DEVELOPMENT REVIEW COMMITTEE (DRC)
Right-of-way / Easement Application

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet
Page 2: Required Documentation / Submittal Checklist
Page 3: Other Property & Right-of-Way related items for discussion

DEADLINE: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding subject proposals, especially right-of-way vacation requests, as well as any other considerable development projects. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on design and preparation of submittal documents.

Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time, in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

Other Property & Right-of-Way related items for discussion: the application and submittal requirements are attached on the last page of this application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, license, encroachment, water and sanitary sewer agreements, shall be preceded by the execution and filing of the following application form and the payment with said application fee of $100.00, (Ordinance No. C-84-65), which shall be nonrefundable. This application must be presented and the fee paid before agreement is prepared or considered. If publication is necessary, applicant agrees to pay the cost of such publication

☐ Easement Vacation $ 680.00
☒ Right-of-Way Vacation $ 780.00
☐ Agreements with the City * $ 100.00
☐ Other Property & Right-of-Way related items for discussion $ 100.00

* Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, revocable license, encroachment, water and sanitary sewer agreements)
**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

**NOTE:** To be filled out by Department

<table>
<thead>
<tr>
<th>Case Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date of complete submittal</th>
</tr>
</thead>
</table>

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

<table>
<thead>
<tr>
<th>Property Owner’s Name</th>
<th>Intech Properties LLC</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Property Owner’s Signature</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address, City, State, Zip</th>
<th>3045 N. Federal Highway, Suite 47, Fort Lauderdale, FL 33306</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>E-mail Address</th>
<th><a href="mailto:bruce@brucecelanski.com">bruce@brucecelanski.com</a></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>954-917-5781</th>
</tr>
</thead>
</table>

**Proof of Ownership**

- [ ] Warranty Deed
- [x] Tax Record

**NOTE:** If **AGENT** is to represent **OWNER**, notarized letter of consent is required

<table>
<thead>
<tr>
<th>Applicant / Agent’s Name</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicant / Agent’s Signature</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address, City, State, Zip</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>E-mail Address</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Letter of Consent Submitted</th>
</tr>
</thead>
</table>

**Development / Project Name**

<table>
<thead>
<tr>
<th>Tarpon Lofts</th>
</tr>
</thead>
</table>

**Development / Project Address**

<table>
<thead>
<tr>
<th>Existings: 400 SE 9th Court</th>
<th>New: Same</th>
</tr>
</thead>
</table>

**Legal Description**

<table>
<thead>
<tr>
<th>Lot 13, Block 1, Lauderdale, Plat Book 2, Page 9 of the public records of Miami-Dade County</th>
</tr>
</thead>
</table>

**Tax ID Folio Numbers**

<table>
<thead>
<tr>
<th>(For all parcels in development) 504215010100</th>
</tr>
</thead>
</table>

**Request / Description of Project**

<table>
<thead>
<tr>
<th>ROW vacation for a portion of SE 4th Avenue adjacent to the property</th>
</tr>
</thead>
</table>

**Applicable ULDR Sections**

<table>
<thead>
<tr>
<th>47-24.6</th>
</tr>
</thead>
</table>

**Total Estimated Cost of Project**

<table>
<thead>
<tr>
<th>$ (including land costs)</th>
</tr>
</thead>
</table>

**Current Land Use Designation**

<table>
<thead>
<tr>
<th>DRAC</th>
</tr>
</thead>
</table>

**Current Zoning Designation**

<table>
<thead>
<tr>
<th>RAC-RPO</th>
</tr>
</thead>
</table>

**Current Use of Property**

<table>
<thead>
<tr>
<th>Vacant land</th>
</tr>
</thead>
</table>

Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Name and Signature</th>
<th>Folio Number</th>
<th>Subdivision</th>
<th>Block</th>
<th>Lot</th>
</tr>
</thead>
</table>

**NOTE:** Applicant must indicate if/how the following provisions are met:

1. All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
2. The owner of the utility facilities must consent to the vacation; or
3. A utilities easement must be retained over the area or portion thereof; or
4. An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
5. Any combination of same and utilities maintenance are not disrupted.
6. Applicants shall satisfactorily support vacation requests by addressing each point listed in Sections 47-24.6 and 47-24.7 of the city’s Unified Land Development Regulations (ULDR) as applicable.

**TECO, Peoples Gas**
5101 NW 21st Avenue
Fort Lauderdale, FL 33309
(954) 453-0817, (954) 453-0804 fax

**BellSouth**
8601 W. Sunrise Blvd., 2nd Floor
Plantation, FL 33322
(954) 476-2909

**Florida Power and Light**
Service Planning
3020 N.W. 19 St.
Fort Lauderdale, FL 33311
(954) 717-2057, (954) 717-2118 fax

**Comcast, Inc.**
2501 SW 145 Ave, Suite 200
Miramar, FL 33027
(954) 534-7417, (954) 534-7083 fax
Page 2: Required Documentation

INSTRUCTIONS: An application for a vacation of an easement, a right-of-way or other public place shall be reviewed in accordance with all applicable provisions of ULDR Sec. 47-24.5 Vacation of Rights-of-Way and/or Sec. 47-24.7 Vacation of Easement.

One (1) copy of the following documents:

- Completed application (all pages filled out as applicable)
- Proof of ownership (warranty deed or tax record), including corporation documents if applicable. Proof of ownership by Title Co. or written Attorney's opinion within the last 30 days.
- Property owners signature and/or agent letter signed by the property owner.
- Traffic study for projects that meet the trip threshold (see Sec. 47-24 or contact DRC Engineering Rep.)
- Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.

The following number of Plans:

- One (1) original set, signed and sealed at 24" x 36"
- Six (6) copies sets, with plans at 11" x 17"
- One (1) electronic version of complete application and plans in PDF format

NOTE: For initial submittal one signed and sealed set is required. Copied sets will be requested after completion review. If the development site is separated by a public right-of-way including alley or alley reservations, a separate application must be completed for each parcel.

Plan sets should include the following:

- Narrative describing project specifics, to include: architectural style and important design elements, utilities affected and the plan to address them, trash disposal system, security/gating system, hours of operation, etc. Narrative response referencing all applicable sections of the ULDR, with point-by-point responses of how project complies with criteria. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet including project name and table of contents.
- Land Use and Zoning maps indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- Current survey(s) of property, signed and sealed, showing existing conditions. The survey should consist of the proposed project site alone excluding adjacent properties or portions of lands not included in the proposal. A current certified boundary survey (within last 6 months) is required for "agreements with City of Fort Lauderdale applications".
- Most current recorded plat including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave.
- Aerial photo indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Sketch and legal description of easement or ROW proposed to be vacated (must be prepared by Engineer or Surveyor).

NOTES:

- All plans and documents must be bound, stapled and folded to 8 1/2" x 11";
- All copy sets must be clear and legible and should include any graphic material in color;
- Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details;

Applicant's Affidavit
I acknowledge that the Required Documentation and Technical Specifications of the application are met:

<table>
<thead>
<tr>
<th>Print Name</th>
<th>BRUCE CELENSKI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>[Signature]</td>
</tr>
<tr>
<td>Date</td>
<td>6/5/19</td>
</tr>
</tbody>
</table>

Staff Intake Review
For Urban Design & Planning Division use only:

<table>
<thead>
<tr>
<th>Date</th>
<th>Received By</th>
<th>Tech. Specs Reviewed By</th>
<th>Case No.</th>
</tr>
</thead>
</table>
LEGAL DESCRIPTION:
A PARCEL OF LAND BEING A PORTION OF S.E. 4th AVENUE, A 50-FOOT ROAD RIGHT OF WAY, IN THE S.E. ONE-QUARTER (S.E. 1/4) OF SECTION 10, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA. SAID PARCEL BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF LOT 13, BLOCK 1, LAUDERDALE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 13, BLOCK 1, ON THE EAST BY THE WEST LINE OF SAID LOT 13, BLOCK 1, AND ON THE WEST BY EAST LINE OF LOTS 4, 5 AND PORTIONS OF LOTS 3 AND 6, IN BLOCK 2, LAUDERDALE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

CONTAINING APPROXIMATELY 6,725 SQUARE FEET.

LEGEND:

<table>
<thead>
<tr>
<th>M.D.C.R.</th>
<th>MIAMI-DADE COUNTY RECORDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.B.</td>
<td>PLAT BOOK</td>
</tr>
<tr>
<td>PG.</td>
<td>PAGE</td>
</tr>
<tr>
<td>L1</td>
<td>LINE NUMBER 1</td>
</tr>
<tr>
<td>(P)</td>
<td>PER PLAT DATA</td>
</tr>
</tbody>
</table>

LEGEND:

<table>
<thead>
<tr>
<th>P.B.</th>
<th>PG.</th>
<th>M.D.C.R.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>9</td>
</tr>
</tbody>
</table>

LOT 3, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, M.D.C.R.

LOT 4, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, M.D.C.R.

LOT 5, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, M.D.C.R.

LOT 6, BLOCK 2
LAUDERDALE
P.B. 2, PG. 9, M.D.C.R.

LOT 13, BLOCK 1
LAUDERDALE
P.B. 2, PG. 9, M.D.C.R.

TARPON RIVER
2nd STREET (P)
50' RIGHT OF WAY PER
P.B. 2, PG. 9, M.D.C.R.

S.E. 4th AVENUE
PERKINS AVENUE (P)

LINE TABLE

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S 01°29'51&quot; E</td>
<td>134.50'</td>
</tr>
<tr>
<td>L2</td>
<td>S 88°24'29&quot; W</td>
<td>50.00'</td>
</tr>
<tr>
<td>L3</td>
<td>N 01°29'51&quot; W</td>
<td>134.50'</td>
</tr>
<tr>
<td>L4</td>
<td>N 88°24'29&quot; E</td>
<td>50.00'</td>
</tr>
</tbody>
</table>

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

JAVIER DE LA ROCHA
PROFESSIONAL SURVEYOR AND MAPPER NO. 56080 - STATE OF FLORIDA

REVISIONS
DATE
BY

DATE OF SKETCH
DRIVEN BY
CHECKED BY
FIELD BOOK

SEAL
NOT VALID UNLESS SEALED HERE WITH AN EMBOSSED SURVEYOR'S SEAL

SHEET 1 OF 1
June 05, 2019

Urban Design & Planning Department  
City of Fort Lauderdale, FL  
700 NW 19th Avenue  
Fort Lauderdale, FL 33311

RE: Tarpon Lofts  
Multifamily Residential Building  
400 SE 9th Court, Fort Lauderdale, FL 33316

PROJECT DESCRIPTION

New multifamily residential building, (6) stories, (9) residential units

1. Location and Building position

400 SE 9th Court - This site is located on just north of the Tarpon River, between Federal Highway and 3rd Ave and south of the Broward County courthouse.

2. Massing

The building is a series of Rectangular blocks expressing a juxtaposed vertical and horizontal movement. We have a defined pedestrian base, middle section and expressive top.

3. Design

The building design is a contemporary composition with a rich layering of elements. The exterior caters to the pedestrian at the ground level with stone cladding (richer materials at the base), pedestrian friendly lighting and a variety of fenestrations. The mid-section or apartment levels have large balconies overlooking the water on the south and the North side has many windows for the elevator lobbies. Our vision for the interiors is for urban style lofts with exposed ceilings / ductwork for the main living area and more classic industrial features. Below are (2) inspirational images we found as an examples. We’ll have to interpret these images for downtown Fort Lauderdale but the idea is to break out of the typical apartment mold and cater young professionals. Our target occupants are young professionals who want to drive less and walk to downtown for work and leisure (Or work remotely from home).

![Arbor Loft, Rochester](image1) ![River North Lofts, Chicago](image2)
4. **Setting**
This site is located on the Tarpon River just south of the Broward County courthouse. Our neighbors are Bank United, several law offices, and residential homes / apartments. To our east we have the old Broward county building department which is currently being renovated.

5. **Materials and Workmanship**
The Main building will be painted stucco (combination of smooth and tooled horizontal lines), porcelain wood tile, Bronze aluminum window frames / railings. The pavers in the driveway are concrete with grey tones with a pattern to encourage movement into the site.

6. **Landscape**
Our landscape strategy was to fill in all available green areas with as much landscaping as possible in a clean layering method. We have shade trees to canopy the parking lane, Sylvester palms along the river and a variety of plantings to soften the hard surfaces of the building.

7. **Trash**
Each floor has a trash chute that collects in an enclosed dumpster. We will be contracting with Republic Services for solid waste hauler and Gold Medal Services for recycling.

8. **Security**
We have an aluminum fence surrounding the proper so we can secure the property for nighttime after hours with a series of gates controlled either a combination lock or key fob system. The front door will have a callbox fitted with a camera so residents can buzz guests in.

9. **Hours of Operation**
*Residents - 24/7*

10. **Multi-modal experience**
We hope our downtown location will promote walking to downtown places of business and downtown restaurants. We also have proposed a bike rack on our site plan to encourage biking and we also have parking for cars as per code.

11. **Site improvements**
In working with the city of Fort Lauderdale planners and downtown redevelopment guidelines we felt we needed a bold move to improve this area and pedestrian experience. Our solution was to vacate the dead end street adjacent to our property, open a path to the Tarpon River, bury the power lines, and provide an opportunity for residents and neighbors to experience the water. We found a few locate examples of how we can create view portal.
Burying the Power lines: we have met with FPL several times and have a plan to provide a new Switch Cabinet to bury the power lines. For such a small property there are a large amount of utilities and lines. Our intent is to bury the lines and we are moving forward with that unless it is technically impossible.
Upgraded materials – on lower building level, interesting paver design, street trees, landscaping, pedestrian friendly lighting, and public access bench with trellis design.

We hope this project can encourage other investments in this area, with the vision to make downtown Fort Lauderdale more walkable & less dependent on cars.

It is a pleasure to present this project and we look forward to working with neighbors, officials and staff to bring this project to fruition.

Thank you,

Bruce Celenski, AIA
June 05, 2019

Urban Design & Planning Department  
City of Fort Lauderdale, FL  
700 NW 19th Avenue  
Fort Lauderdale, FL 33311

RE: Tarpon Lofts  
Multifamily Residential Building  
400 SE 9th Court, Fort Lauderdale, FL 33316

ARTICLE V. - DEVELOPMENT REVIEW CRITERIA

SECTION 47-25. - DEVELOPMENT REVIEW CRITERIA

Sec. 47-25.1. - Generally.

A. The development review criteria contained herein are intended to implement the goals, objectives and policies of the city's plan by providing a mechanism and substantive requirements for the review of development permits and to ensure that new developments are compatible with surrounding land use and include improvements which provide for adequate municipal services to mitigate development related impacts.

Response: Acknowledged.

B. Applicability of the requirements of this Section 47-25, as further described in Section 47-24, Development Permits and Procedures, shall be subject to the following requirements as applicable.

1. All development permits shall be subject to the Adequacy Requirements, as provided in Sec. 47-25.2.

2. In addition to meeting the Adequacy Requirements, as provided in Sec. 47-25.2, the following developments shall also be subject to the Neighborhood Compatibility Requirements, as provided in Sec. 47-25.3. Except as otherwise provided for herein, the following neighborhood compatibility requirements shall not apply to the Central Beach Districts, as described in Section 47-12 and to the Downtown Regional Activity Center Districts, as described in Section 47-13. See Table 1 of Section 47-24, Development Permits and Procedures.

Response: Acknowledged.

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: The proposed structure is six (6) stories (70) feet height and will not interfere with the City's communications.

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: Application shall be made to Broward County EPD/FDEP and the Developer will satisfy all current criteria for surface water requirements and obtain all local and state licenses. Developer intends to treat and manage storm water through a combination of exfiltration trench and drainage wells. We have met with Broward County regarding drainage and they are familiar with the project.

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 the best of our knowledge there are no environmentally sensitive lands on site.

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: Water mains exist adjacent to the site; Developer plans to tie into the existing 6-inch main within 9th Court. A fire flow test was completed.

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: Developer will pay the required park impact fees for the residential units according to all applicable ordinances prior to issuance of building permit.

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: Project’s design incorporates CPTED principles to minimize risk to public safety and assure adequate police protection.

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: Water mains exist adjacent to the site. Design plans to tie into the existing 6-inch main in 9th Court. Developer will obtain a letter from the City of Fort Lauderdale Public Works Department verifying that sufficient capacity exists to serve the development.

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: There is an existing 10-inch gravity sewer main in 9th Court and an existing 15-inch in 4th avenue; design plans to divert the sanitary flow into the sewer main located in 9th Court. Developer will request a letter from the City conforming adequate capacity exists to service the development.

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: Developer will request a SCAD and will pay all applicable school fees.

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: Developer will be contracting with Republic Services for solid waste hauler and Gold Medal Services for recycling. A trash shoot system and dumpster will be provided for use by residents occupying the building.

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: Stormwater will be retained on site in accordance with the State and local regulations.

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 (½) 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 (½)
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: The traffic impact from this project will be minimal and will provide a traffic statement letter if needed.

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: The development proposes the abandonment of the 4th avenue right-of-way located at the West side of the property, which will serve as the project access driveway; all required easements for existing and proposed utilities will be provided. A separate application will be submitted for the City staff and City Commission’s consideration and approval.

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: Sidewalks, pedestrian crossing and facilities will be provided as required per code, controlled pedestrian crossing will be allowed through the property in order to access the proposed viewing deck next to the existing canal; access control system and hours of operation will be discussed with City staff for consideration and approval.

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: Acknowledged.

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: Acknowledged.

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: Street trees will be provided along 9th Court frontage, Solitaire Palms and an
Orange Geiger at the corner of 9th Ct and 4th Ave (proposed right-of-way to be abandoned).
Existing live Oaks along the West side of 4th Ave (proposed right-of-way to be abandoned to
become the project access driveway) will remain. All street frontages will comply with this
section of the code.

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: There is an existing 10-inch gravity sewer main in 9th Court and an existing 15-inch in
4th avenue; design plans to divert the sanitary flow into the sewer main located in 9th Court. A
letter from the City of Fort Lauderdale Public Works department will be obtained verifying that
sufficient wastewater services can be provided.

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: N/A. There are no non-residential uses in this project.

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: The property is not identified on any archaeological or historical designation maps.

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: N/A. Project is not located east of the Intracoastal Waterway.

Thank you,

Bruce Celenski, AIA
ARTICLE V. - DEVELOPMENT REVIEW CRITERIA

SEC. 47-25.3. - NEIGHBORHOOD COMPATIBILITY REQUIREMENTS.

A. The neighborhood compatibility requirements are as follows:

1. Adequacy requirements. See Sec. 47-25.2.

   Response: A separate point-by-point narrative addressing the adequacy requirements is attached to this submittal.

2. Smoke, odor, emissions of particulate matter and noise.

   a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.

   b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.

   c. Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.

   Response: To the extent that any DPEP (formerly DNRP) permits are required, will be apply for and obtain such permits.

3. Design and performance standards.

   a. Lighting. No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no
source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.

i. Glare. Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.

ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

Response: The planned project is a residential development. The proposed site lighting of the project faces the North (Front), West (Right) and South (Rear) sides of the property; the adjacent residential properties are located at the Northeast, East (Left) side and at South-West corner of the property, as well, across the canal (out of the RAC zone). The projected lighting will not produce illumination in excess of (1) footcandle on any neighboring property. Proposed garage illumination will satisfy all requirements of the ULDR Section 47-20.14.

b. **Control of appearance.** The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3.

i. **Architectural features.** The facade of any side of a nonresidential building facing the residential property shall be constructed to complement a residential structure and shall include the following:

a) Fenestration such as windows, doors and openings in the building wall; and

b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:

1. Detail and embellishments:
   a. Balconies,
   b. Color and material banding,
   c. Decorative metal grates over windows,
c. Uniform cornice heights,

e. Awnings.

2. Form and mass:
   a. Building mass changes including projection and recession,
   b. Multiple types and angles of roofline, or any combination thereof.

c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

Response: The planned project is a multifamily residential development. The design includes color and material banding, building mass changes, and multiple types and elevations of roofline.

i. Loading facilities. Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

Response: The planned project is a multifamily residential development. No Loading zones are proposed next to the adjacent residential properties.

ii. Screening of rooftop mechanical equipment. All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

Response: All roof equipment will be adequately screened by parapet.

c. Setback regulations. When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

   i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half (½) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

Response: N/A. The planned project is a multifamily residential development. The proposed setback as per the requirements of the Downtown Master Plan Design Guidelines for the DCR-RPO zone.

d. Bufferyard requirements. Excluding parks, open space and conservation areas, when a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped
strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

i.  **Landscape strip requirements.** A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

Response: N/A. The planned project is a multifamily residential development. The proposed landscape has been designed as per the requirements of the ULDR and Downtown Master Plan Design Guidelines for the DCR-RPO zone.

ii.  **Parking restrictions.** No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

Response: The planned project is a multifamily residential development. The proposed parking has been designed as per the requirements of the ULDR and Downtown Master Plan Design Guidelines for the DCR-RPO zone.

iii.  **Dumpster regulations.** All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

Response: The planned project is a multifamily residential development. The proposed dumpster is located inside of a trash room in the proposed building; separated of adjacent properties as per the requirements of the ULDR and Downtown Master Plan Design Guidelines for the DCR-RPO zone.

iv.  **Wall requirements.** A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:

a)  Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,

b)  Shall be located within, and along the length of the property line which abuts the residential property,
c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,

d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

Response: N/A. The planned project is a multifamily residential development.

v. Application to existing uses. Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d unless compliance would cause one (1) or more of the following to occur:

a) Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;

b) Reduction of required parking spaces;

c) A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of Section 47-20, Parking and Loading Requirements in effect on and applicable to such use on March 6, 1990;

d) Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;

e) Access to the land would be substantially impaired;

f) Installation of the wall as provided in subsection iv. would require a modification of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property;

g) In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another
landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

Response: N/A.

e. **Neighborhood compatibility and preservation.** In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

i. All developments subject to this Sec. 47-25.3 shall comply with the following:

   a) Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Response: The property currently is a vacant lot adjacent to a dead end road on the West side (4th Avenue), a water canal on the South side (Tarpon River), a (1) story residential property on the East and alley on the North (9th Court). The development proposed a (6) stories multifamily residential project in a residential/professional office area, use allowed per ULDC and the Downtown Master Plan Design Guidelines, in an area were the existing buildings varies in use (residential – professional) and height (1 – 5 stories).

The proposed project is oriented to have the main pedestrian access towards the North, over the alley (9th Couth); and for the vehicular access proposes the abandonment of the 4th Avenue right-of-way, currently mostly use for off-site parking, to become part of the project as the access driveway to the garage, locating the access door away from the alley (9th Court) main road to access the adjacent properties. The driveway will end in an observation deck over the Tarpon River, open to the public with a trellis for weather protection and furniture for the people enjoyment. Pedestrian access will be control and limited during hours scheduled and approved by the city.

Open areas and landscape buffers will surround the building, with the proper site lighting, with the minimum amount of footcandles of illumination on the property lines that will not affect the adjacent properties, and will provide security and comfort to residents and visitors.
b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public right-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Response: Acknowledged.

ii. All development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre:

   a) In addition to meeting the review requirements of subsection A.3.e.i, building sites within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district shall be eligible to apply for additional dwelling units over and above twenty-five (25) dwelling units per net acre, provided such additional dwelling units are available for distribution in the downtown regional activity center. However, in order to obtain such additional dwelling units, a site plan level II permit must be approved. Such approval shall be based upon consideration of the number of additional dwelling units available under the city land use plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, the sensitivity to adjacent development of the site design and proposed orientation of the proposed development (including proposed setbacks), pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocations of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the city’s land use plan and may be granted subject to approval of a site plan level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building
used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

Response: N/A.

iii. All development within any downtown RAC district that is within one hundred (100) feet of residential property that is located outside of any downtown RAC district and all development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district; and all development that is located on land adjacent to the New River within the RAC-AS and RAC-CC which deviates from the New River corridor requirements as provided in Section 47-13, Downtown Regional Activity Center:

a) In addition to meeting the review requirements of subsection A.3.e.i, the setbacks imposed for a development plan may be modified subject to the requirements provided as follows:

1. No structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit or certificate of occupancy be issued therefor, unless a development plan for such structure or use shall have been reviewed and approved, where applicable, after development review as prescribed in subsection A.3.e.i. In approving such development plan, consideration shall be given to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of Section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

Response: Acknowledged. The planned project is a multifamily residential development located in DCR-RPO zone within (100) feet of residential property (Southwest corner, across tarpon River) outside of the downtown RAC district. The proposed design has been developed accordingly within the city staff setbacks recommendations, and the requirements as described in the ULDR and the Downtown guidelines.
iv. All development that is located on land within the CBA zoning districts;

   AND

   All development that is zoned RMM-25, RMH-25 and RMH-60 east of the Intracoastal Waterway;

   AND

   All nonresidential development lying east of the Intracoastal Waterway.

   a) In addition to meeting the other applicable review requirements of this subsection 3., it shall be determined if a development meets the Design and Community Compatibility Criteria.

      The purpose of the Community Compatibility Criteria is to define objectives for private sector development which either abuts or is readily visible from public corridors. The relationship between private and public sector development must be carefully planned to avoid negative impacts of one upon the other. The city's intent in implementing these objectives is to:

      i. Protect the investment of public funds in public corridor improvements.

      ii. Improve the visual and functional quality of both public and private development by coordinating the transition between these areas.

      iii. The ultimate goal of these objectives is to integrate buildings, vehicular circulation, pedestrian circulation, open space and site elements into a unique, pedestrian sensitive environment which stimulates revitalization.

      Response: N/A.

      Subsection 3.e.iv.a. does not apply to the proposed development, neither the following subsection3.e.iv.b. or subsequent.

Thank you,

Bruce Celenski, AIA
The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

### Property Assessment Values

<table>
<thead>
<tr>
<th>Year</th>
<th>Land</th>
<th>Building / Improvement</th>
<th>Just / Market Value</th>
<th>Assessed / SOH Value</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>$272,740</td>
<td>$272,740</td>
<td>$272,740</td>
<td>$272,740</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>$131,440</td>
<td>$131,440</td>
<td>$125,070</td>
<td>$2,311.36</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>$113,700</td>
<td>$113,700</td>
<td>$113,700</td>
<td>$2,100.65</td>
<td></td>
</tr>
</tbody>
</table>

### 2019 Exemptions and Taxable Values by Taxing Authority

<table>
<thead>
<tr>
<th>Just Value</th>
<th>County</th>
<th>School Board</th>
<th>Municipal</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>$272,740</td>
<td>$272,740</td>
<td>$272,740</td>
<td>$272,740</td>
<td>$272,740</td>
</tr>
</tbody>
</table>

### Sales History

<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Price</th>
<th>Book/Page or CIN</th>
<th>Price Factor</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/3/2018</td>
<td>WD-Q</td>
<td>$305,000</td>
<td>115058109</td>
<td>$41.50</td>
<td>6,572</td>
</tr>
<tr>
<td>2/18/2000</td>
<td>WD</td>
<td>$192,500</td>
<td>30270 / 1874</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/1/1976</td>
<td>WD</td>
<td>$50,000</td>
<td>6505 / 546</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/1/1972</td>
<td>WD</td>
<td>$43,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/1/1969</td>
<td>WD</td>
<td>$27,800</td>
<td>Adj. Bldg. S.F.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Special Assessments

<table>
<thead>
<tr>
<th>Fire</th>
<th>Garb</th>
<th>Light</th>
<th>Drain</th>
<th>Impr</th>
<th>Safe</th>
<th>Storm</th>
<th>Clean</th>
<th>Misc</th>
</tr>
</thead>
<tbody>
<tr>
<td>03</td>
<td>L</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Warranty Deed

This Warranty Deed made this 4th day of May, 2018 between Tarpon Ventures, LLC, a Florida limited liability company whose post office address is 1314 E. Las Olas Blvd., #105, Ft. Lauderdale, FL 33301, grantor, and INITECH PROPERTIES, LLC, a Florida limited liability company whose post office address is 1791 Blount Road, #903, Pompano Beach, FL 33069, grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to wit:

Lot 13, Block 1, LAUDERDALE, according to the map or plat thereof as recorded in Plat Book 2, Page 9, Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Broward County, Florida.

Parcel Identification Number: 004215010100

Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: [Madalyn Rosen]

[Signature]
Witness Name: [Edward S. Roberts]

Tarpon Ventures, L.L.C., a Florida limited liability company
By: [Signature]
Jan Teller, Authorized Member

State of Florida
County of [Broward]

The foregoing instrument was acknowledged before me this 3rd day of May, 2018 by Jan Teller, Authorized Member of Tarpon Ventures, L.L.C., a Florida limited liability company, on behalf of said Company. He [she] is personally known or [has produced a Driver's License] as identification.

[Signature]
Notary Public
Printed Name: [Madalyn Rosen]

My Commission Expires: [Signature]