

# THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

*Transactions, Due Diligence, Development, Brownfields, Cleanups & Compliance*

One Southeast Third Avenue, Suite 2120  
Miami, Florida 33131  
Telephone: (305) 777-1680  
Facsimile: (305) 777-1681  
www.goldsteinenvlaw.com

Michael R. Goldstein, Esq.

Direct Dial: (305) 777-1682

Email: mgoldstein@goldsteinenvlaw.com

September 11, 2012

**Via Email & U.S. Mail**

Mr. Greg Brewton, AICP, Director  
Department of Sustainable Development  
City of Fort Lauderdale  
700 N.W. 19<sup>th</sup> Avenue  
Fort Lauderdale, FL 33311

**Re: Request for Brownfields Area Designation Pursuant to §§ 376.80(2)(a) & (b), Florida Statutes, of Proposed Bokamper's Sports Bar and Grill, Fort Lauderdale, Florida**

Dear Mr. Brewton:

On behalf of P.D.K.N. Holdings, LLC ("P.D.K.N."), the developer of Bokamper's Sports Bar & Grill (the "Project"), we are pleased to submit this request to the City of Fort Lauderdale (the "City") to designate certain properties under contract to P.D.K.N. (the "Main Parcel") and one property owned by the City that may be conveyed to P.D.K.N. (the "Companion Parcel") as a Brownfield Area pursuant to § 376.80(2)(b) and § 376.80(2)(a), Florida Statutes, respectively. P.D.K.N. will utilize the Main Parcel to construct its restaurant facility and the Companion Parcel for surface parking.<sup>1</sup> Both parcels are critical to the success of the property.

When fully constructed, P.D.K.N. will have transformed vacant, underutilized waterfront land into a vibrant, economically powerful 18,000 square foot dining and entertainment venue employing up to 175 permanent full and part time staff. The Project, with an estimated capital cost of \$9 million, will pay hundreds of thousands of dollars in impact fees, generate approximately \$90,000 in annual real estate taxes, and likely spark additional capital investment in the neighborhood by other developers and businesses.

In order to qualify for a Brownfield designation on a site-specific basis pursuant to § 376.80(2)(b), Florida Statutes, the Florida Legislature established the following five statutory criteria:

---

<sup>1</sup> The Main Parcel consists of five parcels located at 3115 N.E. 32<sup>nd</sup> Avenue and 3201 NE 32<sup>nd</sup> Avenue, and the Companion Parcel of one parcel, currently owned by the City of Fort Lauderdale, at 3200 N.W. 32<sup>nd</sup> Street.

A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations;
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

As reflected on the Statement of Eligibility enclosed as Attachment A, we believe that the Main parcel complies with the foregoing designation criteria and, accordingly, respectfully ask that the Planning and Zoning Department favorably consider this request to designate it a Brownfield Area and recommend it for approval to the Fort Lauderdale City Commission.

Different criteria apply to the City-owned Companion Parcel, specifically those set forth at §376.80(2)(a), Florida Statutes:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purposes.

Mr. Greg Brewton, AICP, Director  
September 11, 2012  
Page 3

Note that Florida Statutes only requires a local government to "consider" these four factors when self-designating a Brownfield Area; that is, no specific finding or determination one way or the other is required. Based on our experience with redevelopment of local government owned land in general as well as our understanding of how this property is intended to function relative to the Main Parcel, we believe that it is an *excellent candidate* for designation. We reach this conclusion for the following reasons:

- The Companion Parcel not only warrants economic development but such economic development is guaranteed to occur if the Project moves forward;
- At approximately 1.6 acres, the proposed area to be designated represents a reasonably focused approach and is definitely not overly large in geographic coverage.
- Designation of the area will allow the Project to continue to move forward and enable P.D.K.N. to participate in rehabilitation of both the Main Parcel and the Subject Parcel.
- The parcel is not suitable for limited recreational open space, cultural or historical preservation purposes in light of the legitimate and important economic redevelopment and community revitalization purposes associated with the Project.
- Simultaneous designation of the Main Parcel and Companion Parcels as a Brownfield Area will provide P.D.K.N. with the modest and proportionate incentive necessary to overcome the added time, cost, and risk associated with real and/or perceived contamination issues that complicate reuse and redevelopment activities and potentially imperil the financial viability of the Project.

Based on all the foregoing, we respectfully ask that the Department of Sustainable Development favorably consider this request to effectuate designation of the Main Parcel and Companion Parcel a Brownfield Area and recommend that the Fort Lauderdale City Commission adopt a resolution to formally do so in accordance with §§ 376.80(2)(b) and (2)(a), Florida Statutes, respectively. As you evaluate our request and the supporting materials, please feel free to contact us should you have questions or require additional information. Thank you in advance for your time and your consideration.

Very truly yours,

**THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.**



Michael R. Goldstein  
/mrg

cc: P.D.K.N. Holdings, LLC