

STAFF REPORT
Metropica Plat
057-MP-07

A request to amend the note on the plat has been filed with the Planning and Redevelopment Division. This plat was approved by the County Commission on October 14, 2008, for 209,650 square feet of commercial use, 635,000 square feet of office use and 363 high-rise units on 80.04 acres. The property is located on the north side of Sunrise Boulevard, east and west of Northwest 136 Avenue, in the City of Sunrise. The plat was recorded on April 16, 2010 (P.B. 179, PG. 70) with the following note language:

This plat is restricted to 363 high-rise units, 209,650 square feet of commercial use and 635,000 square feet of office use. No free-standing or drive thru bank facilities are permitted within the commercial use, and no bank facilities and/or commercial/retail uses are permitted w/n the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The 363 high-rise units are further restricted to Parcel A. The commercial uses are further restricted to Parcels A, B and C and the easternmost approximate 3.0 net acres of Parcel D. The office uses are further restricted to Parcels A, B, C and D. In accordance with Ordinance 2008-11, effective June 2, 2008, high rise units are defined as three (3) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels).

In accordance with House Bill 7207, Senate Bill 2156, Executive Orders 12-140, 12-199 and 12-240, and the petitioner's most recent written request, various extensions were granted for this plat's findings of adequacy. The new expiration date for the findings of adequacy is March 9, 2017.

The applicant is requesting to amend the note by increasing the number of high-rise units by 1,720 dwelling units, adding 300 townhouse units and 417 mid-rise units, increasing the office use by 150,000 square feet and the commercial use by 275,350 square feet. In addition, the amendment would allow for all proposed uses to be developed on Parcels A, B and C, with the exception of the proposed 417 mid-rise units, which will be restricted to Parcel D. The requested note would read as follows:

Parcels A, B and C are restricted to 2,083 high-rise units, 300 townhouse units, 485,000 square feet of commercial use and 785,000 square feet of office use. Parcel D is restricted to 417 mid-rise units. In cases where a building floor may have both commercial and office uses, the entire floor will be considered commercial use. No banks are permitted within the office use, and no free-standing or drive thru bank facilities are permitted within the commercial use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is advised that in accordance with Ordinance 2013-30, effective October 4, 2013, high-rise units are defined as nine (9) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels), and mid-

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rise units are defined as four (4) or more attached dwelling units in a building with four (4) to eight (8) residential stories (exclusive of parking levels).

When this plat was approved in 2008, it was located within the Amerifirst Tract Development of Regional Impact (DRI). This DRI has since been bifurcated, and the plat is now located within the Amerifirst Metropica Development of Regional Impact (DRI). The attached letter from the City of Sunrise confirms that the City has no objection to this request, and that the proposed development complies with the Development Order for the Amerifirst Metropica DRI, adopted by the City Commission on February 10, 2009 by Ordinance 732-X-09-B, and amended by Ordinance 732-X-13-A on May 14, 2013. The attached Resolution (No. 04-22-14-A) also indicates approval of this request by the City Commission.

A companion item to amend the non-vehicular access line (NVAL) on the west side of Northwest 136 Avenue, adjacent to Parcel D, by decreasing the NVAL extension on the south side of a 100-foot opening by 200 feet, is also scheduled for County Commission action on April 8, 2014.

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 "Transit Oriented Development" land use category. Planning Council staff further states that the plat is subject to the recorded "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Transit Oriented Development" (O.R.B. 46663, PGS. 1255-1260, B.C.R.). Section 2.1 of the Agreement requires the City of Sunrise to monitor development activity and to enforce permitted land use densities and intensities within the Transit Oriented Development.

The attached Preliminary School Capacity Availability Determination from the School Board indicates that the 363 high-rise units and 417 mid-rise units, anticipated by School Board staff to generate 20 students, are currently vested for public school concurrency. The dwelling units proposed by this request would enable the development of a total of 2,800 units which are anticipated to generate 108 students, which is an increase of 88 students. School Board staff has determined that this request satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed residential development.

The Paving and Drainage Section of the Highway Construction and Engineering Division notes that the offsite road improvements for this plat have been secured with a lien recorded in O.R. Book 47019, Page 1719. **Prior to obtaining a building permit for the construction of any portion of the project, the developer is required to replace the lien with a letter of credit or cashier's check.**

The applicant is advised by the Aviation Department that any proposed construction on this property with a height exceeding 200 feet, or the use of cranes or other high-lift equipment, must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply to this development. Based on the location of the proposed project, the FAA may

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need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

This Service Development staff from the Transit Division notes that this plat is currently serviced on Northwest 136 Avenue by BCT Routes # 22, 23 and 36, and on Sunrise Boulevard by BCT Route # 36. Staff also notes that the DRI Development Order requires the developer to participate with the city in the development of an ADA-compliant alternative fuel shuttle service, coordinated by Broward County and FDOT's Commuter Assistance Program, providing regular service between the development and nearby points of interest, and to construct a covered, lighted transit station on the property.

The attached comments from the Broward County Historical Commission state that staff has reviewed this request and determined that this plat contains no previously recorded archaeological or historic cultural resource sites. Staff further notes that a *Phase I Cultural Resource Survey of the Metropica Sunrise Parcel, City of Sunrise, Broward County, Florida* was conducted in 2009 and submitted the Historical Commission for review. The survey results indicated that no archaeological or historical resources were likely to be threatened by the proposed development.

The Natural Resources Planning and Management Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

However, it is noted by Aquatic and Wetland Resource Section staff that 40 acres of the original Amerifirst DRI were set aside for wetland mitigation. Approximately 15 of the 40 acres are located on the Metropica Plat, and one 10-acre area has been granted to Broward County as a Conservation Easement in full force and effect forever (O.R. Book 25331, Page 797 B.C.R.). Further, on April 25, 2008, an Environmental Resource License Application (No. DF08-1063) for this plat was submitted, which proposes impacts to the wetlands, including those within the recorded Conservation Easement. This application is under review and the applicant must demonstrate avoidance and minimization of wetland impacts and that the project is not contrary to the public interest prior to approval of any impacts. In addition, a mitigation plan will be required to offset the impacts nearby and within the basin as a first alternative.

Any changes to the wetlands protected in the Conservation Easement will require approval by the Board of County Commissioners. **The applicant is advised that no dredging, filling or other alteration on any of the Metropica Mitigation Areas (located on Parcels A, B and C of the plat) is authorized without Environmental Resource License(s) from the Aquatic and Wetland Resource Section of the Environmental Licensing and Building Permitting Division.** The Environmental Review Report, coordinated by the Planning and Redevelopment Division, is attached.

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents an increase of 1,922 pm peak hour trips. The plat is located within the Sawgrass Transportation Concurrency Management District and within the

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Amerifirst Metropica Development of Regional Impact (DRI), and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

No impact or concurrency fees have been paid for this plat. However, on August 4, 1987, the Board of County Commissioners adopted Resolution No. 87-2526 finding that compliance with the transportation conditions of the Amerifirst Tract DRI Development Order satisfied the adequacy provisions of the Regional Transportation Network. Therefore, the approved development (363 high-rise units, 209,650 square feet of commercial use and 635,000 square feet of office use) is considered vested for concurrency, and not subject to transportation concurrency fees.

In accordance with Section 5-182(a)(7) of the Land Development Code, and as specified in the Amerifirst Metropica DRI Development Order (Condition 3.8.5, Ordinance No. 732-X-09-B), all the additional development on this plat (1,720 high rise units, 300 townhouse units, 417 mid-rise units, 150,000 square feet of office use and 275,350 square feet of commercial use) is subject to transportation concurrency fees, which will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval.

In accordance with Section 3.11 of the DRI Development Order, the plat is also subject to the requirements of the city's affordable housing program. The developer must either pay at least \$500 per dwelling unit, for a total obligation of at least \$1.4 million, or if the city chooses, construct up to 270 (15%) of the units as affordable.

In addition, the 2,800 proposed dwelling units are subject to school and park impact fees. The school impact fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval.

Administrative fees for regional parks in the amount of \$3,630.00 for 363 high rise units were paid prior to recordation of the plat, per the approved staff report which required the applicant to either pay or secure regional park impact fees and to pay administrative fees for regional parks prior to recordation of the plat. The regional park impact fees for the 363 high rise units are currently secured with a lien per the Regional Park Impact Fee Agreement recorded in O.R. Book 47019, Pages 1743-1755. However, on September 22, 2009, and on September 10, 2013, the County Commissioners approved amendments to the Land Development Code revising the time of assessment and payment of park impact and administrative fees. **The ordinances now require the assessment and payment of regional park impact fees and administrative fees for regional parks during the review of construction plans submitted for County Environmental Review, rather than prior to plat recordation.** These ordinances became effective September 28, 2009 and October 4, 2013, respectively. Therefore, the applicant must either terminate or pay off the recorded Park Impact Fee Agreement, prior to recordation of the note amendment agreement. The payoff amount for the Park Impact Fee Agreement is \$120,153.00. The applicant is advised that school and regional park impact fees are subject to an increase every October 1.

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

- 1) Either terminates or pays off the existing Park Impact Fee Agreement recorded in O.R. Book 47019, Pages 1743-1755; and
- 2) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **April 8, 2015**.

The amended note must also 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 **March 9, 2017**, 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 **March 9, 2017**, 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.

Finally, the applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Continued



COMMUNITY DEVELOPMENT
DEPARTMENT



Phone: (954) 746-3270
Fax: (954) 746-3287

November 4, 2013

Mr. Martin Berger
Planning & Redevelopment Division
Broward County
1 North University Drive
Plantation, FL 33324

RE: Request to amend the non-vehicular access line (NVAL) of the Metropica Plat, as recorded in Plat Book 179 Page 70.

Dear Mr. Berger:

On October 28, 2013, Stearns Weaver Miller et al submitted an application for NVAL amendment for City review prior to submittal of a Delegation Request to Broward County for approval by the Board of County Commissioners. The property is Parcel D of Metropica Plat, as recorded in Plat Book 179 page 70 of the Public records of Broward County, Florida.

The Development Review Committee has reviewed this request pursuant to subsection 16-34 (e)(1)(d) of the City's Land Development Code, which allows staff to make an administrative determination. The applicant is concurrently seeking approval for Rezoning and Site Plan for Portico Apartments on Parcel D. The City of Sunrise has no objection to the removal of the south NVAL lines measuring 100 feet on the east side of Parcel D, as described in the attached Exhibits.

The proposed development is in compliance with the effective Metropica DRI Development Order adopted by City Commission on February 10, 2009 by Ordinance 732-X-09-B as amended by Ordinance 732-X-13-A on May 14, 2013. This parcel of land is located in "Area 1" which is designated for multi-family development. (Please note, the applicant has simultaneously submitted a request to the City for approval of a plat note amendment that will show a proposed level of development consistent with the DRI Development Order. This item is expected to be on the City Commission agenda for action on January 14, 2014.)

If you have any questions or require anything further, please contact me at (954) 746-3279 or jesesodia@sunrisefl.gov.

Sincerely,

CITY OF SUNRISE

Josie P. Sesodia, AICP
Assistant Director/City Planner

Attach.

cc: Maria Sanchez, Richman Group, Inc.

File: 14:06

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CITY CLERK
CITY OF SUNRISE

SUNRISE, FLORIDA

14 JAN 29 AM 11:05

RESOLUTION NO. 04-22-14-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 29th day of January, 2014.

[Signature]
Felicia M. Bravo, Sunrise City Clerk

A RESOLUTION OF THE CITY OF SUNRISE, FLORIDA, APPROVING A REVISION TO THE RESTRICTIVE NOTE ON THE "METROPICA" PLAT; LOCATED ON THE NORTHEAST CORNER OF NW 136TH AVENUE AND SUNRISE BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as "Metropica", was approved by the City Commission by Resolution No. 04-22-07-A on May 22, 2007; and

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

WHEREAS, the Planning and Zoning Board held a meeting on January 9, 2014 and recommended approval of the proposed revision to the restrictive note on the "Metropica" 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 hereby approves

revising the restrictive note¹ shown on the "Metropica" Plat to the following language:

"Parcels A, B and C are restricted to 2,083 high rise units, 300 townhouse units, 485,000 square feet of commercial use and 785,000 square feet of office use. Parcel D is restricted to 417 mid rise units. In cases where a building floor may have both commercial and office uses, the entire floor will be considered commercial use. No free standing or drive-thru bank facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

The new language for the Plat Note is required by Broward County and is 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."

¹ The current plat note amendment states: "This plat is restricted to 363 high rise units; 209,650 square feet of commercial use and 635,000 square feet of office use. No free standing or drive-thru bank facilities are permitted within the commercial use, and no bank facilities and/or commercial/retail uses are permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. The 363 high rise units are further restricted to parcel A. The commercial uses are further restricted to parcels A, B, C and the easternmost approximate 3.0 net acres of parcel D. The office uses are further restricted to parcels A, B, C and D. In accordance with Ordinance 2008-11, effective June 2, 2008, high rise units are defined as three (3) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels)."

Section 2. This plat note amendment is contingent on the applicant obtaining approval from the Broward County Board of County Commissioners.

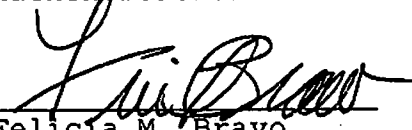
Section 3. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED THIS 28TH DAY OF JANUARY, 2014.



Mayor Michael J. Ryan

Authentication:



Felicia M. Bravo
City Clerk

MOTION: SCUOTTO
SECOND: SOFIELD

KERCH: YEA
ROSEN: ABSENT
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA

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



Kimberly A. Kisslan

CITY CLERK
CITY OF SUNRISE

14 JAN 29 AM 11:05



EXHIBIT A

STAFF REPORT

METROPICA - PLAT NOTE AMENDMENT

Summary

This is an application for a plat note amendment for the Metropica Plat (Plat Book 179, Pages 70-76) shown on Map A to provide for mixed use development on parcels A, B, and C and development of the Portico project on parcel D. The site is designated Transit Oriented Development (TOD) on the City's Future Land Use Map (FLUM). The proposed plat note amendment requires City Commission approval per Subsection 16-34(g) of the Land Development Code.

Project Description

A plat note amendment is required to develop this property consistent with the Metropica Development of Regional Impact (DRI) and existing Transit Oriented Development (TOD) land use designation on the Future Land Use Map.

General Information

Plat history for the Metropica Plat:

Date	Plat Note	Agency	Action
4/16/2010	363 high-rise units on parcel A. 635,000 sq.ft. office 209,650 sq.ft. commercial	Broward County Board of County Commissioners	Broward County approval of the plat. (Plat Book 179, Page 70) (Sunrise Reso. No. 04-22-07-A)

Broward County requires the applicant amend the note on the plat consistent with the proposed level of development. The proposed plat note is:

"Parcels A, B and C are restricted to 2,083 high rise units, 300 townhouse units, 485,000 square feet of commercial use and 785,000 square feet of office use. Parcel D is restricted to 417 mid rise units. In cases where a building floor may have both commercial and office uses, the entire floor will be considered commercial use. No free standing or drive-thru bank facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

Parcels A, B, and C do not have site plan applications submitted at this time but would be developed at a future time. Apartments at Sunrise, LLC, proposes to develop parcel D of the plat for 417 mid-rise, rental units. Apartments at Sunrise, LLC, has concurrently submitted an application to rezone parcel D from General Business District (B-3) to Planned Unit Development District (PUD).

Staff Evaluation

Planning and Zoning Board review is required per Subsection 16-34(g) because the proposed plat note amendment represents an increase in intensity of development and a change of use. The proposed use is consistent with the use established by the Amerifirst-Metropica Development of Regional Impact (DRI), with TOD land use, and with proposed rezoning to PUD. The intensity is also consistent with the DRI.

Per Land Development Code Section 16-66 the City shall not approve a plat note amendment for residential development until the School Board has reported that the school concurrency requirement has been satisfied. Prior to City Commission approval the applicant shall satisfy the following:

1. Submit a School Capacity Availability Determination (SCAD) letter reporting that the school concurrency requirement will be satisfied.

Amendment to Staff Report After Planning and Zoning Board Hearing

Subsequent to the Planning and Zoning Board meeting, the applicant submitted the SCAD letter reporting that the school concurrency requirement will be satisfied.

Staff Recommendation to the Planning and Zoning Board, January 9, 2014

Subject to the condition listed in the staff report, staff recommends approval of the proposed plat note amendment to the Metropica Plat.

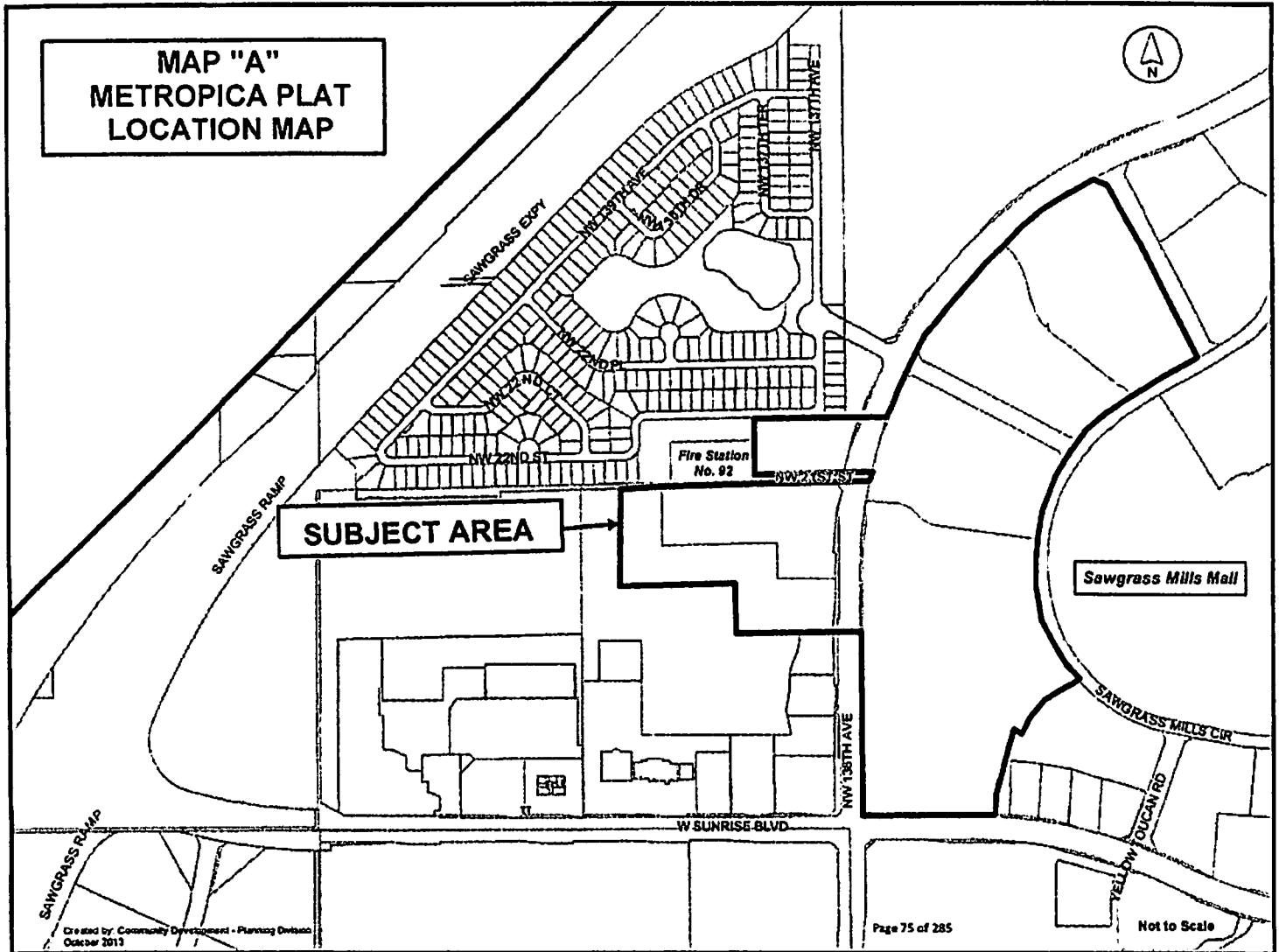
Planning and Zoning Board Recommendation, January 9, 2014

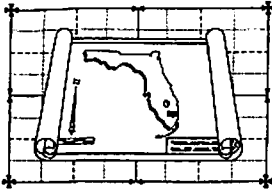
At its meeting on January 9, 2014, the Board approved the Staff recommendation.

Final Staff Recommendation to the City Commission, January 28, 2014

Staff recommends approval of the application.

TM
File: 14:23 (06:53)





BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

TO: Henry A. Sniezek, Director
Planning and Redevelopment Division
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director *BBB*

RE: Delegation Request for Metropica Plat
(057-MP-07) City of Sunrise

DATE: March 3, 2014

RECEIVED
MAR 04 2014
BY: *PRD*

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 363 high-rise units, 209,650 square feet of commercial use and 635,000 square feet of office use. The 363 high-rise units are further restricted to Parcel A, the commercial uses are further restricted to Parcels A, B, C and the easternmost approximate 3.0 net acres of Parcel D. The office uses are further restricted to Parcels A, B, C and D. In accordance with Ordinance 2008-11, effective June 2, 2008, high-rise units are defined as three (3) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels)

TO: Parcels A, B, and C are restricted to 2,083 high-rise units, 300 townhouse units, 485,000 square feet of commercial use and 785,000 square feet of office use. Parcel D is restricted to 417 mid-rise units. In cases where a building floor may have both commercial and office uses, the entire floor will be considered commercial use.

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 "Transit Oriented Development" land use category. This plat is located on the north side of Sunrise Boulevard, along both sides of Northwest 136 Avenue.

Regarding the proposed uses, this plat is subject to the executed "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Transit Oriented Development," as recorded in Official Record Book 46663, Pages 1255-1260.

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.

Metropica Plat
March 3, 2014
Page Two

BBB:IJC

cc: Alan Cohen, City Manager
City of Sunrise

Mark S. Lubelski, Director, Community Development Department
City of Sunrise

Return recorded document to:

Maite Azcoitia, Deputy County Attorney
Broward County Attorney's Office
115 S. Andrews Avenue, Rm 423
Ft. Lauderdale, FL 33301

CITY CLERK
CITY OF SUNRISE

09 SEP 22 PM 12:57

Document prepared by:

Maite Azcoitia, Deputy County Attorney
Broward County Attorney's Office
115 S. Andrews Avenue, Rm 423
Ft. Lauderdale, FL 33301

INTERLOCAL AGREEMENT FOR THE
MONITORING OF DEVELOPMENT ACTIVITY AND
ENFORCEMENT OF PERMITTED LAND USES
IN TRANSIT ORIENTED DEVELOPMENT

This is an Interlocal Agreement, made and entered into by and between:
BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred
to as "COUNTY,"

AND

CITY OF SUNRISE, a Florida municipal corporation, created and existing under
the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, this Agreement is entered into pursuant to Section 163.01, Florida
Statutes, also known as the "Florida Interlocal Cooperation Act of 1969"; and

WHEREAS, it is the purpose and intent of the parties to this Interlocal
Agreement, to permit COUNTY and CITY to make the most efficient use of their
respective powers, resources, and capabilities by enabling them to cooperate on the
basis of mutual advantage and thereby accomplish the objectives provided for herein in
the manner that will best accord with the existing resources available to each of them
and with the needs and developments within their respective jurisdictions; and

WHEREAS, the density and intensity of land uses permitted within each Transit
Oriented Development is specified within the Broward County Land Use Plan; and

WHEREAS, CITY has a Transit Oriented Development (TOD) relating to the
Amerifirst Metropica Development of Regional Impact within its jurisdiction; and

WHEREAS, pursuant to Policy 10.05.11 of the Broward County Land Use Plan,
COUNTY and CITY wish to provide that the monitoring of development activity and the
enforcement of permitted land uses within the TOD shall be the responsibility of CITY;
NOW, THEREFORE,

Approved BCC 11/10/09 #6
Submitted By Co Attorneys Office
RETURN TO DOCUMENT CONTROL

⑥
c 09180 nk
09-76

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree as follows:

ARTICLE 1
BACKGROUND; PURPOSE AND INTENT

- 1.1 The above recitals are true and correct and incorporated herein as if set forth in full hereunder.
- 1.2 It is the purpose and intent of this Interlocal Agreement for COUNTY and CITY, pursuant to Section 163.01, Florida Statutes, to cooperate and provide for a means by which each governmental entity may exercise its respective powers, privileges and authorities which they share in common and which each might exercise separately in order to further a common goal.

ARTICLE 2
MONITORING OF DEVELOPMENT ACTIVITY

- 2.1 CITY agrees to monitor development activity and to enforce permitted land use densities and intensities within the TOD consistent with the effective land use plan as certified by the Broward County Planning Council.
- 2.2 CITY agrees to submit quarterly reports to the Broward County Planning Council setting forth its monitoring and enforcement activities within the TOD to enable COUNTY to ensure that the density and intensity of land uses within the TOD and the affordable housing obligation are being complied with by CITY.

ARTICLE 3
INDEMNIFICATION

CITY is a state agency as defined in Section 768.28, Florida Statutes, and COUNTY is a political subdivision of the State of Florida. Each agrees to be fully responsible for acts and omissions of their elected officials, agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract.

ARTICLE 4
MISCELLANEOUS

- 4.1 Joint Preparation: The preparation of this Interlocal Agreement has been a joint effort of the parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

- 4.2 Entire Agreement and Modification: This Interlocal Agreement incorporates, supersedes and includes all prior negotiations, correspondence, conversations, agreements or understanding applicable to the matter contained herein. It is further agreed that no change, alteration or modification in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- 4.3 Records: In accordance with the Public Records Law, CITY agrees to permit COUNTY to examine all records and grants COUNTY the right to audit any books, documents and papers that were generated during the course of administration of the TOD. CITY shall maintain the records, books, documents and papers associated with this Interlocal Agreement in accordance with the Public Records Act.
- 4.4 Recordation/Filing: This Agreement shall be recorded in the public records of Broward County, in accordance with the Florida Interlocal Cooperation Act of 1969.
- 4.5 Default: In the event of any default or breach of any of the terms of this Interlocal Agreement, it is specifically acknowledged and agreed that either party shall, in addition to all other remedies which may be available in law or equity, have the right to enforce this Interlocal Agreement by specific performance, injunctive relief, prohibition or mandamus to compel the other party to abide by the terms of this Interlocal Agreement.
- 4.6 Notices: Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended at the place last specified; and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice:

FOR COUNTY:

Administrator
Broward County Planning Council
115 S. Andrews Avenue, Rm. 307
Fort Lauderdale, Florida 33301-4801

FOR CITY:

City Manager
City of Sunrise
10770 WEST OAKLAND PARK BLVD
SUNRISE, FL 33351

- 4.7 Choice of Law; Waiver of Jury Trial: Any controversies or legal problems arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to courts having jurisdiction over Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation.
- 4.8 Conflict: In the event that this Interlocal Agreement conflicts with any other agreement pertaining to the monitoring of development activity and the enforcement of the density or intensity of permitted land uses within the TOD, CITY and COUNTY agree that the terms and conditions contained in this Interlocal Agreement shall prevail.
- 4.9 Counterpart Originals: The parties agree that this Agreement may be executed in counterparts, and that collectively the counterparts shall be considered an original agreement and shall be deemed legally sufficient and binding upon the parties.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have made and executed this Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the 10th day of November, 2009, and CITY OF SUNRISE, signing by and through its Mayor, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

for *R.H. Brossard*
County Administrator and
Ex-Officio Clerk of
the Board of County
Commissioners of Broward
County, Florida

By *Stacy J. Allen*
Mayor

10th day of November, 2009.



Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

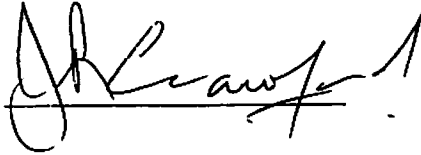
By *Maite Azcoitia* 10/16/09
Maite Azcoitia
Deputy County Attorney

INTERLOCAL AGREEMENT FOR MONITORING OF DEVELOPMENT ACTIVITY AND
ENFORCEMENT OF PERMITTED LAND USES IN TRANSIT ORIENTED
DEVELOPMENT

CITY

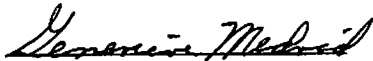
WITNESSES:

CITY OF SUNRISE

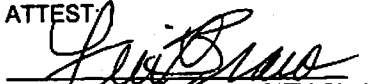


By


Roger B. Wishner, Mayor



ATTEST

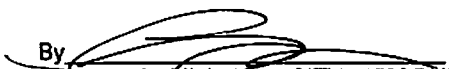

Felicia M. Bravo, CITY Clerk

22nd day of September, 2009.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

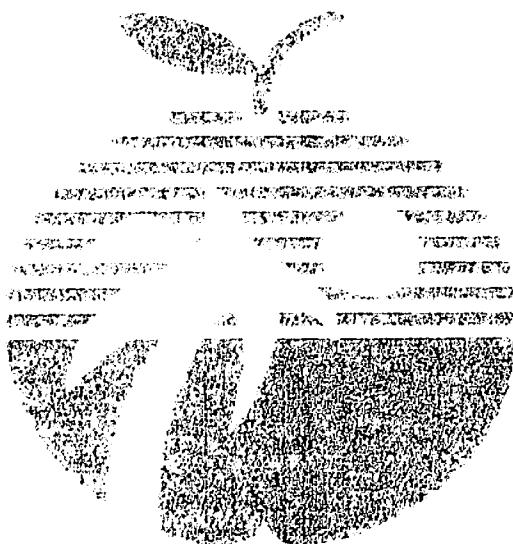

Stuart R. Michelson, CITY ATTORNEY

MA/t
3/5/09
todsunrise-a01.doc
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009180
09-76

The School Board of Broward County, Florida
PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION
PLAT
SBBC-503-2008
County Number: 057-MP-07 Municipality Number: 14:23
Metropica Plat

January 10, 2014



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

**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION
PLAT**

PROJECT INFORMATION	NUMBER & TYPE OF PROPOSED UNITS	OTHER PROPOSED USES	STUDENT IMPACT
Date: January 10, 2014	Single-Family:		Elementary: 53
Name: Metropica Plat	Townhouse: 300		Middle: 25
SBBC Project Number: SBBC-503-2008	Garden Apartments:		High: 30
County Project Number: 057-MP-07	Mid-Rise: 417		Total: 108
Municipality Project Number: 14-23	High-Rise: 2,083		
Owner/Developer: Metropica Holdings	Mobilo Home:		
Jurisdiction: Sunrise	Total: 2,800		

SHORT RANGE - 5-YEAR IMPACT

Currently Assigned Schools	Gross Capacity	LOS Capacity	Benchmark Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of Gross Capacity	Cumulative Reserved Seats
Sawgrass	1,184	1,184	887	-297	-16	74.9%	53
Bair	1,594	1,594	925	-669	-30	58.0%	25
Plantation	3,131	3,131	2,194	-937	-37	70.1%	30

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% Gross Cap. Adj. Benchmark	Projected Enrollment				
				14/15	15/16	16/17	17/18	18/19
Sawgrass	940	-244	79.4%	896	874	865	877	872
Bair	950	-644	59.6%	934	877	865	847	841
Plantation	2,224	-907	71%	2,203	2,192	2,236	2,218	2,277

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark enrollment is taken on the Monday following Labor Day and is used to apply individual charter school enrollment impacts against school facility review processes.

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2013-14 Contract Permanent Capacity	2013-14 Benchmark Enrollment	Over/(Under)	Projected Enrollment		
				14/15	15/16	16/17
No Charter Schools						

PLANNED AND FUNDED IMPROVEMENTS IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN

School(s)	Description of Improvements
Sawgrass	None
Bair	None
Plantation	None

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The benchmark enrollment count taken on the first Monday following Labor Day is used to apply individual charter school enrollment impacts against school facility review processes.

Comments

According to the applicant, the current plat note permits 363 high-rise units on Parcel A, which generate 1 elementary school student. The applicant previously proposed and was issued a Preliminary School Capacity Availability Determination (SCAD) Letter, which is still valid, for an additional 417 mid-rise units on Parcel D of the plat and vests the project for a total of 20 (12 elementary, 5 middle and 3 high school) students. The applicant is now being modified to be consistent with the approved Development of Regional Impact for the property, and the proposed plat would enable development of a total of 2,800 units consisting of 2083 high-rise, 417 mid-rise, and 300 (three or more bedroom) townhouse units. The units are anticipated to generate 108 (53 elementary, 25 middle and 30 high school) students, for an increase of 88 students from what is currently vested for public school concurrency.

The school Concurrency Service Areas (CSA) impacted by the project in the 2013/14 school year include Sawgrass Elementary, Bair Middle and Plantation High Schools. Based on the Public School Concurrency Planning Document (PSCPD), all three schools are operating below the adopted Level of Service (LOS) of 100% gross capacity.

Incorporating the cumulative students anticipated from this project and approved and vested developments anticipated to be built within the next three years (2013/14 - 2015/16), the impacted schools are anticipated to remain within the adopted LOS through the 2015/16 school year. Additionally, the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment.

In the 2013/14 school year, there are no charter schools located within a two-mile radius of the site. Students returning, attending or anticipated to attend charter schools are factored into the five-year student enrollment projections for District schools. Enrollment projections are adjusted for all elementary, middle and high schools impacted by a charter school until the charter school reaches full enrollment status.

To ensure maximum utilization of the impacted CSA, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County.

Capital Improvements scheduled in the currently Adopted District Educational Facilities Plan (DEFP), Fiscal Years 2013/14 to 2017/18 regarding pertinent impacted schools are depicted above.

This application satisfies public school concurrency on the basis that adequate school capacity is anticipated to be available to support the project as proposed. This preliminary determination shall be valid until the end of the current 2013/14 school year or 180 days, whichever is greater, for a maximum of 2083 high-rise, 417 mid-rise, and 300 (three or more bedroom) townhouse units and conditioned upon final approval by the applicable governmental body. As such, this preliminary determination will expire on August 17, 2014. This preliminary school concurrency determination shall be deemed to be void unless prior to the referenced expiration of the preliminary School Capacity Availability Determination (SCAD), notification of final approval to the District has been provided and/or an extension of this preliminary SCAD has been requested in writing and granted by the School District. Upon the District's receipt of sufficient evidence of final approval which shall minimally specify the number, type and bedroom mix for the approved residential units, the District will issue and provide a final SCAD letter for the approved units, which shall ratify and commence the vesting period for the approved residential project.

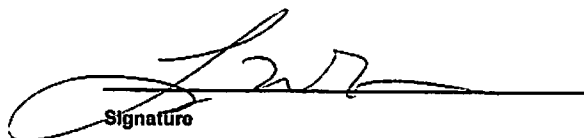
Please be advised that if a change is proposed to the development, which increases the number of students generated by the project, the additional students will not be considered vested for public school concurrency.

SBBC-503-2008 Meets Public School Concurrency Requirements

☒ Yes ☐ No

Reviewed By:

1/10/14
Date


Signature

Lisa Wight

Name

Planner

Title



Our Best.
Nothing Less.

LIBRARIES DIVISION • Historical Commission

301 Harmon (S.W. 13th) Avenue • Fort Lauderdale, Florida 33312 • 954-357-5553 • FAX 954-357-5522

February 24, 2014

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

**Re: Broward County Historical Commission Review
Metropica Plat, Plat No. 057-MP-07**

Dear Ms. Henderson:

I have had an opportunity to review materials relative to **Metropica Plat, Plat No. 057-MP-07**.

A review of materials including archival documents, maps, the Broward County Land Use Plan and the Florida master Site File (FMSF) indicate that the proposed plat amendment contains no previously recorded archaeological or historic cultural resource sites. In 2009, based on recommendations by the Broward County Historical Commission pursuant to plat amendment application, *A Phase I Cultural Resource Survey of the Metropica Sunrise Parcel, City of Sunrise, Broward County, Florida* was conducted and submitted to the BCHC. The survey indicated that no archaeological or historical resources were likely to be threatened by the proposed development.

Based on this information, the Broward County Historical Commission has no objections to the proposed plat amendment.

In the event that archaeological features or artifacts are discovered during the course of the survey, the Historical Commission *shall* be notified within twenty four (24) hours of the discovery and the discovery shall be reported pursuant to Broward County Code Ordinance 92-38. . A final survey report shall be completed and submitted to the Broward County Historical Commission for review and comment.

If, in the event, 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 Florida 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.

If you have any questions regarding these comments or would like additional information please contact me at the Broward County Historical Commission by telephone: (954) 357-5506, or email: mdefelice@broward.org.

Sincerely,
Matthew DeFelice, County Archaeologist

Ec: Laura Connors, Associate Director, Libraries Division
Peggy Davis, Manager, Libraries Division, Historical Commission
David Baber, Historic Preservation Coordinator, Libraries Division

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT
TO THE PLANNING AND REDEVELOPMENT DIRECTOR**

Application: Delegation Request (To amend the note to add 1,720 high rise units, 417 mid-rise units, 300 townhouses, 150,000 square feet of office use, and 275,350 square feet of commercial use.)
File Number: 057-MP-07
Project Name: Metropica Plat
Comments Due: February 28, 2014
Development Type: Residential (2,083 High Rise, 417 Mid-Rise, and 300 Townhouses), Office (785,000 Square Feet), and Commercial (485,000 Square Feet)

The Planning and Redevelopment Division of the Broward County Environmental Protection and Growth Management Department (EPGMD) has coordinated with other Divisions in this Department along with the County Health 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 Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building Permitting 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 Environmental Engineering and Licensing Section will be required prior to any construction.

Potable Water Review

This plat is served by the Sunrise Water Treatment Plant. The treatment plant's design capacity is 44.00 MGD and the maximum daily flow is 34.80 MGD. According to the Broward County Health Department, there is sufficient available water treatment plant capacity to serve the proposed uses on this plat at this point in time.

Wastewater Review

Wastewater Treatment Plant:	Sunrise Sawgrass
Flow Data:	As of 12/13
EPGMD Licensed Capacity	20.0000 MGD
12 Month Average Flow:	12.6200 MGD
Existing Flow Reserved by Building Permit:	0.2380 MGD
Total Committed Flow:	12.8580 MGD
Estimated Project Flow:	0.9055 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

Portions of this plat are located in wellfield zones 1, 2, and 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.

Any activity on this site, including construction, which handles, uses, produces or stores any regulated substance, as listed in said regulations, shall be required to comply with the Pollution

Page 2
057-MP-07 Metropica Plat

Prevention, Remediation and Air Quality Division's wellfield protection regulations. Additionally, Surface Water Management System design should incorporate criteria relating to sensitive receiving waters.

See the attached Conceptual Dredge and Fill Review Report. This plat is a part of the Amerifirst DRI which was licensed in the 1980's and set aside 40 acres for wetland mitigation. Of these 40 acres of wetland mitigation required for the DRI, approximately 15 acres are located on this plat in three areas. One 10 acre area is under a Conservation Easement granted to Broward County, at O. R. Book 25331, Page 797, B.C.R., for preservation in full force and effect forever.

On April 25, 2008, an Environmental Resource License Application (No. DF08-1063) on the Metropica Plat was submitted to the Department which proposes impacting the majority of the wetlands, including those in the Conservation Easement. This application is being reviewed in accordance with Chapter 27 of the Broward County Code and the South Florida Water Management District's Basis of Review. The applicant will have to demonstrate avoidance and minimization of wetland impacts and that the project is not contrary to the public interest prior to approval of any impacts. A mitigation plan will be required that offsets the impacts nearby and within the Basin as a first alternative. Furthermore, any changes to the wetlands protected in the Conservation Easement will require approval by the Board of County Commissioners.

No dredging, filling, or other alteration on any of the Metropica Mitigation Areas (located in Parcels A, B, and C on this plat) is authorized without Environmental Resource License(s) from the Aquatic and Wetland Resources Section of Environmental Licensing and Building Permitting Division.

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.

The Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting 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 Wetland Resources Section.

Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Sunrise if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be

Page 3
057-MP-07 Metropica Plat

removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.

This plat contains the Metropica Mitigation Areas, three mitigations areas located in Parcels A, B, and C, which are included in the Protected Natural Lands Inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. This Protected Natural Lands Inventory may be accessed at:

<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>.

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

1. A Parking Facility License will be required for parking facilities. Contact the Pollution Prevention, Remediation and Air Quality Division at 954-519-1260 for specific license requirements.
2. A Storage Tank License may be required. Contact the Pollution Prevention, Remediation and Air Quality Division at 954-519-1260 for specific license requirements.
3. Any discharges to ground or surface waters, excluding stormwater, will require review and approval from the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
4. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code which are not currently being reviewed in connection with Environmental Resource File No. DF06-1212. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
5. A Hazardous Material Wellfield License may be required for any construction activities on site. Contact the Pollution Prevention, Remediation and Air Quality Division at 954-519-1260.
6. 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 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.
7. 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 Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division at 954-519-1483.

Page 4
057-MP-07 Metropica Plat

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 Licensing and Building Permitting 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.

Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

CONCEPTUAL DREDGE AND FILL REVIEW REPORT

PLAT NO: 057-MP-07
PLAT NAME: Metropica Plat

February 28, 2014

LOCATION

Section: 26 & 27 **Township:** 49 South **Range:** 40 East

Address: North of West Sunrise Boulevard, east and west of NW 136 Avenue,
City of Sunrise

FINDINGS

Wetlands characteristics present? Yes X No

COMMENTS

The Metropica Plat is part of the Amerifirst DRI, a mixed use commercial/residential project that was licensed in the 80's (DF87-1127) and which set aside 40 acres of wetland mitigation. This plat contains three wetland mitigation areas (approximately 15 acres) north and south of Green Toad Road. Approximately ten acres are under a Conservation Easement granted to Broward County (O.R. Book 25331, Page 797, B.C.R.) for their preservation in full force and effect forever.

The most recent licensing activity was receipt of an application on April 25, 2008 (DF08-1063) for an ERL and SFWMD ERP for a redesign of the Metropica project. A prior and similar application received on October 4, 2006 (DF06-1212) was withdrawn. The present application proposes impacts to the majority of the wetlands south of Green Toad Road including those under the Conservation Easement.

The County is evaluating the application in accordance with Chapter 27 of the Broward County Code and South Florida Water Management District's Basis of Review. The applicant will have to demonstrate avoidance and minimization of wetland impacts and that the project is not contrary to the public interest prior to approval of any impacts. Additionally a mitigation plan would be required that offsets the impacts nearby and within the Basin as a first alternative. Any changes to the wetland areas protected by a Conservation Easement will require approval by the Board of County Commissioners.

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 the project.

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: Metropica Plat
Plat Number: 057-MP-07 Plat Book - Page: 179 - 70-76 (If recorded)
Owner/Applicant: Sawgrass Property Invest. and Sawgrass 17 Acres Phone: (305) 931-3878 x 1234
Address: 19495 Biscayne Blvd., Suite 702 City: Aventura State: FL Zip Code: 33180
Owner's E-mail Address: michelbesso@kgroupholdings.com Fax #: (305) 931-4991
Agent: Greenspoon Marder, P.A. Phone: (954) 527-2412
Contact Person: Susan P. Motley, Esq.
Address: 100 W. Cypress Creek Rd., Suite 700 City: Fort Lauderdale State: FL Zip Code: 33309
Agent's E-mail Address: susan.motley@gmlaw.com Fax #: (954) 333-4012

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: See attached.

Proposed note for entire plat: See attached.

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 DER Staff.

Estimate or state the total number of on-site parking spaces to be provided SPACES: T.B.D.

Number of seats for any proposed restaurant or public assembly facility including places of worship. SEATS: T.B.D.

Number of students for a day care center or school. STUDENTS: N/A

Will project be served by an approved potable water plant? If YES, state name and address. ☒ Yes ☐ No
City of Sunrise, 10770 West Oakland Park Boulevard, Sunrise, FL 33351

Will project be served by an approved sewage treatment plant? If YES, state name and address. ☒ Yes ☐ No
City of Sunrise, 10770 West Oakland Park Boulevard, Sunrise, FL 33351

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): See attached.

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which about residential land use plan categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width 100 feet or less must submit written documentation from the municipality stating how the city will address compatibility between the proposed industrial use(s) and the residential land use plan category. Industrial uses include manufacturing, assembly, processing, indoor and outside storage, warehouse, distribution, excavation and landfills. Residential land use plan categories include all residentially named categories plus Agricultural, Rural Ranches, Rural Estates, TOC, TOD, RAC and LAC. Please consult with DER staff if you have any questions.

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

For major changes in Land Use and/or increase 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 applicable 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.

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?
Vacant <u>Parcel D</u>					

The following are examples & 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], 2014.

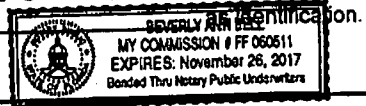
Sworn and subscribed to before me this 31 day of January, 2014.
by LYNTHIA PASCH ☒ He/she is personally known to me or

☐ Has presented

Signature of Notary Public

Type or Print Name

[Signature]
BEVERLY ANN BELL



FOR DEVELOPMENT & ENVIRONMENTAL REGULATION DIVISION USE ONLY

Time 02/28/14 Application Date 01/29/14 Acceptance Date 02/05/14
Comments Due 02/28/14 C.C. Mtg. Date 04/08/14 Fee \$ 1713
☒ Plats ☐ Survey ☐ Site Plan ☒ City Letter ☐ Agreements
☒ Other Attachments (Describe) SCAD (01/10/14) RESO 04-22-14-A
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 & Redevelopment (unincorporated area only) ☐ Other ☐ Other
Adjacent City: INVERNO Received by: [Signature]

(app to Amend access/NVAL on Parcel D also scheduled for 04/08/14)



888-491-1120
www.gmlaw.com

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January 31, 2014

**Metropica Plat (057-MP-07)
Request for Amendment of Plat Note**

In order for the Metropica Plat ("Plat") to be consistent with the Portico development and the Metropica DRI it is necessary to amend the restrictive note on the Plat. We are requesting that the restrictive note be amended to reflect the entitlements in the DRI and the residential units proposed for the Portico development on Parcel D.

The existing note on the Plat is as follows:

THIS PLAT IS RESTRICTED TO 363 HIGH RISE UNITS, 209,650 SQUARE FEET OF COMMERCIAL USE AND 635,000 SQUARE FEET OF OFFICE USE. NO FREE STANDING OR DRIVE-THRU BANK FACILITIES ARE PERMITTED WITHIN THE COMMERCIAL USE, AND NO BANK FACILITIES AND/OR COMMERCIAL/RETAIL USES ARE PERMITTED WITHIN THE OFFICE USE WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE USES FOR INCREASED IMPACTS.

THE 363 HIGH RISE UNITS ARE FURTHER RESTRICTED TO PARCEL A, THE COMMERCIAL USES ARE FURTHER RESTRICTED TO PARCELS A, B, C AND THE EASTERNMOST APPROXIMATE 3.0 NET ACRES OF PARCEL D. THE OFFICE USES ARE FURTHER RESTRICTED TO PARCELS A, B, C AND D. IN ACCORDANCE WITH ORDINANCE 2008-11, EFFECTIVE JUNE 2, 2008, HIGH RISE UNITS ARE DEFINED AS THREE (3) OR MORE ATTACHED DWELLING UNITS IN A BUILDING WITH NINE (9) OR MORE RESIDENTIAL STORES (EXCLUSIVE OF PARKING LEVELS).

We are requesting that the County Commission approve the proposed amendment as follows:

Aventura | Boca Raton | Ft. Lauderdale | Miami | Naples | Orlando | Port St. Lucie | Tampa | West Palm Beach

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PARCELS A, B and C ARE RESTRICTED TO 2,083 HIGH RISE UNITS, 300 TOWNHOUSE UNITS, 485,000 SQUARE FEET OF COMMERCIAL USE AND 785,000 SQUARE FEET OF OFFICE USE. PARCEL D IS RESTRICTED TO 417 MID RISE UNITS. IN CASES WHERE A BUILDING FLOOR MAY HAVE BOTH COMMERCIAL AND OFFICE USES, THE ENTIRE FLOOR WILL BE CONSIDERED COMMERCIAL USE. NO FREE STANDING OR DRIVE-THRU BANK FACILITIES ARE PERMITTED WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE USES FOR INCREASED IMPACTS.