

Holland & Knight

515 East Las Olas Boulevard, Suite 1200 | Fort Lauderdale, FL 33301 | T 954.525.1000 | F 954.463.2030
Holland & Knight LLP | www.hklaw.com

Debbie M. Orshefsky
(954) 468-7871
debbie.orshefsky@hklaw.com

February 24, 2017

Via E-mail and First Class Mail:

Mr. Anthony Fajardo
City of Fort Lauderdale
Department of Sustainable Development
700 NW 19 Avenue
Fort Lauderdale FL 33311

Re: **Rezoning Application of Project Andrews LLC: Statement of Compliance with NWRAC-MU District Regulations and the NWRAC Design Standards**

Dear Mr. Fajardo:

Project Andrews LLC is the Applicant for a rezoning of 4.8+/- acres located at the SW corner of Sunrise Blvd. and Andrews Avenue (the "Property") from B-1 and RMM-25 to NWRAC-MU. The "Progresso Commons" shopping center will be designed to comply with the applicable zoning district regulations and design standards.

I. Compliance with NWRAC-MU District Provisions of the ULDR

Pursuant to the expressed intent of the NWRAC-MU District Regulations set forth in Section 47-13.2.1.C.1., Progresso Commons, with 35,000+/- square feet of commercial use, will "promote and enhance the existing commercial and residential character of the main corridors of the NWRAC." The Andrews Avenue frontage of the Property was rezoned to NWRAC-MU when these regulations were enacted, but by expanding this zoning to be applicable to the entire 4.8+/- acre parcel, the continuation of "strip commercial" along this "Primary Street" is eliminated and a cohesive and unified shopping center can be developed.

II. Compliance with NWRAC Design Standards ("Design Standards")

The "fundamental planning principles" identified in the Design Standards and the way in which Progresso Commons can further these principles is described below. These same principles are more fully described throughout the Design Standards in terms of "Street Design Standards" and "Building Design Standards, therefore, we have consolidated this analysis in terms of the "fundamental principles" for ease of analysis:

“Residential and mixed-use development to create a dynamic urban area complete with both daytime and evening activity.”

Progresso Commons will be a mixed use development with daytime and evening activity. The opportunity to shop and eat in the neighborhood will contribute to the urban fabric and revitalization of the NWRAC.

“Architecture on a human scale through appropriate building form and massing that relates to the streets with minimal setbacks and active occupied spaces, especially at grade.”

The retail buildings will be designed with minimal setbacks, if any, as well as clear glazing and active uses along the street frontage. As the intersection of two "Primary Streets", Sunrise Blvd. and Andrews Avenue, the plat for the Project reflects dedication of additional right of way to allow for wider sidewalks and installation of bike lanes. These improvements are consistent with the "Street Design Standards: NWRAC-MU" set forth in the Design Standards and the applicable ULDR provisions regarding same.

“Landscaping that enhances the streetscape experience and shades the pedestrian with green space consolidated into usable parks and plaza areas.”

Landscape design will provide low-height shrubbery and plantings around the street frontages to promote natural surveillance into the site from adjacent rights-of-way, and may include a landscape trellis.

“Parking is designed in such a way that on-site movement and storage of vehicles is as imperceptible as possible and minimally, if at all, interferes with pedestrian pathways.”

Parking for Progresso Commons will be located behind the proposed retail buildings, perimeter landscaping and/or a trellis, thus vehicles will be as “imperceptible” as possible to pedestrians along Sunrise Blvd. and Andrews Avenue.

“Design of the streets, parking areas, and public realm that reinforces guidelines of safe neighborhood design and promotes the objectives of Crime Prevention through Environmental Design (CPTED).”

Progresso Commons will be designed to enhance “eyes on the street” through the glazing to be used on each of the buildings, particularly the portions of the buildings which front on the Primary Streets. Site lighting will be designed to promote public safety by providing additional levels of illumination around the buildings and customer parking/service areas. The technique promotes public safety through increased vigilance and surveillance opportunities both within the site, and from the adjacent rights-of-way.

February 24, 2017

Page 3

Progresso Commons will be a catalyst for revitalization of these Primary Streets and add to the neighborhood character of the surrounding area.

Sincerely yours,

HOLLAND & KNIGHT LLP



Debbie M. Orshefsky

DMO:nld

February 02, 2017

City of Fort Lauderdale
Department of Sustainable Development Department
700 NW 19th Avenue
Fort Lauderdale, FL 33311

**RE: Progresso Commons (Project)
Project Andrews, LLC (Applicant)**

The following is a summary of compliance with adequacy requirements listed under ULDR Sec. 47-25.2, for the Progresso Commons project:

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: The proposed development will not interfere with the City's communication network.

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 (2 1/2) inches of runoff from the impervious surface whichever is greater.

Response: The proposed development is being designed to meet the level of service requirements by retaining and treating the water quality volume associated with a two and one-half (2 ½) inch rainfall event over the all impervious surface areas provided by the development. The stormwater management system will meet or exceed all applicable City, County, and State design requirements and performance criteria.

Environmentally sensitive lands

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(l), Chapter 5, Article IX of the Broward County Code of Ordinances; and c. Broward County Ordinance No. 84-60.

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

Response: The proposed development does not develop any environmentally sensitive lands.

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: The proposed development will meet all applicable fire and life safety codes. Detailed information on the requirement systems will be provided at the time of the building permit applications.

Parks and open space

The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.

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: No residential use is contemplated so the park and open space requirements of this sections are not applicable.

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: The proposed development incorporates a number of CPTED design strategies including, but not limited to, the following:

- **The 6' high solid wall provided along the south boundary instills territorial reinforcement and provides a physical barrier to restrict and deter trespass between the residential and commercial areas.**
- **Site lighting has been designed to promote public safety by providing additional levels of illumination around the buildings and customer parking/service areas. The technique promotes public safety through increased vigilance and surveillance opportunities both within the site, and from the adjacent rights-of-way.**
- **Landscape design provides low-height shrubbery and plantings around the street frontages to promote natural surveillance into the site from adjacent rights-of-way.**
- **Building architecture provides additional glazing promoting surveillance of customer service areas inside the building.**

Potable water facilities

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.

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 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 development.
3. Where the county is the projected service provider, a similar written assurance will be required.

Response: No extensions to potable water facilities are anticipated to support this development. Water service connections and associated improvements will be designed in accordance with applicable City/State standards and regulations. Service availability letters will be obtained as required.

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: Service availability letters will be obtained as required.

Schools

For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

Response: This is not a residential use and therefore does not generate students.

Solid waste

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 or all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

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: Adequate provisions for solid waste collection/storage are provided, and appropriate hauling/removal services will be obtained to serve the site. Written assurances will be obtained and provided to the City as required.

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: The stormwater management system will meet or exceed all applicable City, County, and State design requirements and performance criteria.

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.

Response: Understood. The proposed development as evaluated by the applicant's consultant and the city's traffic consultant will comply with this requirement for adequate facilities.

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.

Response: An evaluation of the transportation network is provided in the traffic impact letter included with this submission. Improvements to the regional transportation network will be made in accordance with applicable City, County, and State traffic engineering standards.

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.

Response: Improvements to a local road (NW 2nd Avenue) are proposed as part of this development. Improvements will be made in accordance with applicable City engineering standards.

4. **Traffic impact studies** - When the proposed development may generate over one thousand (1,000) daily trips; or, 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 (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 (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:
 - a. 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.
 - b. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - c. 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.
 - d. A further detailed analysis and any other information that the review committee considers relevant.
 - e. 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.
 - f. 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: The development is anticipated to generate over 1,000 daily trips. As such, a traffic impact letter, prepared in accordance with this criteria, is included with this submission.

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: Right-of-way dedications along Sunrise Boulevard and Andrews Avenue are being provided in accordance with the Broward County Trafficways Plan.

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: All pedestrian facilities being proposed within the site and adjoining rights-of-way have been designed in accordance with applicable City, County, and State engineering standards. All necessary permits and approvals will be obtained prior to construction.

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 non-access 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: Acknowledged.

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: Acknowledged.

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: Street trees are proposed as required along project street frontages. Please refer to the Landscape Plans for additional information.

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: No extensions to public sewer facilities are anticipated to support this development. Sanitary service connections and associated improvements will be designed in accordance with applicable City/State standards and regulations.

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: A trash management plan will be provided as required.

Historic and archaeological resources

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: The proposed development is not in a location that has historical or archeological significance.

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: The proposed development is located west of the Intracoastal Waterway.

Sincerely,

THOMAS ENGINEERING GROUP, LLC
On behalf of the Applicant