

ORDINANCE NO. C-21-16

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 CITY OF FORT LAUDERDALE AND SCHEDULE "A" REVISED COMPILATION ATTACHED THERETO AND BY REFERENCE MADE A PART THEREOF, SO AS TO REZONE FROM "X-P – EXCLUSIVE USE PARKING LOT" DISTRICT TO "CB – COMMUNITY BUSINESS" DISTRICT, THROUGH THE ALLOCATION OF COMMERCIAL FLEXIBILITY, LOT 1 AND THE EAST HALF OF LOT 2, BLOCK 14, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTHEAST 10<sup>TH</sup> TERRACE, NORTH OF EAST LAS OLAS BOULEVARD, EAST OF SOUTHEAST 9<sup>TH</sup> AVENUE AND SOUTH OF SOUTHEAST 2<sup>ND</sup> COURT, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicants, 800 Las Olas, LLC and Mustang Properties, Inc., applied for the rezoning of certain property as more particularly described in Exhibit "A" attached hereto and incorporated herein ("subject property"); and

WHEREAS, the subject property is designated "Medium-High 25", a residential land use designation on the City of Fort Lauderdale Future Land Use Map; and

WHEREAS, in accordance with the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR"), the City may allocate commercial flexibility on residential land use designated parcels subject to the rezoning to a Commercial Business ("CB") District, and approval of a site plan which meets the criteria provided in the ULDR; and

WHEREAS, the site plan submitted as part of the rezoning application proposes the redevelopment of several parcels of land located at 1007 East Las Olas Boulevard to construct a 120,427 square-foot hotel with 5,698 square feet of ground-level retail space and underground parking; and

WHEREAS, on February 17, 2021, the Planning and Zoning Board (PZ Case No. PLN-SITE-20080001), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that certain lands herein described should be rezoned in the respects mentioned

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 a public hearing to be held on Tuesday, May 4, 2021, at 6:00 P.M., and Tuesday, May 18, 2021, at 6:00 P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment to such rezoning; and

WHEREAS, such public hearings were duly held at the time and place designated after notice of same was given by publication as required by law, and the City Commission determined that the requested rezoning met the criteria for amending the zoning regulations;

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

SECTION 1. The City Commission finds that the application for rezoning meets the criteria of Section 47-24.4 of the ULDR as enunciated and memorialized in the minutes of its meetings of May 4, 2021, and May 18, 2021, a portion of those findings expressly listed as follows:

1. The underlying land use is Medium-High Residential-25. The proposed CB zoning is consistent with the underlying land use through the allocation of commercial flex acreage.
2. The proposed rezoning is consistent with the character of development on the East Las Olas Boulevard corridor which includes commercial uses such as restaurants, retail, and hotels. The character of development of properties to the north includes predominantly single-family and multi-family residential properties. The general intensity of the surrounding area ranges from medium to high residential on the north side of SE 2nd Court and directly to the east and west of the subject parcels which is zoned Residential Multifamily Mid Rise (RMM-25). Intensity along both sides of East Las Olas Boulevard is commercial. The proposed project is similar to existing commercial uses along the East Las Olas Boulevard corridor. The proposed rezoning will extend the CB zoning approximately 120 feet north of the existing B-1 zoning line and will support the redevelopment of the site with a viable hotel use, appropriate for the Las Olas corridor, an established commercial and tourist area. Use of CB zoning between the B-1 zoning along East Las Olas Boulevard to the South and the RMM-25 zoning to the north creates a transitional area. This transitional area provides for proposed uses that are less intense than those along the commercial corridor in order to transition into the adjacent residential neighborhood.

3. The proposed CB zoning will permit a use suitable and similar to those uses existing in the area. The properties to the south are zoned B-1 and contain existing residential development and commercial uses. Properties to the west and east are zoned X-P and contain surface parking lots. Properties to the north are zoned RMM-25 with a range of residential density from single family lots to multifamily development. The proposed rezoning is compatible with surrounding districts and uses.

SECTION 2. That the City of Fort Lauderdale 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 "X-P – Exclusive Use Parking Lot" District To "CB – Community Business" District, through the allocation of commercial flexibility, the following lands, situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

LOT 1 AND THE EAST HALF OF LOT 2, BLOCK 14, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Location: West of Southeast 10<sup>th</sup> Terrace, north of East Las Olas Boulevard, east of Southeast 9<sup>th</sup> Avenue and south of Southeast 2<sup>nd</sup> Court

More specifically described in Exhibit "A" attached hereto and made a part hereof.

SECTION 3. 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 and date of passage.

SECTION 4. That in accordance with Section 47-28.1.G. – Allocation of commercial use on residential land use designated parcels of the ULDR, the site plan included as part of Exhibit 4 to Commission Agenda Memorandum No. 21-0503 is hereby approved.

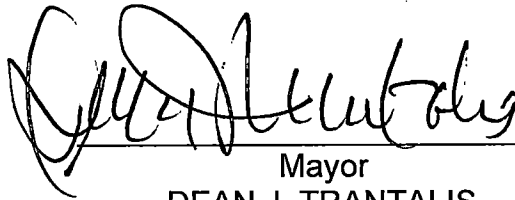
SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten (10) days from the date of final passage.

PASSED FIRST READING this 4th day of May, 2021.

PASSED SECOND READING this 18th day of May, 2021.



\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:



\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

m. D. O. K.

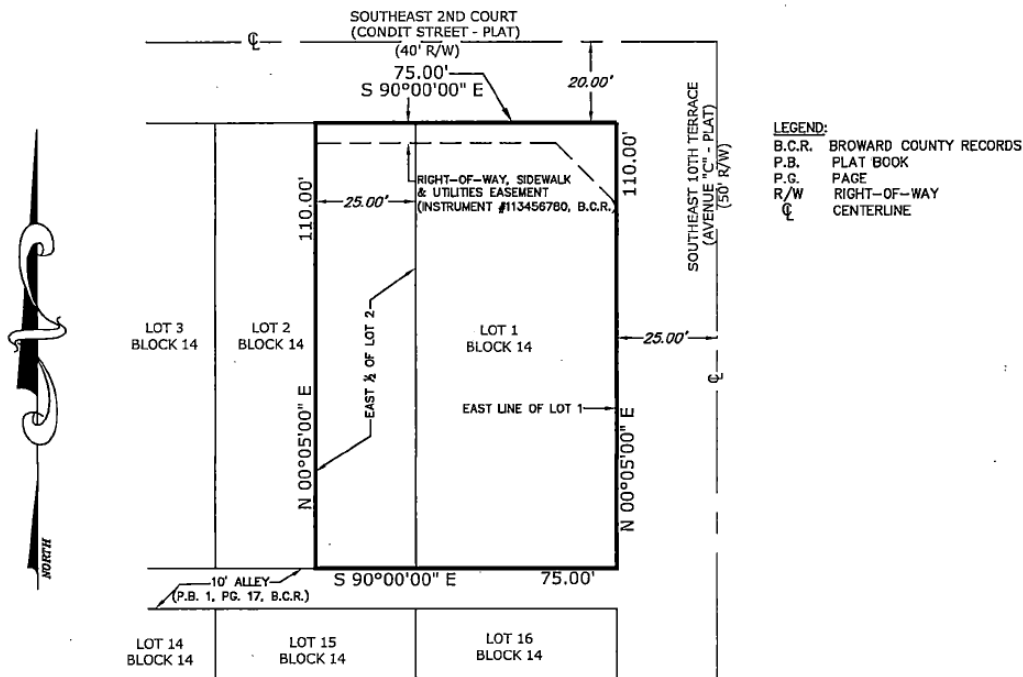
# SKETCH AND DESCRIPTION

To accompany Rezoning from "X-P" to "CB"

## LEGAL DESCRIPTION:

Lot 1 and the East one-half (E 1/2) of Lot 2, Block 14, COLEE HAMMOCK, according to the Plat thereof, as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 8,250 square feet more or less.



## NOTES:


- 1) Bearings shown hereon are based on the East line of Lot 1, Block 14 with an assumed bearing North 00°05'00" East.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, FILE NO. 2037-3580935, EFFECTIVE DATE JUNE 17, 2016 AT 8:00 AM. AND PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND THE PLAT OF COLEE HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 1

REVISIONS	DATE	BY	CKD	
ADDRESS COMMENTS	11/09/20	RM	TD	

LOT 1 & E 1/2  
 OF LOT 2  
 BLOCK 14



THEODORE J. DAVID FOR THE FIRM  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA REGISTRATION NO. 5821  
 DAVID & GERCHAR, INC. LB#6935

SCALE: 1" = 40'

FB/PG: N/A

DRAWN BY: RRM

CKD. BY: TD

JOB NO: 16-022 LUPA

CAD. FILE: F:\dwgs\16-jobs\16-022\16-022 WEST SURVEY.dwg

DATE: 8/3/2020

PROJ. FILE: 16-022

**DAVID & GERCHAR,**  
 SURVEYORS AND MAPPERS

12750 N.W. 40th Street, Bay 1  
 Coral Springs, Florida 33065  
 (954) 340-4025 • email: ted@davidandgerchar.com

EXHIBIT "A"

ORDINANCE NO. C-21-18

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT PLATTED 10.00 FOOT ALLEY LYING ADJACENT TO LOT 1 AND THE EAST 25.00 FEET OF LOT 2, AND LYING ADJACENT TO LOT 16 AND THE EAST 25.00 FEET OF LOT 15, BLOCK 14, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF EAST LAS OLAS BOULEVARD, SOUTH OF SOUTHEAST 2<sup>ND</sup> COURT, EAST OF SOUTHEAST 9<sup>TH</sup> AVENUE AND WEST OF SOUTHEAST 10<sup>TH</sup> TERRACE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicants, 800 Las Olas, LLC and Mustang Properties, Inc., applied for the vacation of a right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Planning and Zoning Board, at its meeting of February 17, 2021 (PZ Case No. PLN-VAC-20080001), recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that they approve the application for the vacation of a public right-of-way as more particularly described and shown on Exhibit "A" attached hereto, retaining a public access easement as more particularly described and shown on Exhibit "B" attached hereto, and subject to the conditions listed on Exhibit "C" attached hereto and incorporated herein; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, May 4, 2021 at 6:00 o'clock P.M., and Tuesday, May 18, 2021 at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment to the vacation of the right-of-way; and

WHEREAS, such public hearings were duly held at the time and place designated and due notice of same was given by publication as is required by law; and

WHEREAS, the City Commission has determined that the application for vacation of right-of-way meets the criteria in Section 47-24.6.A.4 of the City of Fort Lauderdale Unified Land Development Regulations ("ULDR") as enunciated and memorialized in the minutes of its meetings of May 4, 2021 and May 18, 2021, a portion of those findings expressly listed as follows:

1. The right-of-way is no longer needed for public purpose.

2. The vacation of the right-of-way will not require alternate routes as access will be provided through the redevelopment of the "1007 East Las Olas Boulevard" project and there are alternative access points provided through East Las Olas Boulevard, SE 10<sup>th</sup> Terrace, and SE 2nd Court.
3. The vacation of the right-of-way alley will not completely close access to the alley for thru traffic and will provide a permanent public access easement for the portion of the alley to be vacated.
4. Pedestrian traffic will not be adversely impacted by the right-of-way vacation as there are extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent area.
5. The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that some utilities exist within the alley and the applicant will be responsible for relocation.

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 incorporation herein.

SECTION 2. That the public right-of-way generally located north of East Las Olas Boulevard, south of Southeast 2<sup>nd</sup> Court, east of Southeast 9th Avenue and west of Southeast 10th Terrace, as more particularly described in Exhibit "A" attached hereto, is hereby vacated, abandoned, and closed and shall no longer constitute a public right-of-way.

SECTION 3. That portions of said vacated alley shall be ~~retained~~ granted as a public access easement as more particularly described in Exhibit "B" attached hereto and made a part hereof.

SECTION 4. That a copy of this Ordinance shall be recorded in the Public Records of Broward County by the City Clerk within 30 days from the date of final passage.

SECTION 5. 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.

CODING: Words, symbols, and letters stricken are deletions; words, symbols, and letters underlined are additions.

m.d.o.k.

# SKETCH AND DESCRIPTION

## LEGAL DESCRIPTION:

That portion of the 10.00 foot alley lying adjacent to Lot 1 and the East 25.00 feet of Lot 2, and lying adjacent to Lot 16 and the East 25.00 feet of Lot 15, Block 14, COLEE HAMMOCK, according to the Plat thereof, as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 750 square feet more or less.

## NOTES:


- 1) Bearings shown hereon are based on the East line of Lot 1, Block 14 with an assumed bearing South 00°05'00" West.
- 2) This Sketch and Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, FILE NO. 2037-3580935, EFFECTIVE DATE JUNE 17, 2016 AT 8:00 AM, AND PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND THE PLAT OF COLEE HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 4) This Sketch and Description consists of two (2) sheets and is not complete without both sheets.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

REVISIONS	DATE	BY	CKD	

## VACATION OF A PORTION OF 10' ALLEY

 <small>THEODORE J. DAVID FOR THE FIRM PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 5821 DAVID &amp; GERCHAR, INC. LB#6935</small>	SCALE:	N/A	JOB NO:	16-022 10' ALLEY
	FB/PG:	N/A	CAD. FILE:	F:\dwgs\16-jobs\16-022\Sketch and Descriptions
	DRAWN BY:	RRM	DATE:	12/8/2020
	CKD. BY:	TD	PROJ. FILE:	16-022

## DAVID & GERCHAR,

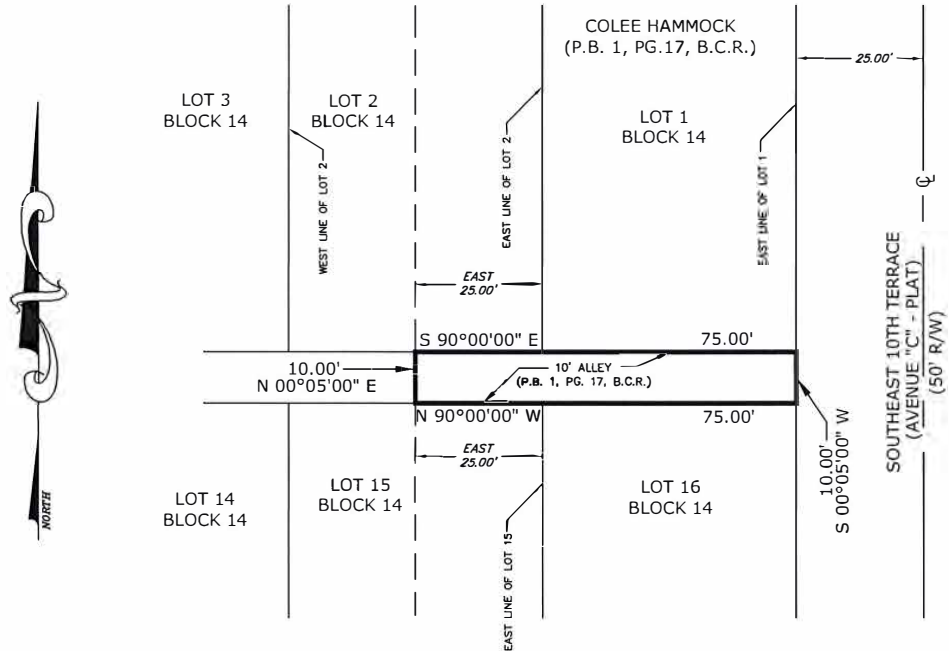
**SURVEYORS AND MAPPERS**

12750 N.W. 40th Street, Bay 1  
Coral Springs, Florida 33065  
(954) 340-4025 • email: ted@davidandgerchar.com



M.D. O.K.

# SKETCH AND DESCRIPTION



## LEGEND:

B. C. R. BROWARD COUNTY RECORDS  
P. B. PLAT BOOK  
PG. PAGE  
C CENTERLINE  
R/W RIGHT-OF-WAY  
P. O. B. POINT OF BEGINNING

THIS IS NOT A SKETCH OF SURVEY

REVISIONS	DATE	BY	CKD

VACATION OF A  
PORTION OF  
10' ALLEY

SHEET 2 OF 2

SCALE:	JOB NO:
1" = 30'	16-022 10' ALLEY
FB/PG:	CAD. FILE: F:\dwgs\16-jobs\16-022\Sketch and Descriptions
N/A	DATE:
DRAWN BY:	12/8/2020
RRM	PROJ. FILE:
CKD. BY:	16-022
TD	

DAVID &  
GERCHAR,  
SURVEYORS AND MAPPERS  
12750 N.W. 40th Street, Bay I  
Coral Springs, Florida 33065  
(954) 340-4025 • email: tcd@davidandgerchar.com

M.O.O.K.

# **SKETCH AND DESCRIPTION**

## **LEGAL DESCRIPTION:**

That portion of the 10.00 foot alley lying adjacent to Lot 1 and the East 25.00 feet of Lot 2, and lying adjacent to Lot 16 and the East 25.00 feet of Lot 15, Block 14, and the North 1.00 feet of Lot 16 and then North 1.00 feet of the East 25.00 feet of Lot 15, Block 14, COLEE HAMMOCK, according to the Plat thereof, as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.

Said easement to be from ground level to 15 feet above ground level.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida. Containing 825 square feet more or less.

## **NOTES:**

- 1) Bearings shown hereon are based on the East line of Lot 1, Block 14 with an assumed bearing South 00°05'00" West.
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- 3) ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, RECORDED AND VISIBLE AFFECTING THE HEREON DESCRIBED PROPERTY ARE SHOWN PER THE COMMITMENT FOR TITLE INSURANCE, FILE NO. 2037-3580935, EFFECTIVE DATE JUNE 17, 2016 AT 8:00 AM. AND PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND THE PLAT OF COLEE HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 4) This Sketch and Description consists of two (2) sheets and is not complete without both sheets.

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SHEET 1 OF 2

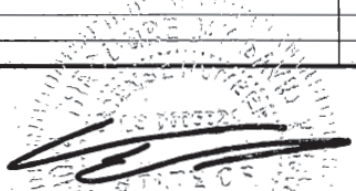
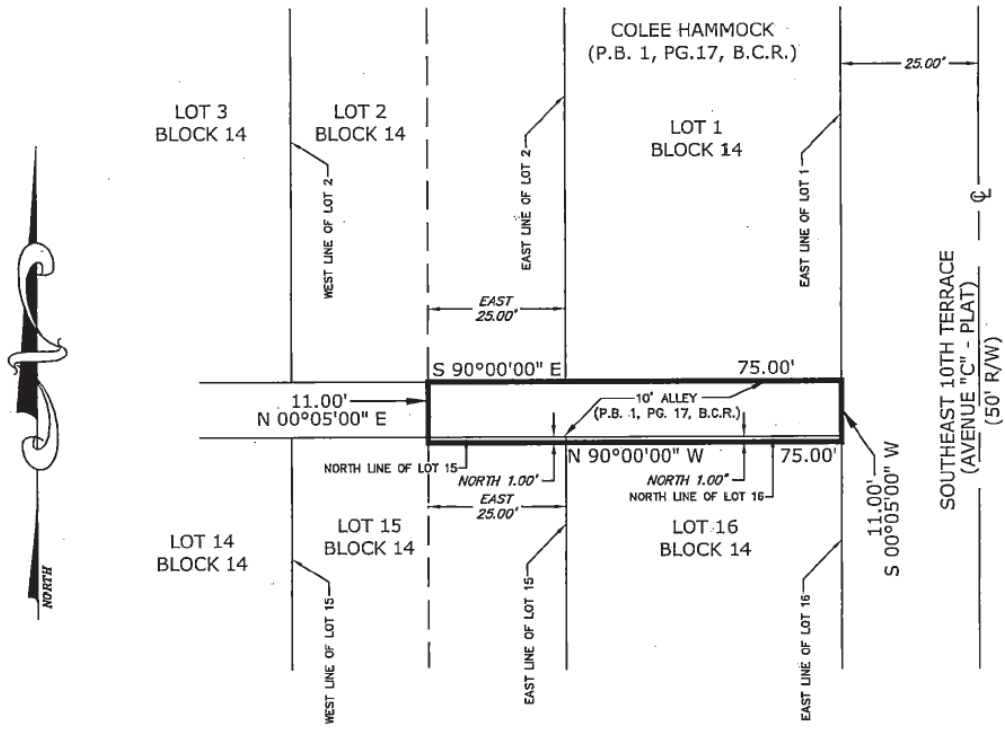
REVISIONS	DATE	BY	CKD	<p><b>PUBLIC ACCESS EASEMENT</b></p>	
 <p>THEODORE J. DAVID FOR THE FIRM PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 5821 DAVID &amp; GERCHAR, INC. LB#6935</p>				<p>SCALE: N/A</p> <p>FB/PG: N/A</p> <p>DRAWN BY: RRM</p> <p>CKD. BY: TD</p>	<p>JOB NO: 16-022 PUBLIC ACCESS</p> <p>CAD. FILE: F:\dwgs\16-jobs\16-022 Sketch and Descriptions</p> <p>DATE: 12/8/2020</p> <p>PROJ. FILE: 16-022</p>
<p><b>DAVID &amp; GERCHAR,</b> SURVEYORS AND MAPPERS</p> <p>12750 N.W. 40th Street, Bay 1 Coral Springs, Florida 33065 (954) 340-4025 • email: ted@davidandgerchar.com</p>					

EXHIBIT "B"

m.D.O.K.

# SKETCH AND DESCRIPTION



## LEGEND:

B. C. R.	BROWARD COUNTY RECORDS
P. B.	PLAT BOOK
PG.	PAGE
Ⓢ	CENTERLINE
R/W	RIGHT-OF-WAY
P. O. B.	POINT OF BEGINNING

THIS IS NOT A SKETCH OF SURVEY

REVISIONS	DATE	BY	CKD

## PUBLIC ACCESS EASEMENT

### SHEET 2 OF 2

SCALE:	1" = 30'	JOB NO:	16-022 10' ALLEY
FB/PG:	N/A	CAD. FILE:	F:\dwgs\16-jobs\16-022\Sketch and Descriptions
DRAWN BY:	RRM	DATE:	12/8/2020
CKD. BY:	TD	PROJ. FILE:	16-022

**DAVID & GERCHAR,**  
SURVEYORS AND MAPPERS  
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Coral Springs, Florida 33065  
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**EXHIBIT "C"**

**CONDITIONS OF APPROVAL  
CASE NO. PLN-VAC-20080001**

1. Applicant shall grant a public access easement over the vacated alley right-of-way to maintain the existing pedestrian and vehicular connection between SE 9th Avenue and SE 10th Terrace.
2. Applicant shall provide a CCTV videotape of the existing sanitary sewer system beginning at the manhole located at the intersection of SE 10th Terrace to verify all existing services that will need to be reconnected to the new sanitary sewer system.
3. Applicant shall design, permit, and construct a new public sanitary sewer manhole to be located west of the western end of the vacated alleyway. The portion of the existing 8" sewer main located east of the new manhole shall be removed.
4. Applicant shall design, permit, and construct a new public sanitary sewer system. The new system shall connect proposed development and reconnect all existing service along the remaining portion of the Alley east of SE 10th Terrace between E las Olas and SE 2nd Court. The point of connection shall be at the existing public sanitary sewer manhole on SE 10th Terrace north of SE 2nd Court identified as SSMH-5367.
5. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
6. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
7. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided by the applicant to the City.