



DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 01/24/2023

INSTRUCTIONS: The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The development application form must be filled out accurately and all applicable sections must be completed. Only complete the sections indicated for application type with N/A for those section items not applicable. Refer to "Specifications for Plan Submittal" by application type for information requirements for submittal. Select the application type and approval level in **SECTION A** and complete the sections specified.

A APPLICATION TYPE AND APPROVAL LEVEL *Select the application type from the list below and check the applicable type.*

<input type="checkbox"/> LEVEL I ADMINISTRATIVE REVIEW COMMITTEE (ADMIN)	<input type="checkbox"/> LEVEL II DEVELOPMENT REVIEW COMMITTEE (DRC)	<input type="checkbox"/> LEVEL III PLANNING AND ZONING BOARD (PZB)	<input checked="" type="checkbox"/> LEVEL IV CITY COMMISSION (CC)
<ul style="list-style-type: none"> ┆ New nonresidential less than 5,000 square feet ┆ Change of use (some impact or less than existing use) ┆ Plat note/Nonvehicular access line amendment ┆ Administrative site plan ┆ Amendment to site plan* ┆ Property and right-of-way applications (MOTs, construction staging) ┆ Parking Agreements (separate from site plans) 	<ul style="list-style-type: none"> ┆ New Nonresidential 5,000 square feet or greater ┆ Residential 5 units or more ┆ Nonresidential use within 100 feet of residential property ┆ Redevelopment proposals ┆ Change in use (if great impact than existing use) ┆ Development in Regional Activity Centers (RAC)* ┆ Development in Uptown Project Area* ┆ Regional Activity Center Signage ┆ Design Review Team (DRT) ┆ Affordable Housing (≥10%) 	<ul style="list-style-type: none"> ┆ Conditional Use ┆ Parking Reduction ┆ Flex Allocation ┆ Cluster / Zero Lot Line ┆ Modification of Yards* ┆ Waterway Use ┆ Mixed Use Development ┆ Community Residences* ┆ Social Service Residential Facility (SSRF) ┆ Medical Cannabis Dispensing Facility* ┆ Community Business District for uses greater than 10,000 square feet 	<ul style="list-style-type: none"> ┆ Land Use Amendment ┆ Rezoning ┆ Plat ┆ Public Purpose Use ┆ Central Beach ┆ Development of Significant Impact* ┆ Vacation of Right-of-Way ┆ City Commission Review Only (review not required by PZB) ┆ Vacation of Easement*
COMPLETE SECTIONS B, C, D, G	COMPLETE SECTIONS B, C, D, E, F	COMPLETE SECTIONS B, C, D, E, F	COMPLETE SECTIONS B, C, D, E, F
<input type="checkbox"/> EXTENSION	<input type="checkbox"/> DEFERRAL	<input type="checkbox"/> APPEAL/DE NOVO	<input type="checkbox"/> PROPERTY AND ROW ITEM
Request to extend approval date for a previously approved application	Request to defer after an application is scheduled for public hearing	<ul style="list-style-type: none"> ┆ Appeal decision by approving body ┆ De Novo hearing items 	<ul style="list-style-type: none"> ┆ Road closures ┆ Construction staging plan ┆ Revocable licenses
COMPLETE SECTIONS B, C, H	COMPLETE SECTIONS B, C, H	COMPLETE SECTIONS B, C, H	COMPLETE SECTIONS B, C, E

*Application is subject to specific review and approval process. Levels III and IV are reviewed by Development Review Committee unless otherwise noted.

B APPLICANT INFORMATION *If applicant is the business operator, complete the agent column and provide property owner authorization.*

Applicant/Property Owner	728 NW3RD LLC; 204 LEGACY ROWE LLC 216 NW8TH LLC	Authorized Agent	Stephanie J. Toothaker, Esq.
Address	Agent: 501 SW 2nd Ave, Suite 1	Address	501 SW 2nd Ave, Suite 1
City, State, Zip	Fort Lauderdale, FL 33301	City, State, Zip	Fort Lauderdale, FL 33301
Phone	Agent: 954.648.9376	Phone	954.648.9376
Email	Agent: stephanie@toothaker.org	Email	cc: estefania@toothaker.org
Proof of Ownership	Tax Record	Authorization Letter	Letter Attached
Applicant Signature:		Agent Signature:	Digitally signed by Stephanie J. Toothaker Date: 2023.12.08 18:06:48 -0500

C PARCEL INFORMATION

Address/General Location	728 NW 3rd St, 204 and 216 NW 8th Ave
Folio Number(s)	504210121050, 504210121061, 504210121060
Legal Description (Brief)	See survey and sketch and legal
City Commission District	District 3
Civic Association	Historical Dorsey-Riverbend

D LAND USE INFORMATION

Existing Use	Vacant and Residential
Land Use	NWRAC
Zoning	RMM-25
Proposed <i>Applications requesting land use amendments and rezonings.</i>	
Proposed Land Use	NWRAC
Proposed Zoning	NWRAC-MUw

E PROJECT INFORMATION *Provide project information. Circle yes or no where noted. If item is not applicable, indicate N/A.*

Project Name	NW 3rd Street and NW 8th Avenue Rezoning									
Project Description (Describe in detail)	Rezoning from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Northwest Regional Activity Center- Mixed-Use West (NWRAC-MUw) District									
Estimated Project Cost	\$ (Estimated total project cost including land costs for all new development applications only)									
Affordable Housing										
Number of Units										



Waterway Use	No
Flex Units Request	No
Commercial Acreage	Flex
Residential Uses	
Single Family	N/A
Townhouses	N/A
Multifamily	N/A
Cluster/Zero Lot Line	N/A
Other	N/A
Total (dwelling units)	N/A
Unit Mix (dwelling units)	Studio or Efficiency N/A 1-Bedroom N/A 2-Bedroom N/A 3+ Bedroom N/A

Traffic Study Required	No
Parking Reduction	No
Public Participation	Yes
Non-Residential Uses	
Commercial	N/A
Restaurant	N/A
Office	N/A
Industrial	N/A
Other	N/A
Total (square feet)	N/A

F PROJECT DIMENSIONAL STANDARDS *Indicate all required and proposed standards for the project. Circle yes or no where indicated.*

	Required Per ULDR for RMM-25	Proposed for NWRAC-MUW	
Lot Size (Square feet/ acres)	-	None	
Lot Density (Units/ acres)	25 du/ net acre	None	
Lot Width	50'-100', depends on use	None	
Building Height (Feet)	35' or 55', depends on use	45' br right - up to 65'	
Structure Length	None or 200', depends on use	-	
Floor Area Ratio (F.A.R.)	-	None	
Lot Coverage	-	-	
Open Space	-	-	
Landscape Area	-	-	
Parking Spaces	-	-	
SETBACKS (Indicate direction N,S,E,W)			
	Required Per ULDR	Proposed	
Front []	25'	0' (Primary); 5' (Secondary) 15' abutting residential	
Side []	5'	0' (Primary); 5' (Secondary) 15' abutting residential	
Corner / Side []	5'	0' (Primary); 5' (Secondary) 15' abutting residential	
Rear []	15'	0' (Primary); 5' (Secondary) 15' abutting residential	
<i>For projects in Downtown, Northwest, South Andrews, and Uptown Master Plans to be completed in conjunction with the applicable items above.</i>			
Tower Stepback			
	Required Per ULDR	Proposed	Deviation
Front / Primary Street []	-	Varies 20'-30'	
Sides / Secondary Street []	-	Varies 20'-30'	
Building Height	-	45' By Right - Up to 65'	
Streetwall Length	-	-	
Podium Height	-	25' (2 Stories) Min - 65' (5 Stories) Max	
Tower Separation	-	-	
Tower Floorplate (square feet)	-	-	
Residential Unit Size (minimum)	-	-	

G AMENDED PROJECT INFORMATION *Provide approved and proposed amendments for project. Circle yes or no where indicated.*

Project Name			
Proposed Amendment Description (Describe in detail)			
	Original Approval	Proposed Amendment	Amended
Residential Uses (dwelling units)			
Non-Residential Uses (square feet)			
Lot Size (Square feet/ acres)			
Lot Density (Units/ acres)			
Lot Width			
Building Height (Feet)			
Structure Length			
Floor Area Ratio (F.A.R.)			
Lot Coverage			
Open Space			
Landscape Area			
Parking Spaces			
Tower Stepback			
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate (square feet)			
Residential Unit Size (minimum)			
Does this amendment require a revision to the traffic statement or traffic study completed for the project?			
Does this amendment require a revised water sewer capacity letter?			

H EXTENSION, DEFERRAL, APPEAL INFORMATION *Provide information for specific request. Circle approving body and yes or no.*

Project Name						
Request Description						
	EXTENSION REQUEST		DEFERRAL REQUEST		APPEAL REQUEST / DE NOVO HEARING	
Approving Body		Approving Body		Approving Body		
Original Approval Date		Scheduled Meeting Date		30 Days from Meeting (Provide Date)		
Expiration Date (Permit Submittal Deadline)		Requested Deferral Date		60 Days from Meeting (Provide Date)		
Expiration Date (Permit Issuance Deadline)		Previous Deferrals Granted		Appeal Request		



Requested Extension <i>(No more than 24 months)</i> Code Enforcement <i>(Applicant Obtain by Code Compliance Division)</i>	Justification Letter Provided	Indicate Approving Body Appealing De Novo Hearing Due to City Commission Call-Up
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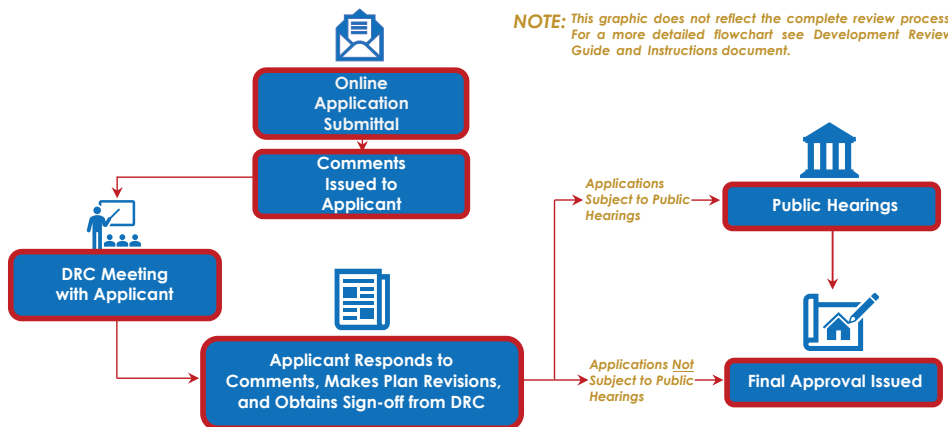
CHECKLIST FOR SUBMITTAL AND COMPLETENESS: The following checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide this information will result in your application being deemed **incomplete**.

- Preliminary Development Meeting** completed on the following date: **PROVIDE DATE**
- Development Application Form** completed with the applicable information including signatures.
- Proof of Ownership** warranty deed or tax record including corporation documents and SunBiz verification name.
- Address Verification Form** applicant contact David Goodrum at 954-828-5976 or DGoodrum@fortlauderdale.gov
- Project and Unified Land Development Code Narratives** project narrative and the applicable ULDR sections and criteria as described in the specifications for submittal by application type.
- Electronic Files, File Naming, and Documents** consistent with the applicable specifications for application type, consistent with the online submittal requirements including file naming convention, plan sets uploaded as single pdf.
- Traffic Study or Statement** submittal of a traffic study or traffic statement. **N/A - Rezoning Only**
- Stormwater Calculations** signed and sealed by a Florida registered professional engineer consistent with calculations as described in the specifications for plan submittal for site plan applications. **N/A - Rezoning Only**
- Water and Wastewater Capacity Request** copy of email to Public Works requesting the capacity letter. **N/A - Rezoning Only**

OVERVIEW FOR ONLINE SUBMITTAL REQUIREMENTS: Submittals must be conducted through the City's online citizen access portal [LauderBuild](#). No hardcopy application submittals are accepted. Below only highlights the important submittal requirements that applicants must follow to submit online and be deemed complete. View all the requirements at [LauderBuild Plan Room](#).

- **Uploading Entire Submittal** upload all documents at time the application is submitted to prevent delays in processing.
- **File Naming Convention** file names must adhere to the City's [File Naming Convention](#).
- **Reduce File Size** plan sets and other large files must be merged or flattened to reduce file size.
- **Plan Sets** plan sets like site plans, plats, etc. must be submitted as a single pdf file. Staff will instruct when otherwise.
- **Document Categories** choose the correct document category when uploading.

DRC PROCESS OVERVIEW: The entire development review process flowchart can be found in the [Development Application Guide and Instructions](#) document. Below is a quick reference flowchart with key steps in the process to guide applicants.



NOTE: This graphic does not reflect the complete review process. For a more detailed flowchart see [Development Review Guide and Instructions](#) document.

CONTACT INFORMATION: Questions regarding the development process or [LauderBuild](#), see contact information below.

GENERAL URBAN DESIGN AND PLANNING QUESTIONS
Planning Counter 954-828-6520, Option 5 planning@fortlauderdale.gov

LAUDERBUILD ASSISTANCE AND QUESTIONS
DSD Customer Service 954-828-6520, Option 1 lauderbuild@fortlauderdale.gov

718 NW 3RD ST LLC

2/13/2024

City of Fort Lauderdale
Office of the City Clerk
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301

Broward County Board of County Commissioners
115 S. Andrews Avenue, #409
Fort Lauderdale, FL 33301

**Re: Section 2-262, City of Fort Lauderdale Code of Ordinances and
Broward County Ordinance No. 2009-34 Authorization Letter**

To Whom it May Concern:

Please accept this letter of authorization permitting Stephanie J. Toothaker, Esq., Estefania Mayorga, and Roya Edwards of Stephanie J. Toothaker, Esq., P.A. d/b/a TOOTHAKER.org to represent the interests of **718 NW 3RD ST LLC** in connection with a rezoning application in the City of Fort Lauderdale for the property located at 216 NW 8th Avenue, Fort Lauderdale, Folio No. 504210121060, from RMM-25 to NWRAC-MUw. Such representation shall only include the preparation, submittal and processing of a rezoning application to the Planning and Zoning Board and City Commission through final rezoning approval.

Sincerely,
718 NW 3RD ST LLC,
a Florida limited liability company

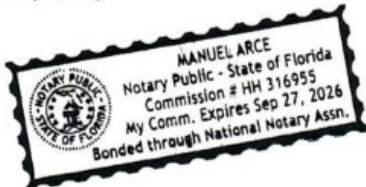


Name: Eric Malinasky
Title: Authorized Member

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this, 13 day of February 2024, by Eric Malinasky as the Authorized Member of **718 NW 3RD ST LLC**, a Florida limited liability company, who is personally known or has produced Drivers license as identification.

(Notary Seal)



Notary Public

Manuel Arce

Name typed, printed or stamped

702 NW 3RD ST LLC

2/13/2024

City of Fort Lauderdale
Office of the City Clerk
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301

Broward County Board of County Commissioners
115 S. Andrews Avenue, #409
Fort Lauderdale, FL 33301

**Re: Section 2-262, City of Fort Lauderdale Code of Ordinances and
Broward County Ordinance No. 2009-34 Authorization Letter**

To Whom it May Concern:

Please accept this letter of authorization permitting Stephanie J. Toothaker, Esq., Estefanía Mayorga, and Roya Edwards of Stephanie J. Toothaker, Esq., P.A. d/b/a TOOTHAKER.org to represent the interests of **702 NW 3RD ST LLC** in connection with a rezoning application in the City of Fort Lauderdale for the property located at 204 NW 8th Avenue, #1-#2, Fort Lauderdale, Folio No. 504210121061 from RMM-25 to NWRAC-MUw. Such representation shall only include the preparation, submittal and processing of a rezoning application to the Planning and Zoning Board and City Commission through final rezoning approval.

Sincerely,

702 NW 3RD ST LLC,
a Florida limited liability company

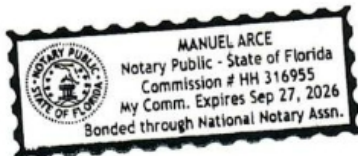


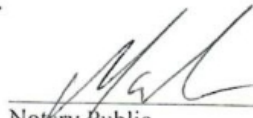
Name: Eric Malinasky
Title: Authorized Member

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this, 13 day of February 2024, by Eric Malinasky, as the Authorized Member of **702 NW 3RD ST LLC**, a Florida limited liability company, who is personally known or has produced Drivers license as identification.

(Notary Seal)





Notary Public
Manuel Arce

Name typed, printed or stamped

December 8, 2023

VIA LAUDERBUILD
 URBAN DESIGN & PLANNING DIVISION
 DEPARTMENT OF SUSTAINABLE DEVELOPMENT
 CITY OF FORT LAUDERDALE
 700 NW 19TH AVE
 FORT LAUDERDALE, FL 33311

**RE: Rezoning from RMM-25 to NWRAC-MUw
 NW 3rd Street and NW 8th Avenue Rezoning**

This firm represents the property owners (collectively, the “Applicant”) of 728 NW 3rd Street, 204 NW 8th Avenue, and 216 NW 8th Avenue, Folio Nos. 504210121050, 504210121061, and 504210121060 (the “Property”), as more specifically described in the survey and sketch and legal description included herein. On behalf of the Applicant, we are respectfully requesting to rezone the Property from Residential Multifamily Midrise/Medium High Density District (“RMM-25”) to Northwest Regional Activity Center – Mixed Use West (“NWRAC-MUw”).

The request to rezone the 0.5165 acre (22,499.97 square feet) Property from RMM-25 to NWRAC-MUw is intended to unify the block with the same NWRAC-MUw zoning that the east portion is currently designated and is in furtherance of the urban development pattern consistent with the intent of the NWRAC land use designation and Northwest/Progresso/Flagler Heights Redevelopment Plan. The Property is located generally west of NW 7th Avenue (Avenue of the Arts) between NW 3rd Street to the north and NW 8th Avenue to the west with surrounding approved and under construction developments including Mount Herman Apartment (Case No. UDP-S21027), Hotel d' Arts (Case No. R19051) and The Adderley (Case No. R19014).

As outlined herein, the rezoning application satisfies all of the requirements of Unified Land Development Regulations (“ULDR”) Section 47-24.4.D, Rezoning Criteria and ULDR Section 47-25.2, Adequacy Requirements.

Sec. 47-24.4.D. – Rezoning Criteria.

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

RESPONSE: Rezoning the Property to NWRAC-MUw is consistent in all respects with its future land use category of NWRAC. The NWRAC is intended to encourage redevelopment and expansion of employment and housing opportunities within the area. Further, the proposed rezoning is consistent with the City’s Comprehensive Plan applicable goals, objectives, and policies, including without limitation Future Land Use Element, Goal 2, Objective 2.4, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest/Progresso/Flagler Heights Redevelopment Plan. The proposed rezoning is also supported by Future Land Use Element, Goal 2, Objective 2.3, which encourages mixed-use development to help support active and vibrant neighborhoods through well integrated land use combinations. The Progresso Village Neighborhood contains a mixture of single family and small multifamily developments. The expansion of the NWRAC-MUw zoning district will help support the diversification of housing types through the promotion of larger multifamily development opportunities.

Stephanie J. Toothaker, Esq.
 land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](#) [@toothakerdevelopment](#)
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

RESPONSE: The proposed rezoning of the Property to NWRAC-MUw will not adversely impact the character of development in or near the area under consideration. The Property is surrounded by properties zoned RMM-25 to the west and NWRAC-MUw to the north, east and south. The Northwest/Progresso/Flagler Heights Redevelopment Plan promotes the renovation of existing structures with new infill development to help support local commerce and community revitalization. Rezoning of properties to NWRAC-MUw is in alignment with the neighborhood's goal of supporting redevelopment opportunities and has the potential of increasing housing opportunities and local employment. Housing is needed to support new businesses and ensures higher levels of purchasing power through increases in density, helping to fortify the economic vitality of existing future businesses in the Progresso Village Neighborhood.

Surrounding approved or under construction developments with NWRAC-MUw zoning include Mount Herman Apartment (Case No. UDP-S21027) at 7-stories with 104 multifamily units, Hotel d' Arts (Case No. R19051) with 100 hotel units, and The Adderley (Case No. R19014) with 455 multifamily units.

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

RESPONSE: The NWRAC Master Plan is intended to promote and enhance the existing mix of uses and character of the NWRAC by providing for a wide range of employment, shopping, services, cultural and residential opportunities with a mix of residential and non-residential uses. The NWRAC area generally includes a higher intensity of uses along the corridors which transition to the lower densities and intensities of the surrounding neighborhoods.

The rezoning of the Property to NWRAC-MUw is compatible with the existing and proposed mix of uses in the surrounding area along NW 7th Avenue (Avenue of the Arts). The Property is surrounded by properties zoned RMM-25 to the west and NWRAC-MUw to the north, east, and south. The proposed rezoning of the Property expands the NWRAC-MUw mixed use zoning northward, consistent with the underling NWRAC land use.

Further, pursuant to ULDR Section 47-13.29, future developments are required to meet the Northwest Regional Activity Center Design Standards, which include but are not limited to building orientation, architectural requirements, open space, vehicular and pedestrian access, building materials, active ground floor uses and facades. Additional standards for parking facilities, landscaping, signage, and streetscapes will also be applied during the development review process at the time of site plan application to further ensure neighborhood compatibility.

Sec. 47-25.2. - Adequacy requirements.

A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

RESPONSE: Acknowledged.

B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

RESPONSE: To Applicants' knowledge, there are no environmentally sensitive lands on the Properties.

E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

F. *Parks and open space.*

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- G. *Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

H. *Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
2. *Potable water facilities.*
 - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
 - b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
 - c. Where the county is the projected service provider, a similar written assurance will be required.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

I. *Sanitary sewer.*

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

- J. *Schools.* For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval as applicable.

- K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

RESPONSE: Rezoning application. The Properties are currently served by existing solid waste collection service. A detailed analysis of additional demand will be provided at time of Site Plan application.

- L. *Stormwater.* Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

RESPONSE: Rezoning application. The Properties are currently served by existing stormwater facilities. A detailed analysis of additional demand will be provided at time of Site Plan application.

- M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall

be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. *Traffic impact studies.*
 - a. When the proposed development may generate over one thousand (1,000) daily trips; or
 - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ($\frac{1}{2}$) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ($\frac{1}{2}$) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

N. *Wastewater.*

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and

disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan application.

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application, as applicable.

- P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

RESPONSE: No structures have been identified on the Property as having archaeological or historical significance within the State of Florida authorized by law to do the same.

- Q. *Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

RESPONSE: Not applicable. The Properties are not located east of the Intracoastal Waterway.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.