

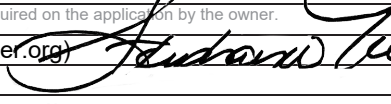
Page 1: City Commission Submittal Requirements

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	UDP-Z20001
Date of complete submittal	April 8, 2021

NOTE: To be filled out by Applicant

Property Owner's Name	If a signed agent letter is provided, no signature is required on the application by the owner.	
Applicant / Agent's Name	Stephanie J. Toothaker, Esq. (toothaker.org) 	
Development / Project Name	200 & 300 W. Broward Blvd Rezoning	
Development / Project Address	Existing: 200 and 300 W. Broward Blvd	New: Same
Current Land Use Designation	Downtown RAC	
Proposed Land Use Designation	Downtown RAC	
Current Zoning Designation	RAC-WMU	
Proposed Zoning Designation	RAC-CC	
Specific Request		

The following number of Plans:

- ☐ One (1) original signed-off set, signed and sealed at 24" x 36"
- ☐ Two (2) copy sets at 11" x 17"
- ☐ One (1) electronic version* of complete application and plans in PDF format to include only the following:
 - ☐ Cover page
 - ☐ Survey
 - ☐ Site plan with data table
 - ☐ Ground floor plan
 - ☐ Parking garage plan
 - ☐ Typical floor plan for multi-level structure
 - ☐ Roof plan
 - ☐ Building elevations
 - ☐ Landscape plan
 - ☐ Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
 - ☐ Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

December 4, 2020

VIA LAUDERBUILD

URBAN DESIGN & PLANNING DIVISION
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
CITY OF FORT LAUDERDALE
700 NW 19TH AVE
FORT LAUDERDALE, FL 33311

RE: Rezoning from Regional Activity Center – West Mixed Use (“RAC-WMU”) to Regional Activity Center – City Center (“RAC-CC”) for 200, 300, and 520 West Broward Boulevard

I represent Kushner Realty Acquisition, LLC (“Applicant”), which is under contract with the current property owner, FTL/AD LTD (the “Property Owner”) to purchase the properties located at 200 West Broward Boulevard (Folio No. 504210012140), 300 West Broward Boulevard (Folio No. 504210012210), and 520 West Broward Boulevard (Folio No. 504210210700), collectively the “Properties” as all relevant land use designations and City of Fort Lauderdale (“City”) Unified Land Development Regulations (“ULDR”) apply to the three sites.

The Properties have a future land use designation of Downtown Regional Activity Center (“Downtown RAC”) and are currently zoned Regional Activity Center – West Mixed Use (“RAC-WMU”). The Properties are located along a stretch of West Broward Boulevard with surrounding existing and proposed developments such as the Brightline Station and Joint Governmental Center Campus to the northeast and the Arts and Entertainment District to the south.

On November 5, 2020, the City Commission approved Ordinance C-20-39, amending the City’s Official Zoning Map to incorporate the “Official Downtown Character Area Map” which depicts and establishes the boundaries of the Downtown RAC Character Areas. The amendment revised certain Downtown Character Area boundaries originally established in 2003. The Properties were included in the area east of Avenue of the Arts, west of North Federal Highway, south of 4th Street, and north of SW 2nd Street (excluding the H-1 Historic Zoning District boundary) that was replaced from the “Near Downtown” to the “Downtown Core” Character Area. The Downtown Core Character Area, which is the “central business district”, is characterized by vertical slender towers with minimum step-backs. The Downtown Core includes the RAC-CC, RAC-AS and RAC-WMU zoning districts which guide specific uses and open space and parking requirements.

On behalf of the Applicant, we are respectfully requesting the Planning and Zoning Board and City Commission to consider rezoning the Properties from RAC-WMU to RAC-CC in furtherance of the prospective urban development pattern extending the mixture and intensity/density of uses westwards and consistent with the newly adopted Downtown Core Character Area.

As outlined herein, the rezoning application satisfies all of the requirements of ULDR Section 47-24.4.D and ULDR Section 47-25.2.

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

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org @stoothaker @toothakerdevelopment
UDP-Z20001
Exhibit 3
Page 1 of 8
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

Sec. 47-24.4.D. – Rezoning Criteria.

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

RESPONSE: The City's Future Land Use Map indicates that the Properties are designated Downtown RAC which is intended to encourage development or redevelopment of areas that are of regional significance and to facilitate mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form. The proposed rezoning to RAC-CC meets the intent of and is consistent with this land use designation by encouraging mixed use development in a pedestrianized live-work-play environment.

The proposed rezoning is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.21, Encouraging mixed use development to enhance the livability of the City; Objective 1.21, Encouraging high quality development through the use of design criteria; and Objective 1.32, Guiding growth to discourage sprawl and encourage transit.

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

RESPONSE: The proposed rezoning from the existing RAC-WMU to RAC-CC will not adversely impact the character of development in or near the under consideration. The Properties are part of the expanded Downtown Core boundary, which includes the area east of Avenue of the Arts, west of N. Federal Highway, south of 4th Street, and north of SW 2nd Street (excluding the H-1 Historic Zoning District boundary). The Downtown Core includes the RAC-CC, RAC-AS, and RAC-WMU zoning districts.

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

RESPONSE: The rezoning of the Properties to RAC-CC is compatible given the underlying land use designation of Downtown RAC and corresponding Downtown Core Character Area. Additionally, the Properties are in the City's Transit Oriented Development ("TOD") Station Area, specifically within the "Transit Core" ¼ mile area surrounding the Brightline transit station, which encourages the highest mixture and intensity/density of uses which is consistent with the surrounding districts and uses and would support a rezoning to RAC-CC.

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: Acknowledged.

- 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: Rezoning application. The Applicant will comply at time of Site Plan approval.

- 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 (2½) inches of runoff from the impervious surface whichever is greater.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- 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, an 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:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. 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: To Applicants' knowledge, there are no environmentally sensitive lands on the Properties.

- 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: Rezoning application. The Applicant will comply at time of Site Plan approval.

- 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: Rezoning application. The Applicant will comply at time of Site Plan approval.

- 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: Rezoning application. The Applicant will comply at time of Site Plan approval.

- 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: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

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.
2. 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 proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

- 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: Rezoning application. The Applicant will comply at time of Site Plan approval as applicable.

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. *Solid waste facilities.* 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: Rezoning application. The Properties are currently served by existing solid waste collection service. A detailed analysis of additional demand will be provided at time of Site Plan application.

- 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: Rezoning application. The Properties are currently served by existing stormwater facilities. A detailed analysis of additional demand will be provided at time of Site Plan application.

- 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; or
 - 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 (½) 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 (½) 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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Applicant will comply at time of Site Plan application.

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: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan application.

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site 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: Rezoning application. The Applicant will comply at time of Site Plan application, as applicable.

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: No structures have been identified on the Properties as having archaeological or historical significance within the State of Florida authorized by law to do the same.

- 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: Not applicable. The Properties are not located east of the Intracoastal Waterway.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.