

STAFF REPORT
Stirling Road Three Plat
214-MP-86

A request to revise the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Broward County Board of County Commissioners ("Board") on November 12, 1987. The current note reads:

This plat is restricted to 90,000 square feet of office use on Parcels A and C and **42,500 square feet of commercial use on Parcel B**. Parcel D is restricted to 32 detached single-family homes.

The property is located on 23.9 acres, on the south side of Stirling Road, between Northwest 94 Avenue and Northwest 100 Avenue, in the City of Cooper City. The plat was recorded on October 13, 1988 (P.B. 136, PG. 32).

The applicant is requesting to amend the note on the plat to increase 2,500 square feet of commercial use and add 5,000 square feet of bank use on Parcels B and C. The proposed note language reads as follows:

This plat is restricted to 90,000 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 Parcels B and C**. Parcel D is restricted to 32 detached single family homes. Free standing banks and/or banks with drive-thru facilities are not permitted within Parcel C without approval from the Broward County Commissioners who shall review and address these uses for increased impacts. Parcel C is also restricted to professional, business and financial offices (drive-thru service facilities prohibited), and/or restaurants and personal services which are necessary to a primary office use.

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 "Office Park" (i.e. Parcels A and C) and "Commercial" (i.e. Parcel B) land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan. Additionally, a note must be placed on the face of the plat restricting Parcel C to uses such as professional, business and financial offices (drive-thru service facilities prohibited), and/or restaurants and personal services which are necessary to a primary office use.

The attached letter from the City of Cooper City indicates no objection to the requested amendment.

This application has been reviewed by Highway Construction and Engineering Division staff who has no objections to this request.

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.

An Environmental Resource License, No. DF17-1230, was issued on February 6, 2018. A Conservation Easement is required over the mitigation area, due to impacts to 2.17 acres of wetlands and required the creation of 1.4 acres of on-site wetland mitigation. See the attached Conceptual Dredge and Fill Review Report.

The Aviation Department has advised that this property is within 20,000-feet of North Perry Airport. Any proposed construction, use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 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.

In addition, this property's close proximity to North Perry Airport will make it subject to overflight and associated noise of arriving and departing aircraft during the course of normal operations. The applicant will be required to record a separate document to advise prospective purchasers of potential aircraft overflight and noise impacts on this property. This also serves as notice to prospective purchasers of property within this plat that, pursuant to Broward County Ordinance 2006-37 and consistent with the FAA "Change in FAA's Noise Mitigation Policy," effective October 1, 1998, the County will only provide noise mitigation for existing "incompatible development" and not for new incompatible development. The determination of "compatible" and incompatible development" will be based on the County's most current FAA approved Noise Exposure Map and the Airport's most current noise compatibility program which has been reviewed and approved by the FAA for the Airport.

Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. The consulting archaeologist also notes that this plat is located within the City of Cooper City which is within the archaeological and historical jurisdiction of Broward County Historic Preservation Ordinance 2014-32. If any archaeological materials are discovered during the course of development, the property owner must notify the Broward County Historic Preservation Officer, Richard (Rick) Ferrer, of the Planning and Development Management Division at 954-357-9731 or rferrer@broward.org, and the project may proceed in accordance with Ordinance 2014-32, Section 5-536.5(g). 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 of State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

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 in 142 PM peak hour trips. The plat is located within the South Central Transportation 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.

Road impact fees were satisfied for all of Parcel A. Road impact, school and park impact fees were paid for single family units located on Parcel D in accordance with the lien agreements. The proposed 45,000 square feet of commercial use and 5,000 square feet of bank use are subject to transportation concurrency fees, which will be assessed in accordance with the fee schedule in effect during the review of construction plans submitted for County environmental review. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance.

At the time the property was platted, the road impact fees for all development proposed for the plat were secured through a recorded Road Impact Fee Agreement (O.R.B. 15868, Page 195), school and park impact fees for the residential use on Parcel D were secured through a recorded Educational Impact Agreement (O.R.B. 15868, Page 172) and Park Impact Agreement (O.R.B. 15868, Page 203). Pursuant to 5-184(c)(4)b) of the County's Land Development Code, any existing agreements governing the payment of road, transit, recreational, and/or educational impact fees to Broward County shall be either paid in full prior or terminated.

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

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **August 14, 2019**.

The amended note must also include language stating the following:

Any structure within this plat must comply with Section 2B.1.f, Development Review requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

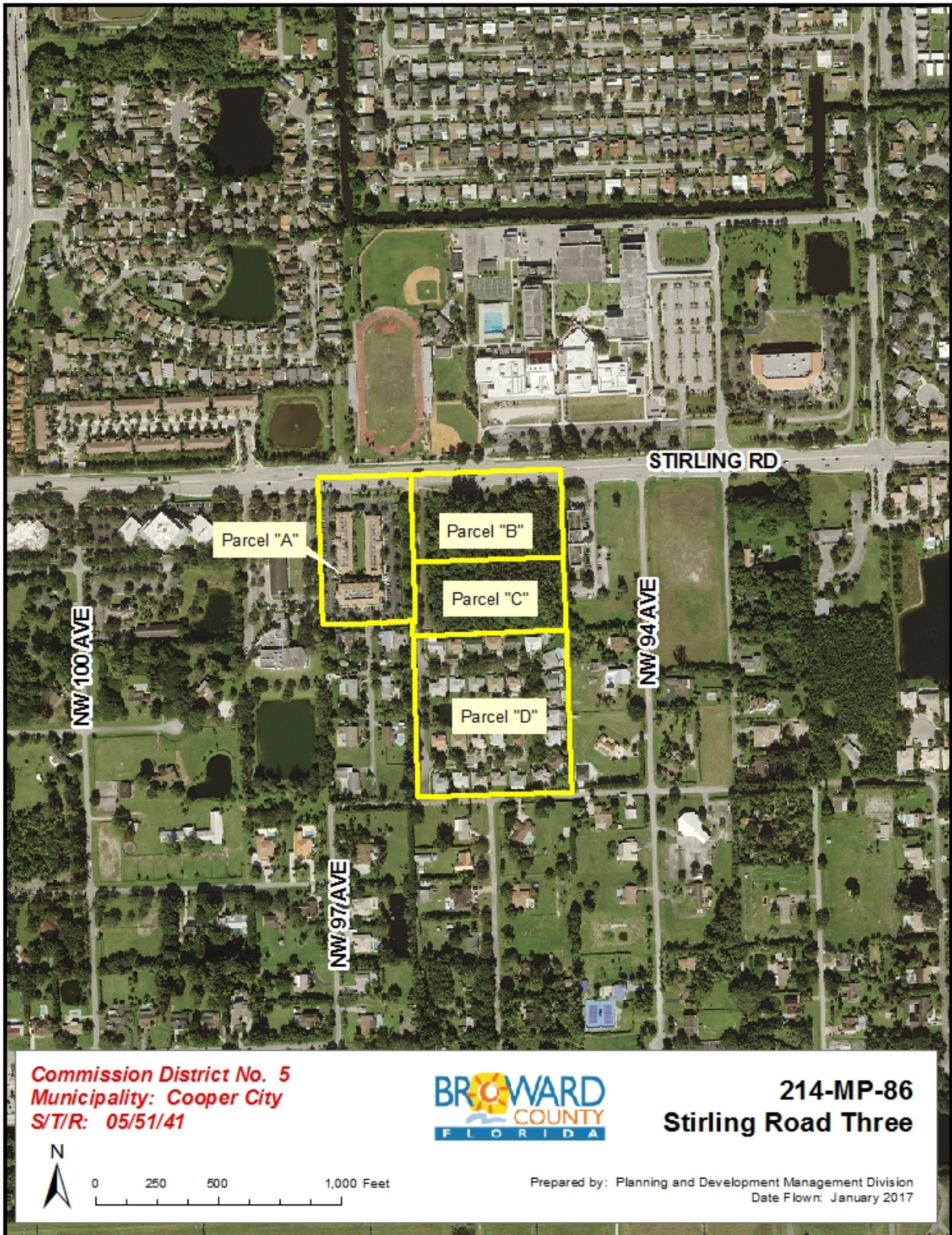
- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval **for Parcels B and C** are not issued by **August 14, 2023**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until 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 **for Parcels B and C** by **August 14, 2023**, 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.


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.

JWP





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

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for Stirling Road Three (Parcels A, B and C)
(214-MP-86) City of Cooper City

DATE: May 15, 2018

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 90,000 square feet of office use on Parcels A and C and 42,500 square feet of commercial use on Parcel B.

TO: This plat is restricted to 90,000 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 Parcels B and C.

The Future Land Use Element of the Cooper City Comprehensive Plan is the effective land use plan for Cooper City. That plan designates the area covered by this plat for the uses permitted in the "Office Park" (i.e. Parcels A and C) and "Commercial" (i.e. Parcel B) land use categories. This plat is located on the south side of Stirling Road, between Northwest 94 Avenue and Northwest 100 Avenue.

The existing and proposed office use on Parcel A and commercial and bank uses on Parcel B are in compliance with the permitted uses of the effective land use plan.

Regarding the proposed commercial and bank uses on Parcel C, Planning Council staff notes that in order for said uses to be considered in compliance with the effective land use plan, a note must be placed on the face of the plat restricting such uses to professional, business and financial offices (drive-thru service facilities prohibited), and/or restaurants and personal services which are necessary to a primary office use.

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:KJW

cc: Bruce Loucks, City Manager
City of Cooper City

Matthew Wood, AICP, Director, Planning and Growth Management Department
City of Cooper City

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

Application: Delegation Request (To amend the note to add 5,000 square feet of bank use and 2,500 square feet of commercial use on Parcels B and C)
File Number: 214-MP-86
Project Name: Stirling Road Three
Comments Due: May 16, 2018
Development Type: Office (90,000 Square Feet), Commercial (45,000 Square Feet) and Bank (5,000 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 Cooper City and is in the Central Broward Drainage District. Surface water management plans for this plat must meet the criteria of the Drainage District. A surface water management permit must be obtained from this District prior to any construction.

Potable Water Review

This plat will be served by the City of Cooper City's Water Treatment Plant which has a capacity of 7.000 MGD, a maximum daily flow of 4.193 MGD, and the estimated project's flow is 0.034 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:	Cooper City
Flow Data:	As of 03/18
EPGMD Licensed Capacity	3.4400 MGD
12 Month Average Flow:	2.5600 MGD
Existing Flow Reserved by Building Permit:	0.0830 MGD
Total Committed Flow:	2.6430 MGD
Estimated Project Flow:	0.0830 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 Division at 954-519-1483.

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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.

See the attached Conceptual Dredge and Fill Review Report. An Environmental Resource License, No. DF17-1230, was issued on February 6, 2018. This plat has previously been reviewed by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division authorizing impacts to 2.17 acres of wetlands and required the creation of 1.4 acres of on-site wetland mitigation. A Conservation Easement is required over the mitigation area.

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 Cooper City 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 Needed 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.
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.

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3. A demolition notice of the existing use may be required from the Broward County Air Licensing and Compliance Section of the Environmental Engineering and Permitting Division.
4. 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 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 plat note amendment 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.



Planning and Development Management 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 Stirling Road Three
 Plat Number 214-MP-86 Plat Book - Page PB 136, Pg. 32 (If recorded)
 Owner/Applicant Cooper Square 26, LLC Phone _____
 Address 20200 W. Dixie Highway, Suite 1206 City Aventura State FL Zip Code 33180
 Owner's E-mail Address FREDDY@BOULTONCRE.COM Fax # _____
 Agent SYNALOVSKI ROMANIK SAYE, LLC Phone 954-861-6806
 Contact Person Manuel Synalovski/Jose Saye
 Address 1800 Eiler Drive, Suite 500 City Fort Lauderdale State FL Zip Code 33316
 Agent's E-mail Address msynalovski@synalovski.com Fax # 954-961-6807

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.
 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 Cooper City
 Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No
City of Cooper City
 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 290
 Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS _____
 Number of students for a daycare center or school STUDENTS N/A
 Reasons for this request (Attach additional sheet if necessary.) _____

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which abut 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 Development Management 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?

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 _____

Sworn and subscribed to before me this 23 day of April, 2018
 by Manuel Synalovski He/she is personally known to me or
 Has presented _____

Signature of Notary Public Isabel C. Marin 
 Type or Print Name Isabel Cristina Marin

FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time 10:12 AM Application Date 05/01/18 Acceptance Date 05/02/18
 Comments Due 05/16/18 C.C. Mtg. Date _____ Fee \$ 2,090

Plats Survey Site Plan City Letter Agreements

Other Attachments(Describe) _____
 Title of Request note amendment

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 Kan Sz



SYNALOVSKI ROMANIK SAYE
Architecture • Planning • Interior Design

May 1st, 2018

Ms. Thuy Turner, AICP, LEED AP BD+C, Planning Section Supervisor
Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
1 N. University Drive
Plantation, Florida 33324

RE: STIRLING ROADTHREE PLAT (136/32) – DELEGATION REQUEST TO AMEND THE PLAT NOTE

Dear Ms. Turner,

Enclosed please find the submittal for the Delegation Request to amend the restrictive note on the "STIRLING ROAD THREE" Plat (136/32). We are requesting modification of the current plat note language in order to construct a commercial development on Parcels B and C (**Folio #'s 514105120020, 514105120021 and 514105120031**). Currently, there are no existing buildings on Parcels B and C.

THE CURRENT PLAT NOTE READS AS FOLLOWS:

THIS PLAT IS RESTRICTED AS FOLLOWS:
PARCELS A AND C ARE RESTRICTED TO 90,000 SQUARE FEET OF OFFICE USE.
PARCEL B IS RESTRICTED TO 42,500 SQUARE FEET OF COMMERCIAL USE.
PARCEL D IS RESTRICTED TO 32 DETACHED SINGLE FAMILY HOMES.

THE PROPOSED PLAT NOTE WILL READ AS FOLLOWS:

THIS PLAT IS RESTRICTED AS FOLLOWS:
PARCELS A IS RESTRICTED TO 90,000 SQUARE FEET OF OFFICE USE.
PARCEL B AND PARCEL C ARE RESTRICTED TO 45,000 SQUARE FEET OF COMMERCIAL USE AND 5,000 SQUARE FEET OF BANK USE.
PARCEL D IS RESTRICTED TO 32 DETACHED SINGLE FAMILY HOMES.

Thank you in advance for your attention to this mater. Please do not hesitate to contact me should you have any questions.

Respectfully,

Manuel Synalovski, AIA, NCARB, LEED AP
Managing Principal

SYNALOVSKI ROMANIK SAYE
Architecture • Planning • Interior Design

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