



## Development Review Report (DRR)

**To:** Daniel T. Keester-O'Mills, AICP, *Development Services Director*  
**From:** Molly Howson, *City Planner*  
**RE:** Plat Note Amendment Application No. 25-PNA-002 Lauderhill Mall Apartments, Mixed Use (1201 NW 40 Avenue, 494136380050, 494136380060, 494136380070, 4941363130, 4941363140)  
**Date:** June 9, 2025 (Planning & Zoning Board Meeting: 6/24/2025)

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The applicant/petitioner, Chris Collins, PE of URBN Design on behalf of Lauderhill Mall Investments, LLC has filed a plat note amendment application which proposed to amend the plat note of record, which currently limits the site to allow a maximum of 220,260 square feet of commercial use(s). The proposal seeks to allow up to 233 mid-rise dwelling units on Lots 5, 6, and 7 and maintain 220,260 square feet of commercial use(s) on Lots 1, 2, 3, 4, and 5. Figure 1, below, provides an aerial of the subject site located at 1201 NW 40 Ave. The site is located on the west side of NW 40<sup>th</sup> AVE (North State Road 7/ US 441) and the Central Broward Regional Park (CBRP) and north of NW 12 ST. The following information has been prepared for your consideration.

### ***I. BACKGROUND INFORMATION***

#### Requested Action

The Petitioner requests an amendment to the existing plat to increase the allowable 220,260 square feet of commercial use, to allow 233 mid-rise dwelling units on Lots 5, 6, and 7 and maintain 220,260 square feet of commercial use on Lots 1, 2, 3, 4, and 5.

The proposed plat note amendment is in line with the intent of the Transit Oriented Corridor (TOC) and the Transect Zone Overlay District which is, in part, to provide for districts which encourage Mixed Use development in areas that are easily accessible to public transportation. Additionally, the proposed amendment is in conformance with the subject underlying zoning district, of Community Commercial (CC), which allows for Mixed-Use development consisting of a mix of Residential and Commercial Uses via Special Exception Use approval.

The proposed plat note amendment is consistent with the Special Exception Use (SEU) development order, Resolution NO. 24R-10-259, granted by the City Commission on January 13, 2025 to allow a Mixed-Use development consisting 233 Residential mid-rise dwelling units and 14,186 square feet of commercial use(s) within the southern outparcels of the Lauderhill Mall. Further, this Special Exception Use Development order is contingent on the approval of this plat note amendment. The amendment proposal is also consistent with the pending site plan application for the same development.

While the existing proposed development does not exceed the maximum area allowed for commercial use(s) on the existing plat, and further the existing plat allows for an additional amount of commercial use(s) development to exceed 160,000 square feet, the plat note must be amended, as it does not currently permit residential dwellings.

Applicable Land Development Regulations

**LDR Article IV., Part 1.0., Subsection 1.3.1.**, addresses the pre-application conference

**Article IV, Section 1.3.2** – Completeness of Application, provides for the Department to review any land development order application

**Article IV, Section 1.4.4** – Major Review, provides that within 45 days from the acceptance of the application for development subject to major review

**Article III, Sections 2.3 and 2.4., and Schedule B** – Allowable Land Uses; Additional requirements for Specific Uses; Allowable Uses

**Article III, Section 3.1.15**- Residential multi-family at forty (40) dwelling units per gross acre (RM-40) zoning district

**Article IV, Section 4.3.B** - Existing zoning provisions and uses

**Article IV, Section 6.1.** – Plat Regulations

**Article IV, Section 6.2.** – Procedures for preparation and filing of plats

**Article IV, Section 6.11.** – Recorded Plat Required

**Figure 1**



## **II. SITE INFORMATION**

### Legal Description:

Lauderhill Mall South Out Parcels Book 183 Page 374 B Lots 5, 6, and 7 of the public records of Broward County, Florida

### Address:

1201 NW 40 Avenue Lauderhill, Florida 33311

Tax Folio Numbers:

494136380050, 494136380060, 494136380070, 4941363130 (roadway/accessway), 4941363140 (roadway/access way)

Land Use/Zoning:

<b>Existing Use(s):</b>	Commercial
<b>Future Land Use Designation:</b>	Transit Oriented Corridor (TOC)
<b>Zoning Designation:</b>	(CC) Community Commercial

Adjacent Designations:

	<b>Existing Use</b>	<b>Future Designation</b>	<b>Zoning</b>
<b>North</b>	Lauderhill Mall, Joy's Roti, Broward Transit Center	Transit Oriented Corridor (TOC)	Community Commercial (CC)
<b>South</b>	Commercial Shopping Plazas and Local Park, Wolk Park	Transit Oriented Corridor (TOC)	General Commercial (CG) Local Park (PL)
<b>East</b>	441 R.O.W. and Commercial Plazas	Transit Oriented Corridor (TOC)	General Commercial (CG)
<b>West</b>	Canal and Multi-family Residential. Park South	Medium-High (25) Residential	Parks and Open Space (PO) Residential Multi-family (RM-22)

### **III. Planning Analysis**

The following is an excerpt of the City's Land Development Regulations, as they pertain to the platting requirements. Applicants amending a "plat note" must adhere to the same procedure as developing a new plat:

#### **Article IV - DEVELOPMENT REVIEW REQUIREMENTS**

##### **Sec. 6.1. - Plat regulations.**

Plat regulations are adopted for the following purposes:

- 6.1.1.To establish uniform standards for the design of subdivisions and the preparation of subdivision plats.
- 6.1.2.To coordinate all official requirements pertaining to plats in a convenient form.
- 6.1.3.To facilitate coordination of subdivision plats with the zoning, highway, and public improvement plans of the City.
- 6.1.4.To assure consistency and equitable treatment for engineers, surveyors, and subdividers in the review of their plats.

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##### **Sec. 6.3. - Consideration by the Board.**

The Board, in studying the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will

be given to width, arrangement, and location of streets, surface drainage, lot size and arrangement, as well as requirements for parks, playfields, playgrounds, school sites, public building sites, parkways and highways. Adequate street connections shall be considered to insure free access to and circulation for adjoining subdivisions and lands, where appropriate. In cases where the proposed subdivision plat is a resubdivision of portions of an existing subdivision of a replat in connection with the abandonment of a portion of existing public streets and public places, or there are existing conditions on subject property or on nearby property which unduly affect the platting and development of the subject property, the Board shall have the right to vary the strict application of these subdivision regulations in appropriate cases in such a manner as to carry out the spirit and purpose of these regulations.

Sec. 6.4. - Approval of preliminary plat.

6.4.1. At the scheduled public meetings the Board shall receive reports on and review the preliminary plat to determine its conformance to these regulations. The subdivider and any other persons interested in or affected by the proposed subdivision shall have the right to be heard by the Board either in person or by letter.

6.4.2. The Board may approve the preliminary plat as presented or with minor modifications, if found to be in conformance with these regulations, or may disapprove the plat when not found to be in conformance or readily capable of being revised to conform. Approval of the preliminary plat subject to conditions, revisions and modifications as stipulated by the Board, shall constitute conditional Board approval of the subdivision as to character and intensity of development and the general layout and the approximate dimensions of streets, lots and other proposed features.

6.4.3. The approval of the Board on a preliminary plat shall become null and void unless a final plat conforming to such preliminary plat is finally approved by the Commission and recorded within six (6) months of preliminary plat approval. An extension note [not] to exceed six (6) months may be granted by the Director of Community Development upon a showing by the developer of a hardship which was not created by, and is beyond the control of, the developer.

Existing Special Exceptions

**Resolution NO. 24R-10-259**

January 13, 2025 - The City Commission granted Resolution NO. 25R-10-259 to Lauderhill Mall Investments, LLC approving a Special Exception Use development order approving a Mixed-Use development inclusive of 233 Dwelling Units and 14,186 square feet of Commercial Uses on a 3.23 acre portion of the subject site.

Development History

On November 9, 2009 the City of Lauderhill Commission approved Ordinance 09O-09-146, granting to LM TIC I, LLC, LM TIC II, LLC, LM TIC III, LLC, LM TIC IV, LLC and LM Ideal LLC a development order for the Lauderhill City Center Development of Regional Impact. This development order allowed for the overall development of 650,000 square feet of retail, 507,210 square feet of Office and 2,500 dwelling units.

This is evidence that the development of residential units at the Lauderhill Mall commercial site was initiated over 15 years ago. Ownership did not at the time proceed with the redevelopment of the site as provided for in this 2009 Ordinance.

In 2022, Lauderhill Mall Investments LLC, applied for site plan approval through the Development Review Committee (DRC) for the construction of a Mixed-Use development consisting of 233 dwelling units and 13,239 of commercial square footage, associated parking, and residential amenities. This site plan application has been denied without prejudice from the DRC and is pending review of the 4<sup>th</sup> submittal.

In 2023 the office of Miskel Backman LLP, on behalf of the applicant, Lauderhill Mall Investments, LLC applied for a Text Amendment to the Land Development Regulations to reduce the minimum unit size requirement for dwelling units in Multi-family Developments. Staff saw a need to expand this proposed text amendment to include the entire Transit Oriented Corridor (TOC) and took over the proposed text amendment to create a staff-initiated amendment. On June 26, 2023 the City Commission approved this Text Amendment on second reading, resulting in change to the Land Development Regulations and providing for smaller unit sizes within the TOC.

In 2024 Special Exception Use (SEU) approval with conditions (24R-10-259) was granted to Lauderhill Mall Investments, LLC for the construction of a mixed-use development inclusive of 233 dwelling units and 14,186 square feet of commercial space within the Community Commercial (CC) and Transit Oriented Corridor (TOC) zoning districts. Based on the restrictions of the existing recorded plat, which limit the development to commercial uses, a condition was placed on the SEU for the Applicant to seek a plat note amendment to increase the allowable unit count.

#### **IV. RECOMMENDATION/ACTION**

Staff finds that the construction of a mixed-use development inclusive of dwelling units and commercial uses within the Community Commercial (CC) and Transit Oriented Corridor (TOC) zoning districts is consistent with the intent of the zoning districts, with the City of Lauderhill Future Land Use element of the comprehensive plan, and the Land Development Regulations. The Department finds the proposed request to be consistent with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it removes an impediment to the provision of development consistent with the TOC goals and permitted uses.

The Department recommends **approval** with conditions of this Plat Note Amendment request to amend the Plat of record to allow for a mixed-use development consisting of 233 dwelling units and 13,340 square feet of commercial uses within the (CC) zoning district and with the Transit Oriented Corridor (TOC).

Staff recommends the following conditions be imposed:

1. Site plan approval is required from the Development Review Committee (DRC), the Planning & Zoning Board (P&ZB), and subsequently the City Commission, for the proposed Mixed-Use Development in order to approve the 233 proposed dwelling units and 13,340 square feet of commercial space
2. The applicant shall provide to the Planning and Zoning Department with a copy of the Final Recorded Plat Note Amendment, prior to building permit approval.
3. The applicant shall provide to the Planning and Zoning Department the Final SCAD (School Capacity Availability Determination) prior to building permitting.

## **V. ATTACHMENTS**

- 1** – Ordinance No. 09O-09-146
- 2** – Resolution No. 24R-10-259

**ORDINANCE NO. 090-09-146**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, GRANTING TO LM TIC I, LLC, LM TIC II, LLC, LM TIC III, LLC, LM TIC IV, LLC AND LM IDEAL, LLC, A DEVELOPMENT ORDER FOR THE LAUDERHILL CITY CENTER DEVELOPMENT OF REGIONAL IMPACT AS REQUESTED IN THE APPLICATION FOR DEVELOPMENT APPROVAL ON A 46 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF US. 441/SR-7/NW 40<sup>TH</sup> AVENUE BETWEEN NW 12<sup>TH</sup> AND NW 16<sup>TH</sup> STREET; APPROVING LAND USES AND SQUARE FOOTAGES, INCLUDING 650,000 SQUARE FEET OF RETAIL, 507,210 SQUARE FEET OF OFFICE AND 2,500 DWELLING UNITS; APPROVING THE TIMING OF DEVELOPMENT; APPROVING A MASTER DEVELOPMENT PLAN; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER CHARLES FARANDA)**

WHEREAS, LM TIC I, LLC, LM TIC II, LLC, LM TIC III, LLC, LM TIC IV, LLC AND LM IDEAL, LLC (collectively referred to herein as the "Developer") are the owners of approximately 46 acres of real property within the City of Lauderhill, Broward County, Florida, generally located on the west side of US Highway 441/State Road 7/NW 40th Avenue between NW 12th and NW 16th Streets, Lauderhill, Florida, and more particularly described on Exhibit A (the "Site");

WHEREAS, the Site is currently home to the Lauderhill Mall and Ideal Office Building and currently developed with 82,480 square feet of office space and 676,493 square feet of retail and institutional uses, for a total of 758,973 square feet of existing development;

WHEREAS, the City's Comprehensive Plan, Future Land Use Map Series, shows the site of the Lauderhill Mall is located within an area designated as "Transit Oriented Corridor" ("TOC");

WHEREAS, the TOC future land use designation allows mixed use developments and discourages automotive related uses;

WHEREAS, the City's Zoning District Map shows the site the of Lauderhill Mall is located within an area currently zoned as "Community Commercial" ("CC") district;

WHEREAS, the CC zoning district allows mixed use developments as a permitted use;

WHEREAS, on January 4, 2008, Siemon & Larsen, P.A., authorized agent for the Developer, filed the Lauderhill City Center Development of Regional Impact ("DRI") Application for Development Approval ("ADA") with the South Florida Regional Planning Council ("SFRPC") and the City's Planning and Zoning Division;

WHEREAS, the Lauderhill City Center DRI ADA seeks approval to allow the redevelopment of the Lauderhill Mall consistent with Section 380.06, Florida Statutes, and Chapter 28-24, Florida Administrative Code;

WHEREAS, on October 13, 2008, the Developer filed with the State of Florida, Department of Community Affairs ("DCA") an Application for a Binding Letter of Interpretation of Vested Rights ("BLIVR"), and on November 18, 2008, the DCA rendered its BLIVR (Final Order No. DCA08-BL-340) ordering that the DRI Property is vested for 691,358 square feet of existing development currently making up the Lauderhill Mall, Ideal Office Building and associated out parcel buildings;

WHEREAS, the Lauderhill City Center DRI ADA proposes a three (3) phase plan of redevelopment to transform the Lauderhill Mall into the Lauderhill City Center, an transit-oriented mixed-use urban center, or "downtown," which is designed to minimize external traffic generation and foster public transit, bicycle and pedestrian trips;

WHEREAS, on July 8, 2009, the SFRPC issued a Finding of Sufficiency for the Lauderhill City Center DRI ADA, which allowed the City to set public hearing dates to consider and approve the Lauderhill City Center DRI ADA; and

WHEREAS, on August 7, 2009, the Planning and Zoning Division caused the Notice of Public Hearing for the Lauderhill City Center DRI ADA to be published in the Sun-Sentinel, a newspaper of general circulation in Broward County, Florida; and

WHEREAS, at their duly noticed meeting and public hearing of August 25, 2009, the City's Planning and Zoning Board, sitting as the Local Planning Agency ("LPA") entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance; and

WHEREAS, on September 14, 2009, the SFRPC approved the Lauderhill City Center DRI ADA at a public hearing in Hollywood, Florida; and

WHEREAS, at their duly noticed meeting and public hearing of September 14, 2009, the City Commission considered the record, adopted findings and conclusions, and approved the Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of October 7, 2009, the City Commission approved the Ordinance on second reading, which contained substantive modifications since the first reading of the Ordinance; and

WHEREAS, that their duly noticed meeting and public hearing of November 9, 2009, the City Commission approved and adopted the Ordinance on third reading containing all subsequent modifications thereby approving the Lauderhill City Center DRI ADA with conditions.

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

SECTION 1. Recitals. The foregoing whereas clause recitals are ratified and confirmed as being true and accurate and are hereby made a part of this Ordinance.

SECTION 2. Findings of Fact and Conclusions of Law. In accordance with Florida Statutes Section 380.06(15), Florida Administrative Code Rule 9J-2.2025(3)(b)6, and Article III., Part 1.0., Section 1.10., of the City's LDRs, the City Commission hereby adopts the following findings of fact and conclusions of law to support the issuance of this development order:

1. The Lauderhill City Center DRI ADA is not located in an area of critical state concern designated pursuant to the provisions of Florida Statutes Section 380.05.

2. The Lauderhill City Center DRI ADA is consistent with the State Comprehensive Plan, Florida Statutes Chapter 187.

3. The Lauderhill City Center DRI ADA is consistent with the Broward County Comprehensive Plan and Land Development Regulations.

4. The Lauderhill City Center DRI ADA is consistent with the City of Lauderhill Comprehensive Plan, the Land Development Regulations, and the Code of Ordinances.

5. The Lauderhill City Center DRI ADA is consistent with the report and recommendations of the South Florida Regional Planning Council submitted pursuant to Florida Statutes Section 380.06(12), and dated September 4, 2009.

6. The Lauderhill City Center DRI ADA as approved by this development order makes adequate provision for public facilities need to accommodate the impacts of the development.

7. The Lauderhill City Center DRI ADA as approved for the development described in Section 2, subject to conditions, restrictions and limitations specified in this development order.

### SECTION 3. Approval of Development Order.

#### A. General Conditions

1. The Lauderhill City Center DRI will be developed in accordance with the information, plans and commitments contained in the Lauderhill City Center DRI ADA, dated January 4, 2008, as modified by the Developer's Response to Statement of Information Needed (First Round) dated December 19, 2008, the Developer's Response to Statement of Information Needed (Second Round), dated July 2, 2009, and the Lauderhill City Center Master Plan (Map H, attached as Exhibit B) all of which are incorporated by reference except to the extent of any conflict with the express terms of the conditions of the Lauderhill City Center DRI Development Order in which event, the terms and conditions of this Development Order will govern. If any revisions are made to this Development Order, then Map H shall be revised accordingly as part of such revision.

2. During the duration of this Development Order, the Developer shall not execute a development agreement, pursuant to Florida Statutes Sections 163.3221, et seq. (Florida Local Government Development Agreement Act) that is inconsistent with the terms and conditions contained herein.

#### B. Application For Development Approval

1. The ADA shall include the following documents:

a. Application for Development Approval (ADA), dated January 4, 2008;

b. Developer's Response to Statement of Information Needed (First Round) dated December 19, 2008,

c. Binding Letter of Interpretation of Vested Rights (BLIVR), dated November 18, 2008;

d. Developer's Response to Statement of Information Needed (Second Round), dated July 2, 2009; and

e. the Lauderhill City Center Master Plan (Map H, attached as Exhibit B).

2. Pursuant to Rule 9J-2.025(3)(b)9 of the Florida Administrative Code ("FAC"), the ADA, as defined above, is incorporated herein by reference. Compliance with the representations contained in the ADA, unless modified by Development Order conditions, is deemed a condition for approval.

### C. Existing And Vested Development

1. The site of the proposed Lauderhill City Center is currently improved with 676,493 square feet of retail and institutional uses and 82,840 square feet of free-standing office use, for a total of 758,793 square feet of existing development (hereinafter referred to as "Existing Development"). The State of Florida, Department of Community Affairs ("DCA") has determined and ruled in the BLIVR that a significant portion of the existing development is also vested under Florida Statutes Section 380.06 and thus, not subject to development of regional impact review. More specifically, the site is vested with 608,878 square feet of retail and institutional uses and 82,480 square feet of free-standing office use, for a total vested amount of 691,358 square feet (hereinafter referred to as the "Vested Development").

2. The site of the Lauderhill City Center DRI also currently includes an eight (8) bay bus transfer facility that is used by Broward County Transit ("BCT") and community buses between the City of Lauderhill and the City of Plantation and the City of Lauderdale Lakes.

3. For purposes of this Development Order, the term "New Development" shall be used to refer only to new construction that causes the cumulative amount of development for a particular land use category to exceed the amount of development of that particular land use category that has been deemed vested by the DCA (as described in Condition C of this Development Order). New Development does not include renovations to any Existing Development so long as the square footage of the Existing Development is not increased and new land uses are not introduced. Moreover, the term "New Development" does not include new construction that replaces any Vested Development (of the same land use category) that has been demolished.

### D. Approved Development

1. The Lauderhill City Center DRI shall be permitted to develop in three (3) phases with a mix of land uses at the densities and intensities allowed for herein, subject to all required approvals. The development of the Lauderhill City Center DRI shall also include the expansion of the existing 8-bay bus transfer facility currently located near the southwest corner of the site to a 12-bay bus transfer facility. It is contemplated that the expanded bus transfer facility will be moved to the location depicted on Map H, attached as Exhibit B, although this Development Order is not intended and no provisions herein shall be construed to prevent the City of Lauderhill, in conjunction with BCT, from approving an alternate location for the expanded bus transfer facility, including the existing location on the southwest corner of the site.

2. Map H, attached as Exhibit B, conceptually depicts the contemplated location of the internal streets, pedestrian/bicycle paths, water bodies, and land uses (retail, office, residential, and recreational) on a pod-by-pod basis within the Lauderhill City Center at build-out. The specific location and intensity or density of all land uses within each pod will be determined through the site plan review and approval process, provided that in the absence of a Notice of Proposed Change ("NOPC"), the intensity or density of each land use shall not exceed the maximum intensity and density allowed under this Development Order. The pods within the Lauderhill City Center DRI are identified in the map attached as Exhibit C.

3. It is contemplated that Phase 3 will constitute the redevelopment of Pods 5, 6 and 7. The exact sequence in which the pods are redeveloped during Phases 1, 2 and 3 will be determined through the site plan review and approval process.

4. The development of the Lauderhill City Center DRI contemplates the gradual demolition of the existing 676,493 square feet of retail use, which will be replaced with 650,000 square feet of new retail space. However, the amount of existing retail space that will be demolished during each phase will not necessarily be equal to the amount of new retail constructed during each phase. As such, the total intensity and density of land uses on the site of the Lauderhill City Center DRI will vary between phases and are contemplated to be as follows at the conclusion of each phase of development:

- a. Phase 1:
  - 82,480 square feet of existing office use
  - 125,000 square feet of new office use
  - 395,293 square feet of existing retail use (due to the demolition of 281,200 square feet of existing retail use)
  - 175,000 square feet of new (replacement) retail use
  - 665 new multi-family residential dwelling units (mid-rise, or high-rise, or a mix of both)
- b. Phase 2 (numbers are cumulative of Phase 1)
  - 82,480 square feet of existing office use
  - 425,000 square feet of new office use
  - 284,093 square feet of existing retail use (due to the demolition of an additional 111,200 square feet of existing retail use)
  - 392,400 square feet of new (replacement) retail use
  - 170,100 square feet of new (additional) retail use
  - 1,330 new multi-family residential dwelling units (mid-rise, or high-rise, or a mix of both)
- c. Phase 3 (build-out) (numbers are cumulative of Phases 1 and 2)
  - 82,480 square feet of existing office use
  - 425,000 square feet of new office use
  - 0 square feet of existing retail use (due to the demolition of remaining 284,093 square feet of existing retail use)
  - 650,000 square feet of new (replacement) retail use
  - 2,500 new multi-family residential dwelling units (mid-rise, or high-rise, or a mix of both)

5. Based on the response to Question 21 of the ADA that was prepared in accordance with the Transportation Methodology (Third Version), dated June 12, 2007 (attached as Exhibit D and referred to hereinafter as the "Transportation Methodology"), the Lauderhill City Center DRI is estimated to generate the following number of net new external peak hour vehicle trips at the conclusion of each phase of development:

- a. Phase 1
  - AM Peak Hour: 163 (78 In, 85 Out)
  - PM Peak Hour: 45 (10 In, 35 Out)

- b. Phase 2 (numbers are cumulative of Phase 1 trips)
  - AM Peak Hour: 491 (312 In, 179 Out)
  - PM Peak Hour: 418 (114 In, 304 Out)
- c. Phase 3 (numbers of cumulative of Phase 1 and Phase 2 trips)
  - AM Peak Hour: 659 (303 In, 356 Out)
  - PM Peak Hour: 468 (186 In, 282 Out)

6. For purposes of this Development Order, the phrase "Phase 2 New Development" shall mean New Development (as that term is previously defined in Condition C.3) that results in a total amount of New Development that generates more than 163 net new external AM Peak Hour vehicle trips or 45 net new PM Peak Hour external vehicle trips. Similarly, the phrase "Phase 3 New Development" shall mean New Development (as that term is previously defined in Condition C.3) that results in a total amount of New Development that generates more than 491 net new external AM Peak Hour vehicle trips or 418 net new PM Peak Hour external vehicle trips. The number of net new external AM and PM Peak Hour vehicle trips shall be determined in accordance with the Transportation Methodology, and the trip generation formulas provided therein (and also listed below in Condition D.8).

7. The Developer may increase or decrease the density or intensity of one or more land uses within the Lauderhill City Center DRI and simultaneously increase or decrease the density or intensity of other land uses from those which are listed above in Condition D.4 without filing a NOPC or other modification of this Development Order, provided that the following criteria are met:

- a. at the time of election of an adjustment in the density or intensity of one or more land uses, the Developer will notify the DCA, FDOT, and South Florida Regional Planning Council ("SFRPC") of the election at least thirty (30) days before submitting for site plan approval from the City of Lauderhill;
- b. the adjusted land use totals must not generate traffic volumes that exceed 468 net new external PM peak hour trips or 659 net new external AM peak hour trips; and,
- c. the adjusted land use totals must not result in more than a ten percent (10%) change in the direction of trip distribution.

8. The number of net new external AM and PM peak hour trip ends and the change in project trip directionality as a result of any land use adjustments made pursuant to Condition D.6 shall be calculated in accordance the Transportation Methodology. As utilized in the Transportation Methodology, the applicable trip generation rates or equations for all land uses shall be as follows, which are found in the Institute of Transportation Engineers' (ITE), Trip Generation, 7th Edition:

a. Retail:

- AM Peak Hour:  $\text{Ln}(\text{Trips}) = 0.6 \text{ Ln}(x) + 2.29$  (where "x" is the number of thousands of square feet)
- PM Peak Hour:  $\text{Ln}(\text{Trips}) = 0.66 \text{ Ln}(x) + 3.4$

b. Office:

- AM Peak Hour:  $\text{Ln}(\text{Trips}) = 0.80 \text{ Ln}(x) + 1.55$  (where "x" is the number of thousands of square feet)
- PM Peak Hour:  $\text{Ln}(\text{Trips}) = 1.12 (x) + 78.81$

c. Residential (condominium)

- AM Peak Hour:  $\text{Trips} = 0.29(x) + 28.86$  (where "x" is the number of units)
- PM Peak Hour:  $\text{Trips} = 0.34(x) + 15.47$

9. If the City Manager of the City of Lauderhill, or his or her designee, and the FDOT determine that the criteria listed in Condition D.6 are satisfied, then no additional DRI approvals or NOPC will be required for any proposed land use adjustments.

10. If land use adjustments have been made pursuant to Conditions D.6 and D.7, then the Developer must provide the City of Lauderhill, DCA, Broward County and the SFRPC with revised cumulative land use totals (or confirm that no such revisions have been made) and remaining allowable densities and intensities in each biennial report.

11. Pursuant to Section 380.06(5)(c), Florida Statutes, the Lauderhill City Center DRI shall be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes, in effect at the time of the approval of this Development Order.

### E. Commencement Of Development

1. The Developer shall commence construction within five (5) years from the effective date of this Development Order. This time period shall be tolled during the pendency of any appeal pursuant to Florida Statutes Section 380.07. For the purpose of this condition, construction shall be deemed to have been initiated upon the Developer performing any of the following: a) placement of permanent evidence of a structure that is part of the New Development (other than a temporary construction trailer) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing; (b) construction of any portion of roadways or other utility infrastructure to support New Development; (c) demolition of any portion of the Existing Development; or (d) completion of at least 100,000 square feet of any interior or exterior renovations to any portion of the Existing Development.

#### F. Phasing, Buildout, And Expiration Of DRI

1. The Lauderhill City Center DRI will be developed in three (3) Phases. Phase 1 is proposed to be constructed over the duration of ten (10) years, Phase 2 is proposed to be constructed over the duration of five (5) years, and Phase 3 is proposed to be constructed over the duration of ten (10) years, unless extended pursuant to Florida Statutes Section 380.06(19) (2008). The Developer may choose to accelerate the beginning date of any phase provided that all applicable mitigation requirements for New Development are timely met. The end date for Phase 3 will not be affected by an acceleration of the beginning date of any of the three (3) phases.

2. Any unused development rights and all accompanying obligations on behalf of the Developer shall carry over from Phase 1 into Phase 2 and from Phase 2 to Phase 3 until build-out.

3. The projected build-out date for all New Development is December 31, 2034. The DRI termination and DRI Development Order expiration dates are established as December 31, 2034. Any extensions of the DRI build-out, termination or expiration dates will be governed by the provisions of Florida Statutes Section 380.06(19)(c) (2008).

4. It is contemplated that the expanded bus transfer facility referenced in Condition D.1 will be relocated as conceptually shown on Map H, attached as Exhibit B, unless an alternate location, including the existing location, is approved by the City of Lauderhill, in cooperation with BCT. Regardless of the final approved location,

the expanded bus transfer facility shall be completed by no later than December 31, 2019. The Developer shall continue to cooperate with BCT during all three phases of development with regard to bus circulation, design, pedestrian safety, signage and Federal ADA issues as they relate to the expanded bus transfer facility.

5. The time period for commencement of physical development and the time period for build-out and termination will be tolled during the period of any appeal pursuant to Florida Statutes Section 380.07 (2008), or during the pendency of administrative or judicial proceedings relating to development permits.

#### G. Downzoning Date

The property within the Lauderhill City Center DRI shall not be subject to downzoning, unit density reduction, or intensity reduction before the expiration of this Development Order, unless the City of Lauderhill demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred or the Development Order was based upon substantially inaccurate information provided by the Developer, or that the change is clearly essential to the public health, safety, or welfare.

#### H. Stormwater

The Developer shall ensure that incremental increases in stormwater runoff that result from impervious surfaces that are part of New Development are retained within the Lauderhill City Center DRI in accordance with applicable regulations of the South Florida Water Management District ("SFWMD"), FDOT, the Central Broward Water Control District, Broward County, and the City of Lauderhill. The Developer shall design, construct and maintain the stormwater management system for the Lauderhill City Center DRI and any additions, expansion, or replacements to the stormwater management system to meet the following standards:

1. Comply with the regulations and requirements of the SFWMD, FDOT, the Central Broward Water Control District, the Broward County Environmental Protection and Growth Management Departments ("EPGMD"), and the City of Lauderhill concerning stormwater management;

2. Install pollutant retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the stormwater management system drainage

permits and master drainage plan, and periodically remove pollutant accumulations as required by the stormwater permitting agencies;

3. Use silt screens and aprons during any phase of project construction that may increase turbidity in adjacent surface waters; and

4. Mulch, spray, or grass exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.

### I. Water Supply, Water Use And Irrigation

1. A building permit for Phase 2 or Phase 3 New Development shall not be issued unless the developer demonstrates that the City of Lauderhill has an adequate permitted allocation of potable water and adequate potable water treatment and distribution facilities to meet the demands of the New Development for which the building permit is being requested.

2. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, Florida-friendly landscape techniques and other water conserving devices/methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Lauderhill by the SFWMD.

3. The Developer shall design, construct, and maintain the onsite irrigation system for the Lauderhill City Center DRI, expansions, or replacements to the onsite irrigation system to minimize salt-water intrusion and excessive irrigation in accordance with SFWMD guidelines. The Developer shall use water conserving techniques to reduce the demand on the region's potable water supply, including the installation of rain sensors on irrigation timers, and compliance with restrictions on irrigation timing as required by the City of Lauderhill.

### J. Energy

1. All construction shall be performed in conformance with the specifications of the applicable building code and the Florida Energy Code at the time of the issuance of the building permit. Further, and to the extent it is economically feasible, the Developer will implement the most current energy conservation measures, such as natural gas and/or renewable energy sources, into the design and construction of all new buildings and new parking garages. The Developer shall also consider providing electrical plugs in all parking

garages for vehicles and using alternative fuel technologies for security and support staff vehicles.

### K. Wastewater

1. Prior to the issuance of a building permit for any permanent structure that is part of the New Development within the Lauderhill City Center DRI, the Developer shall ensure that sufficient wastewater capacity exists to meet the wastewater flows of that structure.

2. Prior to the issuance of a certificate of occupancy for any permanent structure that is part of the New Development within the Lauderhill City Center DRI, the Developer shall complete or cause the completion of appropriate expansions and improvements to the lift stations and force mains which are necessary (if any) to provide wastewater service for that structure.

### L. Landscaping

1. The Developer shall comply with the tree preservation and landscaping requirements of the City of Lauderhill. The Developer shall follow Florida-friendly principles in landscape design and the selection of species for planting. Substitute landscaping species may be used if approved by the City of Lauderhill. Such approval shall be based on the following criteria for plant materials:

- a. Does not require excessive irrigation or fertilizer;
- b. Is not prone to insect infestation or disease;
- c. Does not have invasive root systems;
- d. Other criteria as may be appropriate; and
- e. Site buffers and the site landscaping will include native plants.

### M. Economic Development

1. The Developer shall attempt to use economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the Lauderhill City Center DRI. Examples of such agencies and programs include, but are not limited to, those contained in the South Florida Small and Minority Business Resource Directory. The Developer shall attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a

minimum, the Developer is encouraged to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the Lauderhill City Center DRI's employment needs. This information shall be biennially updated and submitted as a part of the Biennial Status Report.

2. The Developer shall establish with the City of Lauderhill an "Advertising and Promotion Program" to disseminate information on business opportunities and tax benefits available at the Lauderhill City Center for existing and proposed City of Lauderhill businesses, including those associated with a location within a Community Redevelopment Area, a Brownfield area, and, if applicable, a state enterprise zone. This will entail, at a minimum, the permanent display at the Lauderhill Chamber of Commerce, City Hall, the Developer's office and associated leasing agents of brochures and application documentation. The Developer will initiate an "Awareness" program through the good offices of the Chamber and the City's economic development agencies.

3. The Developer and its subcontractors shall register with the City of Lauderhill and shall contact, to the maximum extent possible, those entities identified within the "Vendors and Skills Bank" directory, at which those seeking, jobs, contracts, sales opportunities, are registered and which allows the Developer to make those registered aware of bids and job opportunities.

#### N. Hazardous Materials

1. The Lauderhill City Center DRI is not anticipated to include laboratories or other uses which would have a significant hazardous materials generation/usage impact as defined in Rules 9J-2.044(2)(f) and (5)(a) of the FAC. In the event that hazardous material usage on any project within the Lauderhill City Center DRI will have a significant hazardous materials generation/usage impact, prior to issuance of a certificate of occupancy for any such use, the owner(s) and/or developer of the project generating such use, to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan for review and approval by the City of Lauderhill, in coordination with the first responders, as applicable, the Broward County EPCMD, the Florida Department of Environmental Protection (DEP), and the SFRPC, which conforms with the requirements of Rule 9J-2.044(5)(b)2, FAC.

2. A copy of the approved plan also shall be provided to the City of Lauderdale Fire Department. The Hazardous Materials Management Plan shall be incorporated into any lease for such project and by sale agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property on which such project is located is conveyed.

### O. Air Quality

1. Prior to initiating construction or modification of the parking facility, the Developer shall meet with Broward County EPGMD and the Florida DEP to establish parameters for a Carbon Monoxide Air Quality Analysis. This analysis will address worst case concentrations for each phase and build out while incorporating the methodology of the latest FDEP guidelines. All Level of Service (LOS) "E" or "F" intersections impacted by 5% or more project traffic shall be analyzed prior to issuance of the first certificate of occupancy.

2. Broward County Ordinance Section 27-176, requires that prior to construction of a new parking facility(ies) or modifications to an existing parking facility(ies), as those terms are defined by Broward County Ordinance 27-174, the applicant shall submit a parking facility license application, prepare an air quality impact study and obtain a parking facility license for (a) any single-level parking facility(ies) with a design or use capacity of fifteen hundred (1,500) parking spaces or more, or any modification of any existing facility which will increase such parking facility(ies) to a design or use capacity of fifteen hundred (1,500) parking spaces or more; (b) any multi-level parking facility(ies) with a design or use capacity of seven hundred fifty (750) parking spaces or more, or any modification of any existing facility which will increase such parking facility(ies) to a design or use capacity of seven hundred fifty (750) parking spaces or more; or (c) any combination of a single-level and multi-level parking facility(ies) (combination of parking lots, decks, and garages) with a design capacity or use capacity of at least one thousand (1,000) parking spaces or more, or a modification of any existing facility which will increase such parking facility(ies) to a design or use capacity of one thousand (1,000) parking spaces or more. For DRIs involving phase development, according to Broward County Ordinance Section 27-176(c)(1)(b), required parking facility license application data regarding parking facility(ies) constructed in incremental phases must include all the information required in Section 27-176 of the Code for each and all phase(s) of the proposed facility(ies).

3. The Developer shall submit the Carbon Monoxide Air Quality Analysis and Parking Facility license, based upon the agreed methodology, to Broward County EPGMD, the Florida DEP and SFRPC for their review and approval. The analysis shall demonstrate that the National Ambient Air Quality Standards for Carbon Monoxide will not be violated as a result of this project and if necessary, shall include mitigation measures for which the Developer shall be responsible.

P. Fill

The Developer shall ensure that any fill material used within the Lauderhill City Center DRI, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the Broward County EPGMD and the Florida DEP, as applicable.

Q. Historic And Archaeological Sites

In the event of discovery of any archaeological artifacts during the construction of the Lauderhill City Center DRI, construction shall stop within a thirty-foot radius/buffer and immediate notification shall be provided to the Division of Historical Resources, Florida Department of State, and the City of Lauderhill. Construction may resume within the affected area after the City of Lauderhill and the Division of Historical Resources have determined the appropriate mitigation pursuant to Rule 9J-2.043, FAC, if any are warranted, and such measures have been implemented by the Developer.

R. Public Safety

1. The term "public safety" used herein shall include but not be limited to the City of Lauderhill Fire Rescue and Police Departments.

2. Prior to the issuance of a building permit for any permanent structure that is part of the New Development within the Lauderhill City Center DRI, the Developer shall work with the City of Lauderhill (with input from the BSO) to ensure the adequate provision of fire/rescue and police services necessary to serve the Lauderhill City Center DRI.

3. The level of staffing necessary will be determined by the City of Lauderhill Police and Fire Departments. If the demand for police services increases or decreases from the amount initially forecast, the Developer shall be responsible for the costs of appropriate increased or decreased staffing levels.

4. In addition, the Developer shall provide a suitable workspace within the retail/office component of the New Development within the Lauderhill City Center DRI to accommodate public safety personnel, the location of which shall be determined in cooperation with the City of Lauderhill Police and Fire Rescue Departments, but in no event shall the amount of workspace exceed 900 square feet. The Police and Fire Departments shall be responsible for all utilities, any space modifications, and all interior maintenance including HVAC. The use of the workspace shall be limited to police and fire activities.

### S. Recreation

1. If required for residential uses, the Developer shall pay the applicable Broward County regional park and recreation impact fee in lieu of dedicating land for park use during the review of construction plans submitted for County Environmental Review Approval by the Development and Environmental Regulation Division for each permanent structure that is part of the New Development within the Lauderhill City Center DRI that creates a parks and recreation impact.

2. Prior to the issuance of a certificate of occupancy for a permanent structure that is Phase 2 New Development within the Lauderhill City Center DRI, the Developer shall dedicate a non-exclusive 10-foot easement on the western portion of the Lauderhill City Center DRI for purposes of building and maintaining the canal promenade, as depicted on Map H, attached as Exhibit B. The exact location and design of the canal promenade and easement shall be determined during the site plan approval process. The form of dedication of the easement shall be reviewed and approved by the City Attorney and Director of Planning and Zoning for the City of Lauderhill. The Developer shall be required to construct and maintain the pedestrian trail.

3. If the Developer becomes the owner of the existing pedestrian bridge shown on Map H, attached as Exhibit B, during the term of this Development Order, then prior to the issuance of another certificate of occupancy for a newly constructed primary building, the Developer shall rehabilitate the bridge. Plans to rehabilitate the pedestrian bridge shall be reviewed and approved by the City of Lauderhill. The Developer shall also be required to dedicate an easement for public use of the bridge. The form of dedication of the easement shall be reviewed and approved by the

City Attorney and Director of Planning and Zoning for the City of Lauderhill. The Developer shall be required to maintain the pedestrian bridge once it has been rehabilitated.

T. Transportation

1. Access to the Lauderhill City Center DRI shall be provided as shown on Map H, attached as Exhibit B.

2. Emergency ingress and egress shall be provided as follows:

a. The Developer shall develop an Emergency Management Plan identifying how visitors and employees will be protected and evacuated, if necessary, in an imminent catastrophic condition and showing how emergency vehicles will access the site under the various incidents;

b. Prior to the issuance of the first building permit for any New Development, the Emergency Management plan shall be approved by the City of Lauderhill; and

c. Emergency conditions shall only be activated under imminent catastrophic conditions, which public safety officials have determined to be life-threatening. Under this scenario, any evacuation of the site will be under police control and direction. Site design, including the position of buffers and walls, shall accommodate emergency egress points onto State Road 7/U.S. 441, N.W. 12th Street and N.W. 16th Street for use during such emergency conditions.

3. Phase 2 New Development within the Lauderhill City Center DRI requires three (3) of the intersection modifications identified as "Recommended Improvements" on Table 21-F-9 of the ADA. These modifications shall be completed in accordance with the schedule in Table 21-F-9, which has been modified to delete the additional northbound left turn lane at the intersection of State Road 7 and Oakland Park Boulevard deleted, and is also attached as Exhibit E to this Development Order.

4. The Developer shall not construct the additional northbound left turn lane at the intersection of State Road 7 and Oakland Park Boulevard that was identified in Table 21-F-9 of the ADA, but in lieu thereof, the Applicant shall pay an amount not to exceed \$750,000 as follows:

a. within one (1) year from the issuance of the first certificate of occupancy for a structure that is New Development, provide funding to the Broward County Traffic Engineering Division in the amount of \$ 91,042.00 for the installation of pedestrian or alternate transit related amenities at their discretion along State Road 7 between Oakland Park Boulevard and Sunrise Boulevard in order to enhance pedestrian and transit-oriented activity; and

b. within one (1) year from the issuance of the first certificate of occupancy for a structure that is New Development, the Developer shall establish an escrow account, or other acceptable form of security, in an amount not to exceed \$658,958.00 to be drawn down upon for the installation or incorporation of BCT terminal infrastructure amenities (above and beyond those described in T.10.e) within the Lauderhill City Center DRI to be specified in an agreement pursuant to Section 5-182(a)(5)(a)(6) of the Broward County Land Development Code. The escrow account shall be at least 95% expended after five (5) years from the date that it is established, with no less than 33% being expended after four (4) years from the date that it is established. The monies placed in escrow can be utilized by the Developer for direct installation or construction of the agreed-upon amenities by the Developer, or, if the Developer chooses, the monies can be provided directly to the Broward County Transportation Department for installation of such amenities at their discretion along State Road 7 between Oakland Park Boulevard and Sunrise Boulevard.

5. Prior to commencing development of Phase 3, the Developer shall prepare a traffic impact analysis to identify whether any portion of Phase 3 will generate any significant and adverse regional impacts not previously mitigated and no portion of Phase 3 shall commence unless the Developer provides appropriate mitigation for any such impacts not addressed to date and that will be generated by Phase 3. For purposes of identifying the significant and adverse trips, the traffic analysis shall be conducted in accordance with a Transportation Methodology, agreed to by the South Florida Regional Planning Council, Florida Department of Transportation District IV, Broward County, and the City of Lauderhill and "significant and adverse" shall be as defined in the Transportation Methodology.

7. The Developer shall satisfy the regional transportation concurrency requirements of Broward County in accordance with Policy 3.4.23 of the Transportation Element of the Broward County Comprehensive Plan (2009) prior to receiving Broward County

Development and Environmental Regulation Division approval of construction plans for any New Development.

8. The Developer will provide transportation mitigation by payment in accordance with Broward County's Transportation Concurrency Assessment Fee program, as approved and amended by the Broward County Board of County Commissioners on September 22, 2009, which is currently estimated to be at least \$2.4 - \$3.1 million (to be assessed at each phase).

9. Nothing in this Development Order shall preclude the Developer from obtaining any and all credits and offsets which the Developer is entitled to receive in accordance with the Broward County Comprehensive Plan, Broward County Land Development Code, Broward County Administrative Code, and all other applicable rules and regulations governing credits, and the laws of the State of Florida, for activities that include, but are not limited to those transit-related improvements and terminal infrastructure amenities purchased in accordance with Conditions T.4.and T.10.

10. The Developer shall encourage transit use, carpooling, vanpooling, and bicycling by:

a. within 90 days of obtaining the first certification of occupancy for a structure that is New Development, making rideshare, car-sharing, and transit information available to tenants and employees;

b. by designating employee parking spaces in all new parking facilities, conveniently located, for exclusively high occupancy vehicle use where appropriate;

c. within 90 days of obtaining the first certification of occupancy for a structure that is New Development, submitting a Travel Demand Management Plan (TDM Plan), developed in coordination with the City of Lauderdale, to be approved by BCT and FDOT, that promotes car and van-pool programs, maintains a ridesharing database, promotes transit use, makes transit passes available to employees on site who wish to use transit, and promotes preferential parking for onsite employees who volunteer for these trip reduction initiatives;

d. participating and supporting the implementation of re-routing existing fixed and articulated buses or future transit lines (12

bays) into the site from Broward County, the City of Lauderhill, City of Lauderdale Lakes, and the City of Plantation;

e. cooperating with the City of Lauderhill, BCT, FDOT, and Broward MPO to incorporate transit-oriented design principles into the design and development of the site, such that the expanded bus transfer facility can have quality connectivity (convenience and comfort) to the primary portions of the development. At a minimum, the expanded bus transfer facility shall provide level boarding at all bus loading locations; shelters that incorporate transit facility design (brandishing) consistent with the architecture of the surrounding development; pre-board/vending ticketing options; lighting; trash receptacles; benches; way-finding (kiosks/displays for fares, system, and vicinity information); bicycle racks; and off-vehicle fare collection (including, but not limited to, ticket vending machines);

f. cooperating with the City of Lauderhill to minimize the number of off-street parking spaces providing within the Lauderhill City Center DRI, but in no event shall the City of Lauderhill require the Developer to provide parking spaces in amounts that will exceed 1.5 spaces per residential dwelling unit, 3.0 spaces per 1000 square feet of office use, and 4.0 spaces per 1000 square feet of retail use at build-out;

g. performing a shared parking study to identify any reductions in parking that can be achieved by combining the parking supply for residential, office and retail uses;

h. by participating in the funding of bus pull out bays that are to be located on the site of the Lauderhill City Center DRI, the exact number of location of which shall be determined in coordination with BCT, FDOT, and Broward County MPO;

i. by providing bicycle racks in the design and development of the site; and

j. coordinating with the South Florida Regional Transportation Authority (SFRTA) and the City of Lauderhill in the implementation of a Tri-Rail shuttle route, if and when such route becomes available, that serves the Lauderhill City Center DRI.

11. Prior to the issuance of a building permit for any Phase 3 New Development, the Developer must demonstrate to the City of

Lauderhill, the SFRTA (if possible), and the FDOT that the following transportation-related performance criteria have been satisfied:

- a. both PM and AM peak hour modal split of twenty percent (20%) transit for the Lauderhill City Center; and
- b. internal capture rate of thirty percent (30%) of vehicle trips for each of the AM and PM peak periods.

12. In the event the expanded bus transfer facility referenced in Condition D.1 is relocated on the site of the Lauderhill City Center DRI along State Road 7, the Developer shall dedicate an easement to Broward County for the purpose of establishing an express bus stop pull out bay on the west side of State Road proximate to the relocated bus transfer facility (such as that which is depicted on Map H, attached as Exhibit B, and labeled as the "Express Bus Stop"). The size and location of the easement shall be subject to the review and approval of BCT.

13. In the event that public funding becomes available and parking spaces are or can be made available, the Developer shall cooperate with the City of Lauderhill, SFRTA, and BCT to provide and maintain park and ride spaces on the site of the Lauderhill City Center DRI. If provided, the number of park and ride spaces and schedule for incorporating the spaces into the plan of development for the Lauderhill City Center DRI shall be determined through coordination among the Developer, City of Lauderhill, SFRTA and BCT.

### U. Biennial Report And Monitoring

1. The biennial report required by Florida Statutes Section 380.06(18) (2008) shall be submitted every two (2) years, until buildout of the Lauderhill City Center DRI is achieved, on the anniversary date of the effective date of this Development Order to the City of Lauderhill, the SFRPC, the DCA, the FDOT, Broward County EPGMD (2 copies), and such additional parties as may be required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7) of the FAC.

2. The City of Lauderhill City Manager, or his or her designee, shall be responsible for monitoring the Developer's compliance with the conditions of this Development Order and shall ensure that the applicable Development Order conditions have been complied with prior to the issuance of any development permits. Upon the written request of the owner(s) or developer(s) of property within the Lauderhill City Center DRI, the City of Lauderhill shall

certify in writing to the owner(s), developers, mortgagees, and potential mortgagees or their designee(s) the compliance status of the conditions of this Development Order relative to the property within the Lauderhill City Center DRI to which the request is related. If all conditions of this Development Order are being satisfied or are otherwise in compliance, the certification shall provide that the Development Order is in full compliance. If all conditions are not being complied with, the City of Lauderhill shall specify in writing which conditions are not in compliance.

3. In the event the Developer violate any of the conditions of the Development Order or otherwise fails to act in substantial compliance with the Development Order, the City of Lauderhill may stay the effectiveness of the Developer Order as to the tract or portion of the tract in which the violation or conduct has occurred and withhold further permits, approvals, and services for development in said tract or portion of the tract, upon passage of any appropriate resolution by the City of Lauderhill, adopted in accordance with this section, finding that such violation has occurred. The Developer shall be given written notice that states: i) the nature of the purported violation and ii) that unless the violation is cured within fifteen (15) days of said notice, a public hearing will be held to consider the matter within thirty (30) days of said notice. If the violation is not curable within fifteen (15) days, the Developer's diligent good faith efforts to cure the violation will obviate the need to hold a public hearing and the Development Order will remain in effect unless the Developer does not diligently pursue the curative action to completion within a reasonable time, in which event the City of Lauderhill shall give fifteen (15) days notice to the Developer of its intention to stay the effectiveness of the Development Order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred until the violation is cured. For purposes of this provision, the word "tract" shall be defined to mean any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or Developer as land to be used or developed as a unit or which has been used or developed as a unit, and which is located within the Lauderhill City Center DRI. An example of an unit for purposes of this condition are the pods shown on Exhibit C.

### V. Housing

1. In lieu of a housing supply and demand study, the Developer shall contribute \$25,000 to the Lauderhill Housing

Authority. The Developer's contribution shall be made within 90 days of the effective date of this Development Order.

2. Prior to commencement of Phase 2, and then prior to commencement of Phase 3, the Developer shall provide the City of Lauderhill with a reassessment of affordable housing needs, at that time, within the Lauderhill City Center DRI.

3. The effectiveness of any amendments to this Development Order shall be conditioned on the Developer providing a reassessment of affordable housing needs, at that time, in the Lauderhill City Center DRI.

#### W. Expiration or Termination Date

The expiration date for this Development Order shall be December 31, 2034, unless the expiration date is extended as provided in Section 380.06(19)(c), Florida Statutes.

#### X. Transmittal to the SFRPC and the Department of Community Affairs

Within thirty (30) days after the adoption of this Development Order, a certified copy of this Development Order with all exhibits shall be sent via first class certified U.S. Mail to the SFRPC, the DCA, and Developer.

#### Y. Recording

Within thirty (30) days after the effective date of this Development Order, the Developer shall record notice of the adoption of this Development Order together with the Development Order with the Clerk of the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida in accordance with Sections 28.222 and 380.06(15)(f), Florida Statutes. This notice shall specify that this Development Order runs with the land and is binding upon the Developer, its agents, successors, grantees and assigns, jointly or severally. The Developer shall provide a copy of the recorded notice to the City of Lauderhill, the SFRPC, and the DCA.

**SECTION 4. Conflict.** All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

## Attachment 1

**SECTION 5. Severability.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 6. Recordation.** The Developer shall, within thirty (30) days of the effective date of this Development Order, record a notice of adoption of the Development Order as provided in Florida Statutes Sections 28.222 and 380.06(15)(f) and provides the City, the SFRPC, and the DCA with a copy of the same.


**SECTION 7. Effective Date.** This Development Order will take effective immediately upon adoption by the City of Lauderdale.

DATED this 9th day of November, 2009.

PASSED on first reading this 14th day of September, 2009.

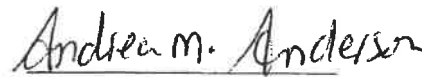
PASSED on second reading this 7th day of October, 2009.

PASSED AND ADOPTED on third reading this 9th day of November, 2009.



PRESIDING OFFICER

ATTEST:



CITY CLERK

	FIRST READING	SECOND READING	THIRD READING
MOTION	<u>Holness</u>	<u>Bates</u>	<u>Bates</u>
SECOND	<u>Benson</u>	<u>Holness</u>	<u>Berger</u>
M. BATES	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
H. BENSON	<u>Yes</u>	<u>Yes</u>	<u>Absent</u>
H. BERGER	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
D. HOLNESS	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
R. KAPLAN	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

**EXHIBIT A**

**Legal Description**

The site is located in Section 36, Township 49 South, Range 41 East. The legal description is contained below:

**The Mall parcel**

Parcel 1:

Lots 1 through 6, in Block 28, of FLAIR SUBDIVISION NO. 3, according to the Plat thereof recorded in Plat Book 51, page 39, of the Public Records of Broward County, Florida.

AND

A portion of land lying in the East 1/2 of Section 36, Township 49 South, Range 41 East, Broward County, Florida, and that portion of a canal lying North of the aforementioned Lots 1 through 6, in Block 28, of FLAIR SUBDIVISION NO. 3, being more particularly described as follows:

Commence at the Southeast corner of said Section 36, run North 00° 54' 30" West, along the Easterly line of said Section 36, for a distance of 1,911.74 feet; thence run South 89° 05' 30" West, along the North Right-of-Way line of NW 12th Street, as shown on the aforementioned Plat of FLAIR SUBDIVISION NO. 3, for a distance of 53.00 feet to the POINT OF BEGINNING of the tract of land hereinafter described; thence continue South 89° 05' 30" West, along the last described course for a distance of 597.0 feet to the Southeast corner of the aforementioned Lot 1, in Block 28; thence run North 00° 54' 30" West, along the East boundary of said Lot 1, for a distance of 100.0 feet to the Northeast corner of said Lot 1; thence run South 89° 05' 30" West, along the North boundary of said Block 28, for a distance of 260.0 feet to a point of curvature; thence run along circular curve to the left (continuing along the North boundary of said Block 28) having a radius of 1,630.00 feet, and a central angle of 7° 15' 08", for an arc distance of 206.32 feet to the Northwest corner of the aforementioned Lot 6, in Block 28; thence run North 8° 09' 38" West, radial to the last mentioned curve (along its Northerly prolongation of the Westerly lot line of said Lot 6), for a distance of 100.0 feet to a point on the next mentioned curve; thence run Westerly along a circular curve to the left, having a radius of 1,730.0 feet and a central angle of 1° 19' 28" for an arc distance of 39.99 feet (said last mentioned curve being coincident with the Northerly Right-of-Way line of the aforementioned canal); thence run North 0° 54' 30" West, along a line that is parallel with and 1,168.0 feet West of as measured at right angles to the East line of said Section 36, for a distance of 1,438.78 feet to a point on the next mentioned curve; said point bearing North 5° 35' 30" West, from the center point of said curve; thence run Easterly along a circular curve to the right having a radius of 3,160.00 feet, and a central angle of 3° 10' 25", for an arc distance of 175.03 feet; thence run North 0° 54' 30" West, along the West line of and parallel with the aforementioned East line of Section 36, for 175.06 feet to a point on a curve, said

## Attachment 1

point bearing North 2° 20' 20" West from the center point of the next described curve; thence run Easterly along a circular curve to the right having a radius of 3,335.00 feet, and a central angle of 1° 25' 50", for an arc distance of 83.26 feet to a point of tangency; thence run North 89° 05' 30" East, along a line that is parallel with and 1,805.00 feet North of, as measured at right angles to, the North Right-of-Way line of NW 12th Street, as shown upon said Plat of FLAIR SUBDIVISION NO. 3, for a distance of 707.00 feet; thence run South 0° 54' 30" East along a line that is parallel with and 203.00 feet West of, as measured at right angles to the East line of said Section 36, for a distance of 150.00 feet; thence run North 89° 05' 30" East, at right angles to the last described course for 150.00 feet; thence run South 0° 54' 30" East at right angles to the last described course for 1,655.00 feet to the POINT OF BEGINNING, (said last mentioned course being parallel with and 53.00 feet West of, as measured at right angles to the said East line of said Section 36); lying and being in the City of Lauderhill, Broward County, Florida.

### Parcel 2:

A portion of the Northeast 1/4 of Section 36, Township 49 South, Range 41 East, lying in the City of Lauderhill, Broward County, Florida, and being more particularly described as follows:

Commence at the most northeasterly corner of FLAIR SUBDIVISION NO. 4-D, according to the Plat thereof, as recorded in Plat Book 60, Page 49, of the Public Records of Broward County, Florida, and run South 0° 54' 30" East, along the East line of said Plat of FLAIR SUBDIVISION NO. 4-D, for 85.25 feet to a point on a curve, said point bearing North 5° 20' 43" West, from the center point of the last described curve; thence run Easterly along a circular curve to the right having a radius of 3,335.00 feet and a central angle of 4° 26' 13" for an arc distance of 258.26 feet to a point of tangency; thence run North 89° 05' 30" East, for 707.00 feet to the POINT OF BEGINNING of a parcel of land hereinafter described; thence run South 0° 54' 30" East, at right angles to the last described course for 150.00 feet; thence run North 89° 05' 30" East at right angles to the last described course for 150.00 feet; thence run North 0° 54' 30" West at right angles to the last described course for 150.00 feet, said last mentioned course being parallel with and 53.00 feet West of, as measured at right angles to, the East line of the aforementioned Northeast 1/4 of Section 36; thence run South 89° 05' 30" West, at right angles to the last described course for 150.00 feet to the POINT OF BEGINNING.

### TOGETHER WITH

#### The Ideal Building parcel

A portion of the Northeast 1/4 in Section 36, Township 49 South, Range 41 East, lying in the City of Lauderhill, Broward County, Florida and being more particularly described as follows:

Commence at the most Northeasterly corner of said FLAIR SUBDIVISION NO. 4-D, according to the Plat thereof, as recorded in Plat Book 60, Page 49, of the Public Records of Broward County, Florida and run South 00°54'30"East along

## Attachment 1

the Easterly line of said Plat of FLAIR SUBDIVISION NO. 4-D for 85.25 feet to the POINT OF BEGINNING of a parcel of land hereinafter described; thence continue South 00°54' 30" East along the last described course for 175.56 feet to a point on a curve said point bears North 5°35' 30" West from the center point of the next described curve; thence run Easterly along a circular curve to the right having a radius of 3160.0 feet and a central angle of 3°10' 25" for an arc distance of 175.03 feet; thence run North 00°54' 30" West along a line East of and parallel with the aforementioned East line of FLAIR SUBDIVISION NO. 4-D for 175.06 feet to a point on a curve, said point bearing North 02°20' 20" West from the center point of the next described curve; thence run Westerly along a circular curve to the left having a radius of 3335.00 feet and a central angle of 3° 00' 23" for an arc distance of 175.00 feet to the POINT OF BEGINNING.

Also known as Tract A LOB Plat, according to the Plat thereof, as recorded in Plat Book 75, Page 24, of the Public Records of Broward County, Florida.

### RESOLUTION NO. 24R-10-259

**A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA, GRANTING LAUDERHILL MALL INVESTMENTS, LLC, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A MIXED-USE DEVELOPMENT INCLUSIVE OF 233 DWELLING UNITS AND 14,186 SQ. FT. OF COMMERCIAL USES ON A 3.23± ACRE SITE LEGALLY DESCRIBED AS A PORTION OF THE "LAUDERHILL MALL SOUTH OUT PARCELS" PLAT AS RECORDED IN PLAT BOOK 183, PAGE 374, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 1267 N.W. 40TH AVENUE, LAUDERHILL, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, this property is zoned General Commercial (CG) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial (CG) zoning district by Special Exception Use Development Order approval only; and

WHEREAS City Staff recommends that the City Commission **VOTE IN FAVOR OF** this Special Exception Use Development Order request for a mixed-use development inclusive of 233 dwelling units and 14,186 square feet of commercial uses, subject to the following conditions.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Development Order requested by Lauderhill Mall Investments, LLC, in the General Commercial (CG) Zoning District a mixed-use development inclusive of 233 dwelling units and 14,186 square feet of commercial uses on a 3.23+/- acre site legally described as a Portion of the "Lauderhill Mall South Out Parcels" Plat as recorded in Official Records Book 183, Page 374, of the Official Public Records of Broward County, Florida; more commonly known as 1267 N.W. 40<sup>th</sup> Avenue, Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. This special exception use development order for a mixed-use development with 233 dwelling units and 14,186 square feet of commercial use shall be granted to Lauderhill Mall Investments, LLC, and such development order cannot be conveyed to another person or entity. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. Notwithstanding, the service station and convenience stores may be operated by other business entities so long as there is no change in ownership as specified herein.

2. The mixed-use development, as proposed in the City's site plan application (23-SP-001), is restricted to the south portion of the property. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or

## Attachment 2

removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order or grants a new development order to allow such expansion, alteration, enlargement or removal to another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement, or removal of the use to another location.

3. If there are any code enforcement violations or liens, this Special Exception Use Development Order may be brought before the City Commission to be reconsidered, at which time the development order, or the conditions of approval, may be subject to modification, suspension and/or revocation.

4. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.

5. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, a site plan application consistent with the request is submitted and subsequently approved within the one hundred eighty-day period.

6. The site plan application (23-SP-001) must demonstrate substantial conformance with the city's Land Development Regulations (LDR), and all applicable Code of Ordinances, prior to the issuance of any development order.

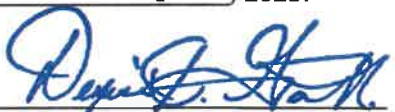
7. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire.

8. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Section 2. The Staff Report and all other substantial competent evidence presented at the Commission meeting, are incorporated herein, and are hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 13 day of January, 2025.

  
DENISE D. GRANT, MAYOR  
PRESIDING OFFICER

## Attachment 2

ATTEST:



ANDREA M. ANDERSON, MMC  
CITY CLERK

MOTION  
SECOND

Martin

Campbell

R. CAMPBELL  
M. DUNN  
D. GRANT  
J. HODGSON  
S. MARTIN

Yes

No

Yes

Yes

Yes

Approved as to Form



Hans Ottinot  
Interim City Attorney