

A request to amend the note on the plat has been filed with the Development and Environmental Regulation Division. This plat was approved by the County Commission on February 27, 2007, for 105 townhouse units on 8.32 acres. The property is located on the northwest corner of Pine Island Road and Northwest 38 Street, in the City of Sunrise. The plat was recorded on August 29, 2008 with the following note:

This plat is restricted to 105 townhouse units. The plat is further restricted to prohibit the residence of school age children pursuant to the Declaration of Restrictive Covenants recorded at O.R. Book 42485, Pages 1848-1856 in accordance with Land Use Plan Amendment PC 06-6.

The current note, which was approved by the County Commission on June 9, 2009, restricts the plat as follows:

This plat is restricted to 133 townhouse units.

The applicant is now requesting to amend the note to develop garden apartments instead of townhouse units and add 7 residential units. The requested note reads as follows:

This plat is restricted to 140 garden apartments consisting of 14 "very low income units" (4 one bedroom, 7 two bedroom, and 3 three bedroom) and 126 "low income" units (32 one bedroom, 61 two bedroom, 33 three bedroom).

This request was evaluated by the Reviewing Agencies. The attached memorandum from the Broward County Planning Council indicates that the effective land use plan designates the area covered by this plat for the uses permitted in the "Medium (16) Residential" land use category. The proposed development of 140 dwelling units is consistent with the density permitted by the effective land use plan designation.

This property was the subject of Broward County Land Use Plan Amendment PC 06-6 which amended the land use from the "Office Park" to "Medium (16) Residential" land use designation. The amendment was adopted by the County Commission on June 27, 2006, subject to the following voluntary commitment:

- Restrict said property to age restricted housing units which will prohibit the residence of school age children.

On April 14, 2009, the County Commission approved a release of the Declaration of Restrictive Covenants removing the restriction prohibiting the residence of school aged children. The "Release of Restrictive Covenants" between the Developer and Broward County is recorded at O.R. Book 46222, Pages 273-276.

The attached comments from the Historical Commission indicate that no known archaeological resources or historic structures are located within the project area. Review of archive materials indicates that the project area is undeveloped and until recently was not cleared. The project area may contain elements of a remnant

Everglades Tree Island which have been identified as archaeological sensitive areas, with moderate to high probability of yielding significant archaeological materials. The BCHC staff suggests that the applicant perform a Phase I Archaeological Reconnaissance Survey of the property prior to or in conjunction with the development of the project. The applicant is advised that Section 5-305, Ordinance #92-38 entitled "Protection and Preservation of Archaeological Sites Discovered During the Development Process" requires that in the event that human burial remains or artifacts are uncovered during development activities, said activities shall be discontinued in the immediate vicinity of the discovery site and the procedures set forth in the above referenced ordinance shall be initiated. Any questions regarding this should be directed to Matthew De Felice (954-357-5553) of the Historical Commission.

The Highway Construction and Engineering Division notes that the developer recorded a lien on this property as security for required offsite improvements. The applicant is advised that prior to the issuance of any construction permit, the developer is required to replace the lien with a letter of credit or cashier's check. Any questions regarding this should be directed to Alric Malcolm (954-577-4600) of the Highway Construction and Engineering Division.

The Natural Resources Planning and Management Division has reviewed this request and at this time, this site is not included in the Conservation Land, Green Space or Open Space Inventory. However, the plat's southwestern corner is diagonally across Northwest 38 Street from Green Space Inventory Site 370A. Site 370A has been acquired by the Bond Program. The Environmental Review Report coordinated by the Development and Environmental Regulation Division is attached.

The attached School Capacity Availability Determination from the School Board indicates that the proposed development represents a decrease of 11 students. Therefore this application is exempt from the public school concurrency requirements of Section 5-182(m)(1)b) of the Land Development Code.

This request represents a decrease of 4 pm peak hour trips. Therefore, this plat with the amended note satisfies the regional road concurrency requirements of Section 5-182(a)(5), the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

The attached letter from the Housing Finance and Community Development Division certifies this project as affordable housing. The 14 very low income units and the 126 low income units qualify for a total waiver of transportation concurrency, regional park impact and administrative fees which will be calculated and applied during the review of construction plans submitted for County Environmental Review Approval. Pursuant to Section 5-184(b)(4) of the Broward County Land Development Code, the owner must record a declaration of restrictive covenants upon the property or provide a document acceptable to the County Attorney, prior to County Environmental Review Approval, to ensure that the affordability of residential units will be maintained at the specified income levels for a period of at least twenty (20) years for rental housing and at least ten (10) years for owner-occupied housing.

As of this writing, the School Board of Broward County has not adopted a resolution approving a full or partial waiver of school impact fees for this property and these fees cannot be waived without a resolution. Therefore, school impact fees will be assessed in accordance with the fee schedule in effect during the review of construction plans submitted for County Environmental Review Approval.

The applicant is also required to terminate the existing recreational impact fee agreement for this plat.

The attached Resolution (06-191-10-A) from the City of Sunrise approves this request.

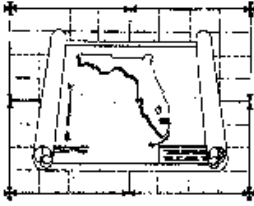
Staff recommends **APPROVAL** of this request provided the applicant accomplishes the following:

- 1) Terminates the recreational impact fee agreement prior to recordation of the note amendment;
- 2) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **August 31, 2011**.

The revised note must continue to include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **February 27, 2012**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 27, 2012**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.



BROWARD COUNTY PLANNING COUNCIL

115 SOUTH ANDREWS AVENUE, ROOM 307, FORT LAUDERDALE, FLORIDA 33301

TO: David M. Danovitz, AICP, Assistant Director
Development and Environmental Regulation Division
Broward County Environmental Protection and Growth Management Department

FROM: Henry A. Sniezek, AICP, Executive Director

RE: Delegation Request for Avery Glen
(102-MP-05) City of Sunrise

DATE: July 28, 2010

This memorandum corrects our previous comments regarding the referenced plat dated July 22, 2010.

Planning Council staff has reviewed the proposed revision to the restrictive note on the above referenced plat. The proposal is to change the restrictive note on the plat:

FROM: This plat is restricted to 133 townhouse units.

TO: This plat is restricted to 140 garden apartments (14 very low income units consisting of 4 one-bedroom, 7 two-bedroom and 3 three-bedroom units and 126 low income units consisting of 32 one-bedroom, 61 two-bedroom and 33 three-bedroom units).

The Future Land Use Element of the City of Sunrise Comprehensive Plan is the effective land use plan for the City of Sunrise. That plan designates the area covered by this plat for the uses permitted in the "Medium (16) Residential" land use category. This plat is generally located on the northwest corner of Northwest 38 Street and Pine Island Road.

This plat is located within an area that was the subject of Broward County Land Use Plan amendment, PC 06-6, which was approved by the Broward County Commission on June 27, 2006, recognizing the following voluntary commitment:

- Restrict said property to age restricted housing units which will prohibit the residence of school age children.

Planning Council staff notes that the Broward County Commission approved the release of the Declaration of Restrictive Covenants which prohibited the residence of school age children at its April 14, 2009, meeting.

The density of the proposed development of 140 dwelling units on 9.5 acres of land, including the immediately adjacent rights-of-way, is 14.7 dwelling units per gross acre, which is in compliance with the permitted uses and densities of the effective land use plan.

Avery Glen
July 28, 2010
Page 2

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

HAS:PMS

cc: Bruce Moeller, City Manager
City of Sunrise

Mark Lubelski, Director, Planning and Development Department
City of Sunrise



Broward County Historical Commission
151 SW. 2nd Street Fort Lauderdale, Florida 33301
Tel: 954 765 4671 Fax: 954 765 4437

July 27, 2010

Annette Stravino
Broward County Development and Environmental Regulation Division
One North University Drive, Building A,
Plantation, Florida 33324

**Comments for Plat Report:
Avery Glenn plat 102-MP-05**

Annette Stravino,

The Broward County Historical Commission has had opportunity to review material for **Avery Glenn plat 102-MP-05**, generally north of NW 38th Street and west of Pine Isle Road, Section 20, Township 49s, Range 41e, City of Sunrise, Broward County, Florida.

Review of the Florida Master Site File (2010) and other resources indicate that zero (0) archaeological and historical cultural resource have been previously located within the project boundaries, however; no archaeological survey of the parcel has been completed. BCHC recommended a phase I archaeological reconnaissance survey of the property be conducted prior to the development (clearing and other ground disturbance activities) of the property on October 7, 2008. However; that work was never filed with the BCHC and BCHC is not aware that any survey was conducted prior to the recent land clearing activity. It is likely that prior land clearing may have negatively impacted potentially unrecorded archaeological materials within the project area.

Review of archive materials (aerial photography, topographical maps, etc) indicate the project area is undeveloped and until recently was not cleared. Historic aerials, elevation and topographical data indicate the project area may contain elements of a remnant Everglades Tree Island. Everglades Tree Island formation have been identified as archaeological sensitive areas, with moderate to high probability of yielding significant archaeological materials.

Based on the environmental topography and relatively undisturbed developmental history of the project area there remains a low – to - moderate probability for significant archaeological materials to be located within the project boundaries.

Consistent with prior recommendations, the BCHC recommends a phase I archaeological reconnaissance survey of the property be conducted prior to further development and ground disturbance of the project area. This survey shall be conducted by a qualified professional archaeologist approved by the BCHC prior to commencing fieldwork.

As with many parcels that have not been subject to prior systematic survey, there is minimal potential that unanticipated cultural resources may be discovered. If in the event that archaeological features or artifacts are discovered during the course of development, the Broward County Historical Commission *shall* be notified within twenty four (24) hours of the discovery and sufficient time should be provided to allow proper recordation, recovery, or preservation of the find (Broward Co. Florida Ord. 92-38).

Additionally, if in the event that any unmarked human burial remains are discovered then work in the vicinity of the burial find is to halt immediately until a determination can be made, in accordance with State Statutes Chapter 872, by either the state archaeologist or the county medical examiner as to jurisdiction, custody and disposition of the remains. Should this occur this office is to be contacted immediately to facilitate the coordination of the find.

Please contact the Historical Commission with any questions you may have.

Sincerely,
Matthew DeFelice, County Archaeologist

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT
TO THE DEVELOPMENT AND ENVIRONMENTAL REGULATION DIRECTOR**

Application: Delegation Request (To amend the note to add 7 garden apartments.)
File Number: 102-MP-05
Project Name: Avery Glen
Comments Due: July 27, 2010
Development Type: Residential (140 Garden Apartments)

The Development and Environmental Regulation Division of the Broward County Environmental Protection and Growth Management Department has coordinated with other divisions in this department to provide the following comments on the above referenced plat:

Surface Water Management

This plat is located in the City of Sunrise and is under the jurisdiction of the Water Engineering and Licensing Section of the Development and Environmental Regulation Division. Surface water management plans must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. A surface water management license from the Water Engineering and Licensing Section will be required prior to any construction.

Wastewater Review

Wastewater Treatment Plant:	Sunrise Springtree
Flow Data:	As of 5/10
EPD Licensed Capacity	10.0000 MGD
12 Month Average Flow:	8.6400 MGD
Existing Flow Reserved by Building Permit:	0.0220 MGD
Total Committed Flow:	8.6620 MGD
Estimated Project Flow:	0.0350 MGD

The applicant is advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding or altering either a gravity sanitary sewer, a sanitary force main or a pump station.

Natural Resources Preservation

This plat is located in a wellfield zone no. 3 of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.

See the attached Conceptual Dredge and Fill Review Report. On November 8, 2005 and on June 15, 2010, Jurisdictional Wetland Determinations, No. WD0511-003 and No. WD1005-003, respectively, were issued on this site. No wetlands were observed during these inspections. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License.

Applicant has been informed that the proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337, which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.

Page 2

102-MP-05 Avery Glen

Staff notes that on July 20, 2010, a General License, SUN1007-038, was issued on this plat for the excavation of a 0.54 acre lake.

The Aquatic and Wetlands Resources Section of the Development and Environmental Regulation Division encourages all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetlands Resources Section.

This plat is subject to the City of Sunrise's Tree Preservation Code for tree removal, relocation, and/or replacement.

At this time, this site is not included in the Conservation Land, Green Space or Open Space Inventory. However, the southwestern corner of the plat's boundary is diagonally across from Green Space Inventory Site 370A. Site 370A was acquired by the Bond Program.

Additional Comments Addressing Certain Environmental Protection Actions Needing to be Taken to Implement the Project

1. An Environmental Resource License may be required for any excavation or filling of existing wetlands, lakes, or canals or any other activities regulated under Article XI of the Natural Resource Protection Code which are not currently permitted under License SUN1007-03 issued on July 30, 2010. Contact the Aquatic and Wetlands Resources Section of the Development and Environmental Regulation Division for specific license requirements
2. The subject plat is in the vicinity of a known contaminated site and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, the Pollution Prevention, Remediation and Air Quality Division's approval of an application for a building permit or approval to construct or alter shall not be granted until the this Division is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on site [Section 27-66(h) Broward County Code of Ordinances]. It should also be noted that the Pollution Prevention, Remediation and Air Quality Division must approve any dewatering activities at the subject location.
3. Wastewater receiving lift stations and force mains are critical components to the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. Contact the Water Engineering and Licensing Section of the Development and Environmental Regulation Division at 954-519-1483.

Be advised that approval of a delegation request does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of Building Permit approval. Connections to such systems are approved by the Environmental Review Section of the Development and Environmental Regulation Division as a prerequisite to, and just prior to, approval of Building Permits by the appropriate Building Department for any structures that are to be built on the platted site. These comments do not indicate a waiver or approval of any license or permit that is, or may be, required for any aspect of the project.

Conceptual Dredge and Fill Review Report

July 27, 2010

Plat Name: Avery Glen

Plat No: 102-MP-05

LOCATION

Section: 20

Township: 49 South

Range: 41 East

Address: Northwest corner of NW 38th St. and Pine Island Road in the City of Sunrise.

FINDINGS

Wetland Characteristics present: Yes _____ No X

COMMENTS

A Jurisdictional Wetlands Determination (WD0511-003) was issued for this site on November 8, 2005. No wetlands were observed during this inspection; however, the determination expired on November 8, 2007. The applicant was advised that the boundaries of the wetland would need to be reevaluated by the Department to determine their consistency with the most recent wetland delineation methodology contained in Chapter 62-340, F.A.C.

An updated Jurisdictional Wetlands Determination (WD1005-003) was issued for this site on June 15, 2010. No wetlands were also observed during this inspection. A General License SUN1007-038 was issued on July 20, 2010 for the excavation of a lake less than 2 acres (0.54 acres) that shall be connected to existing surface water by a permitted structure.

The applicant shall be advised that a license will be required for any additional lake or canal excavation as regulated under Article XI of the Natural Resource Protection Code. No license would be necessary for filling within existing uplands.

This report is for informational purposes only and does not constitute waiver or approval of any license or permit that is, or may be, required for any aspect of this project.

The School Board of Broward County, Florida
FINAL SCHOOL CAPACITY AVAILABILITY DETERMINATION

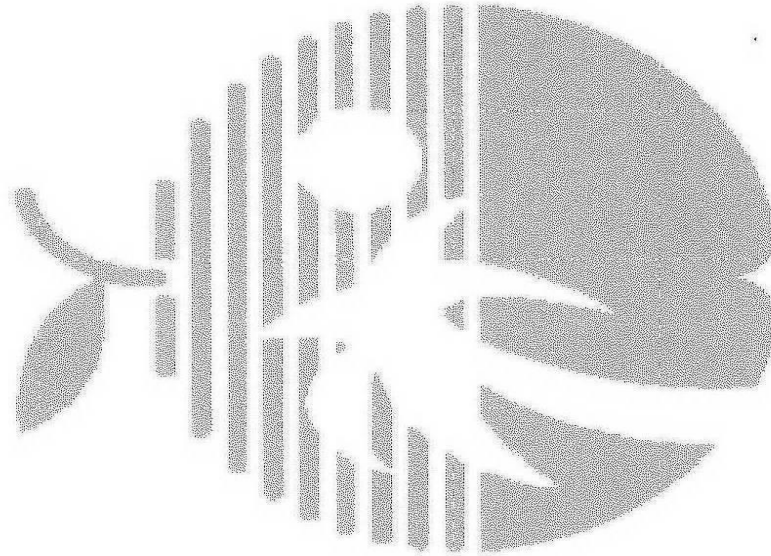
PLAT

SBBC-473-2008

County No: 102-MP-05

Pinnacle at Avery Glen

June 15, 2010



Growth Management Department
Facility Management, Planning, and Site Acquisition
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com

**FINAL SCHOOL CAPACITY AVAILABILITY DETERMINATION
PLAT**

PROJECT INFORMATION		NUMBER & TYPE OF PROPOSED UNITS	OTHER PROPOSED USES	ADDITIONAL STUDENT
Date:	June 15, 2010	Single-Family:		Elementary: 12
Name:	Pinnacle at Avery Glen	Townhouse:		Middle: 6
SBBC Project Number:	SBBC-473-2008	Garden Apartments:	140	High: 7
County Project Number:	102-MP-05	Mid-Rise:		Total: 25
Municipality Project Number:	TBD	High-Rise:		
Owner/Developer:	Blackstone Properties & Investment, Inc.	Mobile Home:		
Jurisdiction:	Sunrise	Total:	140	

Comments

According to the information provided, 133 garden apartment units are permitted onsite, which generates 36 (17 elementary, 8 middle and 11 high school) students. This concurrent plat and site plan application proposes to change the unit mix to 140 (36 elementary one bedroom, 68 two bedroom, and 36 three bedroom) garden apartment units, which generates 25 students and results in a net reduction of 11 students to Broward County Public Schools. Therefore, pursuant to Section 8.11(a) (2) of the Amended Interlocal Agreement for Public School Facility Planning, this application has been determined to be exempt from public school concurrency requirements. Staff has been advised that the applicant may pursue educational impact fee waivers for the 14 (4 one bedroom, 7 two bedroom and 3 three bedroom) very low income garden apartment units proposed in this application, however the regular school impact fees are still due for the units that are not granted school impact fee waivers by the School Board.

Also, this exempt determination is conditional upon approvals being granted consistent with the bedroom mix stated herein. The local governing body is responsible for reporting the District regarding the approval status of projects on a (minimum) quarterly basis.

If a change is proposed to the application, which causes students to be generated by the project, the students will not be considered exempt or vested from public school concurrency (PSC) when the project is re-reviewed.

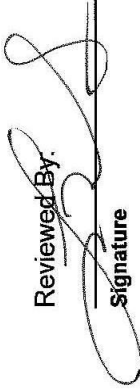
Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code

SBBC-473-2008 Project is Exempt from Public School Concurrency

Yes No

June 15, 2010
Date

Reviewed By:



Signature

Lisa Wight

Name

Planner

Title





Environmental Protection and Growth Management Department
 Housing Finance and Community Development Division (HFCDD)
 110 N.E. 3rd Street, 2nd Floor • Fort Lauderdale, Florida 33301 • 954-765-5311 • FAX 954-765-5340

May 3, 2010

Timothy Wheat
 Pinnacle Housing
 9400 South Dadeland Boulevard, Suite 100
 Miami, Florida 33156

SUBJECT: AFFORDABLE HOUSING CERTIFICATION
Avery Glen
City of Sunrise, Florida

Dear Mr. Wheat:

The Avery Glen project has been certified eligible under the Broward County Affordable Housing Program for certain impact fee waivers or reductions. This certification will be for 140 units in the following category as indicated in your application:

Number of Units Proposed by Bedroom Size	Efficiency	One Bedroom	Two Bedrooms	Three Bedrooms	Four Bedrooms
Very Low		4	7	3	
Low		32	61	33	
Moderate					

Dwelling Unit Type	Very Low	Low	Moderate	Total
Single Family Detached				
Townhouse/Duplex/Villa				
Garden Style (2-4 Stories)	14	126		140
Mid Rise (4-8 Stories)				
High-Rise (9+Stories)				
Mobile Home				
Total	14	126		140

Legal Description: (see attached)

As the approved owner of the property, you are required to comply with all applicable terms and conditions of the program, as outlined in your initial application.

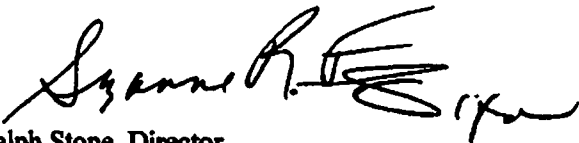
You must also comply with the Broward County Land Use Plan (BCLUP) for "Affordable Housing." Specifically, the monthly rents or mortgage payments (including taxes and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 50% to 80%; moderate = 80% - 120%) of the median income limits adjusted for family size for the households. To income certify client, please see an example application attached as a guide. Upon completion of the application, retain the original income certification Application in your files.

If the owner transfers title to the property within the time period set forth in the Terms and Conditions in the application, the property shall be made available only to a buyer who qualifies as designated on your approved Certification Letter and who will use the property as its principal residence or all fees shall be subject to recapture. "Waivers of impact and/or application fees require that the applicant(s) maintain affordable housing for twenty (20) years for rental housing and ten (10) years for owner-occupied housing in accordance with Broward County Land Development Code." (See page one (1) of your application. On May 22, 2007, the Broward County Board of County Commissioners amended these time frames as noted above.)

It is important that you present this letter when discussing the project with County staff or when filing development applications with Broward County. Also, any waiver or reduction to be given by the Broward County School Board will require a separate application from them.

In order to complete the process, the Broward County Development and Environmental Regulations Division (DERD) requires the property owner and its mortgagee to enter into a "Declaration of Restrictive Covenant for Affordable Housing." The "Declaration" requires the signatures of all the property owners and mortgagees of the property. In order to verify the owners and mortgagees, the County Attorney's Office requires an "Opinion of Title". Please contact the DERD at (954) 357-6666 for additional assistance.

Sincerely,



Ralph Stone, Director

Attachment
RS/ac

cc: Bruce Moeller, City Manager, City Manager, City of Sunrise

Evy Kalus, Senior Planner, Broward County Development and Environmental Regulation Division

David Huizenga, Engineer III, Broward County Engineering Division

Roger Travis, Engineer III, Engineering Division, Paving & Drainage Section

Henry Sniezek, AICP, Executive Director, Broward County Planning Council

Chris Akagbosu, Director, Growth Management Division, Facility Management, Planning & Site Acquisition Dept,
Broward County School Board

Angela Chin, Principal Planner, HFCDD

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF TRACTS 7 AND 8 IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 49 SOUTH, RANGE 41 EAST, "CHAMBERS LAND COMPANY SUBDIVISION", AS RECORDED IN PLAT BOOK 1, PAGE 5-A OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 20, TOWNSHIP 49 SOUTH, RANGE 41 EAST; THENCE SOUTH $01^{\circ}27'16''$ EAST, ALONG THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 1,972.93 FEET; THENCE SOUTH $89^{\circ}29'34''$ WEST, A DISTANCE OF 53.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $01^{\circ}27'16''$ EAST, ALONG A LINE 53.00 FEET WEST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 598.32 FEET; THENCE SOUTH $42^{\circ}55'26''$ WEST, A DISTANCE OF 33.47 FEET TO A POINT

35.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 20; THENCE SOUTH $89^{\circ}29'59''$ WEST, ALONG A LINE 35.00 FEET NORTH OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES TO) SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 20, A DISTANCE OF

558.68 FEET TO A POINT 25.00 FEET EAST OF THE WEST LINE OF SAID TRACT 8; THENCE NORTH $01^{\circ}27'08''$ WEST, ALONG A LINE 25.00 FEET EAST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES TO) THE WEST LINE OF SAID TRACTS 7 AND 8, A DISTANCE OF 622.56 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 7; THENCE NORTH $89^{\circ}29'34''$ EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 582.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED, LYING AND BEING IN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA, AND CONTAINING 362,427 SQUARE FEET (8.32 ACRES), MORE OR LESS.

Including:

The West 25.00 feet of Tracts 7 and 8, together with the East 25.00 feet of that portion of Tract 24 lying Southerly of a line formed by the Westerly extension of the North line of said Tract 7, in the Northeast one-quarter of the Chambers Land Company Subdivision of Section 20, Township 49 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 1, Page 5A of the Public Records of Broward County, Florida, less and except therefrom the South 25 feet for Road Right-of-way..

W. G. G. G.

CITY CLERK
CITY OF SUNRISE
10 JUN -9 AM 10:04

SUNRISE, FLORIDA

RESOLUTION NO. 06-191-10-A

CERTIFICATION

I certify this to be a true and correct copy of the original document on file at Sunrise City Hall.

Witness my hand and official seal of the City of Sunrise, Florida this 9th day of June 2010.

[Signature]
Felicia M. Burns, Sunrise City Clerk

A RESOLUTION OF THE CITY OF SUNRISE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE ON THE "AVERY GLEN PLAT" AND ALLOCATING ONE (1) RESERVE UNIT FROM FLEXIBILITY ZONE 66 FOR AVERY GLEN LOCATED AT THE NORTHWEST CORNER OF PINE ISLAND ROAD AND NW 38TH STREET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as "Avery Glen Plat" was approved by the City Commission by Resolution No. 06-191 on December 12, 2006 for 105 townhouse units; and

WHEREAS, the City Commission approved a revision to the restrictive note on the plat from 105 townhouse units to 133 townhouse units by Resolution No. 06-191-08-A on August 27, 2008; and

WHEREAS, the owner desires to further revise the restrictive note associated with said plat; and

WHEREAS, the Applicant, Pinnacle Housing Group, is seeking the allocation of one (1) reserve unit from Flexibility Zone 66 for the property; and

WHEREAS, pursuant to Section 16-116 of the City Code, the City Commission may allocate reserve units to increase the number of dwelling units on a parcel of land within a Flexibility Zone in order to increase the density permitted

on a parcel over and above the density permitted on the City's Future Land Use Map; and

WHEREAS, the Planning and Zoning Board held a meeting on June 3, 2010 and recommended approval of the proposed revision to the restrictive note on the "Avery Glen Plat;" and

WHEREAS, Broward County requires that the City of Sunrise concur with this revision prior to a review by the Broward County Board of County Commissioners;

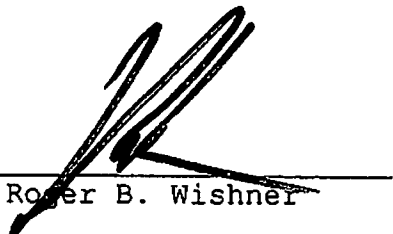
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Approval of a Plat Note Amendment. The City Commission of the City of Sunrise does hereby approve of the proposed revision to the restrictive note shown on the "Avery Glen Plat" from "this plat is restricted to 133 townhouse units" to "this plat is restricted to 140 garden apartments (14 very low income units consisting of 4 one bedroom, 7 two bedroom and 3 three bedroom units, and 126 low income units consisting of 32 one bedroom, 61 two bedroom, and 33 three bedroom units)," the proposed revision being specifically described in the Community Development Department's Final Staff Report to the City Commission, a copy of which is attached to and made a part of this Resolution as Exhibit "A."

Section 2. Allocation of Reserve Unit. One (1) reserve unit is hereby allocated to the property known as "Avery Glen Plat," permitting a total of 140 dwelling units for the Avery Glen property.

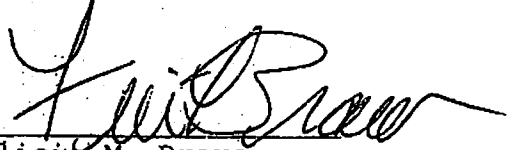
Section 3. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED THIS 8TH DAY OF JUNE, 2010.



Mayor Roger B. Wishner

Authentication:



Felicia M. Bravo
City Clerk

MOTION:	<u>SOFIELD</u>
SECOND:	<u>ALU</u>
ALU:	<u>YEA</u>
ROSEN:	<u>ABSENT</u>
SCUOTTO:	<u>YEA</u>
WISHNER:	<u>YEA</u>
SOFIELD	<u>YEA</u>

Approved by the City Attorney
as to Form and Legal Sufficiency.



Stuart R. Michelson

Development and Environmental Regulation Division
 Environmental Protection and Growth Management Department
 Board of County Commissioners, Broward County, Florida

Application to Amend or Revise Level of Approved Development

INSTRUCTIONS

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please type this application or print legibly in black ink.

PROJECT INFORMATION

Plat Name Avery Glen

Plat Number 102-MP-05 Plat Book - Page 178 - 31 (If recorded)

Owner/Applicant Blackstone Properties & Investments, Inc Phone 954-762-3400

Address 1700 NW 66th Avenue, Suite 102 City Plantation State FL Zip Code 33313

Owner's E-mail Address blaystrom@aol.com Fax # 954-525-3423

Agent Avery Glen, LLC Phone 305-854-7100

Contact Person Timothy Wheat

Address 9400 S. Dadeland Blvd. City Miami State FL Zip Code 33156

Agent's E-mail Address twheat@pinnaclehousing.com Fax # 305-859-9858

PROPOSED CHANGES

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary)

Current note for entire plat THIS PLAT IS RESTRICTED TO 133 TOWNHOUSE UNITS.

Proposed note for entire plat THIS PLAT IS RESTRICTED TO 140 GARDEN APARTMENTS (14 VERY LOW INCOME UNITS CONSISTING OF 4 ONE BEDROOM, 7 TWO BEDROOM AND 3 THREE BEDROOM UNITS AND 126 LOW INCOME UNITS CONSISTING OF 32 ONE BEDROOM, 61 TWO BEDROOM, 33 THREE BEDROOM UNITS)

PLEASE ANSWER THE FOLLOWING QUESTIONS

Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?
 Yes No Don't Know
 If YES, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.

Does the note change represent a change in Trips? Increase Decrease No Change
 Does the note represent a major change in Land Use? Yes No

If there is a question as to whether the note amendment represents a change in Trips, or whether it is considered a major change in Land Use, please consult with Development Management Staff.

Estimate or state the total number of on-site parking spaces to be provided SPACES 271

Number of seats for any proposed restaurant or public assembly facility including places of worship. SEATING 0

Number of students for a day care center or school. STUDENTS 0

Will project be served by an approved potable water plant? If YES, state name and address. Yes No
City of Sunrise 777 Sawgrass Corp Pkwy Sunrise, FL 33325

Will project be served by an approved sewage treatment plant? If YES, state name and address. Yes No
City of Sunrise 777 Sawgrass Corp Pkwy Sunrise, FL 33325

Are on-site wells for potable water currently in use or proposed? Yes No
 If YES, see reverse side of this form for additional required documentation.

Are septic tanks currently in use or proposed? Yes No
 If YES, see reverse side of this form for additional required documentation.

Reasons for this request. (Attach additional sheet if necessary)

SCHOOL CONCURRENCY

1) Does the current or proposed plat note language contain any residential units?
 If the answer is "No," please skip the remaining questions. Yes No

2) Are the type, number, or bedroom restriction of the residential units on the current plat note changing? Yes No

3) Are there any new or additional residential units being added to the plat note restriction? Yes No

4) Is this application part of an approved Declaration of Restrictive Covenant or part of an approved Tri-Party agreement entered into with the Broward County School Board? Yes No

If the answer is "Yes" to questions 2, 3, or 4 please see reverse side of application for "Required Documentation" for "School Concurrency Submission Requirements."

Please see reverse side for Required Documentation and Owner/Agent Certification

REQUIRED DOCUMENTATION-All copies of plats, site plans, surveys or drawings must be folded to a size approximately 9" X 12"

For major changes in Land Use and/or increases in DENSITY or INTENSITY which may include Trips, Students, Square Footage, and Number of Dwelling Units, the following must be submitted.

- Twenty-two (22) folded copies of the plat.
- Letter of approval from the applicable municipality, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- A current letter is required from the appropriate utility service area stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.
- A signed and sealed sketch and legal description for any new parcel or tract created by the application.

For decreases in Trips, no changes in Trips, or no major change in Land Use; the following items must be submitted.

- Six (6) folded copies of the plat.
- Letter of approval from the applicable municipality specifically stating the precise note language.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.

School Concurrency Submission Requirements

- **RESIDENTIAL APPLICATIONS ONLY:** Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board for residential projects subject to school concurrency, exempt from school concurrency (exemptions include projects that generate less than one student, age restricted communities, and projects contained within Developments of Regional Impact), or subject to an approved Declaration of Restrictive Covenant or Tri-Party Agreement.

REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes", you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

LAND USE	Gross Building sq. ft.* or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the same?	Change Use?	Has been or will be demolished?
<i>Valid per plat</i>					


The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

OWNER/AGENT CERTIFICATION

State of Florida
 County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent *[Signature]*
 Sworn and subscribed to before me this 7th day of May, 2010
 by Timothy Wheat He/she is personally known to me or
 Has presented KEITH POLIAKOFF
 Signature of Notary Public *[Signature]*  Commissioner DD 637070
 Type or Print Name _____ Expires February 6, 2011
 Bonded Thru Troy Fahn Insurance 800-365-7019

FOR DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION USE ONLY

Time 1:03 Application Date 6/21/10 Acceptance Date 6/30/10
 Comments Due 7/27/10 C.C. Mtg. Date 8/31/10 Fee \$ 1785

Plats Survey Site Plan City Letter Agreements

Other Attachments(Describe) CITY RESOLUTION, AFFORDABLE HOUSING ACT, SCAN
 Title of Request AMEND NOTE

Distribute to: Full Review Planning Council School Board Land Use & Permitting

Health Department (on septic tanks and/or wells) Zoning Code Services (unincorporated area only)
 Planning Services (unincorporated area only) Other _____ Other _____

Adjacent City AK Received by *[Signature]*

REQUIRED DOCUMENTATION-All copies of plats, site plans, surveys or drawings must be folded to a size approximately 9" X 12"

For major changes in Land Use and/or increases in DENSITY or INTENSITY which may include Trips, Students, Square Footage, and Number of Dwelling Units, the following must be submitted.

- Twenty-two (22) folded copies of the plat.
- Letter of approval from the applicable municipality, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- A current letter is required from the appropriate utility service area stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.
- A signed and sealed sketch and legal description for any new parcel or tract created by the application.

For decreases in Trips, no changes in Trips, or no major change in Land Use; the following items must be submitted.

- Six (6) folded copies of the plat.
- Letter of approval from the applicable municipality specifically stating the precise note language.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.

School Concurrency Submission Requirements

- **RESIDENTIAL APPLICATIONS ONLY:** Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board for residential projects subject to school concurrency, exempt from school concurrency (exemptions include projects that generate less than one student, age restricted communities, and projects contained within Developments of Regional Impact), or subject to an approved Declaration of Restrictive Covenant or Tri-Party Agreement

REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes", you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

LAND USE	Gross Building sq. ft. * or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the same?	Change Use?	Has been or will be demolished?

The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

OWNER/AGENT CERTIFICATION

State of Florida

County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent [Signature]

Sworn and subscribed to before me this 6th day of MAY, 2010

by KEITH POLIAKOFF

Has presented _____

Signature of Notary Public [Signature]

Type or Print Name CONNIE BLAIR

I/he/she is personally known to me or _____ as identification.
CONNIE BLAIR
 Commission DD 637058
 Expires February 6, 2011
Bonded True Trust Firm Insurance 800-655-7010

FOR DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION USE ONLY

Time _____ Application Date 6/21/10 Acceptance Date _____

Comments Due _____ C.C. Mtg. Date _____ Fee \$ _____

Plats Survey Site Plan City Letter Agreements

Other Attachments(Describe) _____

Title of Request _____

Distribute to: Full Review Planning Council School Board Land Use & Permitting

Health Department (on septic tanks and/or wells) Zoning Code Services (unincorporated area only)

Planning Services (unincorporated area only) Other _____ Other _____

Adjacent City _____ Received by [Signature]