH SAID CUTBACK LINE TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95, THENCE RUN THE FOLLOWING COURSES AND DISTANCES WITH SAID EASTERLY RIGHT-OF-WAY LINE INTERSTATE 95; NORTH 02°16'42" EAST 382.50 FEET TO AN ANGLE POINT; NORTH 13°21'08" EAST 171.67 FEET TO AN ANGLE POINT; NORTH 53°04'44" EAST 177.97 FEET TO A POINT FOR CORNER; THENCE RUN SOUTH 89°29'38" EAST 63.52 FEET TO A POINT; THENCE RUN SOUTH 00°30'22" WEST 70.00 FEET TO A POINT; THENCE RUN SOUTH 89°29'38" EAST 55.22 FEET TO A POINT; THENCE RUN SOUTHWESTERLY 39.49 FEET WITH A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 45°15'11" WEST 35.51 FEET TO A POINT; THENCE RUN SOUTH 427.07 FEET TO A POINT; THENCE RUN SOUTH 45°00'00" EAST 210.00 FEET TO A POINT; THENCE RUN SOUTH 83°01'08" EAST 211.87 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF N.E. 7TH AVENUE; THENCE RUN THE FOLLOWING COURSES AND DISTANCES WITH THE WEST RIGHT-OF-WAY LINE OF N.E. 7TH AVENUE; SOUTHERLY 121.49 FEET WITH A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 340.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 10°14'12" WEST 120.84 FEET TO A POINT; SOUTH 54.91 FEET TO A POINT; SOUTH 47°13'58" WEST 36.71 FEET TO THE POINT OF BEGINNING.

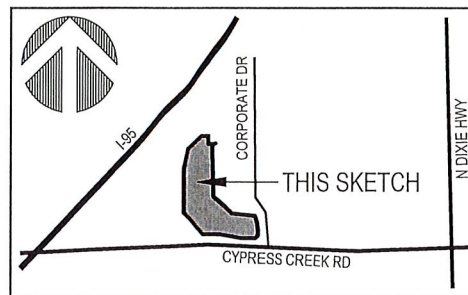
SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAIN 6.614 ACRES, MORE OR LESS.

NOTES

1. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED OR REFERENCED IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION. FOR THE SAKE OF CLARITY, EASEMENTS ARE NOT SHOWN.
3. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT.

ABBREVIATIONS

- B.C.R. = BROWARD COUNTY RECORDS
- Δ = DELTA (CENTRAL ANGLE)
- (D) = DEED
- D.E. = DRAINAGE EASEMENT
- L = ARC LENGTH
- L.M.E. = LAKE MAINTENANCE EASEMENT
- MON. = MONUMENT
- N/D = NAIL AND DISC
- (P) = PLAT
- P.B. = PLAT BOOK
- PG. = PAGE
- PROP. = PROPOSED
- R = RADIUS
- R/W = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT



LOCATION MAP

NOT TO SCALE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

PROJECT NAME: 400 CORPORATE DR	DATE: 10/17/2022
JOB NO. 22101	DWG BY: AJR
	CK'D BY: JSH
	SHEET 1 OF 3

CAM # 24-0081
Exhibit 13

h. D. o. k.

PERIMETER

947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

TRACT 3
"SHELL AT I-95"
(P.B. 102, PG. 25, B.C.R.)

R=25.00'
L=39.49'
 $\Delta=90^{\circ}30'22''$
C.B.=S45°15'11"W
CH.=35.51'

SOUTH 427.07'

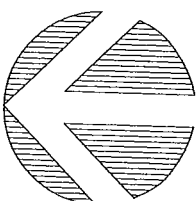
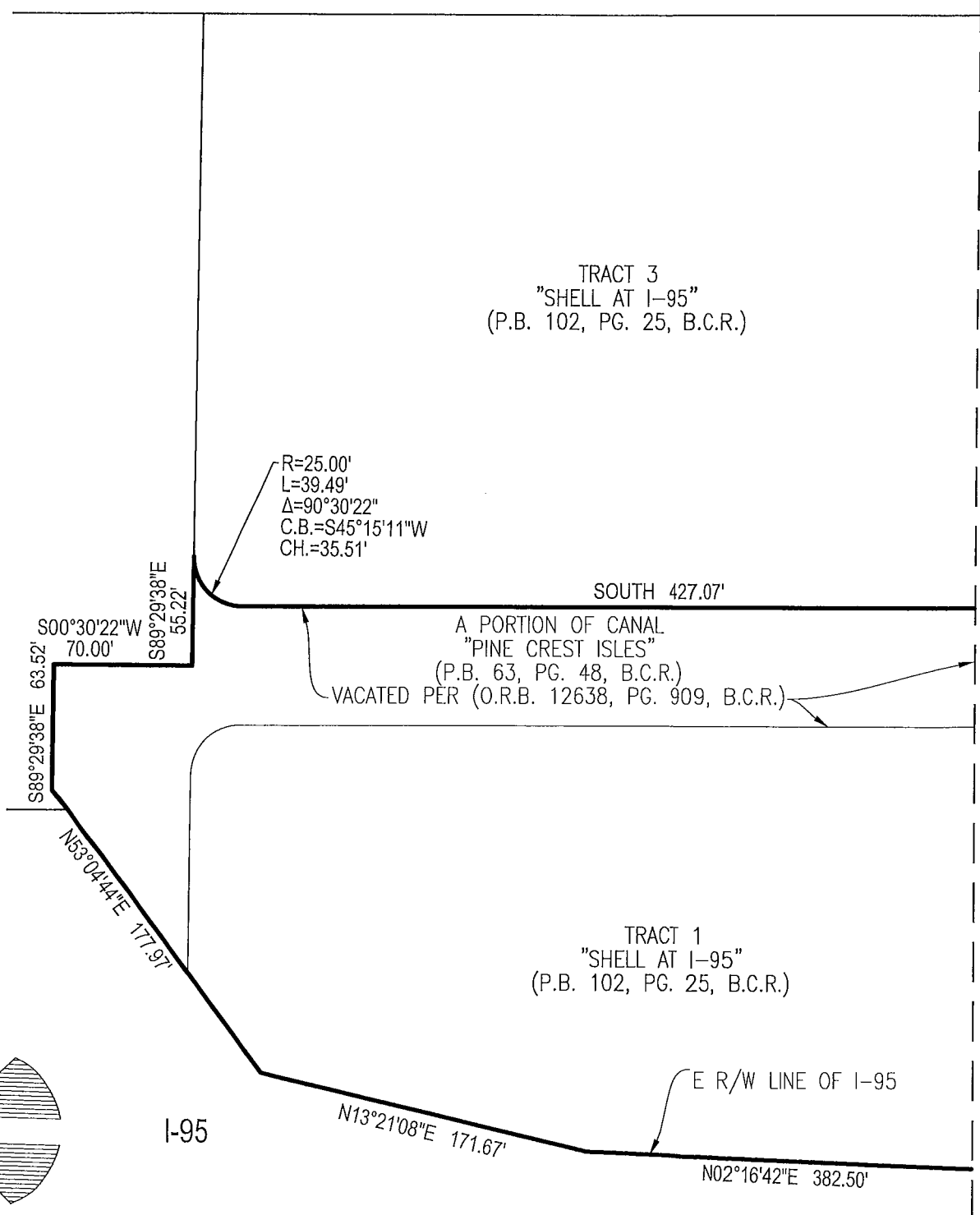
A PORTION OF CANAL
"PINE CREST ISLES"
(P.B. 63, PG. 48, B.C.R.)

VACATED PER (O.R.B. 12638, PG. 909, B.C.R.)

TRACT 1
"SHELL AT I-95"
(P.B. 102, PG. 25, B.C.R.)

E R/W LINE OF I-95

MATCH LINE SEE SHEET 3



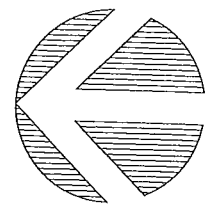
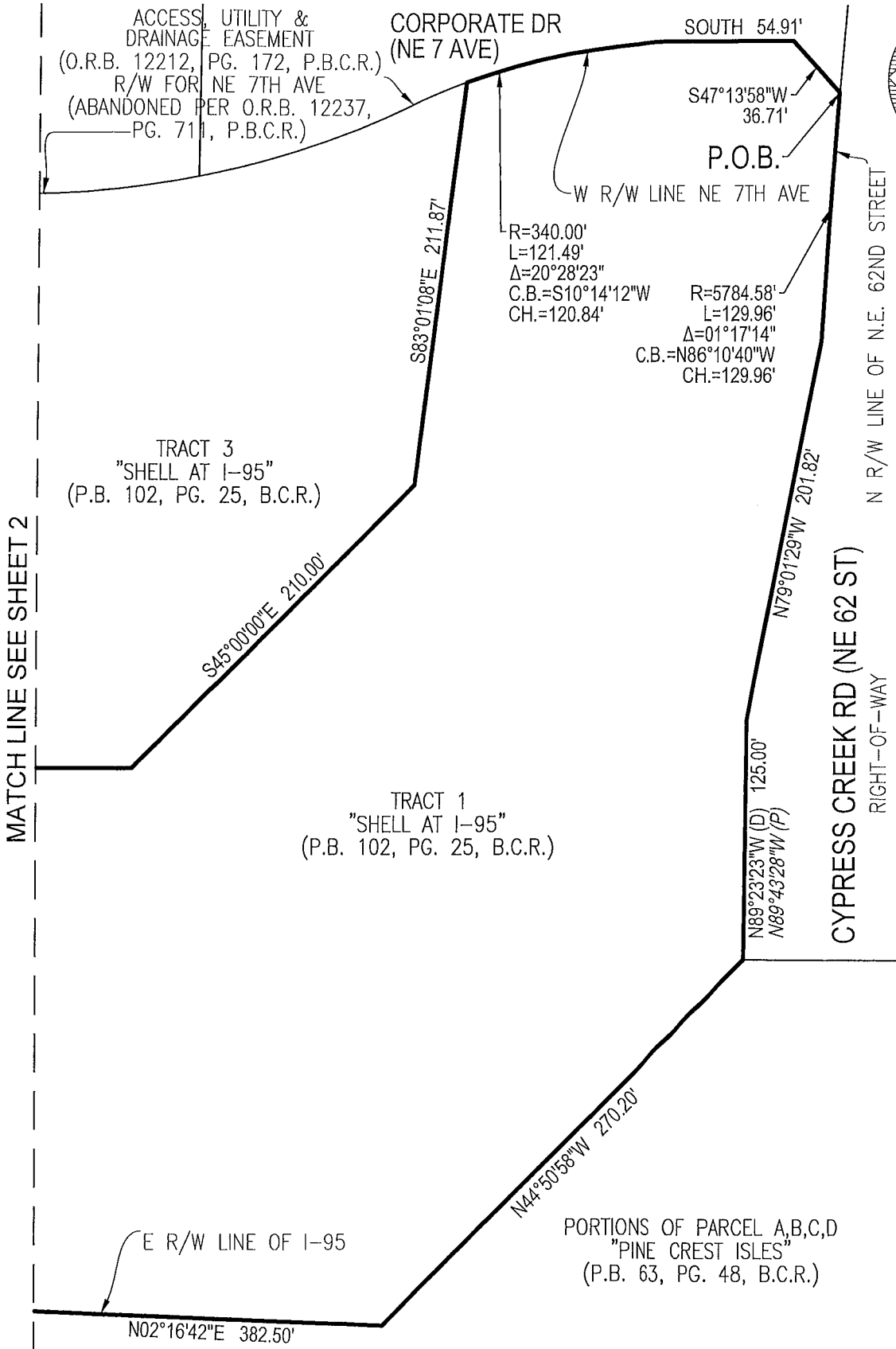
JOB NO. 22101	PROJECT NAME: 400 CORPORATE DR	DWG BY: AJR	SCALE: 1" = 80'	CAMI # 24-0081
		CK'D BY: JSH	DATE: 10/17/2022	SHEET 2 OF 3 Exhibit 13

PERIMETER

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JOB NO. 22101	PROJECT NAME: 400 CORPORATE DR	DWG BY: AJR	SCALE: 1" = 80'	CAM # 24-0081
		CK'D BY: JSH	DATE: 10/17/2022	SHEET 3 OF 3 Exhibit 13

EXHIBIT "C"

CONDITIONS OF APPROVAL CASE NO. UDP-PDD22003

1. Prior to submittal of a building permit, applicant shall provide the final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
2. Pursuant to ULDR Section 47-38A, Park Impact Fees, applicant will be required to pay Park Impact Fee for the proposed residential units, less any applicable credits, consistent with ULDR, Section 47-38A.8, Credits, prior to issuance of building permit
3. Prior to final DRC approval, provide a letter from the Federal Aviation Administration (FAA) letter stating that an interference review related to physical, communication, and radar obstruction has been completed.
4. Provide the following agreements:
 - a. Prior to final DRC approval, record a unified control document recorded in the public records of Broward County encompassing the PDD land area.
 - b. Prior to issuance of a final certificate of occupancy, record in the public records of Broward County any required non-exclusive utility easements and non-exclusive easements for public open space for the areas shown on the PDD development plan.
 - c. Prior to final DRC, record a development agreement with the City which includes permitted uses and provisions for the construction of the public improvements including public open space and streetscape improvements according to the approved site plan.
5. Prior to issuance of the building permit (other than site permits), applicant shall be required to pay \$14,567.98 to the City of Fort Lauderdale's Transportation and Mobility Department for their proportional share for two turn lane extensions.
6. Prior to issuance of a final certificate of occupancy, all entrances to publicly accessible open space areas shall have signage indicating the area is open to the public and the hours for public use.