



# DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 01/24/2023

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The development application form must be filled out accurately and all applicable sections must be completed. Only complete the sections indicated for application type with N/A for those section items not applicable. Refer to "Specifications for Plan Submittal" by application type for information requirements for submittal. Select the application type and approval level in **SECTION A** and complete the sections specified.

**A**

APPLICATION TYPE AND APPROVAL LEVEL

Select the application type from the list below and check the applicable type.


<input checked="" type="checkbox"/> <b>LEVEL I</b> <b>ADMINISTRATIVE REVIEW COMMITTEE (ADMIN)</b> New nonresidential less than 5,000 square feet Change of use (same impact or less than existing use) Plat note/Nonvehicular access line amendment Administrative site plan Amendment to site plan* Property and right-of-way applications (MOTs, construction staging) Parking Agreements (separate from site plans)  <b>COMPLETE SECTIONS</b> B, C, D, G	<input type="checkbox"/> <b>LEVEL II</b> <b>DEVELOPMENT REVIEW COMMITTEE (DRC)</b> New Nonresidential 5,000 square feet or greater Residential 5 units or more Nonresidential use within 100 feet of residential property Redevelopment proposals Change in use (if great impact than existing use) Development in Regional Activity Centers (RAC)* Development in Uptown Project Area* Regional Activity Center Signage Design Review Team (DRT) Affordable Housing (≥10%)  <b>COMPLETE SECTIONS</b> B, C, D, E, F	<input type="checkbox"/> <b>LEVEL III</b> <b>PLANNING AND ZONING BOARD (PZB)</b> Conditional Use Parking Reduction Flex Allocation Cluster / Zero Lot Line Modification of Yards* Waterway Use Mixed Use Development Community Residences* Social Service Residential Facility (SSRF) Medical Cannabis Dispensing Facility* Community Business District for uses greater than 10,000 square feet  <b>COMPLETE SECTIONS</b> B, C, D, E, F	<input type="checkbox"/> <b>LEVEL IV</b> <b>CITY COMMISSION (CC)</b> Land Use Amendment Rezoning Plat Public Purpose Use Central Beach Development of Significant Impact* Vacation of Right-of-Way  City Commission Review Only (review not required by PZB) Vacation of Easement*  <b>COMPLETE SECTIONS</b> B, C, D, E, F
<input type="checkbox"/> <b>EXTENSION</b>  Request to extend approval date for a previously approved application  <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>DEFERRAL</b>  Request to defer after an application is scheduled for public hearing  <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>APPEAL/DE NOVO</b>  Appeal decision by approving body De Novo hearing items  <b>COMPLETE SECTIONS</b> B, C, H	<input type="checkbox"/> <b>PROPERTY AND ROW ITEM</b>  Road closures Construction staging plan Revocable licenses  <b>COMPLETE SECTIONS</b> B, C, E

\*Application is subject to specific review and approval process. Levels III and IV are reviewed by Development Review Committee unless otherwise noted.

**B**

APPLICANT INFORMATION

If applicant is the business operator, complete the agent column and provide property owner authorization.

<b>Applicant/Property Owner</b>	North Broward Hospital District	<b>Authorized Agent</b>	Stephanie J. Toothaker, Esq.
<b>Address</b>	1800 NW 49th Street	<b>Address</b>	501 SW 2nd Ave, Suite 1
<b>City, State, Zip</b>	Fort Lauderdale, FL 33309	<b>City, State, Zip</b>	Fort Lauderdale, FL 33301
<b>Phone</b>	Agent: 954-648-9376	<b>Phone</b>	954.648.9376
<b>Email</b>	Aagent: stephanie@toothaker.org	<b>Email</b>	cc: estefania@toothaker.org
<b>Proof of Ownership</b>	Tax Record	<b>Authorization Letter</b>	
<b>Applicant Signature:</b>		<b>Agent Signature:</b>	<div><div>Digitally signed by Stephanie J. Toothaker Date: 2023.05.12 18:31:55 -04'00'</div></div>

**C**

PARCEL INFORMATION

<b>Address/General Location</b>	Spectrum Business Park DRI
<b>Folio Number(s)</b>	Refer to DRI DO
<b>Legal Description (Brief)</b>	Refer to DRI DO
<b>City Commission District</b>	District 1
<b>Civic Association</b>	None

**D**

LAND USE INFORMATION

<b>Existing Use</b>	Refer to DRI DO
<b>Land Use</b>	Employment Center
<b>Zoning</b>	AIP
<b>Proposed</b>	Applications requesting land use amendments and rezonings.
<b>Proposed Land Use</b>	Employment Center
<b>Proposed Zoning</b>	AIP

**E**

PROJECT INFORMATION

Provide project information. Circle yes or no where noted. If item is not applicable, indicate N/A.

<b>Project Name</b>														
<b>Project Description</b> (Describe in detail)	Refer													
<b>Estimated Project Cost</b>	\$	(Estimated total project cost including land costs for all new development applications only)												
<b>Affordable Housing Number of Units (AMI)</b>		30%		50%		60%		80%		100%		120%		140%
<b>Affordable Housing Number of Units (MFI)</b>		30%		50%		60%		80%		100%		120%		140%

**INFORMATION:** The specifications listed herein are intended to guide applicants with the submittal of a Land Use Plan Amendment (LUPA) or Development of Regional Impact (DRI) related review. The specifications below are required in order for an efficient and accurate review of applications and plans. Failure to provide the required information will result in the application being deemed incomplete.

The specifications below are divided into the application type and the specific information and requirements needed for each. The specifications for each application type are categorized with sections to assist applicants in organizing the submittal information. See [Development Application Form](#) for digital submittal requirements.

## A

### LAND USE PLAN AMENDMENT

**SECTION 1 – SPECIFICATIONS:** Plan amendment submittals shall adhere to the requirements as outlined herein by State and Broward County. The specific contents of the plan amendment report can be found at the Broward County Planning Council website at:

- <https://www.broward.org/PlanningCouncil/Documents/AdministrativeRules/AdministrativeRules.pdf>

A brief summary of the sections in the amendment report for submittal include:

- Amendment Site Description
- Existing and Proposed Uses
- Analysis of Public Facilities and Services
- Analysis of Natural and Historic Resources
- Affordable Housing
- Land Use Compatibility
- Hurricane Evacuation Analysis
- Redevelopment Analysis
- Intergovernmental Coordination
- Consistency with Goals, Objectives, and Policies
- Population Projections
- Public Education Analysis

**SECTION 2 – PROJECT NARRATIVES:** Project narratives are required for all application submittals. Narratives shall be provided on letterhead, dated, and signed by author.

- **Project Narrative** an overview of the proposed amendment including a brief justification for the amendment and overall consistency with the City's Comprehensive Plan and Strategic Plan.
- **Unified Land Development Code Narratives** for the applicable criteria based on application request with point-by-point responses to each criterion stating how the project complies with such. Generally, the following code sections require a narrative; however, the following sections are not inclusive of all criteria.
  - Section 47-25.2 Adequacy Review
  - Section 47-24.8 Comprehensive Plan Amendment Requirements
- **Project Amendments 10 Acres or Less** the following questions must be addressed in the narrative:
  - Was the site granted a land use amendment within the prior 12 months?
  - Does the owner of the site own property within 200 feet of property that was granted a land use change within the prior 12 months?
  - Does amendment involve residential land use and propose a density greater than 10 dwelling units per acre?

**SECTION 3 – PUBLIC NOTICE AND PARTICIPATION:** Land use plan amendment public notice requirements shall be consistent with State Statute Chapter 163.

## B

### DEVELOPMENT OF REGIONAL IMPACT

**SECTION 1 – SPECIFICATIONS:** An application to amend or rescind a DRI must provide the following items:

- Most Recent Annual Report.
- Copy of any notice of the adoption of a development order or subsequent modification of an adopted development order that was recorded by the developer as per Paragraph 380.06(15)(f), F.S.
- List all Development of Regional Impact development order conditions and commitments and how each has been satisfied

**SECTION 2 – PROJECT NARRATIVES:** Project narratives are required for all application submittals. Narratives shall be provided on letterhead, dated, and signed by author.

- **Project Narrative** stating the reason(s) for recession or amendment.

**SECTION 3 – PUBLIC NOTICE AND PARTICIPATION:** Public notice requirements for DRI Amendments or recessions shall be consistent with State Statute Chapter 163.

**Note:** At time of application submittal to the City, applicant shall provide one copy of the application and all-related information to the following agencies, as applicable:

<b>FLORIDA DEPARTMENT OF TRANSPORTATION</b>	<b>SOUTH FLORIDA REGIONAL PLANNING COUNCIL</b>
District IV Office of Planning 3400 W. Commercial Blvd., 3 <sup>rd</sup> Fl. Fort Lauderdale, Florida 33309	3440 Hollywood Blvd. #10 Hollywood, Florida 33021 (954)985-4416
<b>SOUTH FLORIDA WATER MANAGEMENT DISTRICT</b>	<b>FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY</b>
Government and Public Affairs 3301 Gun Club Rd., MSC 2210 West Palm Beach, Florida 33406 (561)686-8800	Division of Community Development 107 E. Madison Street, MSC -160 Tallahassee, Florida 32399 (850)717-8483

**FOR QUESTIONS OR ASSISTANCE:**

Urban Design and Planning

954-828-6520 (select Option 4)

[planning@fortlauderdale.gov](mailto:planning@fortlauderdale.gov)

May 12, 2023  
Updated May 23, 2023  
Updated June 28, 2023  
Updated July 7, 2023

**VIA LAUDERBUILD**  
URBAN DESIGN & PLANNING DIVISION  
DEPARTMENT OF DEVELOPMENT SERVICES  
CITY OF FORT LAUDERDALE  
700 NW 19<sup>th</sup> AVENUE  
FORT LAUDERDALE, FL 33311

**RE: Spectrum Business Park DRI Amendment – Case No. UDP-DRI23001  
Project and ULDR Narrative**

This firm represents the North Broward Hospital District (d/b/a Broward Health) (the “Applicant”), owner of 1700 and 1800 NW 49<sup>th</sup> Street, Fort Lauderdale, FL 33309, Folio Nos. 494216150070 and 494216150080, located in the Spectrum Business Park Development of Regional Impact (“Spectrum Business Park DRI”). Applicant is proposing a partial interior renovation and remodeling of an existing one-story building to convert 15,361 square feet of Office Use to Senior Citizen Center Use to accommodate Broward Health’s Programs of All-Inclusive Care for the Elderly (“PACE”) facility under Case No. UDP-A23006. The PACE facility will operate under an Adult Day Care license as approved by the State’s Agency for Health Care Administration (“AHCA”). As the existing Spectrum Business Park DRI does not contemplate Senior Citizen Center use, Applicant is proposing certain amendments as described below.

The +/- 60-acre Spectrum Business Park DRI is generally bounded by Commercial Boulevard to the north, NW 15<sup>th</sup> Avenue to the east, Prospect Road to the south and west. The City of Fort Lauderdale approved the Spectrum Business Park DRI on July 3, 1984 by Ordinance C-84-55 and as thereafter amended by Ordinance No. C-86-13, Ordinance No. C-89-24, Ordinance No. C-90-97, Ordinance No. C-93-70, Ordinance No. C-98-24, and Ordinance No. C-03-40, collectively referred to herein as the “Existing Development Order” and attached hereto as **Exhibit “1”**.

Based on the 2019-2023 Status Report, attached hereto as **Exhibit “2”**, the total allowable DRI square footage is 1,109,960 square feet, including Office, Light Industrial, High Tech/Research uses. In lieu of 125,000 square feet of Office use, a Hotel and Free-Standing Quality Sit-Down Restaurant may be built. As of April 2023, 788,685 square feet of Office use has been constructed. Of the 788,685 square feet of constructed Office use, 90,000 square feet is associated with the 7.68 acres of land owned by the Applicant.

On behalf of Applicant, we are respectfully requesting to change the Existing Development Order as follows and more specifically redlined in **Exhibit “4”**:

- 1) Section 1, D. to update the authorized agent of the Developer;
- 2) Section 1, E. to allow the conversion of up to 15,500 square feet of Office use to a Senior Citizen Center use on a portion of the Spectrum Business Park DRI, which portion is specifically legally described in **Exhibit “3”** (the “Property”) associated with a Change of Use application (Case No. UDP-A23006) for the Applicant’s Property, reserving the right to convert the senior citizen center use back to office use in the future;
- 3) Section 5, A.1.b. to delete the provision of bus shelters; and

**Stephanie J. Toothaker, Esq.**  
land use development political strategy procurement

**Stephanie J. Toothaker, Esq., PA** 954.648.9376 stephanie@toothaker.org  @stoothaker  @toothakerdevelopment  
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

- 4) Section 11 to update language associated with approval of changes from the Development Order to match current statutory requirements.

The Spectrum Business Park DRI Developer, Spectrum Business Park Association Ltd., has consented to the change of use for the Property and such amendments required to the Existing Development Order.

As required for an application to amend a DRI, the following items are included with this submission:

- Copy of any notice of the adoption of a development order or subsequent modification of an adopted development order that was recorded by the developer as per Paragraph 380.06(15)(f), F.S (see **Exhibit “1”**)
- Most recent Status Report. The DRI development order conditions and commitments and how each has been satisfied has not changed since the 2018/2019 Annual Report (see **Exhibit “2”**)
- The following responses demonstrating the amendment’s compliance with the Unified Land Development Regulations (“ULDR”).

#### **UNIFIED LAND DEVELOPMENT REGULATIONS ANALYSIS**

In connection with the DRI Amendment application, we are providing point-by-point responses to the following applicable ULDR criteria:

##### **ULDR Section 47-25.2, Adequacy Requirements**

##### **Sec. 47-25.2. Adequacy Requirements**

- A. ***Applicability.*** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

**RESPONSE: The adequacy requirements are applicable to the DRI Amendment.**

- B. ***Communications network.*** Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- C. ***Drainage facilities.*** Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2 1/2) inches of runoff from the impervious surface whichever is greater.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- D. ***Environmentally sensitive lands.***

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, a application for development shall be reviewed in accordance with the following Broward

County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- Broward County Ordinance No. 89-6.
  - Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
  - Broward County Ordinance No. 84-60.
2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- E. ***Fire protection.*** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- F. ***Parks and open space.***
1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
  2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- G. ***Police protection.*** Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- H. ***Potable water.***
1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
  2. Potable water facilities.
    - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity.

- If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
  - c. Where the county is the projected service provider, a similar written assurance will be required.

**RESPONSE: The associated Change of Use meets water and sewer demands as determined by City of Fort Lauderdale Public Works:**

**“Please note that DSD-PW staff has confirmed for the Subject Admin Review project, that since the proposed change of use (i.e. from ‘Office’ to ‘Senior Citizen Center’) is less intense from a water/sewer demand standpoint, a Public Works water/sewer capacity availability letter is not required.”**

**The DRI will continue to meet ULDR standards.**

**I. *Sanitary sewer.***

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

**RESPONSE: The associated Change of Use meets water and sewer demands as determined by City of Fort Lauderdale Public Works:**

**“Please note that DSD-PW staff has confirmed for the Subject Admin Review project, that since the proposed change of use (i.e. from ‘Office’ to ‘Senior Citizen Center’) is less intense from a water/sewer demand standpoint, a Public Works water/sewer capacity availability letter is not required.”**

**The DRI will continue to meet ULDR standards.**

- J. *Schools.*** For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

**RESPONSE: Not applicable to DRI.**

**K. *Solid waste.***

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- L. ***Stormwater.*** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code city engineering standards and other accepted applicable engineering standards.

**RESPONSE: The DRI will continue to meet ULDR standards.**

M. ***Transportation facilities.***

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. ***Regional transportation network.*** The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. ***Local streets.*** Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. ***Traffic impact studies.***
  - a. When the proposed development may generate over one thousand (1,000) daily trips;
  - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( 1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( 1/2) hour period; the applicant



shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:

- i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
- ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
- iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
- iv. A further detailed analysis and any other information that the review committee considers relevant.
- v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
- vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**RESPONSE: No additional traffic-impact analysis is required based on the ULDR for a Change of Use from Office to Senior Citizen Center. The DRI will continue to meet ULDR standards.**

5. ***Dedication of rights-of-way.*** Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**RESPONSE: The DRI will continue to meet ULDR standards.**

6. ***Pedestrian facilities.*** Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**RESPONSE: The DRI will continue to meet ULDR standards.**

7. ***Primary arterial street frontage.*** Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**RESPONSE: The DRI will continue to meet ULDR standards.**

8. ***Other roadway improvements.*** Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

**RESPONSE: The DRI will continue to meet ULDR standards.**

9. ***Street trees.*** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**RESPONSE: The DRI will continue to meet ULDR standards.**

**N. *Wastewater.***

1. ***Wastewater:*** Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

**RESPONSE: The associated Change of Use meets water and sewer demands as determined by City of Fort Lauderdale Public Works:**

**“Please note that DSD-PW staff has confirmed for the Subject Admin Review project, that since the proposed change of use (i.e. from ‘Office’ to ‘Senior Citizen Center’) is less intense from a water/sewer demand standpoint, a Public Works water/sewer capacity availability letter is not required.”**

**The DRI will continue to meet ULDR standards.**

- O. ***Trash management requirements.*** A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for offsite consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- P. ***Historic and archaeological resources.***  
1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**RESPONSE: The DRI will continue to meet ULDR standards.**

- Q. ***Hurricane Evacuation.*** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**RESPONSE: The DRI will continue to meet ULDR standards.**

Respectfully,

*/s/ Stephanie J. Toothaker*

Stephanic J. Toothaker, Esq.

June 28, 2023  
Updated July 7, 2023

**VIA LAUDERBUILD**  
URBAN DESIGN & PLANNING DIVISION  
DEPARTMENT OF DEVELOPMENT SERVICES  
CITY OF FORT LAUDERDALE  
700 NW 19<sup>th</sup> AVENUE  
FORT LAUDERDALE, FL 33311

**RE: Spectrum Business Park DRI Amendment – Case No. UDP-DRI23001  
Section 380.06(19)(b), Florida Statutes (1987) Substantial Deviation Analysis**

(19) SUBSTANTIAL DEVIATIONS.

- (a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

**RESPONSE: Based on the analysis below, Applicant's proposed amendments to the Existing Development Order do not create a reasonable likelihood of additional regional impact. The Applicant proposes amending the Existing Development Order as follows:**

- 1) Section 1, D. to update the authorized agent of the Developer;
  - 2) Section 1, E. to allow the conversion of up to 15,500 square feet of Office use to a Senior Citizen Center use on a portion of the Spectrum Business Park DRI, which portion is specifically legally described in Exhibit "3" (the "Property") associated with a Change of Use application (Case No. UDP-A23006) for the Applicant's Property, reserving the right to convert the senior citizen center use back to office use in the future;
  - 3) Section 5, A.1.b. to delete the provision of bus shelters; and
  - 4) Section 11 to update language associated with approval of changes from the Development Order to match current statutory requirements.
- (b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:
1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

**RESPONSE: Not applicable. However, it should be noted that the proposed amendment to convert up to 15,500 square feet of Office use to Senior Citizen Center use represents a**

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**DECREASE in the number of required parking spaces from 1 space/250 square feet of gross floor area (or 62 parking spaces) to 1 space/325 square feet of gross floor area (or 47 parking spaces).**

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

**RESPONSE: Not applicable.**

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

**RESPONSE: Not applicable.**

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

**RESPONSE: Not applicable.**

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

**RESPONSE: Not applicable.**

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

**RESPONSE: Not applicable.**

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

**RESPONSE: Not applicable.**

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

**RESPONSE: Not applicable.**

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

**RESPONSE: Not applicable.**

10. An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

**RESPONSE: Not applicable.**

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

**RESPONSE: Not applicable.**

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

**RESPONSE: Not applicable.**

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

**RESPONSE: Not applicable.**

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

**RESPONSE: Not applicable.**

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

**RESPONSE: Not applicable. It is anticipated that the proposed amendment to convert up to 15,500 square feet of Office use to Senior Citizen Center use on a portion of the Spectrum Business Park DRI represents a DECREASE in the number of external vehicular trips.**

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

**RESPONSE: Not applicable.**

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels.

**RESPONSE: Not applicable.**

- (c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

**RESPONSE: Not applicable. Applicant is not proposing an extension of the date of building of the development or any phase thereof.**

- (d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

**RESPONSE: Not applicable.**

- (e)
1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.

**RESPONSE: Not applicable.**

2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:
  - a. Changes in the name of the project, developer, owner, or monitoring official.

**RESPONSE: The proposed amendment, in part, includes an amendment to Section 1, D. to update the authorized agent of the Spectrum Business Park DRI.**

- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

**RESPONSE: Not applicable.**

- c. Changes to minimum lot sizes.

**RESPONSE: Not applicable.**

- d. Changes in the configuration of internal roads that do not affect external access points.

**RESPONSE: Not applicable.**

- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

**RESPONSE: Not applicable.**

- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

**RESPONSE: Not applicable.**

- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

**RESPONSE: Not applicable. However, the proposed amendment, in part, proposes an amendment to Section 1, E. to convert a 15,500 gross square foot portion of the constructed Office use square footage from Tract G to Senior Citizen Center, which presents no additional regional impacts.**

- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

**RESPONSE: Not applicable.**

- i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.



**RESPONSE:** In 2018, the Florida Legislature amended Section 380.06, Florida Statutes governing DRIs to eliminate the state and regional review of existing DRIs and delete provisions governing “Substantial Deviations”. In addition to the proposed amendment to Section 1, D. and Section 1,E described above, the Applicant proposes amending Section 11 to update language associated with approval of deviations from the Development Order to be consistent with Section 380.06(7)(2022), Florida Statutes, thereby eliminating the former requirement for Substantial Deviation determinations for previously approved DRIs and simplifying the review process for proposed changes.

3. *Not applicable. As such, this section has been omitted.*

4. *Not applicable. As such, this section has been omitted.*

5. *Not applicable. As such, this section has been omitted.*

(f) *Not applicable. As such, this section has been omitted.*

(g) *Not applicable. As such, this section has been omitted.*

(h) *Not applicable. As such, this section has been omitted.*

Respectfully,

*/s/ Stephanie J. Toothaker*

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