

STAFF REPORT  
Berman Stirling Plat  
087-MP-97

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 April 21, 1998, for 150,000 square feet of office use on 17.24 acres. The property is located at the northeast corner of Stirling Road (SR 848) and Southwest 58 Avenue (Wilson Road), in the Town of Davie. The plat was recorded on July 8, 1998 (P.B. 165, PG. 20) with the following note:

This plat is restricted to 100,000 square feet of office use on Parcel A and 50,000 square feet of office use on Parcel B. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to amend the note on Parcel B by adding 45,000 square feet of commercial/retail and 5,000 square feet of bank uses in lieu of the office use. There are no proposed changes to Parcel A. The requested note would read as follows:

This plat is restricted to 100,000 square feet of office use on Parcel A and 45,000 square feet of commercial use and 5,000 square feet of bank use on Parcel B. No freestanding 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.

A companion request to amend the non-vehicular access line (NVAL) on the north side of Stirling Road adjacent to Parcel B, by increasing the size of a 50-foot opening to 80 feet, prohibiting outbound left turns, and decreasing the length of the NVAL extension along Southwest 58 Avenue by 200 feet to allow for an access opening on this road, 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 "Commercial" land use category and that the proposed office, commercial and bank uses are in compliance with the effective Land Use Plan.

The Aviation Department has indicated that the property is located within 20,000 feet of the North Perry Airport. Any proposed construction or the use of construction cranes must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web page at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

The Service Development staff of the Transit Division notes that this plat is currently serviced on Stirling Road by BCT Route #16 and an existing bus stop.

Continued

The Florida Department of Transportation (FDOT) has advised that the driveway location adjacent to Stirling Road (SR 848) must conform to the attached FDOT variance approval letter dated August 9, 2013.

The attached comments from the Historical Commission indicate that there is little potential for the discovery of unrecorded archaeological and/or historical cultural resources within the proposed project boundary.

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. The Environmental Review Report, coordinated by the Planning and Redevelopment Division, is attached.

The attached Resolution (No. R-2014-12) from the Town of Davie indicates municipal approval of this request.

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 388 pm peak hour trips. The plat is located within the South Central Concurrency Management District and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

The road impact fees for 100,000 square feet of office use on Parcel A were previously satisfied and the Road Impact Agreement lien was released for this parcel only. The road impact fees for Parcel B are currently secured through a recorded Road Impact Agreement (O.R. Book 28520, Page 595, B.C.R.). The applicant is advised that the agreement for Parcel B must be released/terminated prior to recordation of the note amendment.

The applicant has two options under the Land Development Code: 1) terminating and paying off the existing Road Impact Fee Agreement for the 112 vested p.m. peak hour trips on Parcel B, with the payment applied to the equivalent number of trips generated by the proposed level of approved development, prior to recordation of the note amendment; or 2) terminating the agreement and paying road impact fees for the 112 vested p.m. peak hour trips and transportation concurrency fees for the additional 388 p.m. peak hour trips generated by this request, in accordance with the fee schedule in effect during the review of construction plans submitted for County environmental review approval. Under the existing Road Contribution Agreement, the road impact fee payoff amount for Parcel B is \$244,058.00. This fee has been adjusted based on the current inflation rate.

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

- 1) Releases/terminates the Road Impact Agreement, recorded at Official Records Book 28520, Page 595, prior to recordation of the note amendment; and

Continued

- 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 note amendment must include language stating that any structure within this plat must comply with Section IV D.1.f., Development Review requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

The amended note must also include language stating the following:

- A) If a building permit for a principal building on Parcel B (excluding dry models, sales and construction offices) and first inspection approval are not issued by **April 8, 2019**, 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 on Parcel B have not been substantially completed by **April 8, 2019**, 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.

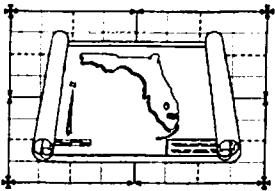
In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

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





## BROWARD COUNTY PLANNING COUNCIL

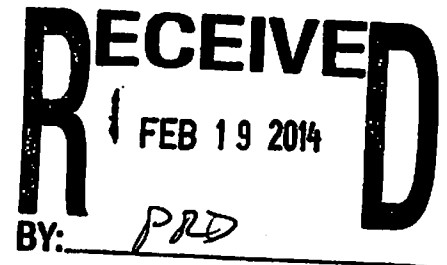
115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

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

FROM: Barbara Blake Boy, Executive Director

RE: Delegation Request for Berman Stirling Plat  
(087-MP-97) Town of Davie

DATE: February 18, 2014



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 as follows:

FROM: Parcel 'A' is restricted to 100,000 square feet of office use and Parcel 'B' is restricted to 50,000 square feet of office use.

TO: Parcel 'A' is restricted to 100,000 square feet of office use. Parcel 'B' is restricted to 45,000 square feet of commercial/retail use and 5,000 square feet of bank use.

The Future Land Use Element of the Town of Davie Comprehensive Plan is the effective land use plan for the Town of Davie. That plan designates the area covered by this plat for the uses permitted in the "Commercial" land use category. This parcel is generally located on the northeast corner of Stirling Road Southwest 58 Avenue.

The proposed office, commercial/retail and bank uses are in compliance with the permitted uses of the effective land use plan.

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.

BBB:DBT

cc: Rick Lemack, Town Administrator  
Town of Davie

David Quigley, Manager, Planning and Zoning Division  
Town of Davie



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309

ANANTH PRASAD, P.E.  
SECRETARY

April 9, 2013

Mr. Daniel A. Fee  
CDI Engineering & Planning  
2703 East Commercial Boulevard  
Fort Lauderdale, Florida 33308

Dear Mr. Fee:

RE: **March 7, 2013 Variance Committee Review for Category D Driveway**  
Date of Pre-application Review: **August 9, 2012**  
Broward County, Urban, In the City of Town of Davie  
State Road 848, State Section 86016, Milepost 1.760, Access Class 3, Posted Speed: 45 mph  
Reference Project 428725-1, 427926-1, Location: Northeast corner of Stirling Road and Southwest 58<sup>th</sup>  
Avenue, Site Acreage: 6.25, Proposed Land Use: Shopping Center, Maximum Square Footage: 40,000  
Plat Name: Berman- Stirling, Plat No. 87-MP-97, Plat Book: 165, Page: 20  
Applicant: NAV 99, Inc., Property Owner: NAV 99, Inc.  
Proposed Project Name & Address: Stirling Shops, Stirling Road and Southwest 58<sup>th</sup> Avenue

**Your Request: A left-in, right-in/right-out driveway, located 345 west of Southwest 58<sup>th</sup> Avenue.**

This request is: **Approved**

**Conditions:**

**A minimum driveway length of 50 feet, as measured from the ultimate right-of-way line of the State Road to the first conflict point, is required.**

**A right turn lane is required and must include bicycle lane width.**

**The queue length for the proposed left turn lane and any adjacent affected left turn lanes must be determined by a traffic study approved by the District Traffic Access Manager.**

**A cross access easement to the property to the east must be recorded with the County/City.**

- Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- A Storm Water Pollution Prevention Plan must be submitted with the application if there will be more than one acre of "disturbed area" (as defined by the Florida Department of Environmental Protection (FDEP))
- If additional right-of-way is required to implement the proposed improvements, the applicant shall donate the right-of-way to the Department.
- All existing driveways not approved in this letter must be fully removed and the area restored.

**Comments:**

Please note that the dimensions between driveways are measured from the near edge of pavement to near edge of pavement and dimensions between median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note any required improvements. Earlier Department decisions on this request shall be voided unless expressly approved herein. If the above concept is approved, the applicant may submit engineering plans to the Department for permitting. The Department's personnel shall review these plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Please note that this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department.



Mr. Daniel A. Fee  
April 9, 2013  
Page 2

Committee approvals and conditions which are at variance with Department rules or standards are not binding in the permitting process for more than 12 months.

Please submit a copy of this letter with your permit application.

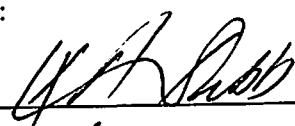
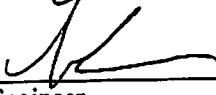
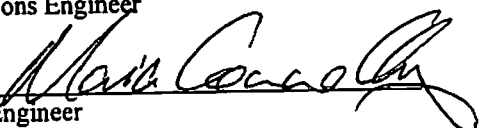
Please contact Christine Nabong Bacomo at the District Permits Office with any questions at telephone number 954-777-4377, fax number 954-677-7893 or e-mail: [christine.bacomo@dot.state.fl.us](mailto:christine.bacomo@dot.state.fl.us). Thank you.

For right-of-way dedication requirements go to:

<http://www.dot.state.fl.us/statemaintenanceoffice/District4PermitInformation.shtm>:

Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

#### THE DISTRICT VARIANCE COMMITTEE

With the above ruling I:	Agree	Disagree	
Howard Webb, P.E. District Design Engineer		<input checked="" type="checkbox"/>	April 9, 2013
Mark Plass, P.E. District Traffic Operations Engineer		<input checked="" type="checkbox"/>	April 9, 2013
Maria Connolly, P.E. District Maintenance Engineer		<input checked="" type="checkbox"/>	April 9, 2013

cc: Christine Nabong Bacomo, P.E.  
Geysa Sosa/Stam Williams

File: s:\permit\_d\permits\variance\0000-03-07-2013\NAV 99, Inc - SR848.doc



**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  
Berman Stirling Plat, Plat No. 087-MP-97**

Dear Ms. Henderson:

I have had an opportunity to review materials relative to **Berman Stirling Plat, Plat No. 087-MP-97**.

A review of archive materials including current and historic aerial photography, topographical maps, Broward County Land Use maps, and the Florida Master Site File (FMSF) indicates that no historical or archaeological cultural resources are recorded within the plat limits. Additionally, the plat does not contain any areas previously identified as archaeological zone(s) nor does the plat contain any area(s) considered to be sensitive for archaeological materials.

Based on this information, it is unlikely that the proposed plat amendment will impact significant historical or archaeological cultural resources; therefore, the Broward County Historical Commission has no objections to the proposed plat amendment.

In the event archaeological features or artifacts are discovered during the course of development, the Broward County Office of Planning *shall* be notified within twenty four (24) hours of the discovery and sufficient time provided to allow proper recordation, recovery, or preservation of the find (Broward Co. Florida Ord. 92-38).

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](mailto: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 reduce 50,000 square feet of office use, to add 45,000 square feet of commercial use, and to add 5,000 square feet of bank use.)  
**File Number:** 087-MP-97  
**Project Name:** Berman Stirling Plat  
**Comments Due:** February 28, 2014  
**Development Type:** Office (100,000 Square Feet) and Commercial (45,000 Square Feet and 5,000 Square Feet of Bank Use)

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 Town of Davie and is in the Central Broward Water Control District. Surface water management plans for this plat must meet the criteria of the Water Control District. A surface water management permit must be obtained from this District prior to any construction.

### **Potable Water Review**

According to the Health Department, the Davie Water Treatment Plant serves this plat. The treatment plant's design capacity is 7.40 MGD, the maximum daily flow is 6.50 MGD, and the estimated project flow is 0.02 MGD. Therefore, there is sufficient available water treatment plant capacity to serve the proposed project at this point in time.

### **Wastewater Review**

Wastewater Treatment Plant:	Davie 2
Flow Data:	As of 12/13
EPGMD Licensed Capacity	4.8500 MGD
12 Month Average Flow:	3.0300 MGD
Existing Flow Reserved by Building Permit:	0.0880 MGD
Total Committed Flow:	3.1180 MGD
Estimated Project Flow:	0.0250 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 not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into the Broward County Code of Ordinances, Chapter 27, Article XIII.

Review of available information indicates that, at this time, there are no wetlands within the boundaries of this plat, therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, such as lake or canal excavation

Page 2  
087-MP-97 Berman Stirling Plat

regulated under Article XI of the Natural Resource Protection Code, may require a license. The Applicant is encouraged to contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 at the earliest time to determine if, and what type of, a license may be required prior to undertaking any surface disturbing activities.

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 Town of Davie if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be 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 is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the 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. The 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. 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.

Page 3  
087-MP-97 Berman Stirling Plat

2. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
3. The subject plat is in the vicinity of known contaminated sites 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.
4. 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.
5. **Please note that the Environmental Protection and Growth Management Department's records indicate that at least one underground fuel pipeline is located in the vicinity of this plat. Prior to conducting any subsurface work, the developer must contact Sunshine State On-Call at 1-800-432-4770 to properly mark the location of the pipeline(s) to ensure that work is not in the location of this fuel pipeline(s).**

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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.

RESOLUTION NO. R-2014-12

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BERMAN STIRLING PLAT", AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the plat known as the "Berman Stirling Plat" was recorded in the public records of Broward County in Plat Book 165, PG. 20; and

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

WHEREAS, Broward County requires that the Town of Davie concur with this amendment prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the proposed amendment to the "Berman Stirling Plat" (Plat Book 165, PG. 20, Broward County Records) being specifically described in the exhibit attached hereto.

SECTION 2. Any improvements required to satisfy transit oriented concurrency should be located within the Town of Davie on the local road network.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 15<sup>th</sup> DAY OF January, 2014

  
\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST

  
\_\_\_\_\_  
ACTING TOWN CLERK

APPROVED THIS 15<sup>th</sup> DAY OF January, 2014

## Exhibit A

### Existing Plat Note:

The plat is restricted to 100,000 square feet of office uses on Parcel 'A' and 50,000 square feet of office use on Parcel 'B'.

### Proposed Plat Note:

The plat is restricted to 100,000 square feet of office uses on Parcel 'A' and 45,000 square feet of commercial/retail uses and 5,000 square feet of bank use on Parcel 'B'.



Planning and Redevelopment 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 <u>Berman Stirling Plat</u>			
Plat Number <u>87-MP-97</u>	Plat Book - Page <u>165-20</u> (If recorded)		
Owner/Applicant <u>NAV 99, Inc.</u>	Phone <u>(305)637-7300</u>		
Address <u>9155 S. Dadeland Blvd.</u>	City <u>Miami</u>	State <u>FL</u>	Zip Code <u>33156</u>
Owner's E-mail Address <u>mpico@mmgequitypartners.com</u>	Fax # <u>(305) 637-7302</u>		
Agent <u>CDI Engineering and Planning</u>	Phone <u>(645) 524-9800</u>		
Contact Person <u>Daniel A. Fee, PE</u>			
Address <u>8461 Lake Worth Road</u>	City <u>Lake Worth</u>	State <u>FL</u>	Zip Code <u>33467</u>
Agent's E-mail Address <u>teamcdi@aol.com</u>	Fax # <u>(654) 522-6502</u>		

**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 100,000 square feet of office use on Parcel 'A' and 50,000 square feet of office use on Parcel 'B'

Proposed note for entire plat: This plat is restricted to 100,000 square feet of office use on Parcel 'A', and 45,000 square feet of commercial/retail uses and 5,000 square feet of bank use on Parcel 'B'.

No freestanding banks or bank drive-thru 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.

**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 Planning and Redevelopment Division (PRD) staff.

Estimate or state the total number of on-site parking spaces to be provided SPACES 170

Number of seats for any proposed restaurant or public assembly facility including places of worship. SEATS NA

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

Will project be served by an approved potable water plant? If YES, state name and address. ☒ Yes ☐ No  
Davie 1, 3790 SW 64th Ave, Davie

Will project be served by an approved sewage treatment plant? If YES, state name and address. ☒ Yes ☐ No  
Davie 2, 3500 NW 76th Ave, Davie

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) Property has been sold and the current owner wishes to construct a commercial retail shopping center and bank on the property in lieu of an office.

**FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT**

Proposed industrial plat notes which abut 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 Planning and Redevelopment staff if you have any questions.

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.

**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 (Parcel B)					

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 Palm Beach \_\_\_\_\_

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 24<sup>th</sup> day of January, 2014

by [Signature] ☐ He/she is personally known to me or

☒ Has presented Driver License as identification.

Signature of Notary Public [Signature]

Type or Print Name Jennifer Doll

NOTARY PUBLIC, STATE OF FLORIDA  
Jennifer Ashley Doll  
Commission # DD997025  
Expires: JUNE 01, 2014  
BONDED THROUGH THE FLORIDA SECRETARY OF STATE

**FOR PLANNING AND REDEVELOPMENT DIVISION USE ONLY**

Time 10:30 Application Date 01/27/14 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) FDOT Letter RESO No. R-2014-12

Title of Request amend note

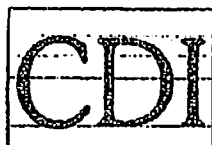
Distribute to: ☒ Full Review ☐ Planning Council ☐ School Board ☐ Land Use & Permitting

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

☐ Planning & Redevelopment (unincorporated area only) ☒ Other FDOT

Adjacent City none Received by [Signature]

(RIVAL amendment app also scheduled for 4/9/14) (RM)



**ENGINEERING AND PLANNING**  
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July 20, 2012

Mr. David Abramson  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

**Re: Parcel 'B', Berman Stirling Plat, Davie;  
Justification Letter for Note on Plat Amendment**

Dear Mr. Abramson:

The purpose of this letter is to request a proposed amendment to the note on Parcel 'B' of the Berman Stirling Plat in conjunction with the proposed site plan application for the proposed Stirling Shops which is being submitted simultaneously with this application. At the time we prepared the plat in 1997, we were developing a 100,000 sq. ft. office building (Bristol Insurance) on Parcel 'A' of the plat. At that time there was no plan to develop Parcel 'B', so we chose to restrict it to 50,000 sq. ft. of office use knowing that any future buyer would have the opportunity to amend the note to any other potential use consistent with the Town's B-2 zoning. NAV 99, Inc. has purchased the property and intends to construct a retail development on the site, which necessitates the change from office use to commercial retail use.

The existing plat note reads as follows:

The plat is restricted to 100,000 square feet of office use on Parcel 'A' and 50,000 square feet of office use on Parcel 'B'.

The proposed plat note will read as follows:

The plat is restricted to 100,000 square feet of office use on Parcel 'A' and 45,000 square feet of commercial/retail use and 5,000 square feet of bank use on Parcel 'B'.

Enclosed you will find:

1. an executed delegation/plat amendment application
2. a copy of the pre-application meeting form
3. a check in the amount of \$500
4. a copy of the Broward County plat application form
5. two (2) 8-1/2"x11" copies of the recorded plat
6. two (2) 8-1/2"x11" copies of the survey

*Engineering • Planning • Project Management*