

ORDINANCE NO. C-23-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-84-55 AS 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 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES APPROVED AND AMENDED THE DEVELOPMENT ORDER FOR THE SPECTRUM DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED IN A PORTION OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST, SOUTH OF COMMERCIAL BOULEVARD, BETWEEN NORTHWEST 15th AVENUE AND NORTHWEST 21st AVENUE, WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; AMENDING THE AUTHORIZED AGENTS FOR THE DEVELOPER, APPROVING A SENIOR CITIZEN CENTER USE, REMOVING THE REQUIREMENT TO PROVIDE BUS SHELTERS, MODIFYING THE REQUIREMENTS FOR THE APPROVAL OF CHANGES TO THE DEVELOPMENT ORDER, AND FINDING THAT THE PROPOSED CHANGES TO THE SPECTRUM DEVELOPMENT OF REGIONAL IMPACT DO NOT CONSTITUTE SUBSTANTIAL DEVIATIONS FROM THE REQUIREMENTS IN THE DEVELOPMENT ORDER, PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. C-84-55 adopted on July 3, 1984, the City Commission of the City of Fort Lauderdale approved with conditions an application for development approval for the Spectrum Development of Regional Impact which includes the property legally described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, pursuant to Ordinance No. C-86-13 adopted on February 19, 1986, the City Commission of the City of Fort Lauderdale approved an amendment to the development order pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. C-89-24 adopted on March 21, 1989, the City Commission of the City of Fort Lauderdale approved an amendment to the development

order for the Spectrum Development of Regional Impact pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. C-90-97 adopted on December 4, 1990, the City Commission of the City of Fort Lauderdale further amended the development order pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. C-93-70 adopted on November 2, 1993, the City Commission of the City of Fort Lauderdale further amended the development order pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. C-98-24 adopted on April 21, 1998, the City Commission of the City of Fort Lauderdale consolidated, amended and restated the development order pursuant to an application for development approval for a substantial deviation ("ADA") pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. C-03-40 adopted on November 18, 2003, the City Commission of the City of Fort Lauderdale amended and restated the development order pursuant to Chapter 380, Florida Statutes to extend the buildout date to November 29, 2010 and modified the date that the Developer would be subject to downzoning and intensity reduction to November 29, 2010, and

WHEREAS, the applicant, North Broward Hospital District has requested an amendment to the Development Order for the Spectrum Development of Regional Impact ("DRI") to allow a Senior Citizen Center Use, change the Developer, Spectrum Business Park Association, Inc.'s authorized agent, remove the requirement for the applicant to encourage transit use by bus shelters, and modify requirements for the approval of changes to the development order; and

WHEREAS, on July 19, 2023, the Planning and Zoning Board recommended that the City Commission approve the Amendment to the Development Order for the Spectrum Development of Regional Impact; and

WHEREAS, on August 22, 2023 and September 5, 2023, the City Commission of the City of Fort Lauderdale, after complying with all applicable notice requirements, reviewed the recommendations of the Planning and Zoning Board, conducted a public hearing, determined that the modifications made to the Development Order are not a substantial deviation from the Development Order, and will further the interests of the health, safety and welfare of the residents of the City of Fort Lauderdale.

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified as being true and correct and are incorporated herein by this reference.

SECTION 2. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The City Commission of the City of Fort Lauderdale hereby makes the following findings of fact and conclusions of law regarding this Development Order and the Project:

A. Findings of Fact.

1. The recitals contained in the Whereas clauses of this ordinance are true and correct, and are incorporated herein by reference.
2. The City Commission of the City of Fort Lauderdale held a public hearing on August 22, 2023 in accordance with subsection 380.06(19), Florida Statutes (1987).
3. At the public hearing, the City Commission of the City of Fort Lauderdale determined that all legal requirements of Section 380.06, Florida Statutes (1987), were met or have occurred.
4. The Project is not in an area of critical state concern.
5. In accordance with Section 380.06(19), Florida Statutes (1987), the proposed changes do not create a reasonable likelihood of additional regional impact, or any type of regional impact created by the changes not previously reviewed by the South Florida Regional Planning Council.
6. The proposed changes do not exceed any of the criteria established in Section 380.06(19)(b), Florida Statutes (1987).
7. The proposed changes are not subject to Section 380.06(19)(c) and Section 380.06(d), Florida Statutes (1987), since the changes are not for an extension of the build out date and do not result from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water

management district created by Section 373.069, Florida Statutes, or any of their successor agencies or by any appropriate federal regulatory agency.

8. In accordance with Section 380.06(19)(e) Florida Statutes (1987), the City has considered the changes previously made to the development, including changes previously approved by the City.
9. The proposed changes are not subject to the requirements in Section 380.06(19)(f), Florida Statutes (1987) because the City is approving a change to the approval process for changes to the development in this ordinance and as such, the developer is not required to send these proposed changes to the regional planning agency and the state land planning agency and is not required to obtain approval from these agencies.
10. In accordance with Section 380.06(19)(g), Florida Statutes (1987), the changes do not require further development of regional impact review.
11. In accordance with Section 380.06(19)(h), Florida Statutes (1987), no further development of regional impact is required.
12. In accordance with Section 380.06(7), Florida Statutes (2022), the applicant's proposed changes were reviewed by City staff based on the standards and procedures in the City's comprehensive plan and land development regulations. In accordance with Section 11 of Ordinance C-98-24, the City will not transmit this Amendment to the Development Order to the Council and the State Department of Community Affairs because this Amendment modifies the approval process for deviations from the development order and the previous requirements in Section 11 of Ordinance C-98-24 no longer apply.

B. Conclusions of Law.

1. The proposed changes described herein to the Spectrum Development of Regional Impact, adopted by Ordinance No. C-84-55, as amended by the following ordinances: 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, do not

constitute a substantial deviation from the Development Order and are hereby approved.

2. The proposed changes are consistent with the City's Comprehensive Plan and Code of Ordinances.

SECTION 3. Section 1 of Ordinance No. C-84-55, as 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, entitled "CONSOLIDATION, AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER" is hereby amended to read as follows:

SECTION 1. CONSOLIDATION, AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER.

- A. The legal description of the property to be developed pursuant to this Development Order is attached hereto and made a part hereof as Exhibit A ("Property").
- B. The development shall be known as "Spectrum Business Park" ("Project").
- C. The Developer of the Project is the Spectrum Business Park Association, Inc.
- D. The authorized agents of the Developer are Mr. Dale Chynoweth, Kennan Development Group, and ~~Donald R. Hall, Gunster, Yoakly, Valdes-Fauli & Stewart, P.A.~~ Mr. Robert B. Lochrie III, Esq., Lochrie & Chakas, P.A.
- E. The Property consists of 60.05 acres ±. The uses which are approved for and which may be constructed on the Property are 1,109,960 square feet of office uses, a 261,000 square foot garage, and light manufacturing and high technology/research uses. There may be developed, in lieu of 125,000 square feet of office facilities which are to be located adjacent to West Commercial Boulevard between Northwest 15th Avenue and Northwest 17th Way in the area of the Property approved for office related uses, a hotel and freestanding, quality sit down restaurant. The hotel may consist of 175 rooms in lieu of 89,000 square feet of office space and a free standing, quality sit

down restaurant with a maximum gross floor area of 10,000 square feet in lieu of 36,000 square feet of office space. Additionally, on Tract G of the Property, up to 15,361 square feet of office use may be converted to a senior citizen center use as defined by the City of Fort Lauderdale's Unified Land Development Regulations Section 47-18.30 effective at the time of site plan application. The owner of Tract G reserves the right to convert the senior citizen center use back to office use in the future, subject to the requirements in the City's Unified Land Development Regulations, Code of Ordinances, and all other requirements in this Development Order. The exact size of the buildings, their exact utilization and their location on the Property will be determined at site plan approval.

* * *

SECTION 4. Section 5 of Ordinance No. C-84-55, as 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, entitled "DEVELOPMENT APPROVAL," is hereby amended to read as follows:

SECTION 5. DEVELOPMENT APPROVAL.

The Project, as described in this Development Order, and as represented in the ADA, is hereby approved subject to the following conditions, stipulations and requirements:

A. The Applicant, its successors and assigns, jointly or severally shall:

1. Incorporate the following into the Project design and operation:

- a. Actively encourage and promote ridesharing by establishing a car and van pool information program;
- b. Encourage transit use by ~~provision of bus shelters~~, development of turnout lanes, or provision of other amenities to increase ridership, and provide transit route and schedule information, as available, in convenient locations throughout the Project;
- c. Provide on-site bicycle storage facilities to encourage use of alternative modes of transportation; and

- d. Regularly schedule vacuum sweeping of all parking lots of eleven or more parking spaces, runways and roadways serving the parking lots.

* * *

Section 11 of Ordinance No. C-84-55, as 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, entitled “ APPROVAL OF DEVIATIONS FROM THE DEVELOPMENT ORDER.” is hereby amended to read as follows:

SECTION 11. APPROVAL OF DEVIATIONS CHANGES FROM THE DEVELOPMENT ORDER.

- ~~1. All proposed deviations from the requirements of this development order shall be presented to the City Commission, after review and recommendation of the Planning and Zoning Board, for review and determination with respect to whether one or more of the proposed deviations constitute a substantial deviation within the meaning of Section 380.06(19), Florida statutes (1987).~~
- ~~2. In considering whether a proposed deviation constitutes a substantial deviation, the City Commission shall consider all relevant information, including the presumptions set forth in Section 380.06(19) (b), Florida statutes, as it may be amended from time to time.~~
- ~~3. If the City Commission determines that a proposed deviation does not constitute a substantial deviation, the City Commission may permit such proposed deviation by amendment to this development order. Upon approval of an amendment to this development order not involving a substantial deviation, the City shall transmit to the Council and the State Department of Community Affairs a copy of the amendment to this Development Order which shall include the City's findings with respect to the presumptions contained in Section 380.06(19) (b), Florida statutes (1987).~~
- ~~4. If the City Commission determines that a proposed deviation constitutes a substantial deviation, said proposed deviation shall be subject to further review pursuant to the requirements of Section 380.06, Florida Statutes (1987).~~

All proposed changes from the requirements of this development order shall be reviewed pursuant to the requirements of Section 380.06(7), Florida Statutes (2022).

SECTION 5. In accordance with Section 166.033(6), Florida Statutes (2022), the 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. That this approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 6. Except as previously amended and as expressly modified herein, the following Ordinances shall remain in full force and effect: Ordinance No. C-84-55, Ordinance No. C-86-13, Ordinance No. C-89-24, C-90-97, Ordinance No C-93-70, Ordinance No. C-98-24, Ordinance No. C-03-40.

SECTION 7. This amendment to the development order is binding upon the City and the Applicant, the Developer, its successors, assigns or both, and shall be a covenant running with the land described in Exhibit "A" attached hereto and incorporated herein.

SECTION 8. SEVERABILITY.

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 9. CONFLICT.

That all parts of ordinances in conflict herewith, are hereby repealed, only to the extent of such conflict.

SECTION 10. EFFECTIVE DATE.

This ordinance shall become effective immediately upon final passage and adoption.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
DAVID R. SOLOMAN

EXHIBIT A

LEGAL DESCRIPTION - SPECTRUM DEVELOPMENT OF REGIONAL IMPACT

All that parcel of land shown on the Plat known as "COMMERCE PARK", as recorded in Plat Book 112 at Page 18 of the Public Records of Broward County, Florida, containing 58.626 Acres, more or less;

TOGETHER WITH

A parcel of land in the northwest one-quarter of the southwest one-quarter of Section 16, Township 49 South, range 42 east, Broward County, Florida. More particularly described as follows:

Beginning at the Southwest corner of Tract "J", as shown on the Plat of COMMERCE PARK, as recorded in Plat Book 112 at Page 18 of the Public Records of Broward County, Florida;

THENCE N 88°35'51" E (on an assumed bearing), along the South line of said Tract "J" and along the North line of a portion of that certain canal easement as recorded in O.R. Book 3223, Page 810-811 of the Public Records of Broward County, a distance of 1,103.88 feet to the Southeast corner of Tract "I" as shown on the said Plat of COMMERCE PARK;

THENCE S 01°35'29" E, along the Southerly prolongation of the East line of said Tract I, a distance of 80.00 feet to a point on the South line of said canal easement;

THENCE S 88°35'51" W, along the South line of said canal easement a distance of 1,104.01 feet to a point on the East right-of-way line of Northwest 21st Avenue as shown on the Plat of FORT LAUDERDALE INDUSTRIAL AIRPARK-SECTION 1, as recorded in Plat Book 63, Page 10 of the Public Records of Broward County, Florida;

THENCE N 01°30'00" E, along the said East right-of-way line of Northwest 21st Avenue, a distance of 80.00 feet to the Point of Beginning.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 2.027 Acres, more or less.