

STAFF REPORT
Mercury Plat
038-MP-92

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on April 13, 1993, for 43,868 square feet of existing commercial use on 2.5 acres. The property is located on the east side of Flagler Avenue, between Southwest 4 Court and Southwest 5 Street, in the City of Fort Lauderdale. A subsequent request to revise the note was approved by the County Commission on August 10, 1993, and the plat was recorded on September 8, 1993 (P.B. 154, PG. 40) with the following restrictive note:

This plat is restricted to 90,000 square feet of commercial use on Parcel A and 19,000 square feet of unrestricted commercial use on Parcel B.

The current note, approved by the County Commission on December 8, 2015 (INSTRUMENT # 113546139), reads as follows:

This plat is restricted to 390 high-rise units and 58,750 square feet of commercial use on Parcel A and **19,000 square feet of unrestricted commercial use on Parcel B**. No freestanding banks or drive-thru bank facilities are permitted on Parcel A without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to add 370 high rise units to Parcel B. There are no changes proposed to Parcel A or the commercial use on Parcel B. The proposed note reads as follows:

This plat is restricted to 390 high-rise units and 58,750 square feet of commercial use on Parcel A. **Parcel B is restricted to 370 high-rise units and 19,000 square feet of commercial use**. No free standing banks 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 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).

An extension to satisfy the Findings of Adequacy for this plat was issued on June 17, 2016, per the applicant's request and in accordance with Florida Statute 252.363 (Heavy Rains). Therefore, the new expiration date for the Findings of Adequacy is July 22, 2021.

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 "Downtown Regional Activity Center" land use category. In addition, this plat is subject to the recorded "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity

Center” (O.R.B. 34094, PGS. 1407-1412, B.C.R.) (“Interlocal Agreement”). Section 2.1 of the Agreement requires the City of Fort Lauderdale to monitor development activity and to enforce permitted land use densities and intensities within the Regional Activity Center (RAC).

Provisions of affordable housing were approved as part of Land Use Plan Amendment PCT 15-1 (5,000 units) and PCT 05-3 (3,000 units) which together permitted an additional 8,000 dwelling units in the Downtown Regional Activity Center. Both land use plan amendments were subject to Affordable Housing Policy 2.16.2. In accordance with the affordable housing policy, the City of Fort Lauderdale voluntarily committed to set aside fifteen percent (15%) of the 8,000 dwelling units as affordable housing. The Planning Council staff has indicated that the City’s allotment to date of the dwelling units is consistent with the City’s commitments regarding affordable housing. As required by the Interlocal Agreement, the City is responsible for enforcing the effective land use plan as certified by the Broward County Planning Council.

The attached Preliminary School Capacity Availability Determination (SCAD) received from the Broward County School Board indicates that staff previously reviewed the 390 high-rise units on Parcel A, which generated eight (8) students, and has determined that these units are vested for public school concurrency requirements. The 370 high-rise units proposed on Parcel B generate 16 students for a net increase of eight (8) students. Based on the District’s Public School Concurrency Planning Document, New River Middle School is projected to exceed its adopted level of service; therefore, on March 8, 2017, the Capacity Allocation Team allocated the needed middle school student stations to the adjacent Parkway Middle School. Therefore, this request satisfies the public school concurrency requirement of Section 5-182(m)(1)b)1) of the Land Development Code on the basis that adequate school capacity is expected to be available to support the project as proposed.

School Board staff also notes that this plat falls within the boundary of Land Use Plan Amendments PCT 05-3 and PCT 15-1 for a Regional Activity Center (RAC) designation, which added 3,000 and 5,000 dwelling units to the RAC, respectively. If any of the 760 high-rise units proposed by this plat are allocated from the unit pool authorized by PCT 05-3 and/or PCT15-1, then such units would be subject to Broward County school impact fees, per the tri-party agreement between the Broward County, the City of Fort Lauderdale and the School Board.

The Aviation Department has advised that this property is within 20,000 feet of Fort Lauderdale-Hollywood International Airport. Any proposed construction on this property or 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. 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: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File (FMSF) by the County’s

consulting archaeologist indicates that there are no historic resources located within the property; however, the plat is within close proximity to existing historic structure FMSF 8BD1319 (the Palm Hotel) which may be adversely impacted by the proposed development. In addition, the plat is located within designated Archaeological Zone AZ-11, the South Bank New River Archaeological Zone. The archaeologist also notes that this property is located in the City of Fort Lauderdale which is outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Fort Lauderdale's Urban Design and Planning Department at 954-828-6520 to seek project review for compliance with the municipal historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

The Environmental Planning and Community Resilience 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 Development Management Division, is attached.

The attached letter from the City of Fort Lauderdale indicates no objection to this request.

This plat with the amended note satisfies the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents an increase of 137 PM peak hour trips. The plat is located within the Eastern Core Transportation Concurrency Management Area, and this application satisfies the regional road network concurrency requirement of Section 5-182(a)(5)a) of the Broward County Land Development Code.

At the time of plat approval, road impact fees which were paid for 90,000 square feet of commercial use on Parcel A and 19,000 square feet of commercial use on Parcel B. The 390 high-rise units and 58,750 square feet of commercial use on Parcel A and 19,000 square feet of commercial use on Parcel A are vested for the road impact fees paid. The 390 high-rise units on Parcel A are subject to school and regional park impact fees and administrative fees for regional parks. The 370 high-rise units on Parcel B proposed by this request will be subject to school and regional park impact fees and administrative fees for regional parks, 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. The impact and administrative fees for regional parks are subject to an annual adjustment on October 1. Additional transportation concurrency impact fees, will be due for trips on Parcel B which exceed the amount previously paid at the time the plat was approved. Such determination will be made at the time of environmental review of the construction drawings.

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

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **August 22, 2018**.

The amended note must also include language stating the following:

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.

- A) If a building permit for a principal building **for the 390 high-rise units on Parcel A** (excluding dry models, sales and construction offices) and first inspection approval are not issued by **July 22, 2021**, 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 **for the 390 high-rise units on Parcel A** have not been substantially completed by **July 22, 2021**, 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.
- C) If a building permit for a principal building **for the 370 high-rise units on Parcel B** (excluding dry models, sales and construction offices) and first inspection approval are not issued by **August 22, 2022**, 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 **for the 370 high-rise units on Parcel B** have not been substantially completed by **August 22, 2022**, 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.

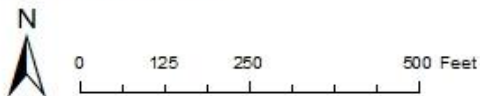
SMC



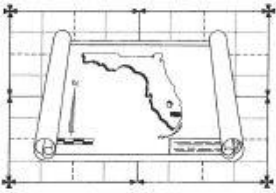
Commission District No. 7
Municipality: Fort Lauderdale
S/T/R: 10/50/42



038-MP-92
Mercury Plat



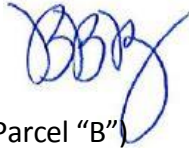
Prepared by: Planning and Development Management Division
Date Flown: January 2017



BROWARD COUNTY PLANNING COUNCIL

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

TO: Josie P. Sesodia, AICP, Director
Broward County Planning and Development Management Division

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for Mercury Plat (Parcel "B")
(038-MP-92) City of Fort Lauderdale

DATE: May 25, 2017

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: Parcel "B" is restricted to 19,000 square feet of unrestricted commercial use.

TO: Parcel "B" is restricted to 370 high-rise dwelling units and 19,000 square feet of commercial use.

The Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan is the effective land use plan for the City of Fort Lauderdale. That plan designates the area covered by this plat for the uses permitted in the "Downtown Regional Activity Center" land use category. This plat is generally located on both sides of Southwest 1 Avenue, between Southwest 4 Court and Southwest 5 Street.

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 Regional Activity Center," as recorded in Official Record Book 34094, Pages 1407-1412.

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: Lee Feldman, City Manager
City of Fort Lauderdale

Anthony Fajardo, Director, Department of Sustainable Development
City of Fort Lauderdale

REVISED
5/2/17

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

PLAT
SBBC-1891-2015
County Number: 038-MP-92 Municipality Number: R17005
488 Residences at Riverwalk and Mercury Plat

March 8, 2017



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: March 8, 2017	Single-Family:	6,000 SF of ground floor commercial uses	Elementary: 8
Name: 488 Residences at Riverwalk and Mercury Plat	Townhouse:		Middle: 3
SBBC Project Number: SBBC-1891-2015	Garden Apartments:		High: 5
County Project Number: 038-MP-92	Mid-Rise:		Total: 16
Municipality Project Number: R17005	High-Rise: 760		
Owner/Developer: SWFLB LLC	Mobile Home:		
Jurisdiction: Fort Lauderdale	Total: 760		

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
Croissant Park	846	846	775	-71	-3	91.6%	17
New River	1,493	1,493	1,489	-4	0	99.7%	0
Parkway	2,192	2,192	1,543	-649	-29	70.4%	8
Stranahan	2,375	2,375	1,408	-967	-38	59.3%	32

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% Gross Cap. Adj. Benchmark	Projected Enrollment				
				17/18	18/19	19/20	20/21	21/22
Croissant Park	792	-54	93.6%	786	790	794	797	801
New River	1,489	-4	99.7%	1,510	1,539	1,569	1,598	1,602
Parkway	1,551	-641	70.8%	1,572	1,588	1,593	1,611	1,622
Stranahan	1,440	-935	60.6%	1,378	1,323	1,277	1,232	1,187

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. Information contained herein is current as of the date of review. 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	2016-17 Contract Permanent Capacity	2016-17 Benchmark Enrollment	Over/(Under)	Projected Enrollment		
				17/18	18/19	19/20
Charter School Of Excellence	310	264	-46	264	264	264
Charter School Of Excellence Fort Lauderdale 2	500	20	-480	20	20	20
Sunrise High	550	268	-282	268	268	268

PLANNED AND FUNDED CAPACITY ADDITIONS IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN

School(s)	Description of Improvements
Croissant Park	There are no capacity additions scheduled in the ADEFP that will impact the FISH capacity of the school.
New River	There are no capacity additions scheduled in the ADEFP that will impact the FISH capacity of the school.
Parkway	There are no capacity additions scheduled in the ADEFP that will impact the FISH capacity of the school.
Stranahan	There are no capacity additions scheduled in the ADEFP that will impact the FISH capacity of the school.

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. Information contained herein is current as of the date of review. 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

This plat was previously reviewed and approved for 390 high-rise units, which were anticipated to generate 8 (4 elementary, 2 middle and 2 high school) students. This application proposes an additional 370 (two or more bedroom) high-rise units on Parcel B, which will generate 16 (8 elementary, 3 middle and 5 high school) students for a net increase of 8 students.

This project falls within the boundary of Land Use Plan Amendments PCT 05-3 and PCT 15-1 for a Regional Activity Center (RAC) land use designation, which permits an additional 3,000 and 5,000 units, respectively, in the RAC. The units are subject to the payment of fees as stated in the Tri-Party Agreement between the City, the School Board and the County. Based on the information received in the application, the pool of units utilized for this project will draw from PCT 15-1 that would be subject to payment of school impact fees, if the required school capacity is available.

The application site in the 2016/17 school year is served by Croissant Park Elementary, New River Middle and Stranahan High Schools' concurrency service areas (CSAs). Based on the District's Public School Concurrency Planning Document (PSCPD), all three Schools are operating below the Adopted Level of Service Standard (LOS) of 100% of gross capacity. Incorporating the cumulative students anticipated from this project and approved and vested developments anticipated to be built within three years, New River Middle is projected to exceed the adopted LOS by 2017/18 while the other impacted schools are anticipated to maintain their status for the next two effective school years (2016/17-2018/19). Therefore, the Capacity Allocation Team (CAT) met on March 8, 2017 and determined to allocate the needed middle school student stations to Parkway Middle School, which is adjacent to New River Middle School and is projected to operate within the adopted LOS through the 2018/19 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment.

The charter schools located within a two-mile radius of the project site in the 2016/17 school year and their associated enrollment and capacity data are shown above. 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 CSAs, the Board may utilize school boundary changes to accommodate students generated from developments in the County. Capital improvements scheduled in the currently Adopted District Educational Facilities Plan, FY 2016/17 – 2021/22, regarding pertinent impacted public 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 for 180 days for a maximum of 760 (two or more bedroom) high-rise units and conditioned upon final approval by the applicable governmental body. As such, this Preliminary School Capacity Availability Determination (SCAD) Letter will expire on September 3, 2017. This preliminary school concurrency determination shall be deemed to be void unless prior to the referenced expiration of the preliminary 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.

The applicant shall notify the District of any proposed changes to the development, which increases the number of students generated by the project. If a change is proposed to the application, which causes additional students to be generated by the project, the additional student impact will not be considered exempt or vested from public school concurrency (PSC) when the project is re-reviewed.

SBBC-1891-2015 Meets Public School Concurrency Requirements

Yes No

Reviewed By:

5-2-17

Date



Signature

Lisa Wight

Name

Planner

Title

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT
TO THE PLANNING AND DEVELOPMENT MANAGEMENT DIRECTOR**

Application: Request to amend the note to add 370 high rise units on Parcel B.
File Number: 038-MP-92
Project Name: Mercury Plat (Parcel B)
Comments Due: May 31, 2017
Development Type: Residential (370 High Rise Units) and Commercial (19,000 Square Feet)

The Planning and Development Management 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 Fort Lauderdale and is under the jurisdiction of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division. Surface water management plans for this plat 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 of the Broward County Planning and Environmental Regulation Division will be required prior to any construction.

Potable Water Review

This plat will be served by the City of Fort Lauderdale's Water Treatment Plant which has a capacity of 90.000 MGD and a maximum daily flow of 51.000 MGD. Therefore, according to the Health Department, there is sufficient available water treatment plant capacity to serve the proposed uses at this point in time.

Wastewater Review

Wastewater Treatment Plant:	G. T. Lohmeyer
Flow Data:	As of 04/17
EPGMD Licensed Capacity	48.0000 MGD
12 Month Average Flow:	38.2300 MGD
Existing Flow Reserved by Building Permit:	1.3390 MGD
Total Committed Flow:	39.5690 MGD
Estimated Project Flow (Parcel B):	0.1129 MGD

In accordance with Section 5-182(g) of the Broward County Land Development Code, to date the existing wastewater treatment and disposal facility has sufficient plant capacity to provide for the wastewater treatment and disposal needs of the development proposed by this application.

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. Wastewater receiving lift stations and force mains are critical components of the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting

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038-MP-92 MERCURY PLAT (PARCEL B)

Division at 954-519-1483.

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 Broward County Code of Ordinances, Chapter 27, Article XIII.

Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the 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, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Water and Environmental Licensing Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

The Water and Environmental Licensing Section of the Environmental Engineering and 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 Water and Environmental Licensing 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 Fort Lauderdale 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 site 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 inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands, may be accessed at the following website:

<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. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.

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038-MP-92 MERCURY PLAT (PARCEL B)

2. Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.
3. A Storage Tank License may be required if there will be fuel storage associated with an emergency generator system. Contact the Environmental and Consumer Protection Division at 954-519-1260 for specific license requirements.
4. 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 Environmental Engineering and Permitting Division's approval of an application for a building permit or approval to construct or alter shall not be granted until the Environmental Assessment and Remediation Section of the Environmental Engineering and Permitting 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 Environmental Assessment and Remediation must approve any dewatering activities at this site.

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 Engineering and 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.



June 14, 2017

Joe Sesodia, Director
Broward County Planning and Environmental Regulation Division
1 North University Drive, Building A, Suite 102
Plantation, FL 33324

**RE: Letter of No Objection to the Plat Note for Mercury Plat
(Plat Book 154, Page 40)**

Dear Ms. Sesodia:

The City of Fort Lauderdale is in receipt of a request for plat note amendment to the "Mercury" plat in Fort Lauderdale, recorded in Plat Book 154, Page 40.

As per Broward County Code Section 5-181, changes to plat approval conditions shall not be accepted unless the municipality has issued a letter or has adopted a resolution stating the municipality's position regarding the application.

The specific plat note amendment request is as follows:

Current Note:

This plat is restricted to 390 high rise units and 58,750 square feet of commercial use on Parcel A and 19,000 square feet of unrestricted commercial use on Parcel B. Free standing banks or banks with drive thru facilities are not permitted on Parcel A without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

Proposed Plat Note:

This plat is restricted to 390 high rise units and 58,750 square feet of commercial use on Parcel A. Parcel B is restricted to 370 high rise units and 19,000 square feet of commercial use. Free standing banks or banks with drive thru facilities are not permitted on the Plat ~~Parcel A~~ without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

Pursuant to Section 47-24.5 of the City of Fort Lauderdale Unified Land Development Regulations, the City has reviewed the proposed plat note and has no objections to the changes.

If you have any questions or require additional information, please feel free to contact me.

Sincerely

A handwritten signature in black ink, appearing to read "Anthony Greg Fajardo".

Anthony Greg Fajardo, Director
Department of Sustainable Development

c via email: Christopher Lagerbloom, Assistant City Manager
Ella Parker, Manager, Urban Design and Planning Division
Evy Kalus, Broward County Planning and Environmental Regulation Division



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 Mercury Plat
 Plat Number 038-MP-92 Plat Book - Page 154 - 40 (If recorded)
 Owner/Applicant SWFLB LLC Phone (954) 563-0550
 Address 3020 NE 32 Ave, #110 City Fort Lauderdale State FL Zip Code 33308
 Owner's E-mail Address jellis@edi.cc Fax # (954) 563-0450
 Agent Nectaria M. Chakas, Esq./Lochrie & Chakas, P.A. Phone 954-779-1119
 Contact Person Nectaria M. Chakas, Esq.
 Address 1401 E. Broward Blvd., Suite 303 City Fort Lauderdale State FL Zip Code 33301
 Agent's E-mail Address nchakas@lochrielaw.com Fax # 954-779-1117

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 390 high rise units and 58,750 sf of commercial use on Parcel A and 19,000 sf of unrestricted commercial use on Parcel B. Free standing banks with drive thru facilities are not permitted on Parcel A without the approval of the Board of County Commissioners who shall review and address these uses for increased impact.
 Proposed note for entire plat This plat is restricted to 390 high rise units and 58,750 sf of commercial use on Parcel A. Parcel B is restricted to 370 high rise units and 19,000 sf of commercial use. Free standing banks or banks with drive thru facilities are not permitted on the Plat without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

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.
 Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)? Yes No
 If YES, provide LUPA number: _____
 Does the note represent a change in TRIPS? Increase Decrease No Change
 Does the note represent a major change in Land Use? Yes No
 Will project be served by an approved potable water plant? If YES, state name and address. Yes No
City of Fort Lauderdale Water Treatment Plant
 Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No
G.T. Lohmyer
 Are on-site wells for potable water currently in use or proposed? Yes No
 If YES, see page 2 of this form for additional required documentation.
 Are septic tanks current in use or proposed? Yes No
 If YES, see page 2 of this form for additional required documentation.
 Estimate or state the total number of on-site parking spaces to be provided SPACES 363
 Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS n/a
 Number of students for a daycare center or school STUDENTS n/a
 Reasons for this request (Attach additional sheet if necessary.) Modification is needed to Parcel B to correspond with the proposed development plan which now includes multi-family residential.

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which about residential land use categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width of 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: Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc.

- Recorded or approved 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.
- 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.*
- Signed and sealed sketch and legal description for any new parcel or tract created by the application.
- A check for the application fees made payable to: Broward County Board of County Commissioners. 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?
Parcel B — vacant					

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

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

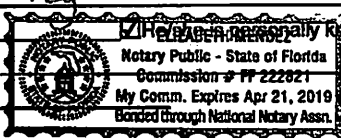
OWNER/AGENT CERTIFICATION

State of Florida
County of Broward

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

Signature of owner/agent Neclaria Chakas
Sworn and subscribed to before me this 10 day of May, 2017
by Neclaria M. Chakas

Has presented n/a
Signature of Notary Public [Signature]
Type or Print Name Elizabeth Mendez



FOR PLANNING AND REDEVELOPMENT DIVISION USE ONLY

Time _____ Application Date 05/11/17 Acceptance Date 05/16/17
Comments Due 05/31/17 C.C. Mtg. Date 8/15/17 Fee \$ 840

Plats Survey Site Plan City Letter Agreements
Other Attachments (Describe) SCAD - 03/08/17 (Pending) Survey Par B
Title of Request amend note - Parcel B
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 _____
Adjacent City none Received by SME