

MEMORANDUM

TOWN CLERK'S OFFICE

TO: Town Council

FROM: Barbara McDaniel, CMC, Assistant Town Clerk

THROUGH: Russell Muniz, Town Clerk

DATE: November 1, 2002

SUBJECT: Reconsideration of Transmittal - LA 02-8, 7911 Orange Drive

On October 2nd, Council approved transmitting an application to amend the Town's Comprehensive Plan. On October 16th, Council approved reconsidering this item which was then tabled to November 6th. Attached please find the same information that was presented at the October 2nd meeting.

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Ordinance - Land Use Plan Amendment
LA 02-8/Spielman/Margolis, 7911 Orange Drive/Generally located at
the northwest corner of Orange Drive and University Drive.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING, FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 02-8, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: This request is to change the land use designation for a 36.07 acre vacant parcel of land located at the northwest corner of Orange Drive and University Drive from Commercial to Regional Activity Center (RAC). This site has expanded commercial uses by virtue of a 1989 Settlement and Development Agreement with the Town. Current land use for the subject property would allow 366,900 square feet of commercial use. The applicant has proposed the land use designation of RAC to allow for the development of 416 residential units and 120,000 square feet of office and retail use. The Comprehensive Plan identifies the need to ensure that appropriate measures are taken upon development of this property to protect existing adjacent residential developments. The designation of this site as RAC would allow a mixed use development of residential and non-residential structures, thereby providing a buffer of residential uses along the existing residential developments to the west and north of the site.

PREVIOUS ACTIONS: None

CONCURRENCES: The Local Planning Authority (LPA) voted at the September 11, 2002 meeting to approve the application (motion carried 3-2).

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Ordinance, Planning Report, Existing Future Land Use Map, Proposed Future Land Use Map, Subject Site, Zoning and Aerial Map, Land Use Application

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING, FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 02-8, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Future Land Use Map of the Comprehensive Plan as designated on the property described below; and

WHEREAS, the Town of Davie Local Planning Authority held a public hearing on September 11, 2002, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on October 2, 2002, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes; and

WHEREAS, the proposed amendment is in conformance with the Town of Davie Comprehensive Plan and the Broward County Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the future land use plan map designation for the property described and illustrated on Exhibit "A" attached hereto, be and the same is hereby amended and changed from Commercial to Regional Activity Center.

SECTION 2. That the future land use plan map hereto adopted by the Town Council be and the same hereby amended to show the property described in Section 1, herein, as Commercial.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. The effective date of this plan amendment shall be conditional upon Broward County Planning Council recertification and the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2002

PASSED ON SECOND READING THIS ____ DAY OF _____, 2002

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002

Application #: LA 02-8/Spielman-Margolis
Exhibit "A"

Revisions: 11/1/2002
Original Report Date: 9/6/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent/ Council:</u>	
Name:	The Big Orange Development, Ltd.	Name:	Barbara A. Hall, Esq. Greenberg Traurig, P.A.
Address:	141 NW 20 Street	Address:	515 E. Las Olas Blvd., Suite 1500
City:	Boca Raton, FL 33431	City:	Fort Lauderdale, FL 33301
Phone:	(561) 338-3426	Phone:	(954) 768-8236

BACKGROUND INFORMATION

Application Request: Land Use Plan Amendment for approximately ±36.07 acres of land **From:** Commercial **To:** Regional Activity Center.

Applicant's Stated Reasons for the Amendment: The applicant states: "The amendment will allow the site to be developed as a mixed use project rather than as a 36 acre commercial site with 366,900 square feet of commercial use as now approved. The development of a mixed use project on this portion of the University Drive frontage is both appropriate for the location and superior in all respects to the development of the site with a large shopping center. The mixed use concept will allow the development of residential uses along all of the western boundary and most of the northern boundary, thereby creating a better transition between the site and the residential uses to the north and west. The development of a mixed residential, office and retail project with pedestrian connectivity between the uses will make the office use in this location more viable; allow for retail that is at a more pedestrian scale; provide for the internalization of trips and an overall reduction in traffic; and encourage the development of housing, retail and office uses that can better service the South Florida Educational Regional Activity Center. It will also place housing in a location that is able to take advantage of the existing and proposed mass transit on University Drive.

The Town of Davie Regional Activity Center - South Florida Education Regional Activity Center (RAC) was designated as a center for regional educational and employment activity. This RAC was designed to provide educational facilities, a wide

selection of housing types, employment opportunities and shopping to serve the students, faculty and staff of the educational facilities. The educational facilities have expanded westward since the designation was put in place in so that today a number of those educational facilities have University Drive as the primary access and frontage.

The amendment site is the only remaining large tract of land in close proximity to those recently established educational facilities that could provide a mixed use development to serve the facilities with a mix of housing types and with nonresidential uses. In fact the amendment site holds the possibility for a much closer interaction with the educational facilities than do other areas within the already established RAC. The location of the site on the west side of University Drive should not be a deterrent to the inclusion of the site in the RAC because the RAC already fronts University Drive. It is not realistic from the planning perspective to create a planning separation along the eastern right-of-way for University Drive because the activity on the eastern side of University Drive cannot be separated from the activity on the west side of University Drive. There should be no concern about increasing the intensity of development on the west side of University Drive by extending the RAC to the amendment site because the site is already approved for 366,900 square feet of commercial use (see the attached Land Use Application, Exhibit "B", Plat Report) and is subject to a court order that allows intensive development of the property. The RAC requirement that parcels over 25 acres be developed with mixed use will ensure a less intensive development of the property.

A mixed use project developed under the RAC will actually create a better transition between the University Drive frontage the residential uses to the west and north than the existing designation does. The mixed use concept will allow the development of residential uses along all of the western boundary and most of the northern boundary adjacent to existing residential uses. The development of a mixed residential, office and retail project with pedestrian connectivity between the uses will make the office use in this location more viable; allow for retail that is at a more pedestrian scale; provide for the internalization of trips and an overall reduction in traffic; and encourage the development of housing, retail and office uses that can better serve the South Florida Educational Regional Activity Center. It will also place housing in a location that is able to take advantage of the existing and proposed mass transit on University Drive. "

Affected District: District 3

Address/Location: 7911 Orange Drive/Generally located at the northwest corner of University Drive and Orange Drive

Future Land Use Designation: The existing land use designation is Commercial on the Town of Davie Future Land Use Plan Map and Commercial on the Broward County Land Use Plan Map.

Existing Use: Agricultural

Existing Zoning: Neighborhood Business (B-1) and Community Business (B-2)

Proposed Use: 416 residential units and 120,000 s.f. office and retail uses

Parcel Size: ±36.07 acres

Surrounding Existing Use:

North: Single Family Residential

South: Recreation & Open Space, Retail Shops

East: Retail Shops

West: Single Family Residential

Surrounding Future Land Use Plan Designation:

North: Special Classification Residential (3.5 DU/AC)

South: Recreation & Open Space, Commercial

East: Commercial

West: Residential (5 DU/AC)

Surrounding Zoning:

North: R-5, Low Medium Density Dwelling

South: B-2, Community Business, CF, Community Facilities

East: B-1, Neighborhood Business,
B-2, Community Business and
B-3, Planned Business Center

West: R-5, Low Medium Density Dwelling
PRD-5, Planned Residential

ZONING HISTORY

Related Zoning History: Settlement and Development Agreement (10/11/89).

Previous Requests on Same Property: Resolution R 94-227 was approved on July 20, 1994 for the installation of required improvements. Town Council approved the Spielman-Margolis Replat (Plat Book 168, Page 46) on October 18, 1995 by Resolution 95-287.

Resolution R 99-92 was approved on March 16, 1999 to revise access openings for the Margolis Plat.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are Orange Drive to the east and SW 36 Street to the west. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre with commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

Broward County Land Use Plan: The Broward County Land Use Plan has identified this parcel of land as Commercial.

Concurrency Considerations: Adequate potable water and sanitary sewer capacity, drainage, solid waste capacity and park acreage will be available to serve the proposed designation.

The proposed land use change from Commercial to RAC will create no additional impacts on public facilities and services. The proposed expansion of the RAC boundary to the subject site involves no increase in the development threshold permitted in the RAC. This will result in no increase in impacts from residential uses and will result in a decrease in impacts from non-residential uses.

Without the proposed amendment, the total commercial square footage allowed in the RAC and the subject site would be 3,799,428 s.f. (366,900 s.f. commercial use allowed for the existing plat and 3,432,528 s.f. of commercial use allowed for the RAC). With this amendment, the total square footage of commercial land use allowed would be 3,432,528 s.f. of RAC approved commercial use. The proposed 120,000 s.f. of office use would be deducted from the total remaining 2,704,880 s.f. available in the RAC.

The 416 dwelling units proposed for this amendment would be deducted from the total remaining dwelling units (approximately 1,415) available in the RAC.

Applicable Goals, Objectives & Policies:

Future Land Use Element of the Town of Davie Comprehensive Plan

Objective 4: Pursuant to the adopted Davie Future Land Use Plan Map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

Policy 4-1: A request for amendment to the Davie Future Land Use Plan Map resulting in a change in density or intensity shall be evaluated based on the availability of existing essential facilities and services. Priority shall be given to requests requiring no increase in capital expenditures, and for proposals not requiring unprogramed expansion of facilities or services.

Policy 4-3: Infill shall be encouraged as a means of directing growth to areas already containing essential infrastructure improvements, such as potable water and sanitary sewer services. Priority shall be given to areas suitable for infill development in the extension of infrastructure.

Policy 6-1: Residential development of moderate to high density should be located in close proximity to arterial roadways, available mass transit, and other community amenities, and should generally be located east of Pine Island Road, unless located adjacent to the SR 84/I-595 corridor, or I-75 interchanges.

Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Consistent with policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Objective 10: The Town shall maintain, and expand if appropriate, a Regional Activity Center (RAC) designation for the area between University Drive and the Florida Turnpike, and SR 84 and Griffin Road.

Policy 10-10: New development or redevelopment involving parcels exceeding 25 acres in size, with the exception of land to be used for community facilities, shall contain a mix of compatible uses which are also compatible with adjacent existing and planned uses. The amount of residential uses within the development shall not comprise less than 10 percent, nor more 90 percent of the total gross floor area.

Objective 18: The Town shall continue to maintain land development regulations that accommodate mixed-use projects, planned developments and other types of non-traditional developments to promote a diverse, imaginative and innovative living and working environment.

Staff Analysis

The proposed amendment requests a change in land use designation from Commercial to Regional Activity Center for one (1) vacant parcel of land totaling approximately ±36.07 acres at the northwest corner of University Drive and Orange Drive. It is noted that this site has expanded commercial uses by virtue of a settlement agreement with the Town.

The Town's land use designation of RAC was created by Town Council to promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses. This includes a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; and employment opportunities, including the use of mixed residential/nonresidential land uses.

The Comprehensive Plan identifies the need to ensure that appropriate measures are taken upon development of this property to protect existing adjacent residential developments. The designation of this site as RAC would allow a mixed use development of residential and non-residential structures, thereby providing a buffer of residential uses along the existing residential developments to the west and north of the site. Without the RAC designation, as noted the site may be developed to a maximum of 366,900 s.f. of commercial with expanded uses due to the settlement agreement.

For Future Land Use Map changes of ten acres or more, a land use plan amendment must be approved by the Town Council, acknowledged by the Broward County Planning Council, reviewed and approved by the South Florida Regional Planning Council and reviewed and approved by the Department of Community Affairs (DCA). The land use plan amendment requires two public hearings on the local level, one for transmittal to DCA and a final hearing for adoption.

Staff finds that the proposed land use is appropriate at this location.

Findings of Fact

The proposed amendment addresses the following criteria as identified in the Town of Davie Land Development Code Section 12-304:

1. The proposed change is not contrary to the adopted comprehensive plan.

The proposed change is consistent with Objective 4: to promote the development of an economically sound community and discourage urban sprawl; Policy 6-1: to encourage moderate to high density residential development near arterial roadways, available mass transit and other community amenities; Policy 7-4: to locate commercial land uses near primary transportation facilities; and Objective 10: to maintain and expand if appropriate a Regional Activity Center (RAC) designation. According to the Comprehensive Plan Future Land Use Element: Analysis of Existing Conditions for Planning Area 5, "Appropriate measures should be taken upon development of (the amendment site) to protect the existing residential developments."

2. The proposed change would not create an isolated district unrelated and incompatible with adjacent or nearby districts.

A mixed use project developed under the RAC designation will help create a transition between future commercial development on University Drive and the residential uses to the north and west of the development site. The proposed development for the amendment site would provide residential uses along the western and most of the northern boundary adjacent to existing residential uses. Existing commercial uses are located on the east side of University Drive and on the south side of Griffin Road.

3. The existing boundaries are not illogically drawn in relation to existing conditions on the property proposed for change.

The existing parcel is used for agriculture.

4. The proposed change will not adversely affect living conditions in the neighborhood or in the Town of Davie.

Existing residential uses located adjacent to the property would be buffered from commercial development on University Drive with residential uses with the proposed mixed use development. In addition, the Town of Davie Land Development Code and Comprehensive Plan require the design of new developments to be compatible with adjacent properties.

5. The proposed change will not create an increase in automobile traffic as indicated in the attached traffic report prepared by a register engineer.

The proposed project is projected to result in a decrease of approximately 353 peak hour trips.

6. The proposed change is not expected to adversely affect other property values.

Development of the subject site will ultimately increase property values.

7. The proposed change will not be a deterrent to the improvement or development of other property consistent with the comprehensive plan as identified on the Future Land Use Map.

All adjacent properties are developed.

8. The proposed change will not constitute a grant of special privilege to an individual owner.

Any property owner that meets the Land Development Code's criteria may request a change in land use.

9. There are no reasons that the property cannot be used in accord with existing regulations.

Although there are no physical reasons why the property cannot be used in accordance with existing regulations, the commercial development currently permitted does not further the intent of the policies and objectives of the Comprehensive Plan regarding the encouragement of mixed-use projects and locating moderate to high density residential development close to arterial roadways with available mass transit.

10. The proposed land use designation is the most appropriate designation to enhance the Town's tax base, given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and comprehensive plan policies directing the location and distribution of land uses.

The proposed RAC land use designation is the most appropriate designation given the site's proximity to University Drive, the flexibility of the approved RAC located east of the site and adjacent residential uses to the north and west.

Staff Recommendation

Recommendation:

Based upon the above and the finding of facts in the positive, staff recommends conditional approval of application Number LA 02-8 subject to the applicant providing a thorough analysis and rationale of the impacts and suitability of the proposed change relative to the Town's land use plan.

Local Planning Agency

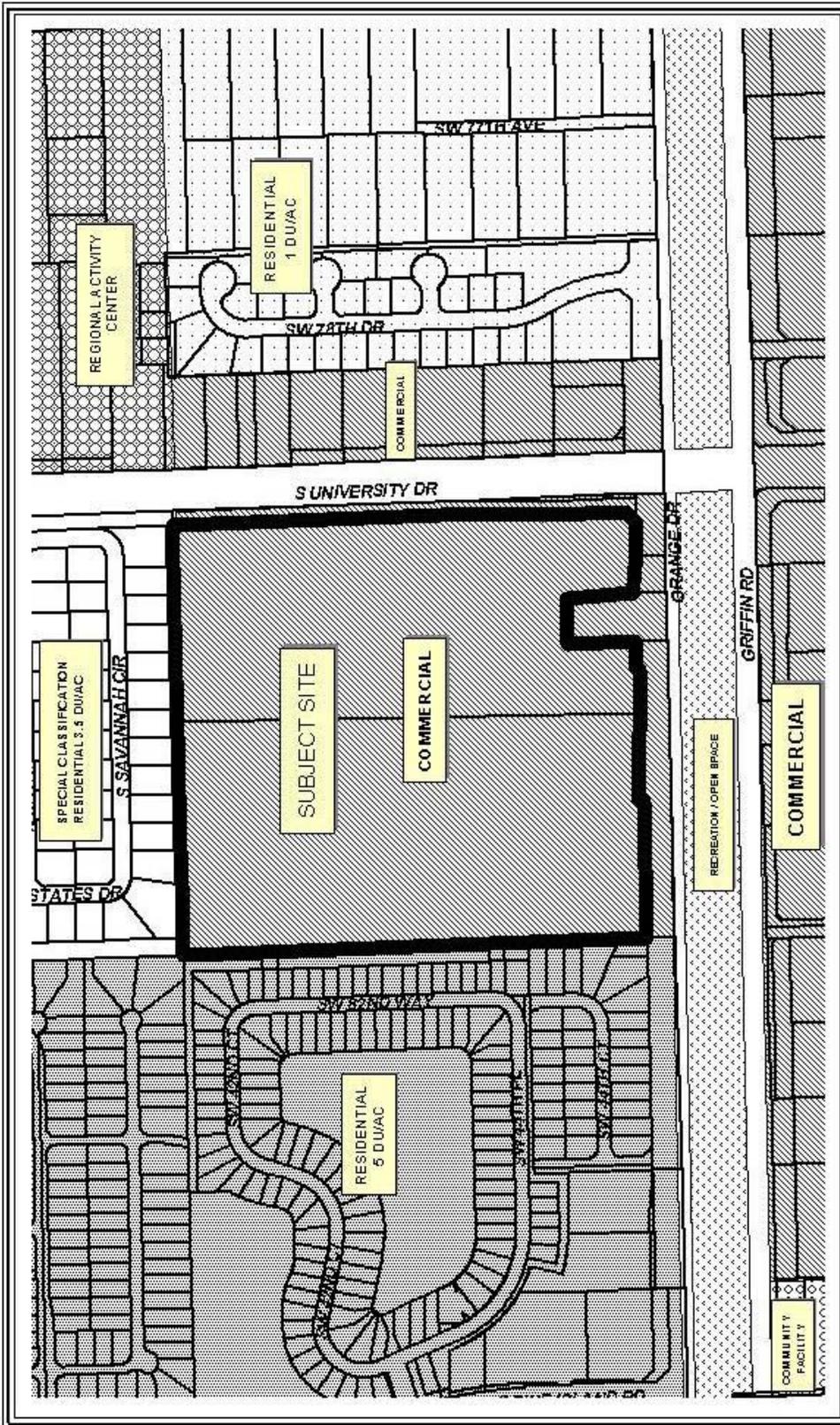
LOCAL PLANNING BOARD RECOMMENDATIONS: On September 11, 2002, Ms. Turin made a motion, seconded by Mr. Waitkus, to approve with the recommendation that the petitioner adequately address traffic issues and storm water drainage issues. Motion carried: 3-2 with Chair Greb and Ms. Lee being opposed.

Prepared by: _____

Reviewed by: _____

Exhibits

1. Existing Future Land Use Map
2. Proposed Future Land Use Map
3. Subject Site, Zoning and Aerial Map
4. Land Use Application



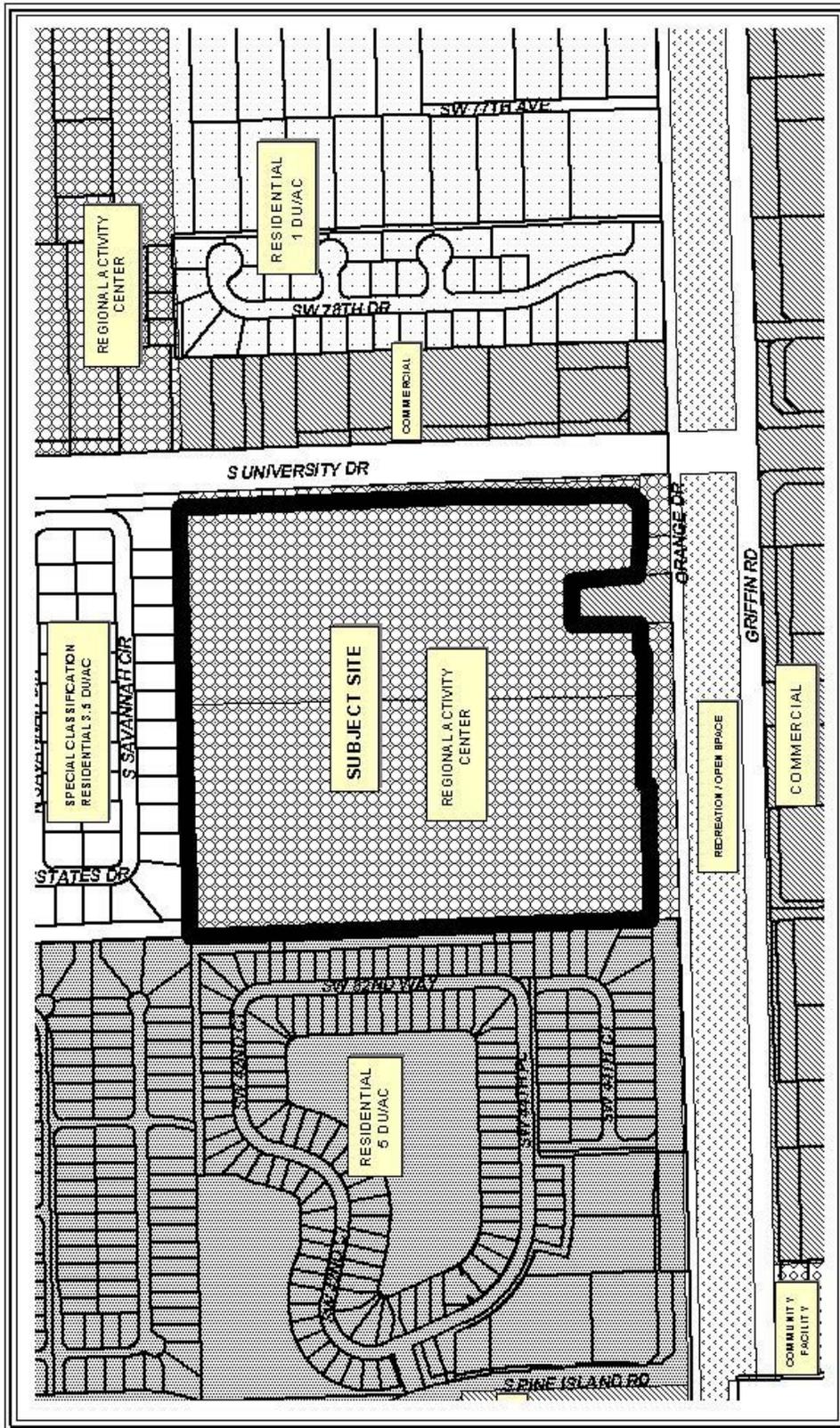
**LAND USE PLAN AMENDMENT
LA 02-8
Existing Future Land Use Map**







 Planning & Zoning Division - GIS



**LAND USE PLAN AMENDMENT
LA 02-8
Proposed Future Land Use Map**



N

0 400 800 Feet

Planning & Zoning Division - GIS



LAND USE PLAN AMENDMENT
LA 02-8
Zoning and Aerial Map



Date Flown: 12/31/01





Planning & Zoning Division - GIS

- APPLICATION TO AMEND
- THE TOWN OF DAVIE LAND USE PLAN

1. LETTER OF TRANSMITTAL

Letter of transmittal documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan. The local government's action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land use Plan.

- A. Date local governing body held transmittal public hearing.

To be determined.

- B. Whether the amendment area is within an Area of Critical State Concern or proposed for adoption under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

No.

- C. Whether the amendment is one of the following:

Development of Regional Impact

No.

Small scale development activity (per Florida Statutes)

No.

Emergency (please describe on separate page)

No.

2. LOCAL GOVERNMENT INFORMATION

- A. Local land use plan amendment or case number.

Not yet assigned.

- B. Proposed month of adoption of local land use plan amendment.

June or July 2003

- C. Name, title, address, telephone, e-mail, and facsimile number for local government contact.

**Deborah Ross, AICP
Planner III
Development Services Department
Planning and Zoning Division
Town of Davie
6591 Orange Drive
Davie, Florida 33314
Telephone: (954) 797-1069
Facsimile: (954) 797-1086
debbie_ross@davie-fl.gov**

- D. Summary minutes from the local planning agency and local government public hearings on the transmittal of the Broward County Land Use Plan amendment.

N/A at this time.

- E. Description of public notification procedures followed for the amendment by the local government.

Please see §12-303 of the Davie Code of Ordinances attached as Exhibit "A" which requires posted notice on the amendment site 14 days prior to the LPA and Council hearings and requires mailed notices to residents within 500 feet of the amendment site.

3. APPLICANT INFORMATION

- A. Name, address, telephone, and facsimile number of the applicant.

**The Big Orange Development, Ltd.
General Partner: University Development Management Corp.
141 N.W. 20th Street, Suite G-122
Boca Raton, Florida 33431
Telephone: (561) 338-3426
Facsimile: (561) 338-9865**

- B. Name, address, telephone, and facsimile number of the agent.

**Barbara A. Hall, Esq.
Greenberg Traurig, P.A.
515 E. Las Olas Blvd., Suite 1500
Fort Lauderdale, Florida 33301
Telephone: (954) 768-8236
Facsimile: (954) 765-1477**

- C. Name, address and telephone number of the property owner.

**The Big Orange Development, Ltd.
General Partner: University Development Management Corp.
141 N.W. 20th Street, Suite G-122
Boca Raton, Florida 33431
Telephone: (561) 338-3426
Facsimile: (561) 338-9865**

- D. Town of Davie fee for processing the amendment.

Fee – to the Town of Davie \$3,900.00.

- E. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs).

The Town of Davie Regional Activity Center – South Florida Education Regional Activity Center was designated as a center for regional educational and employment activity. This RAC was designed to provide educational facilities, a wide selection of housing types, employment opportunities and shopping to serve the students, faculty and staff of and the educational facilities. The educational facilities have expanded westward since the designation was put in place so that today a number of those educational facilities have University Drive as the primary access and frontage.

The amendment site is the only remaining large tract of land in close proximity to those recently established educational facilities that could provide a mixed use development to serve the facilities with a mix of housing types and with nonresidential uses. In fact, the amendment site holds the possibility for a much closer interaction with the educational facilities than do other areas within the already established RAC. The location of the site on the west side of University Drive should not be a deterrent to the inclusion of the site in the RAC because the RAC already fronts University Drive. It is not realistic from the planning perspective to create a planning separation along the eastern right-of-way for University Drive because the activity on the eastern side of University Drive cannot be separated from the activity on the west side of University Drive. There should be no concern about increasing the intensity of development on the west side of University Drive by extending the RAC to the amendment site because the site is already approved for 366,900 square feet of commercial use (see Exhibit "B", Plat Report) and is subject to a court order that allows intensive development of the property. The RAC requirement that parcels over 25 acres be developed with mixed use will ensure a less intensive development of the property.

A mixed use project developed under the RAC will actually create a better transition between the University Drive frontage and the residential uses to the west and north than the existing designation does. The mixed use concept will allow the development of residential uses along all of the western boundary and most of the northern boundary adjacent to existing residential uses. The development of a mixed residential, office and retail project with pedestrian connectivity between the uses will make the office use in this location more viable; allow for retail that is at a more pedestrian scale; provide for the internalization of trips and an overall reduction in traffic; and encourage the development of housing, retail and office uses that can better serve the South Florida Educational Regional Activity Center. It will also place housing in a location that is able to take advantage of the existing and proposed mass transit on University Drive.

4. AMENDMENT SITE DESCRIPTION

- A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.

The property is approximately 36.07 acres. It is located on the northwest corner of the intersection of University Drive and Orange Drive in the Town of Davie.

- B. Legal description of the area proposed to be amended.

See Exhibit "C" for a copy of the recorded plat, a survey and the legal description.

- C. Map at a scale of 1"=300' clearly indicating the amendment's location, boundaries and proposed land uses. (Other scales may be accepted at the discretion of the Planning Council Administrator.)

See Exhibit "D".

5. EXISTING AND PROPOSED USES

- A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple designations, describe acreage within each designation.

The property is currently designated "Commercial" on the Town of Davie Land Use Plan and "Commercial" on the Broward County Land Use Plan. The proposed designation for the property is Regional Activity Center on both the City and County Land Use Plans.

- B. Current land use designations for the surrounding properties.

Location	Land Use Designation
North	Irregular Residential (3.5)
East	Commercial
South	Commercial
West	Residential (L-5)
Northeast	Regional Activity Center

- C. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used to rezone adjacent areas.

They have not.

- D. Existing use of amendment site and adjacent areas.

Location	Existing Use
Amendment Site	Agricultural
North	Single Family Residential
East	Retail Shops
South	Retail Shops
West	Single Family Residential

- E. Proposed use of the amendment site including square footage* and/or dwelling unit count proposed for each parcel.

The expected development of the site is approximately 416 Residential Units 120,000 square feet of some combination of office and retail uses.

- F. Maximum allowable development per local government land development regulations under existing Broward County Land Use Plan designation for the site, including square footage* and/or dwelling unit count permitted for each parcel.

The applicant is proposing to include its property within the Town of Davie Regional Activity Center/South Florida Educational Regional Activity Center. Table 5-1 shows the permitted uses within the RAC and the square footage and units used to date.

* square footage numbers are for analytical purposes only

TABLE 5-1
RAC
TRACKING LIST FOR DENSITY AND ACREAGE

Use	Maximum Intensity	Intensity Used	Available Intensity
Residential	8,729 DU	7,300 DU	1,429 DU
Commercial	3,432,528 s.f.	726,648 s.f.	2,704,880 s.f.
Industrial	8,529,000 s.f.	5,264,507 s.f.	3,264,493 s.f.
Community Facility	12,388,500 s.f.	3,065,896 s.f.	9,322,604 s.f.

In light of the RAC designation it is not possible to calculate the maximum impact. However, first and foremost it should be recognized that the applicant is not seeking any increase in the development rights under the RAC. Because the amendment seeks to expand the boundaries with no increase in the development thresholds permitted in the RAC, and because this amendment site is already approved for 366,900 square feet of commercial, the amendment will not result in an increase in impacts from residential uses developed and will result in decrease in impacts from the non-residential use.

See Table 5-2 which shows a comparison of the development permitted by the Town and County land use plan before and after the Amendment.

TABLE 5-2

	Approved Before Amendment	Approved After Amendment
Residential	8,729 d.u.	8,729 d.u.
Commercial	3,432,528 sq. ft. 366,900 sq. ft. 3,799,428 sq. ft.	RAC approved Amendment Site approved 3,432,528 sq. ft.

6. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

Preliminary Statement. As shown by Table 5-2 above, this Amendment will not result in any increase in impacts over what is already approved in the Town and County Land Use Plans because the applicant is not seeking any increase in the development thresholds permitted in the RAC. However, we have nevertheless calculated the impact of a change from the Commercial square footage permitted by the plat note for the amendment site (366,900

square feet) to the "Assumed Development Scenario" (416 residential units and 120,000 square feet of retail/office) if the Amendment is approved.

A. Sanitary Sewer Analysis

1. Identify whether the site is currently and/or proposed to be serviced by septic tanks.

The site is not currently nor is it proposed to be served by septic tanks.

2. Identify the sanitary sewer facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on plant capacity, and committed plant capacity

See response to numbers 4 and 5 below.

3. Identify the change in demand on plant capacity resulting from this amendment. Provide calculations, including anticipated demand per square foot or dwelling units.

As described in the Preliminary Statement, there will be no change in demand based upon the amendment because the amendment will not increase the already approved use of RAC development rights.

The following comparison between the Commercial plat note and the Assumed Development Scenario is offered for purposes of information only.

When the approved plat note of 366,900 square feet is compared with the assumed Development Scenario (416 residential units and 120,000 square feet of retail/office) the total increase in demand on plant capacity is 132,910 gpd or less:

Existing Land Use If <i>Retail</i>	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
366,900 square feet of retail	36,690

Existing Land Use If <i>Office</i>	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
366,900 square feet of office	73,380

Proposed Land Use	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
-------------------	---

120,000 square feet of combination of office and retail (calculated at office which is greater impact)	24,000
416 residential units	145,600
Total wastewater anticipated to be generated	169,600 gpd
Total Increased Demand on plant capacity	132,910 gpd or less

4. Identify the projected plant capacity and demand for the short and long range planning horizons as identified within the adopted comprehensive plan. Provide demand projections and information regarding planned capacity expansions including year, identified funding sources and other relevant information.

The area of the amendment site is serviced by both the Davie and Sunrise wastewater treatment plants.

The 1997 Amendment to the Town's Comprehensive Plan, adopted based upon the 1995 Evaluation and Appraisal Report, describes the projected design capacities and projected demand for water and wastewater in the Davie Service Area as shown in Table 6-1 below.

**Table 6-1
Davie Service Area
Water and Wastewater Capacity**

	2000 Design Capacity	2000 Projected Demand	2005 Design Capacity	2005 Projected Capacity
Water	11.8 mgd⁽¹⁾	4.2 mgd⁽²⁾	11.8 mgd	4.6 mgd
Wastewater	5.0 mgd⁽³⁾	2.87 mgd⁽⁴⁾	7.0 mgd	3.14 mgd

*(1) Actual capacity today 7.4 mgd.**

(2) Actual use today 4.5 mgd.

*(3) Actual capacity today 4.85 mgd**

*(4) Actual use today 3.2 mgd**

The amendment site is also immediately adjacent to the Sunrise Service Area. The 1997 Amendment to the Town's Comprehensive Plan describes the projected capacities of the Sunrise system as shown on Table 6-2.

* Source: Bruce Taylor, Town of Davie Utilities Division

**Table 6-2
Sunrise Area
Water and Wastewater Capacity**

	2000 Design Capacity	2000 Projected Demand	2005 Design Capacity	2005 Projected Capacity
Water	33.4 mgd	22.15 mgd	36.3 mgd	24.27 mgd
Wastewater	25 mgd⁽⁵⁾	19.3 mgd⁽⁶⁾	25 mgd	21.2 mgd

(5) Actual 20 mgd**

(6) Actual 12.82 mgd**

5. Provide information regarding existing and proposed trunk lines and lateral hookups to the amendment site.

The existing force main on Orange Drive adjacent to the subject site will be the point of connection for a new force main discharging from the subject site. The proposed land use amendment will not require any additional facilities to be constructed over and above those which are required to serve the site based on the current land use. A lift station and gravity sanitary sewage collection system is necessary for either land use.

6. Letter from utility verifying the information on items 1-5 above.

The letter from the Town of Davie Utilities Director is included in Exhibit "N".

B. Potable Water Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located.

The relevant adopted level of service standards are: 350 gpd per residential unit, 20 gpd per 100 square feet of office; 10 gpd per 100 square feet for retail.

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and the South Florida Water Management District (SFWMD) permitted withdrawal.

See response to 6.A.4.

** Source DPEP

3. Identify the wellfield serving the service area in which the amendment is located including the permitted capacity, committed capacity, remaining capacity and expiration date of the permit.

The Wellfield serving the Davie Service Area is the Town of Davie North Utility Wellfield.

4. Identify the change in potable water demand resulting from this amendment - provide calculations including anticipated demand per square foot* or dwelling units.

There is no change in demand based upon the fact that the amendment does not propose an increase in RAC development rights.

The following comparison between the approved and a typical development scenario is offered for informational purposes.

Existing Land Use If Retail	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
366,900 square feet of retail	36,690

Existing Land Use If Office	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
366,900 square feet of office	73,380

Proposed Land Use	Anticipated Flow in GPD (Based on BCDPEP Design Flow Chart)
120,000 square feet of combination of office and retail (calculated at office which is greater impact)	24,000
416 residential units	145,600
Total potable water demand anticipated to be generated	169,600 gpd
Additional potable water demand anticipated	132,910 gpd or less

5. Identify the projected capacity and demand for the short and long range planning horizons as included within the adopted comprehensive plan - provide demand projections and information regarding planned plant capacity expansions

*square footage numbers are for analytical purposes only

including year, funding sources and other relevant information. If additional wellfields are planned, provide status including the status of any permit applications.

See Tables 6-1 and 6-2 on Page 8.

6. Provide information regarding existing and proposed trunk lines and water main hookups to the amendment site.

The existing water supply will be from the mains on Orange Drive adjacent to the site. The proposed land use amendment will not require any additional distribution facilities to be constructed over and above those which are required to serve the site based on the current land use.

7. Letter from utility verifying the information in items 1-6 above.

The letter from the Town of Davie Utilities Director is included in Exhibit "N".

C. Drainage Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located.

The relevant level of service for drainage as adopted by Policy 6-1 of the Town's Utilities Element to its Comprehensive Plan is:

- **FEMA criteria for minimum floor elevation of building sites.**
- **Maximum allowable discharge of 1 1/2" per acre for properties east of 100th Avenue.**

2. Identify the drainage systems serving the service area in which the amendment is located.

This property falls within the Town's eastern basin. The eastern basin is controlled by a pump station (S-13) on the South New River (C-11) Canal. The drainage system serving the subject site is a canal located along the western boundary of the subject site. The canal along the subject site is owned and maintained by the Central Broward Water Control District ("CBWCD").

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

There are no regional or CBWCD improvements planned. The permitted on-site system will be constructed as part of the development of the site.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.

A surface water management permit from the SFWMD has been issued for the subject site. There is no permit from the CBWCD. A copy of the SFWMD permit is attached as Exhibit "E".

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrated how the site will be drained and the impact on the surrounding properties.

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage for proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

This is not applicable.

6. Letter from the local drainage district serving the area in which the amendment is located verifying the information in items 1-5 above.

A letter from the CBWCD advising that the district has adequate facilities is included in Exhibit "N".

D. Solid Waste

1. Provide the adopted level of service standard for the service area in which the amendment is located.

The Town of Davie uses the solid waste levels of service standards adopted by Broward County. The applicable levels of service for the proposed Amendment are:

Residential	8.9 lbs. Per unit per day
Office Bldg.	1 lb. Per 100 sq. ft. per day
Department Store	4 lbs. Per 100 sq. ft. per day
Supermarket	9 lbs. Per 100 sq. ft. per day
Restaurant	2 lbs. Per 100 sq. ft. per day
Drug Store	5 lbs. Per 100 sq. ft. per day

2. Identify the facilities serving the service area in which the amendment is located including the landfill/plant capacity, current demand on landfill/plant capacity and committed landfill/plant capacity.

The Town of Davie is serviced by the Wheelabrator South Resource Recovery Plant.

3. Identify the change in demand resulting from this amendment. Provide calculations including assumed demand per square foot* or dwelling unit.

USE	CALCULATION	DEMAND
CURRENT: 366,900 sq. ft. Commercial	(1) 366,900 sq. ft./ x 1 lb. per 100 sq. ft. per day (assumes Office Buildings)	3669 lbs. / day
PROPOSED: 416 dwelling units	8.9 lbs/day	3702 lbs./day +
120,000 sq. ft. Commercial	90,000 sq. ft. Department Store / x 4 lbs. per 100 sq. ft. per day + 30,000 sq. ft. Restaurant (assumes 20 sq. ft. per seat and 2 meals per seat)	3600 lbs./day + <u>6000 lbs. /day</u> 13,302 lbs/day
	NET CHANGE	9633 lbs./day

4. Letter from service provider verifying the information in items 1-3 above.

A letter from the Wheelabrator confirming the information in this section of the application is included in Exhibit "N".

E. Recreation and Open Space Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located and the current level of service.

The existing level of service for the Town of Davie is 10 acres per 1000 residents. The Town's LOS includes in available park acreage sites that are neighborhood or community level facilities, readily accessible to the public and provide resource or activity-related recreational use. A list of the lands included in the acreage calculation for the Town LOS is included as Exhibit "F".

Based on the 2000 Census (see Exhibit "G"), the Town's population is 75,720. Therefore, 758 acres of recreation and open space would be required. Using

*square footage numbers are for analytical purposes only

the average family size of 3.13 from the 2000 census an additional 13.02 acres would be required to be in the Town's inventory to accommodate the development from the Amendment site. In the 1997 EAR Amendments, the Town stated that 833 acres were available. Therefore, there is sufficient open space based upon the Town's level of service to accommodate the residential development proposed.

The County Plan requires a local LOS of three acres per thousand that does not permit the inclusion of some acreage included in the Town's LOS calculation.* Using the County criteria for the local park inventory of acreage the following lands would be included:

Park Acreage Owned by Town	204.6 acres
Open Space Owned by Town	275.4 acres
10% of Regional Parks:	
Tree Tops	257 acres
Flamingo Road ESL	155 acres
Pine Island Ridge	101 acres
513 x 10% =	51.3
Total	531.3 acres

**Lands leased from the school board or licensed from SFWMD and 90% of Regional Park Acreage are not included.*

Based upon the 2000 Census Population of 75,720 the County Land Use Plan would require a local park inventory of 280.04 acres. The population generated by the amendment site would require an additional 4 acres. The 531.4 acres counted by the County would accommodate the demand for 284.04 acres.

Therefore, with the amendment the demand for recreation and open space will be met using both the Town LOS and the County LOS for local parks.

2. Identify the parks serving the service area in which the amendment is located including acreage and facility type, e.g. neighborhood, community or regional park.

The recreation and open space sites serving the amendment site are the following:

Arrowhead Golf	Private Recreation/Regional
Rolling Hills Golf Course	Private Recreation/Regional
Reflections	Neighborhood
Westridge	Community
Pine Island Ridge	Regional
Pine Island Community Center	Community
Davie Arena	Community

3. Quantify the change in need for park acreage resulting from this amendment.

The expected population from the amendment site would generate a demand for 13.02 using the Town's LOS. The development amendment site will be accommodated by the Town's existing park acreage.

4. Identify the projected park needs for the short and long range planning horizons as identified within the adopted comprehensive plan - provide need projections and information regarding planned capacity expansions including year, identified funding sources, and other relevant information.

The Town's 1997 Amendments projected a 2010 population of 69,451 that has already been exceeded. However, the Town's existing recreation and open space inventory is adequate for the existing development and the proposed amendment.

F. Traffic Circulation Analysis

See the Preliminary Statement at the beginning of Section 6 for the explanation of why this Amendment will not result in an increase in trips. However, even if the Property were not utilizing the already approved RAC development thresholds the proposed mixed use development would generate less traffic. See Table 6-3 below. A supporting letter from Keith and Schnars is attached as Exhibit "H".

**Table 6-3
Traffic Impact Comparison**

Scenario	Land Use	Unit	County Peak Hour Trip Rate	Project Trips
1. Approved	Commercial	366,900 s.f.	$\ln(T) = 0.660 \ln(FA) + 3.403$	1,481
2. Proposed	Commercial <u>Single Family</u> Total:	120,000 s.f. 416 Units	$\ln(T) = 0.660 \ln(FA) + 3.403$ $T = 1.01 X$	708 <u>420</u> 1,128
Difference				-353

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

An informational TRIPS run has been requested and this information will be provided upon receipt.

2. Identify the projected level of service for the roadways impacted by the proposed amendment for the short (five year) and long term (2025) planning horizons. Please utilize average daily traffic volumes per Broward County Metropolitan Planning Organization plans and projections.

See response to number 1.

3. Planning Council staff will analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for this amendment - calculate anticipated average daily traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network and identify the resulting level of service change for the short (5 year) and long range (2025) planning horizons.

Note the development of amendment site will not exceed the trip impacts of the already approved plat notation.

4. Provide any transportation studies relating to this amendment, as desired.

No additional traffic studies have been undertaken because the amendment will represent a decrease in trips.

G. Mass Transit Analysis

1. Identify the mass transit modes serving the amendment area.

County bus service serves the amendment site.

2. Identify the change in demand resulting from this amendment.

A letter from Broward County Mass Transit Division confirming the information in this application is included in Exhibit "N".

3. Identify the existing and planned mass transit routes and scheduled service (headway) for the amendment area.

The amendment area is now served by Route 2 which runs along University Drive from the Golden Glades to Coral Springs. Bus service runs every

twenty minutes from 5:05 am until 12:35 am on the weekdays. On Saturday, bus service runs every forty minutes from 5:40 am until 11:15 am and on Sunday, bus service runs every forty minutes from 8:50 am until 8:40 pm. Orange Drive and Griffin Road are not provided with bus service at this time, however, the long range plan of Broward County is to add a route to service Griffin Road.

4. Letter from service provider verifying the information in items 1-3 above.

A letter from the Broward County Mass Transit Division is included in Exhibit "N".

5. Describe how the proposed amendment furthers or is consistent with the concept of a "transit-oriented development".

The proposed amendment to redesignate the property from Commercial to RAC to develop the property with mixed use furthers the concept of a "transit-oriented development" by placing residential development in a location where it is accessible to mass transit and where it is accessible to shopping and restaurants by bike and on foot. A pedestrian access will be provided between the residential and non-residential portions of the project.

7. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will protect or mitigated. Planning Council staff will request additional information from the Department of Planning and Environmental Protection and the Broward County Historical Commission regarding the amendment's impact on natural and historic resources. The applicant is encouraged to contact the individual review agencies to discuss these issues.

A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

The amendment area is not a historic site according to the National Register of Historic Places and has not been designated in a historic district.

B. Archaeological sites listed on the Florida Master Site File.

The site does not contain any archaeological sites listed on the Florida Master Site File.

C. Wetlands.

No jurisdictional wetlands were claimed by the Army Corps of Engineers or Broward County DPEP. SFWMD claimed 2.3 acres of wetlands which have been mitigated by the purchase of wetlands credits in the Loxahatchee

Mitigation Bank. See Exhibit "I", which is a confirmation of the purchase and Exhibit "E" which is the SFWMD Permit that describes the mitigation obligation in Special Conditions 12 and 13.

- D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.

The site is not an LAPC.

- E. "Endangered" or "threatened species" or "species of special concern" or "commercially exploited" as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agricultural and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

The land has been used for agricultural purposes and has been cleared with a Tree Removal Permit from the Town. The only listed species observed on the site is an alligator of less than 3 feet. (See Exhibit "J").

- F. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

The site was dominated by exotic upland vegetation. No regulated plants have been observed. (See Exhibit "J").

- G. Wellfields - indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 "Wellfield Protection." If so, specify the affected zone and any provisions which will be made to protect the wellfield.

The amendment site is not located within a wellfield protection zone of influence. The site is just outside zone 3 of the South Regional Wellfield zone.

- H. Soils - describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area's natural features.

The amendment will require the alteration of soil conditions or topography. No management practices other than the protection of existing trees will be required since there are no other natural features to protect in the area.

- I. Beach Access - Indicate if the amendment is ocean front. If so, describe how public beach access will be addressed.

The amendment is not oceanfront.

8. LAND USE COMPATIBILITY

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent communities). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

The amendment site is proposed to be designated RAC on the Broward County Land Use Plan and the Town of Davie Land Use Plan. The property to the south and to the east of the amendment site have a land use designation of Commercial and are developed with retail uses. The property to the north has a land use designation of Irregular Residential (3.5) and is developed with single family residential units. The property to the west of the amendment site is also developed with single family residential units and has a land use designation of Residential L-5.

Under the existing approved designation of commercial, the surrounding residential areas to the North and to the West of the amendment area would be adjacent to commercial development. The proposed mixed use will allow the site to serve as a transition between the adjacent single family uses and the non-residential uses that capitalize on the University Drive frontage. Buffering will be used along the eastern portion of the north boundary of the amendment site if the development of additional residential in this portion of the site is found inappropriate.

9. HURRICANE EVACUATION ANALYSIS

(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division)

Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and temporary residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Division.

According to the Hurricane Evacuation Plan prepared by the Broward County Division of Emergency Preparedness, this amendment site is not identified for evacuation during any type of hurricane. The Hurricane Evacuation Map is attached as Exhibit "K".

10. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified Redevelopment (i.e., Community Redevelopment Agency, Community Development Block Grant) area, If so, describe

how the amendment will facilitate redevelopment and promote approved redevelopment plans.

The Amendment is not within an identified Redevelopment Area, however it is an urban infill project in that development has proceeded far to the west, beyond this site. The proposed mixed use development will provide revitalization to the Town's nearby University Drive corridor impacted by a high commercial vacancies.

11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments.

The Amendment site is not adjacent to any other local government boundary. The nearest municipality is Cooper City whose municipal boundary begins south of Griffin Road and west of Pine Island Road. A graphic showing the amendment site location and the adjacent municipalities is attached as Exhibit "L".

12. CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF THE TOWN OF DAVIE LAND USE PLAN AND THE BROWARD COUNTY LAND USE PLAN

A. TOWN OF DAVIE

FUTURE LAND USE PLAN:

OBJECTIVE 4: LOCATION AND DISTRIBUTION OF LAND USES

Pursuant to the adopted Davie Future Land Use Plan map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

- Policy 4-3: Infill shall be encouraged as a means of directing growth to areas already containing essential infrastructure improvements, such as potable water and sanitary sewer services. Priority shall be given to areas suitable for infill development in the extension of infrastructure.**

**POLICY
GROUP 6:**

RESIDENTIAL USE

- **Policy 6-1:** Residential development of moderate to high density should be located in close proximity to arterial roadways, available mass transit, and other community amenities, and should generally be located east of Pine Island Road, unless located adjacent to the S.R. 84/I-595 corridor, or I-75 interchanges.

**POLICY
GROUP 7:**

COMMERCIAL USE

- **Policy 7-3:** Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.
- **Policy 7-4:** Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

**POLICY
GROUP 10:**

REGIONAL ACTIVITY CENTER USE

- OBJECTIVE 10:** The Town shall maintain, and expand if appropriate, a Regional Activity Center (RAC) designation for the area between University Drive and the Florida Turnpike, and S.R. 84 and Griffin Road.
- **Policy 10-1:** The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students,

residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities, including the use of mixed residential/nonresidential land uses. Accordingly, the RAC shall observe the following minimum and maximum levels of development:

	Max. Intensity	Min. acreage (%)	Max. acreage (%)
Residential	8,729 d.u	560 acres (25%)	1120 acres (50%)
Commercial	3,432,528 s.f.	157 acres (0.7%)	450 acres (20%)
Industrial	8,529,000 s.f.	340 acres (15%)	680 acres (30%)
Recreation & OS	(does not apply)	13 acres (0.6%)	340 acres (15%)
Community Facility	12,388,500 s.f.	680 acres (30%)	1350 acres (60%)

- **Policy 10-4:** Affordable housing, including housing targeting SFEC Students and employees, shall be encouraged within the RAC.
- **Policy 10-5:** Mixed residential/nonresidential structures and developments receiving increases in density or intensity should be located near existing or future transit routes or alternative transportation corridors.
- **Policy 10-6:** Development activities within the RAC should stimulate quality redevelopment of businesses and dwellings, particularly development requests for increased density or intensity above that permitted by the existing zoning designations of land.
- **Policy 10-7:** Rezoning and variance requests within the RAC shall be evaluated against the comprehensive plan policies relating to the Regional Activity Center designation, and shall further the intent of the RAC, as expressed through plan policies contained herein. Applications for land use change and development within the redevelopment area portion of the RAC shall also be evaluated for consistency with the goals, objectives, policies and standards of the Chapter 163 redevelopment area plan.

- **Policy 10-8:** Compatibility of land uses within the RAC shall be supported by local land development regulations and plans to address the impacts of new development on existing land uses and residents, and by plans to improve community facilities and services.

- **Policy 10-11:** All new development within the RAC shall facilitate alternative modes of transportation to the automobile by providing at least one of the following features:
 - a. Incorporate safe, convenient paved pedestrian / recreational pathways and bicycle lock-up facilities connecting to an existing pedestrian network, key destinations, and/or transit stops.

 - b. Provide alternative modes of transportation for employees and/or facility users along with incentives for not utilizing automobiles for travel to the facility.

OBJECTIVE 18: MIXED USE DEVELOPMENT

The Town shall continue to maintain land development regulations that accommodate mixed-use projects, planned developments and other types of non-traditional developments to promote a diverse, imaginative and innovative living and working environment.

- **Policy 18 -1:** The Town should encourage mixed-use developments, including residential/commercial mixes, in its downtown area to support downtown businesses and provide additional housing opportunities for students of the nearby colleges and universities. The Town should utilize the flexibility provisions of the Broward County Land Use Plan towards this end.

OBJECTIVE 20: INTERGOVERNMENTAL COORDINATION

The Town shall promote intergovernmental coordination and public participation in planning efforts.

- **Policy 20-1:** The Town shall consider adjacent land uses in neighboring communities in evaluating changes in land use.

OBJECTIVE 21: POPULATION PROJECTIONS

Amendments to the Future Land Use Element shall be consistent with the adopted populations projections contained herein.

- **Policy 21-1:** During each EAR process, the Town shall evaluate the Future Land Use Element for consistency with updated population projections, and shall further amend the Element as necessary to guide future land use decisions based upon the updated population projections.

Housing Element

Objective 2: Facilitate and promote a wide variety of residential development to address the different needs of the projected population.

Policy 2-1: Provide information and technical assistance to the private sector to maintain housing production capacity sufficient to meet the required needs.

Capital Improvement Element:

Goal: The Town of Davie shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents at adopted levels of service in a timely, orderly, and efficient manner that encourages intergeneration equity between taxes collected and services received.

BROWARD COUNTY LAND PLAN POLICIES

POLICY 2.04.03 Local governments shall employ their local land use plans and zoning ordinances to establish differing intensities of commercial development compatible with adjacent and surrounding land uses.

OBJECTIVE
10.02.00 Encourage attractive and functional mixed living, working, shopping, education and recreational activities by establishing within the Broward County Land Use Plan a Regional Activity Center land use category.

POLICY
10.02.01 Local governments may propose land areas for designation as Regional Activity Centers within the Broward County Land Use Plan, consistent with the rules and procedures contained within the Regional Activity Center Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan.

POLICY
10.02.02 Modes of mass transit should be encouraged to serve Regional Activity Centers to reduce reliance upon automobile travel.

POLICY
10.02.06 Local land use plans should provide for adequate housing opportunities within Regional Activity Centers to allow people to both live and work within such areas.

POLICY
10.02.07 Regional Activity Centers may be proposed for areawide Developments of Regional Impact, and centers of regional tourism, employment or education activity.

POLICY
11.01.04

Prior to plat approval, Broward County and/or the appropriate local government shall ensure that the public facilities and services necessary to meet the level of service standards established within the Broward County Comprehensive Plan and affected municipal comprehensive plan will be available consistent with concurrency requirements. Chapter 163.3202(g) Florida Statutes. Chapter 163.3180 Florida Statutes 1999, as amended, and the concurrency management policies included within Goal 8.00.00 of the Broward County Land Use Plan.

13. POPULATION PROJECTIONS

- A. Population projections for the 20 year planning horizon (indicate year).

The Town's 1997 Amendments to its Comprehensive Plan projected the 2010 population as 69,451. The 2000 Census Population was 75,720. The Town's 1997 Amendments projected number of households for 2000 as 20,440. The actual number of households in 2000 according to the 2000 Census was 28,682. The 1997 Amendments showed that in 1989 the number of households was 15,618 (Table V-10, pg. V-15) and the vacant residential land would support an additional 15,360 dwellings. If those numbers remain accurate then there would only be sufficient residential land to accommodate approximately 2,296 additional households, assuming each residential site were developed to its maximum gross density, which is rarely attainable. We have requested updated projections from the Town and County.

- B. Population projections resulting from proposed land use (if applicable).

416 units x 3.13 persons per family = 1302

- C. Using population projections for the 20 year planning horizon, demonstrate the effect of the proposed amendment on the land needed to accommodate the projected population.

See response to A.

14. ADDITIONAL SUPPORT DOCUMENTS

Other support documents or summary of support documents on which the proposed amendment is based.

See Exhibits and Town of Davie EAR Amendments

15. **PLAN AMENDMENT COPIES**

- A. Copies will be provided as requested.

16. **PUBLIC EDUCATION ANALYSIS**

Please be advised that the Planning Council staff will request from the Broward County School Board an analysis of the impacts of the amendment on public education facilities as indicated below. The applicant is encouraged to contact the School Board staff to discuss these issues.

- A. Identify the existing public elementary and secondary education facilities serving the area in which the amendment is located.

The amendment site currently falls within the school boundaries for Silver Ridge Elementary School, Indian Ridge Middle School and Western High School

- B. Identify the existing school enrollment permanent design capacity of the public elementary and secondary education facilities serving the area.

See Table 16-1.

- C. Identify the additional student demand resulting from this amendment. Calculations must be based on applicable generation rates specified in the Broward County Land Development Code.

Please note that the Amendment does not propose an increase in residential density over that already approved in the RAC. Table 16-2 and 16-3 show how students from the amendment site would be accommodated by the existing and proposed school facilities.

- D. Identify the planned and/or funded improvements to serve the area in which the amendment is located as included within the School Board's five year capital plan provide student demand projections and information regarding planned permanent design capacities and other relevant information.

The reliever high school to Western High School is opening this September. There is also a proposed reliever middle school, Middle School HH shown as pending on School Board's July 2002 Status Report. In addition, Driftwood Middle School should have a classroom addition completed shortly. See Exhibit "M".

- E. Identify other public elementary and secondary school sites or alternatives (such as site improvements, nominal fee lease options, shared use of public space for school purposes etc.), not identified in Item #4 above, to serve the area in which the amendment is located.

Applicant will explore this issue.

Table 16-1

DAVIE - STATUS OF SCHOOLS IN VICINITY OF SPIELMAN / MARGOLIS PLAT

School	FISH ¹ Capacity (Sept 2001)	20 th Day Count Enrollment (2001/2002)	Over/ Under Enrolled (2001/2002)	Current LOS 2005/6	Projected Fall 2002 Enrollment	Projected 2005/6 Enrollment	Projected Over/ Under Enrollment in 2005/6	Projected LOS (2005/2006)
Silver Ridge Elementary	840	1,057	+217	A	1,054	1,054	+214	A
Indian Ridge Middle	1,745	2,253	+508	C ¹	2,105	2,063	+318	C ²
Western High	1,923	4,506	+2,583	C	2,145	2,268	+345	A

- A. 1. Florida Inventory of School Houses ("FISH") – State Department of Education permanent capacity (without) portables.
 B. 2. Indian Ridge Middle is shown at Level of Service "C" because the total student population exceeds 2,000. If it were evaluated based upon utilization instead it would be projected to be operating at LOS A.

¹ Florida Inventory of School Houses ("FISH") – State Department of Education permanent capacity (without) portables.

Table 16-2

SCHOOL IMPACT BASED UPON PROJECTED 2002 ENROLLMENT

School	FISH Capacity (Sept 2001)	Projected 2002 Enrollment	Students from Amendment Site	Total Based on Projected 2002	LOS
Silver Ridge Elementary	840	1,054	58	1,112	B
Indian Ridge Middle	1,745	2,105	26	2,131	C ⁽¹⁾
Western High	1,923	2,145	31	2,176	A

C. ⁽¹⁾ LOS C because it is greater than 2000. Based upon ratio of students to FISH Capacity it is 1.22 which would otherwise be LOS B

Table 16-3

SCHOOL IMPACT BASED UPON PROJECTED 2005/2006 ENROLLMENT

School	FISH Capacity (Sept 2001)	Projected 2005/2006 Enrollment	Students from Amendment Site	Total Based on Projected 2005/2006	LOS
Silver Ridge Elementary	840	1,054	58	1,112	B
Indian Ridge Middle	1,745	2,063	26	2,089	C ⁽¹⁾
Western High	1,923	2,268	31	2,299	A

D. ⁽¹⁾ LOS C because it is greater than 2000. Based upon ratio of students to FISH Capacity it is 1.22 which would otherwise be LOS B.

• **EXHIBIT LIST**

- A. Section 12-303 of the Davie Code of Ordinances/Public Notification Procedures.
- B. Plat Report
- C. Legal description of the area proposed to be amended.
- D. Map indicating the amendment's location.
- E. South Florida Water Management District surface water permit.
- F. List of lands included in acreage calculation for Town's Recreation and Open Space level of service.
- G. Census Data
- H. Letter from Keith and Schnars regarding Traffic Impacts
- I. Confirmation of payment for Mitigation Credits
- J. Letter from Delta Seven regarding Environmental Impacts
- K. Broward County Hurricane Evacuation Map
- L. A graphic showing the amendment site location and the adjacent municipalities
- M. School Boundary Zones
- N. Provider Letters

EXHIBIT A

Sec. 12-303. Advertising and public notice.

(A) A sign shall be posted by the town on each perimeter street frontage of the land which is the subject of the proposed **land use plan amendment** not less than fourteen (14) days prior to the hearing of the local **planning** agency; provided, however, this requirement shall not apply to **plan amendments** exceeding five hundred (500) acres initiated by the town. Such sign shall state the following:

- (1) Time, place and date of hearings by the local **planning** agency and council;
- (2) **Amendment** number and phone number for information about the proposed **land use plan amendment**;
- (3) Existing and proposed **land use plan** designations.

(B) In addition to the requirements prescribed by Chapter 166 of the Florida Statutes, as amended, requiring publication of pending zoning applications, the town clerk of the Town of Davie is directed to notify by U.S. mail, postage prepaid, all persons owning property within five hundred (500) feet of the exterior boundary of property for which a change in **land use** designation is pending. The mailing of such notices shall constitute service. All notices shall be sent to the owners as set forth on the latest Broward County tax rolls. For town-initiated **plan amendments** involving a parcel or parcels of **land** of more than ten (10) contiguous acres in area where the mailing would exceed two thousand (2,000) notices, the mailing services requirement herein shall be deemed met if the clerk retains a bulk mailing service to perform the mailing, and delivers instructions to the service to send the notices. In the event the notification area extends beyond the town limits of the Town of Davie, notification of each property owner is not required; however, notification of the appropriate governing body shall be made.

(C) In the event the notification area includes **land** declared to be a condominium under F.S. Chapter 718, then notice to the condominium association shall constitute notice.

(Ord. No. 90-4, § 7, 2-21-90; Ord. No. 96-40, § 1, 9-18-96; Ord. No. 97-40, § 1, 7-16-97)

EXHIBIT B

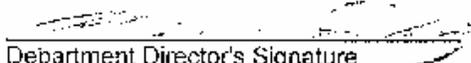
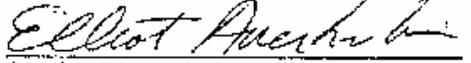
AGENDA REPORT

MEETING DATE
December 15, 1988

APPROVED
TO

AGENDA ITEM #
35

THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Requested Action		
DISCUSSION of plat entitled "Spielman - Margolis Replat" - District 4, (006-MP-96)		
Summary Explanation and Background		
The Development Management Division recommends APPROVAL : Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances. See attached Development Review Report.		
Recommended By: Michael D. Wanchick	 Department Director's Signature	Date
Source of Additional Information: Elliot Auerhahn	 Division Director's Signature	357-6869 Phone
David Danovitz	 Agenda Review Coordinator's Signature	357-6621 Phone
Lists of Exhibits Attached for Board		
Development Review Report		
Instructions for Document Control only		
Board Action		

107-1-Adplat.fm

DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION

Agenda Number

Name:	SPIELMAN-MARGOLIS REPLAT	Number:	008-MP-96
Applicant:	DAVID R. MARGOLIS AND STANELY SPIELMAN	Comm. Dist.:	4
Agent:	C. C. WINNINGHAM CORP.	Sec/Twp/Rng:	28-60-41
Location:	NORTHWEST CORNER OF UNIVERSITY DRIVE AND ORANGE DRIVE	Platted Area:	36.147 ACRES
City:	DAVIE	Gross Area:	N/A
Replat:	TOTAL REPLAT OF THE SPIELMAN PLAT (PB 156, P 37) AND THE MARGOLIS PLAT (PB 156, P 38)		

LAND USE

Existing Use:	2 SINGLE-FAMILY UNITS	Effective Plan:	DAVIE
Proposed Use:	366,900 SQ. FT COMMERCIAL	Plan Designation:	COMMERCIAL
Adjacent Uses:		Adjacent Plan Designations:	
North:	VACANT, SINGLE FAMILY	North:	IRREGULAR (3.5) RESIDENTIAL
South:	CANAL, OFFICE	South:	RECREATION AND OPEN SPACE
East:	COMMERCIAL	East:	COMMERCIAL
West:	SINGLE FAMILY	West:	RESIDENTIAL (5)
Existing Zoning:	B-2	Proposed Zoning:	N/A

SERVICES

Wastewater Plant:	DAVIE II (05/98)	Potable Water Plant:	DAVIE
Design Capacity:	3.0000 MGD	Design Capacity:	7.400 MGD
12-Mo. Avg. Flow:	2.2799 MGD	Peak Flow:	3.627 MGD
Est. Project Flow:	0.036700 MGD	Est. Project Flow:	N/A MGD
Comments:	Sufficient capacity exists at this time.	Comments:	Sufficient capacity exists at this time.

PARKS

SCHOOLS

Dwelling Units	Impact Fee
N/A	N/A

LOCAL:
REGIONAL:

Land Dedication	Impact Fee	Admin. Fee
County conducts no local review w/in municipalities	N/A	N/A
N/A	N/A	N/A

ROADS

Zone: B	Trips/Day	Impact Fee	Admin. Fee
RES USES:	N/A	N/A	N/A
NON-RES. USES:	15,703*	\$ 660,210.00	\$ 20,467.00
TOTAL:	15,703*	\$ 660,210.00	\$ 20,467.00

TRANSIT

Zone: N/A	Impact Fee
	N/A

* See Staff Comment No. 5 & Finding No. 1
 See Staff Recommendations No. 26 & 27

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances.

Meeting Date: 12/16/98
 Action Deadline: 01/19/99
 Deferral Dates:

Prepared: MB
 Reviewed: [Signature]
 Approved:

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 366,900 square feet of commercial.
- 2) Trafficways approval is valid for 6 months. Approval was received on August 27, 1998.
- 3) This plat is a total replat of the SPIELMAN PLAT (Plat Book 156, Page 37) and the MARGOLIS PLAT (Plat Book 156, Page 38).
- 4) This plat was approved by the County Commission on November 26, 1996, and expired on May 26, 1998.
- 5) Credit (110%) was given for two single family units which the applicant states will be demolished.
- 6) Surface water management plans for this plat must meet the criteria of the Central Broward Water Control District. A surface water management permit must be obtained from this District prior to any construction.
- 7) Field examination of the site indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., filling of the existing pond, or lake or canal excavation, **regulated under Article XI of the Natural Resource Protection Code may require an Environmental Resource License.** The applicant is encouraged to contact DNRP's Biological Resources Division at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 8) This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.
- 9) The Broward County Department of Natural Resource Protection encourages that all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine, and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species (list available at the Broward County Department of Natural Resource Protection) **be removed during the development process. A management plan may be necessary to control re-invasion of same.**
- 10) Landscape materials should not include any plants considered to be invasive of South Florida's native plant communities. The list of invasive plants is available at the Broward County Department of Natural Resource Protection.
- 11) Any development within the plat limits is subject to the Town of Davie's Tree Preservation Code for tree removal, relocation and/or replacement.

- 12) A demolition notice will be required from the Broward County Department of Natural Resource Protection.
- 13) The Broward County Department of Natural Resource Protection may require a Complex Air Source License. Contact the DNRP Air Quality Division for specific license requirements.
- 14) Any discharges to ground or surface waters, excluding stormwater, will require DNRP review and approval prior to discharge.
- 15) A DNRP Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact DNRP's Biological Resources Division for specific license requirements.
- 16) The subject plat is in the vicinity of known contaminated sites and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, DNRP approval of an application for a building permit or approval to construct or alter shall not be granted until DNRP is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on site [Section 27-66(h) Broward County Code of Ordinances].
- 17) Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems are approved by the Broward County Department of Natural Resource Protection as a prerequisite to, and just prior to, approval of building permits by the appropriate building department for any structures that are to be built on the platted site. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.
- 18) This property is within 20,000 feet of the Ft. Lauderdale-Hollywood International Airport, and is located in the approach to Runway 9L. Any structure or crane over 200 feet in height requires the submittal of an FAA Form 7460.1 and possibly a permit from the Aviation Office at FDOT per Florida Statutes Chapter 333. Please contact the Broward County Aviation Department for additional information.
- 19) This plat was reviewed without the benefit of a site plan.
- 20) Engineering and Traffic Engineering Divisions' recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 21) Openings or improvements on functionally classified State Roads are subject to the "Rules of the Department of Transportation Chapter 14-97 State Highway System Access Management Classification System and Standards." The applicant should consult with and obtain the approval of the Florida Department of Transportation. Please contact the District Access Management Engineer at 777-4350 to discuss permissible access.
- 22) The attached comments have been received from the Town of Davie.
- 23) The attached comments have been received from the Florida Department of Transportation.

FINDINGS

- 1) This plat is a total replat of the SPIELMAN PLAT (Plat Book 156, Page 37) and the MARGOLIS PLAT (Plat Book 156, Page 38). These plats are restricted to 6,680 square feet of commercial use and 360,300 square feet of commercial use, respectively. Therefore, this plat satisfies the regional road network concurrency requirement of Section 5-182(a)(4)a) of the Broward County Land Development Code.
- 2) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

STAFF RECOMMENDATIONS

NON-VEHICULAR ACCESS LINE REQUIREMENTS

It is the express intent of this non-vehicular access line to eliminate all proposed openings and existing driveways not specifically delineated in the following recommendations:

- 1) Along the ultimate right-of-way for University Drive.

Any opening on University Drive is subject to the approval of the Florida Department of Transportation. Please contact the District Access Management Engineer, at 777-4350 to discuss permissible access.
- 2) Along the ultimate right-of-way for Orange Drive except at the following:
 - A) An 80-foot opening with centerline located approximately 520 feet west of the centerline University Drive. Said non-access line shall extend north along both sides of the ingress/egress easement except for the north 24 feet.
 - B) An 80-foot opening with centerline located approximately 330 feet east of the west plat limits.

RIGHT-OF-WAY REQUIREMENTS (Dedicate)

- 3) Right-of-way for that part of a westbound right turn lane on Orange Drive at the east 80-foot opening, that lies within this ownership, with 150 feet of storage and 100 feet of transition.

Include the area bounded by the entrance radii: (245 feet from the west limits of the 80-foot opening to the beginning of the storage/end of the transition). Dedicate the right-of-way THROUGH the opening.
- 4) Right-of-way for that part of a westbound right turn lane on Orange Drive at the west 80-foot opening, that lies within this ownership, with 150 feet of storage and 100 feet of transition.

Include the area bounded by the entrance radii: (245 feet from the west limits of the 80-foot opening to the beginning of the storage/end of the transition). Dedicate the right-of-way THROUGH the opening.

ACCESS REQUIREMENTS

- 5) The minimum distance from the ULTIMATE right-of-way line of the trafficway, at any ingress or egress driveway, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 100 feet.

- 6) Any driveway in the 80-foot opening(s) shall be centered in the opening, shall consist of a minimum of two egress lanes, each 12 feet in width, and one 16 foot wide ingress lane, with minimum entrance radii of 35 feet.

An alternate design (exclusive of the minimum setback) may be approved if acceptable to the Traffic Engineering Division and permissible by the Florida Department of Transportation.

ACCESS EASEMENT REQUIREMENTS

- 7) Provide an 80 x 124-foot ingress-egress easement on Orange Drive at the east 80-foot opening. The east limits of this easement shall be contiguous with the west limits of the "out parcel," Tract 19 of "NEWMAN'S SURVEY" (Plat Book 2, Page 2 Dade County Records). Dimensions may be modified to more closely approximate proposed driveway dimensions. The design is to be approved by the Traffic Engineering and Engineering Divisions.

TRAFFICWAYS IMPROVEMENTS (Bond For and Construct)

- 8) The removal of all existing driveways in locations not consistent with approved openings in the non-vehicular access line and the construction of curb, gutter, and sidewalk in these openings when necessary to complete the required improvement.

TURN LANE IMPROVEMENTS (Bond For and Construct)

- 9) Westbound right turn lanes on Orange Drive at both 80-foot openings with 150 feet of storage* and 100 feet of transition.
- 10) Eastbound left turn lanes on Orange Drive at both 80-foot openings with 200 feet of storage# and 100 feet of transition.

* The length of turn lane storage is measured from the end of taper (transition) to the point of curvature of the driveway radius, or corner chord in the case of intersecting road right of way.

Median opening design to include acceptable vehicular turning radii. The length of the storage lane is measured from the end of the taper to the point of curvature of the median opening.

SIDEWALK REQUIREMENTS (Bond For and Construct)

- 11) Along University Drive and Orange Drive adjacent to this plat.

TRAFFIC SIGNAL CONDUIT RELOCATION PLAN (Bond For and Construct)

- 12) A TRAFFIC SIGNAL CONDUIT RELOCATION PLAN, three copies, including COST ESTIMATE shall be provided to the Traffic Engineering Division. All easements necessary for relocation and maintenance of the conduit must be shown. NO BOND AMOUNTS will be approved without approved Traffic Signal Conduit Relocation Plans. NO BONDS shall be released without field inspection and final approval by the Division of all materials, installation and locations.

STREET LIGHTING CONDUIT RELOCATION (Bond For and Construct)

- 13) A STREET LIGHTING CONDUIT RELOCATION PLAN, three copies, including COST ESTIMATE shall be provided to the Traffic Engineering Division. All easements necessary for relocation and maintenance of the conduit must be shown. NO BOND AMOUNTS will be approved without approved Street Lighting Conduit Relocation Plans. NO BONDS shall be released without field inspection and final approval by the Division of all materials, installation and locations.

PAVEMENT MARKINGS AND SIGNS (Bond For and Construct)

- 14) A PAVEMENT MARKING AND SIGNING PLAN, three copies, including COST ESTIMATE shall be provided to the Traffic Engineering Division. All pavement markings shall be THERMOPLASTIC. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. NO BONDS shall be released without field inspection and final approval by the Division of all materials, installations and locations.

NOTE: The amounts necessary to secure required improvements shall be based upon approved plans, approved cost estimates, or a percentage of approved pavement costs. The amounts required for pavement markings and signs are NOT included in the guaranty amounts required for roadway improvements, turn lane improvements, etc., as calculated for and specified in the Development Review Report for this project.

IMPROVEMENT AGREEMENT REQUIREMENT

- 15) County Commission policy requires a recordable agreement listing all of the plat required improvements. The owner of this plat shall enter into the standard Roadway Improvement Phasing Agreement prior to recordation of the plat. The completion date for all required improvements as listed Exhibit "B" in Improvement Agreement shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission. Please contact the Engineering Division Plat Section for a copy of the standard Improvement Agreement.

GENERAL RECOMMENDATIONS

- 16) The Standard Roadway Improvement Phasing Agreement shall be secured by letter of credit, surety bond, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to recordation of the plat and/or commencement of construction. Bond amounts shall be based upon the following:
 - A) Approved construction plans. Seven (7) sets of construction plans shall be submitted with the required Paving and Drainage Plan Review application, Form PDAPP7-1.094, to the Engineering Division, Paving and Drainage Section. When the construction plans are approved by the Engineering Division, the bond will be calculated at one-hundred (100%) percent of the cost of the improvements.

- B) Engineer's cost estimates prepared by a registered professional engineer or by the Engineering Division (Form 1194125M or 1194125A). When the estimate is approved by the Engineering Division, the bond will be calculated at one-hundred twenty-five (125%) percent of the cost of the improvements. Seven (7) sets of construction plans shall be submitted with the required Paving and Drainage Plan Review application, Form PDAPP7-1.094, to the Engineering Division, Paving and Drainage Section thirty (30) days prior to commencement of construction or issuance of the first building permit, whichever first occurs.

Bonds for roadway improvements on non-County functionally classified roadways may be posted with the municipality but must be based upon the above criterion. If the municipality holds the bond, the standard improvement agreement must be amended to reflect the municipality as the bond holder. This will create a non-standard agreement which must be approved by the County Commission. Language contained in the bond must be consistent with Section 5-184(d)(2)c) of the Broward County Land Development Code. Prior to approval of the non-standard improvement agreement, the applicant shall submit a letter from the City Engineer listing each bonded improvement, indicating which method was used to calculate the bond amount, stating that plans will be submitted to the County prior to permitting, and shall include copies of the bonds posted.

- 17) Certified corner records must be filed or verified through the County Surveyor's Office prior to plat recordation.
- 18) Plats that are required to show State Plane Coordinates will be required to show coordinate values that conform to the North American Datum of 1983 as re-adjusted in 1990. Transformation coordinate values for section corners are available from the Engineering Division.
- 19) Pursuant to Section 5-190(e)(5) of the Broward County Land Development Code, prior to plat recordation the applicant shall submit digital information as follows:
- A) If the plat was prepared using a CAD/GIS system capable of exporting "DXF" files, then the applicant shall deliver a 3-1/2" floppy diskette containing the "DXF" file for the plat containing all line and text data for the plat, including all drafting corrections and plat amendments made prior to recordation.
 - B) If the plat was prepared by hand drafting, but a coordinate geometry (COGO) computer program was used to prepare the plat, then the applicant shall deliver a 3-1/2" floppy diskette containing the COGO file for the plat containing coordinate values, point numbers, distances and directions of all lines, arcs, and radius points for the plat and parcels, including all drafting corrections and plat amendments made prior to recordation.
 - C) If the plat was prepared without the use of a computer then the applicant shall submit an affidavit signed by the surveyor of record to certify the method of preparing the plat.
- 20) Required improvements shall be completed prior to the issuance of Certificate of Occupancy, unless an agreement is approved by the County Commission phasing the installation of improvements to correspond with development phasing.
- 21) All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway.

- 22) The developer shall be responsible for the cost of relocating utilities, drainage facilities, traffic control poles, interconnect cables, and related equipment as necessary to complete required improvements.
- 23) The developer shall be responsible for the removal of all existing driveways in locations not consistent with approved openings in the non-vehicular access line and the construction of curb, gutter, and sidewalk in these openings when necessary to complete the required improvement.
- 24) PROVIDE SUFFICIENT ROADSIDE RECOVERY AREA wherever a roadway crosses or is adjacent to a body of water. In those cases where it is determined by the Public Works Department that minimum standards for sufficient roadside recovery cannot be met, guardrails must be provided. Request for this determination must be made during the preliminary review process. Where specific approval, by the Department, for use of guardrailing has not been obtained prior to County Commission review, staff recommendations shall be that only sufficient roadside recovery areas be used for construction.
- 25) All designs, construction, studies, etc., shall conform to the applicable sections of the following:
- A) United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).
 - B) State of Florida Department of Transportation:
 - 1) "Roadway and Traffic Design Standards."
 - 2) "Standard Specifications."
 - C) Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction."

In addition all designs for construction shall be certified by a Professional Engineer or Land Surveyor, registered in the State of Florida, that they meet the standards included above.

- 26) ~~Applicant must pay administrative fees for roads prior to plat recordation as required by the Broward County Land Development Code. Administrative fees in the amount of \$55,400.00 were previously paid for the underlying BRISCOMAN and MARGOLIS PLATS. With the appropriate documentation from the payee, these fees may be applied to this replat.~~
- 27) The developer is required within four months of final plat approval to either pay for or enter into an agreement and provide security for the road impact fees assessed for this plat pursuant to the Broward County Land Development Code, Section 5-182(a)(4)c)1). All of the required items necessary for the recordation of any agreement (including approval, copying and processing of the agreement and payment of any recordation fee) shall be submitted before 5:00 P.M. on the expiration date. Failure to comply with this requirement within the above time frame will cause the plat approval to expire.
- 28) ~~Prior to recordation, the applicant shall identify the name and address of an agent of record in a recorded document acceptable to the County. The Development Management Director shall notify the agent of record of the pending expiration of the County's finding of adequacy at least six (6) months prior to the date of said expiration.~~

29) Place a note on the face of the plat reading:

- 1) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **December 15, 2003**, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as **Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or**
- 2) If project water lines, sewer lines, drainage, and the rock base for internal roads are not installed by **December 15, 2003**, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

30) Place a note on the face of the plat reading:

This plat is restricted to 366,900 square feet of commercial use. Any structure within this plat must comply with Section IV D. 1. f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation. Additionally, any structure or crane over 200 feet in height requires the submittal of an FAA Form 7460.1 and possibly a permit from the Airport Office at the Florida Department of Transportation per Florida Statutes Chapter 333.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

PK

AGENDA REPORT

TO

MEETING DATE
May 18 1999

AGENDA ITEM

THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Requested Action

DELEGATION, Charlie C. Winningham regarding request to revise the non-vehicular access line on the Spielman-Margolis Replat (008-MP-96) (Deferred from April 20, 1999)

Summary Explanation and Background

A request to revise the non-vehicular access line on the plat has been filed with the Development Management Division. This plat was approved by the County Commission on December 15, 1998 for 366,900 square feet of commercial use. The property is located at the northwest corner of University Drive and Orange Drive in the Town of Davie and contains approximately 36 acres. The plat has not been recorded yet.

Mr. Winningham requests a 5 year temporary access opening approximately 70 feet west of University Drive. The applicant states that the driveway is currently being used to access existing structures on site.

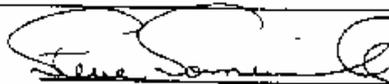
The unrecorded Spielman-Margolis Replat is a replat of the recorded Spielman Plat and Margolis Plat. The attached resolution from the Town of Davie states no objection to temporary access on the underlying Margolis Plat.

Please be advised that the Department of Planning and Environmental Protection has issued a warning notice to the property owner for the illegal dumping of construction debris. The property owner responded and requested that a extension be granted until temporary access could be obtained. A 30 day extension was granted (see attached correspondence.) Currently, access on Orange Drive and University Drive is available on the recorded underlying Margolis Plat.

This request was deferred from the April 20, 1999 County Commission meeting at the applicant's request. A deferral fee of \$115.00 is due prior to the recordation of the non-vehicular access line agreement.

Staff has reviewed this request and recommends **APPROVAL** subject to compliance with the conditions in the attached memorandum from the Engineering and Traffic Engineering Divisions.

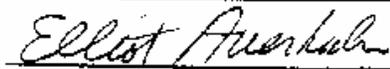
Recommended By:


 Department Director's Signature

5/17/99
 Date

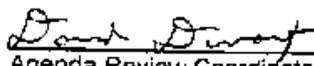
Source of Additional Information:

Elliot Auerhann


 Division Director's Signature

357-6669
 Phone

David Danovitz


 Agenda Review Coordinator's Signature

357-6621
 Phone

Exhibits Attached for Board

Documents for Document Control only

Board Action for Document Control only

MEMORANDUM

DATE: 6 May 1999

TO: Elliot Auerhahn, Director
Development Management Division

FROM: Irene Cooper, Engineer III
Development Review, Traffic Engineering Division

David Huizenga, Engineer III
Plat Section, Engineering Division

SUBJECT: Delegation Request - **SPEILMAN-MARGOLIS REPLAT (006-MP-96)**,
Amend the Non-Vehicular Access Line

The Traffic Engineering Division and the Engineering Division have reviewed the request to include a temporary 50 foot opening in the non-vehicular access line along Orange Drive, adjacent to this plat and recommend **APPROVAL** subject to the following:

AGREEMENT REQUIREMENTS

1. The applicant must prepare all necessary legal descriptions for exhibits to the agreement.
2. The applicant must fully execute a "tri-party" Amendment to the Non-Vehicular Access Line Agreement with the Town of Davie as the third party, and deliver it to the Engineering Division. The amendment should generally follow the language of the non-vehicular access line amendment agreement recorded in OR 20641-390, with specific terms following items in this report. The applicant should submit draft language to the Engineering Division for approval by the County Attorney's Office prior to execution.
3. The applicant must submit an Opinion of Title from an attorney or a Title Certificate from a title company showing the following information:
 - a. Same legal description as the affected portion of the recorded plat.
 - b. Record owner(s) name(s).
 - c. Mortgage holder(s) name(s) - If none, it should so state.
 - d. Date through which records were searched (within 30 days of submittal).
 - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.
5. The uses of the "TEMPORARY OPENING" shall be limited as follows:
 - a. To provide access to an existing, approximately 1800 square foot building located at the southeast corner of the property. The building will be restricted to office use by the owner of the property and his employees.
 - b. To provide access for the installation and maintenance of a microcell on an existing light pole on the property.

- c. For restricted maintenance of the property prior to commencement of development.
6. The "TEMPORARY OPENING" shall be closed upon the earliest to occur of the following.
- a. Construction of a driveway in a platted opening.
 - b. 90 days following the issuance of the first building permit for construction of a new building on the plat.
 - c. Issuance of the first certificate of occupancy for a new building on the property.
 - d. Two years following the date of approval of this request.

NON-VEHICULAR ACCESS LINE REQUIREMENTS

7. Exhibit "C" to the Non-Vehicular Access Line Agreement shall describe and illustrate a new non-vehicular access line along the ultimate right-of-way line for Orange Drive adjacent to this plat except at a 50 foot opening with centerline located approximately 70 feet west of the chord at the intersection with University Drive. This opening shall be **restricted to and labeled on Exhibit "C" as a "TEMPORARY OPENING"**.

PAVING AND DRAINAGE REQUIREMENTS

8. A sketch shall be submitted to the Engineering Division, Paving and Drainage Section, illustrating a reconstruction of the existing 10+/- substandard driveway incorporating the following requirements:
- a. A minimum of 24 feet of paving with an 8 inch compacted limerock base and one inch type S-III asphalt surface course.
 - b. Appropriate pavement markings and signs.
9. A permit application which must be executed by a Broward County Licensed Paving Contractor.
10. A non-refundable permit fee.

GENERAL REQUIREMENTS

11. The Traffic Engineering and Engineering Divisions recommendations for this Delegation Request may be modified for minor technical conflicts which are identified by details included in submitted construction plans.
12. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway.
13. The developer shall be responsible for the cost of relocating utilities, drainage facilities, traffic control poles, interconnect cables, and related equipment as necessary to complete required improvements.
14. Reservoir capacity sufficient to accommodate a minimum of 3 vehicles must be provided for guardhouses or gates on any driveway/roadway that intersects the trafficway. The area that provides this reservoir capacity is measured from the ultimate right-of-way line of the trafficway to the first stopping place for cars.

loaders, visitor's phones, guardhouses, etc. A reservoir area must include a space that is 12 feet wide and 22 feet long for each vehicle.

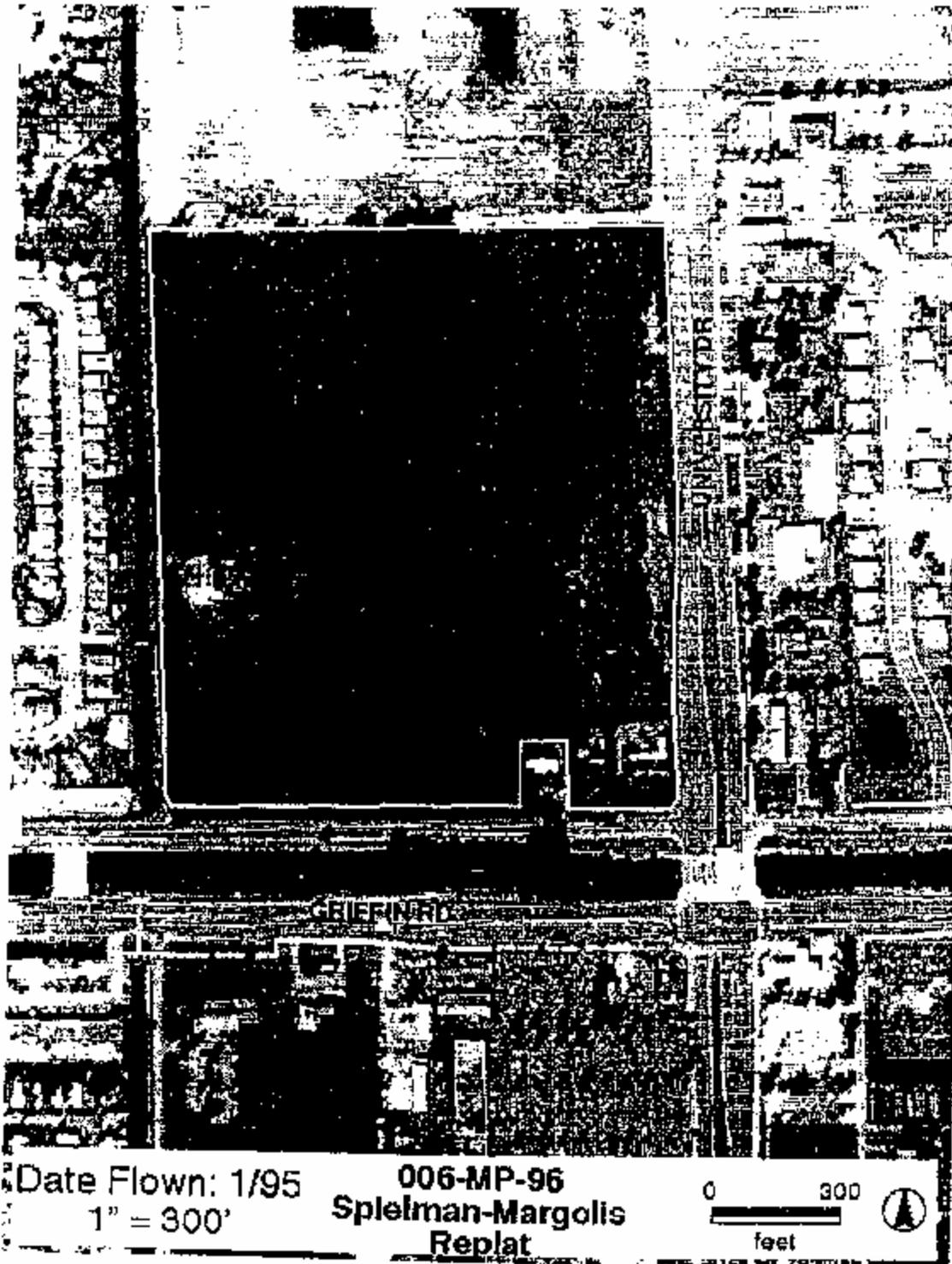
15. The developer shall prepare and deliver all required documents, ponds, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18-month time frame shall render the approval of this Delegation Request null and void.

All designs, constructions, studies, etc., shall conform to the applicable sections of the following:

- a. United States Department of Transportation: "Manual on Uniform Traffic Control Devices", (MUTCD).
- b. State of Florida Department of Transportation:
 1. "Roadway and Traffic Design Standards".
 2. "Standards Specifications".
- c. Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction".

In addition, all designs for construction shall be certified by a Professional Engineer or Land Surveyor registered in the State of Florida, that they meet the standards included above.

IC





Department of Natural Resource Protection
Division of Pollution Prevention and Remediation Programs
219 S.W. 1st Avenue
Fort Lauderdale, FL 33301

(954) 5-9-1130 • FAX (954) 735-0300

WARNING NOTICE

NAMED TO: DAVID MARGOLIS, PROPERTY OWNER RESPONDENT: DAVID MARGOLIS, PROPERTY OWNER ADDRESS: 141 NW 20 ST SUITE G-122 BOCA RATON FL 33411	LOCATION OF VIOLATION: MARGOLIS PLAT 156-388 TRACT A NW UNIV DR AND ORANGE DR DAVIE 33328 BUSINESS CONTROL #: 9050 KRR #Z 425 660 105 99 13168
DATE OF ISSUANCE: 2/23/99 DATE OF VIOLATION: 2/08/99	

Under Chapter 27 of the Broward County Natural Resource Protection Code, the Department of Natural Resource Protection has the authority and duty to control and regulate air, water and noise pollution in Broward County.

You are hereby placed on notice that the Department has reason to believe that you are presently operating in violation of Section 27-214(A) of the Code which states in part...

No person shall throw, discard, place, maintain or deposit, or suffer or allow to be thrown, discarded, placed, maintained, or deposited, any solid waste in any amount whatsoever in or on any public highway, road, street, alley, thoroughfare, or any public or private property in Broward County, or into any waters of Broward County.

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ON 2-8-99 A DNRP INSPECTOR RESPONDED TO DNRP COMPLAINT NUMBER 0299-052 AT THIS LOCATION AND OBSERVED THAT THE PROPERTY OWNER HAS ALLOWED THE DEPOSITION OF SOLID WASTE (IN THE FORM OF ASPHALT, CONCRETE RUBBLE, ROOFING TILES AND OTHER ASSORTED ROOFING MATERIALS) IN THE SOUTHWEST REGION OF THE PROPERTY. RESPONDENT SHALL REMOVE THE SOLID WASTE FROM THE PROPERTY, DISPOSE OF IT AT AN APPROVED LOCATION AND PROVIDE DNRP WITH WRITTEN DOCUMENTATION ATTESTING TO ITS PROPER DISPOSAL WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE.

Accordingly, you are hereby advised to rectify and respond to the aforesaid violation no later than 30 days after receipt of this notice.

PAGE 1 OF 3

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS — An Equal Opportunity Employer and Provider of Services
Commissioners: Scott Cowan, Jeffrey Sussburger, Allan Jacobs, Rene Lieberman, Lon Nance, Pamela Laine Register, J
Visit us on the Internet: www.co.broward.fl.us/dnrp

WARNING NOTICE (CONTINUED)

MAILED TO	DAVID MARGOLIS, PROPERTY OWNER	LOCATION OF VIOLATION:
RESPONDENT	DAVID MARGOLIS, PROPERTY OWNER	MARGOLIS PLAT 158-158 TRACT A
ADDRESS	141 NW 26 ST SUITE 3-110	NW UNIV DR AND ORANGE DR
	BOCA RATON FL 33431	DAVIE 33120
DATE OF ISSUANCE:	2/23/99	BUSINESS CONTROL # 9051
DATE OF VIOLATION:	2/08/99	RER #Z 428 560 105
		99 13168

Failure to comply may result in the issuance of a Notice of Violation and a Hearing to assess Civil Penalty. Should it be determined at the Hearing that a violation has occurred and the respondent is a responsible party, a commensurate Civil Penalty in an amount up to \$15,000.00 shall be recommended for each day or portion thereof during which the violation occurred.

Your response and/or any questions concerning this Warning Notice should be directed to BRET C MAXWELL 954-919-1467 at the above address.

Sincerely,

Steve Somerville - Director

By:

R G Wilkins 2-23-99

Richard G. Wilkins, Director
Division of Pollution Prevention and Remediation Programs

=

PAGE 2 OF 2

SHULTS & BOWEN LLP

ATTORNEYS AND COUNSELLORS AT LAW
A FIRM PART OF THE PROFESSIONAL ASSOCIATION

WEST TOWER CENTER
SUITE 2000
ONE EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 764-3300
FAX (954) 764-3300

February 23, 1999

Mr. Brent C. Maxwell
Natural Resource Specialist II
Environmental Response Group
Department of Natural Resource Protection
Pollution Prevention and
Remediation Programs Division
3118 SW First Avenue
Fort Lauderdale, FL 33301

Re: Draft Response and Investigator's Report for Complaint No. 0299-057

Dear Mr. Maxwell:

Our law firm represents Mr. David Margolis and Mr. Alan Margolis, owners of the property located at 7911 Orange Drive, Davie, Florida 33314 (the "Subject Property"). Thank you for speaking with me on Thursday, February 18, 1999 and for faxing to me the draft investigator's report for the above-referenced complaint. We have reviewed your draft report with our client and we have the following comments and corrections for your report.

Please note that in line 19 of paragraph 1 of the Investigator's report, you suggest that Mr. Alan Margolis permitted dumping to take place on the Subject Property and that he intended to use the dumped material as fill on the property. Please note that this assertion is incorrect. At no time did Mr. Margolis or any representative of the property owner permit illegal dumping at the Subject Property. In fact, Mr. Margolis specifically prohibited such illegal activity. However, Mr. Margolis has witnessed illegal dumping on the subject Property by *Paul Bange Roofing Company located at 3801 Mayo Street, Hollywood, FL 33023*. A representative of Paul Bange Roofing Company recently represented to our client that his company dumped several loads at the Subject Property. Accordingly, we request that Mr. Paul Bange, owner of Paul Bange Roofing Company, be served a copy of the warning notice that you mentioned during our prior telephone conversation.

AMSTERDAM

FORT LAUDERDALE

LONDON

MIAMI

ORLANDO

TALLAHASSEE

WEST PALM BEACH

ARUNTS & BOWEN LLP

Mr. William Maxwell
Natural Resource Specialist II
Environmental Response Group
Department of Natural Resource Protection
Pollution Prevention and
Remediation Programs Division
February 23, 1999

As previously indicated, our client will work with the Broward County Department of Natural Resource Protection to the greatest extent possible in order to resolve any outstanding environmental concerns at the Subject Property. However, please note that at this time the property owner has no legal access to service or clean up the subject property. All access to the property has been restricted and prohibited by Broward County and the Town of Davie as a result of a non-vehicular access line recorded on a plat of the property. We have been informed that efforts to achieve temporary access must be approved by the Town Council and the County Commission. We have begun that process and expect it to take 3-6 months. Therefore, we request a minimum of ninety (90) days to obtain legal access to the property and to commence clean up of any outstanding environmental conditions. Please issue an order granting such an extension of time to conduct remedial activities.

Thank you for again for your cooperation and attention in this regard, and please contact me if I may be of additional assistance to you on this matter.

Yours very truly,



Stephen K. Tilbrook

SKT/drs

cc. David Margolis
Alan Margolis
George I. Platt, Esquire

FL08 1997 083

SHUTTS & BOWEN LLP DIVISION OF NATURAL
RESOURCE PROTECTION

ATTORNEYS AND COUNSELLORS AT LAW
MEMBERSHIP IN THE PROFESSIONAL REGULATION

99 MAR 26 AM 8:10

FIRST UNION CENTER
SUITE 2000
100 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 524-1335
FACSIMILE (954) 524-1336

STEPHEN K. TILBROOK
DIRECT LINE (954) 524-1335
stibrook@shutts-law.com

March 25, 1999

Mr. Brett Maxwell
Department of Natural Resource Protection/
Division of Pollution Prevention and Remediation Programs
218 S.W. 1st Avenue
Fort Lauderdale, Florida 33301

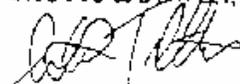
RE: Warning Notice for Properties Located at corner of Orange Drive and University Drive

Dear Mr. Maxwell:

As you know, our law firm represents Mr. David Margolis with regards to the above referenced properties. This letter is in reference to the warning notice for potential violations of Broward County Code at the property located at the corner of Orange Drive and University Drive. Pursuant to our prior conversations, our client is taking all reasonable efforts to obtain access to the above referenced property for the purpose of removing excess fill and other materials at the property. We are scheduled to meet at the site on Monday, April 5 at 3:00 p.m. in order to discuss which fill must be removed and to identify the responsible parties for removing the fill. Accordingly, we hereby request a thirty (30) day extension of time in order to achieve compliance at the above referenced property. Please forward to my attention the thirty (30) day extension as soon as possible.

Yours very truly,

SHUTTS & BOWEN, LLP



Stephen K. Tilbrook

SKT,jas
cc: Alan Margolis

FTL99 042511 - JAS

AMSTERDAM FORT LAUDERDALE LONDON MIAMI ORLANDO TALLAHASSEE WEST PALM BEACH



Department of Natural Resource Protection
 Division of Pollution Prevention and Remediation Programs
 212 S. W. 1st Avenue
 Fort Lauderdale, FL 33301
 (954) 347-1220 • FAX (954) 347-1172

Request for Extension of Compliance Date on Warning Notice

Or

Compliance/Closure of Warning Notice

Today's Date: 3-29-99

SEQ Number: 99-13168

Facility: DAVID MARGOLIS, PROPERTY OWNER

Action Requested (check one)

Extension: Compliance: Closure:

NEW Compliance Date: 4-29-99

Reason for the Action: RESPONDENT HAS REQUESTED A 30-DAY EXTENSION
BECAUSE OF PROPERTY ACCESS COMPLICATIONS

Inspector's Name: BRET C MAXWELL Date: 3-29-99

Supervisor's Name: Nicholas F. Kuntz Date: 3/29/99

Division Director's Approval: R. J. Williams Date: 3/29/99

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS — An Equal Opportunity Employer and Provider of Services
 James B. Brown III, Scott Cowan, Suzanne N. Guntzburger, Kristin D. Jarras, Irene Lieberman, Lori Nemes Parnis, John E. Rodden, Jr.
 Visit us on the Internet: www.co.broward.fl.us/dnr

Application to Change or Waive Requirements of the Broward County Land Development Code

INSTRUCTIONS:

This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

ROADWAY RELATED

1. Non-Vehicular Access Lines
2. Roadway Improvements (such as turn lanes, busbays, traffic signals, etc.)
3. Right-of-way Dedications
4. Sidewalks and Paved Access
5. Design Criteria

NON-ROADWAY RELATED

6. Design Criteria
7. Waste Water Disposal / Source of Potable Water
8. Fire Protection
9. Parks and/or School Dedications
10. Impact Fees
11. Environmental Impact Report
12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION

Plat / Project Name: SPIELMAN-MARGOLIS REPLAT

Project Number: 006MPS6 Plat Book - Page: UNRECORDED (if recorded)

Owner / Applicant: DAVID R. MARGOLIS & STANLEY SPIELMAN Phone: 523-0605

Address: 141 N.W. 20th Street, Suite G-122, Boca Raton, FL 33431

Agent: C.C. WINNINGHAM CORPORATION

Contact Person: CHARLIE C. WINNINGHAM II Phone: (954) 772-2640

Address: 1040 North East 45th Street, Oakland Park, FL 33334

PROPOSED CHANGES

Use the space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).

Staff Recommendation No's: 2-B

Land Development Code Citation(s): _____

Have you contacted anyone in County Government regarding this request? Yes ___ No X

If yes, indicate name(s), department, and date: _____

Narrative explaining proposed changes in detail including the desired result, and justification for the request (attach additional sheet if necessary):

5 year temporary access to cross the non-vehicular access line at an existing driveway 70' more or less, West of the Southerly terminus of the corner chord at University Drive and Orange Drive (see letter from Town of Davie). This request ~~will~~ affects the recorded Margolis plat (156-38) but will in the future affect the Spielman-Margolis replat 006MPS6.

Please see the reverse side of this form for Required Documentation and Owner/Agent Certification

REQUIRED DOCUMENTATION

All requests listed under INSTRUCTIONS on the reverse side of this form must include the following:

- Letter from the applicable municipality stating their position on this request.
- Four (4) folded copies of the approved, or recorded plat, a survey and site plan may be accepted for single lot and duplex applications. Please consult with Development Management Staff.
- A check made payable to the Broward County Board of County Commissioners for the application fee if applicable. Please consult the Development Permit Application Fee Schedule.

For ROADWAY RELATED items (1 through 5) listed under INSTRUCTIONS on the reverse side of this form, the following additional documents are required:

- Four (4) folded copies of the proposed site plan which shows at a minimum: the onsite traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). If the site plan has not been prepared, four folded (4) copies of a drawing which clearly illustrates the proposed changes may be accepted if, in the judgment of staff, the drawing demonstrates the rationale for the request. The site plan or drawing must provide relevant dimensions and must be drawn to scale.
- Letter of conceptual approval or a permit from the Florida Department of Transportation - Access Management Section, if project is located on a State Road.

For NON-ROADWAY RELATED items (6 through 12) listed under INSTRUCTIONS on the reverse side of this form, please consult with Development Management Staff for a determination of any additional required documentation.

OWNER / AGENT CERTIFICATION

State of FLORIDA County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by the owner/agent.

Signature of owner/agent: Christie C. Huntington

Subscribed and sworn to before me on 3-22-99 by _____

He/she is personally known to me or has presented _____ as identification.

Notary Public: Betty Goodman
 Type or Print Name: Betty Goodman
 MY COMMISSION # CC22645 EXPIRES June 29, 2002
 COMMISSION # CC22645 EXPIRES June 29, 2002
 COMMISSION # CC22645 EXPIRES June 29, 2002
 Commission No. _____

FOR DEVELOPMENT MANAGEMENT USE ONLY

Application Date: 3/22/99 Time: 4:00 p.m. C.C. Mtg Date: 4/20/99

Fee \$ 710.00 Plats Site Plans/Drawings City Letter FDOT Letter

Other Attachments (Describe): Surveys (4)

Title of Request: Amend NVAL

Distribute to: Eng. T.E. Other: Mass, 421134 Other: _____ Other: _____

Comments: _____

Received by: [Signature]

Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109
Davie, Florida 33314

Neal R. Kalis
M. Scott Kleiman

Telephone (954) 791-0477
Fax (954) 791-0556

March 17, 1999

Mr. C. C. Winningham
1040 NE 45th Street
Oakland Park, FL 33334

VIA FAX (938-9072)
ORIGINAL NOT SENT

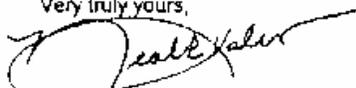
RE: Margolis Plat Delegation Request
Our File No. 99-2572NK

Dear Mr. Winningham:

The Davie Town Council unanimously approved the delegation request for a five year temporary access on Orange Drive at its meeting of March 16, 1999. The original of the Town Council Resolution will be forwarded to you for delivery to Broward County.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Neal R. Kalis

NRK/buc
margolis.winningham

cc: Mr. Alan Margolis (Via Fax 561-338-9865)

RESOLUTION 8-99-92

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE MARGOLIS PLAT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat of the subdivision, known as MARGOLIS PLAT was approved by the Town of Davie on April 14, 1992, and recorded in the public records of Broward County on August 16, 1994; and

WHEREAS, the owners desire to revise the access openings associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve, with conditions, of the proposed revision to the access openings shown on the MARGOLIS PLAT. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

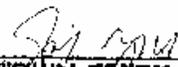
SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 16th DAY OF MARCH, 1999.



MAYOR/COUNCILMEMBER

ATTEST:



TOWN CLERK

APPROVED THIS 16th DAY OF MARCH, 1999.

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM

PZ 03-07-99

03/17/99 COUNCIL AGENDA ITEM

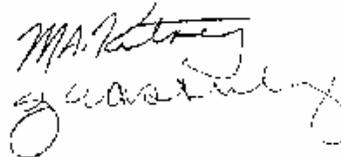
TO: Robert Rawls, Interim Town Administrator

THRU: Mark Kutney, AICP, Development Services Director

BY: Gayle Easterling, AICP, Planning & Zoning Manager

DATE: March 3, 1999

RE: Margolis Plat Revision

Handwritten signatures of Mark Kutney and Gayle Easterling. The signature of Mark Kutney is written above the signature of Gayle Easterling.

The attached resolution authorizes a revision to the non-vehicular access line for a temporary access on Orange Drive just west of University Drive, within the Margolis Plat, for office or agricultural use with a five (5) year limitation. The subject site is 16.2 acres in size and located on the northwest corner of University Drive and Orange Drive.

2/16/99

2/17/99 EXHIBIT A
1003

RECEIVED
JAN 29 1999
TOWN OF DADE
PLANNING & ZONING DEPARTMENT

Broward County Department of Strategic Planning and Growth Management
Development Management Division

**Application to Change or Waive
Requirements of the Broward County Land Development Code**

INSTRUCTIONS:

This form is used to apply for changes or waivers in requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

ROADWAY RELATED

1. Non-Vehicular Access Lines
2. Roadway Improvements (such as turn lanes, busways, traffic signals, etc.)
3. Right-of-way Dedications
4. Sidewalks and Paved Access
5. Design Criteria

NON-ROADWAY RELATED

6. Design Criteria
7. Waste Water Disposal / Source of Potable Water
8. Fire Protection
9. Parks and/or School Dedications
10. Impact Fees
11. Environmental Impact Report
12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION

Plot / Project Name: MARGOLIS PLAT

Project Number: 065NP9L Plat Book - Page: 156/38 (if recorded)

Owner / Applicant: DAVID MARGOLIS, ET AL Phone: 561-338-3426

Address: 141 NW 20th Street, Suite C-122, Boca Raton, FL 33431

Agent: C.E. Winingham Corporation

Contact Person: Charlie C. Winingham II Phone: 954-772-2640

Address: 1040 North East 45th Street, Oakland Park, Florida 33334

PROPOSED CHANGES

Use the space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).

Staff Recommendation No's: _____
Land Development Code Citation(s): _____

Have you contacted anyone in County Government regarding this request? Yes ___ No X
If yes, indicate name(s), department, and date: _____

Narrative explaining proposed changes in detail including the desired result, and justification for the request (attach additional sheet if necessary):
We are requesting, on a temporary basis, to cover the non-vehicular access line on the above captioned plot at the existing driveway. The description of which is 20 feet West of the boundary, beginning at the corner of the driveway and extending to the West.

EXHIBIT "A"

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

DATE: March 3, 1999

REFERENCE: Plat Book 156, Page 36

PLAT NAME: Margolis Plat

APPLICANT: Charlie C. Winningham, petitioner
David Margolis, owner

ANALYSIS: Land Use/Zoning: Commercial / B-2
Location: Generally located at the northwest corner of University Drive and Orange Drive

The Margolis Plat was approved by the Town of Davie on April 15, 1992, and recorded in Plat Book 156, Page 38 of the public records of Broward County on August 16, 1994.

The applicant proposes to amend the non-vehicular access line as follows:

1. On Orange Drive, provide a temporary 50 foot opening with the centerline approximately 70 feet west of the southerly terminus of the corner chord at the southeast corner of Tract A. The opening shall be limited to a maximum period of five (5) years from the date of County approval with use of the site limited to office uses within the existing building as permitted by the B-2 zoning district designation or agricultural uses only.

A copy of the County delegation request is attached as Exhibit "AA" and copy of the plat is attached as Exhibit "BB".

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the proposed revision.

56-28

MARCOLIS PLAT

A REPORT OF A POSITION OF PART 18, IN PART 5, GROUP 1
OF SECTION 28, CHAPTER 30, STATUTE, PART 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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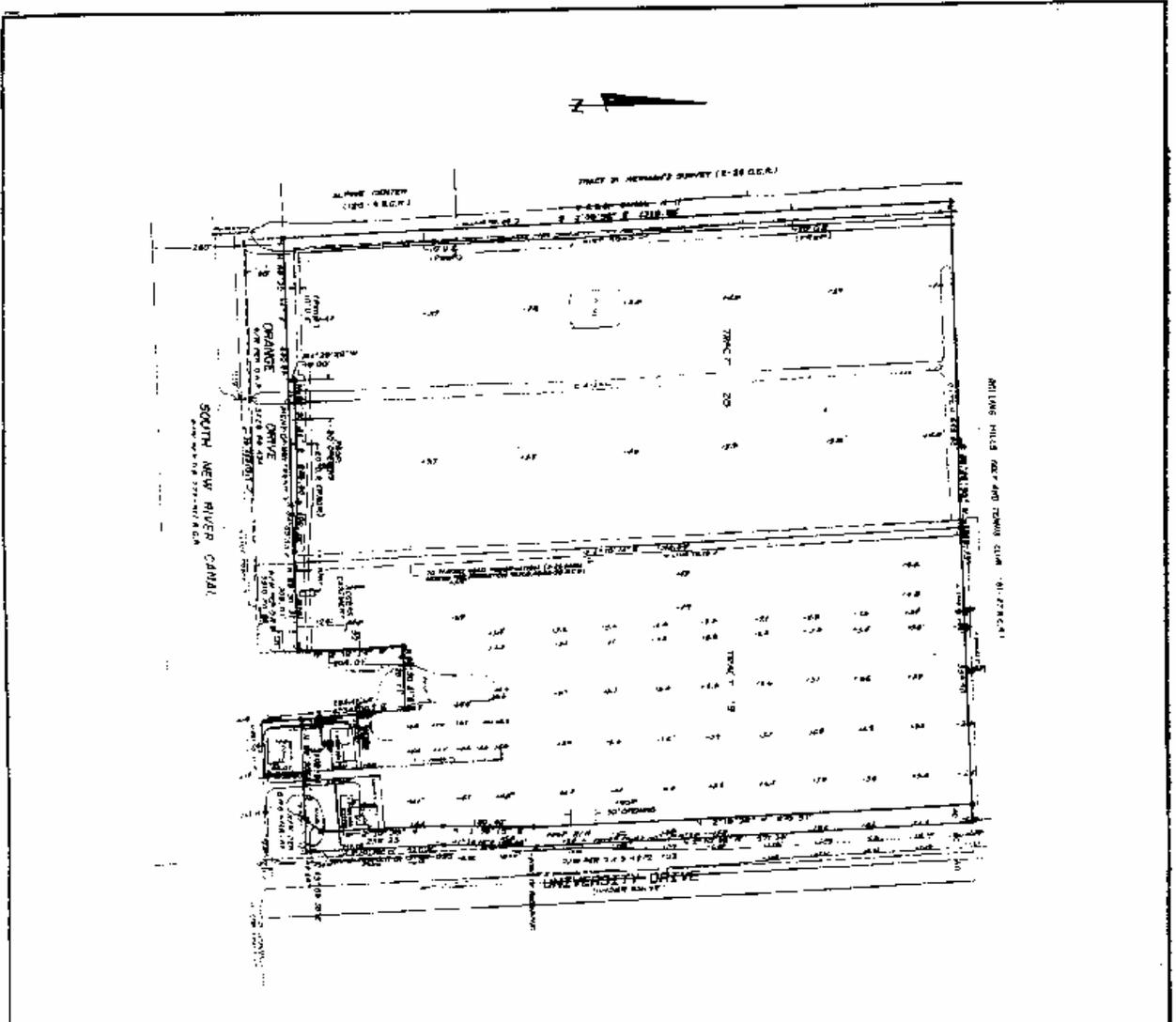
MARCOLIS PLAT

RECORD BOOK PAGE 11

EXHIBIT C

LEGAL DESCRIPTION

Tract A of the SPIELMAN –MARGOLIS REPLAT
as recorded in Plat Book 168, Page 46 of the Public
Records of Broward County, Florida.



DEWING HILLS MAP COMPANY, INC. 101-2701-2411

NOTES
 1. THIS IS A QUANTILE SURVEY.
 2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 3. ALL BEARINGS ARE TRUE BEARINGS.
 4. ALL CORNERS ARE BENCHMARKS.
 5. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
 6. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE CANAL.

DATE	12-28-1951
BY	ALPHA CENTER
FOR	UNIVERSITY DRIVE
SCALE	1" = 100'
DATE	12-28-1951

LAND SURVEY OF
 SECTION 28, T4N, R12E, CO. HERMAN'S SURVEY, N. 30TH
 TOWNSHIP, 28TH RANGE, S.W. 1/4, SEC. 28, T4N, R12E, CO. 10
 IN THE COUNTY OF DEWING, MISSOURI

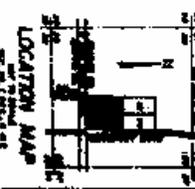
C.C. WINDHAM CORPORATION
 101-2701-2411

DEED
 THIS IS TO CERTIFY that the above and the same are the true and correct copies of the original plat as recorded in the office of the Recorder of Deeds for the County of Dewing, Missouri, on the 28th day of December, 1951, in Book 10, Page 107.

RECORDED
 12-28-1951

RECORDER OF DEEDS
 DEWING COUNTY, MISSOURI

DESCRIPTION
 This is to certify that the above and the same are the true and correct copies of the original plat as recorded in the office of the Recorder of Deeds for the County of Dewing, Missouri, on the 28th day of December, 1951, in Book 10, Page 107.



SPIELMAN-MARGOLIS REPLAT

A REPLAT OF TRACT A, SPIELMAN PLAT 196 PG 378C RUND TRACT A MARGOLIS PLAT 196 PG 38B(CR)
 IN SECTION 26, TOWNSHIP 59 SOUTH, RANGE 41 EAST
 TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

C. C. Whitmore, Inc.
 404 Northwest 81st Street
 Fort Lauderdale, Florida 33304
 TEL. 124

PLAT BOOK 119 PAGE 11
 SHEET 2 OF 2

DEDICATION

THE STATE OF FLORIDA, COUNTY OF BROWARD, BEING THE PLACE WHEREIN THE LANDS HEREIN DESCRIBED ARE SITUATED, DO HEREBY CERTIFY THAT THE LANDS HEREIN DESCRIBED ARE THE PROPERTY OF THE STATE OF FLORIDA, COUNTY OF BROWARD, AND ARE HEREBY DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA, COUNTY OF BROWARD, AND ARE HEREBY SET APART AS A PUBLIC TRAIL, TO BE KEPT OPEN AND AVAILABLE TO THE PUBLIC AT ALL TIMES, AND TO BE SUBJECT TO THE CONTROL AND MANAGEMENT OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BROWARD, FLORIDA, AND TO BE SUBJECT TO THE CONTROL AND MANAGEMENT OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BROWARD, FLORIDA, AND TO BE SUBJECT TO THE CONTROL AND MANAGEMENT OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BROWARD, FLORIDA.

WITNESSED my hand and the seal of the County of Broward, Florida, this 1st day of August, 1968.

(Signature)
 COUNTY CLERK

ACKNOWLEDGEMENT

I, *(Name)*, of the County of Broward, State of Florida, do hereby certify that the lands herein described are the property of the State of Florida, County of Broward, and are hereby dedicated to the public use of the State of Florida, County of Broward, and are hereby set apart as a public trail, to be kept open and available to the public at all times, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida.

MORTGAGEE APPROVAL

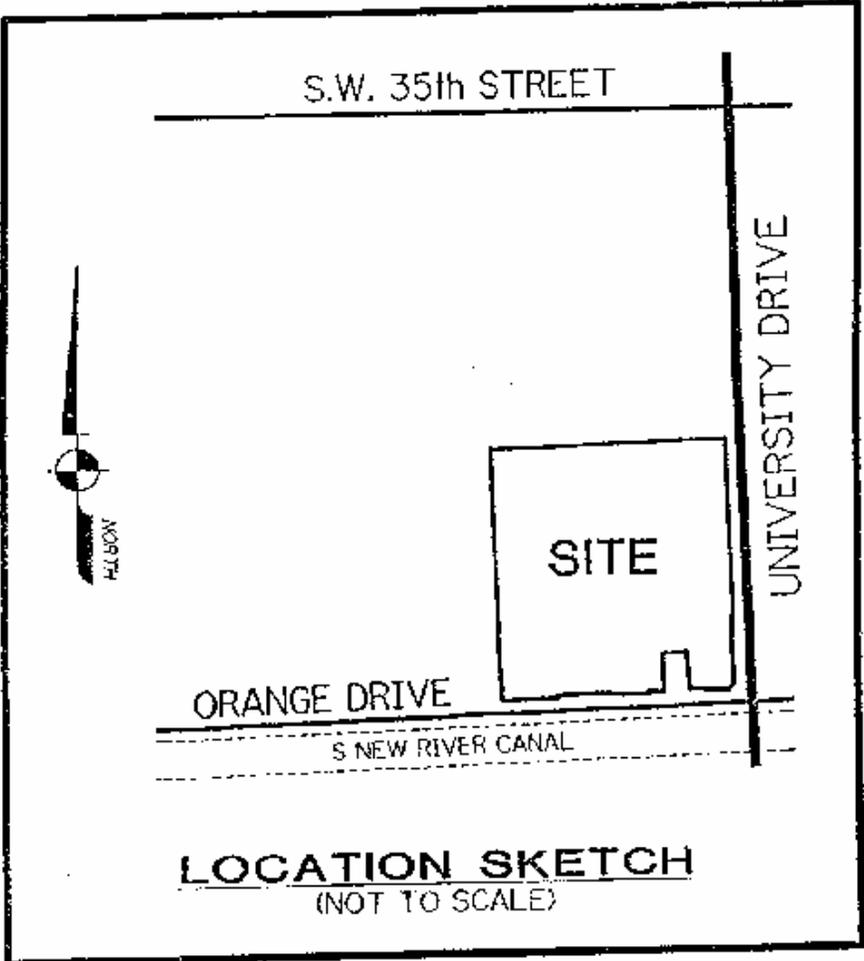
I, *(Name)*, of the County of Broward, State of Florida, do hereby certify that the lands herein described are the property of the State of Florida, County of Broward, and are hereby dedicated to the public use of the State of Florida, County of Broward, and are hereby set apart as a public trail, to be kept open and available to the public at all times, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida.

ACKNOWLEDGEMENT

I, *(Name)*, of the County of Broward, State of Florida, do hereby certify that the lands herein described are the property of the State of Florida, County of Broward, and are hereby dedicated to the public use of the State of Florida, County of Broward, and are hereby set apart as a public trail, to be kept open and available to the public at all times, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida, and to be subject to the control and management of the Board of County Commissioners of the County of Broward, Florida.



EXHIBIT D



LOCATION SKETCH
(NOT TO SCALE)

EXHIBIT E



Form JW-13
Rev. 06/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 06-03326-P
DATE ISSUED: OCTOBER 11, 2001

PERMITTEE: BIG ORANGE DEVELOPMENT LTD THE
(UNIVERSITY PARK OF TECHNOLOGY)
C/O MARGOLIS ENTERPRISES, 141 NW 20TH STREET, SUITE G12
BOCA RATON, FL 33431

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 36.08 ACRE COMMERCIAL DEVELOPMENT KNOWN AS THE UNIVERSITY PARK OF TECHNOLOGY.

PROJECT LOCATION: BROWARD COUNTY, SECTION 28 TWP 60S RGE 41E

PERMIT DURATION: Five years to complete construction of the surface water management system from the date issued. Conceptual Approval is valid for two years from the date issued. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 010412-B, dated April 11, 2001. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 3 OF 8 (15 SPECIAL CONDITIONS).
SEE PAGES 4 - 6 OF 8 (19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON ORIGINAL SIGNED BY:
JENNIFER KRUMLAUF
BY _____
DEPUTY CLERK

Original signed by
TONY BURNS
By _____
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 8 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: 6.5 FEET NGVD.
3. DISCHARGE FACILITIES:
 - 1-4' WIDE SHARP CRESTED WEIR WITH CREST AT ELEV. 7.5' NGVD.
 - 1- 5' W X .92' H TRIANGULAR ORIFICE WITH INVERT AT ELEV. 3' NGVD.
 - 24 LF OF 1.5' DIA. REINFORCED CONCRETE PIPE CULVERT.

RECEIVING BODY : CBDD CANAL

CONTROL ELEV : 3 FEET NGVD. /3 FEET NGVD DRY SEASON.
4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE TOP SOILED AND STABILIZED THROUGH SEEDING OR PLANTING FROM 2 FEET BELOW TO 1 FOOT ABOVE THE CONTROL ELEVATION TO PROMOTE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF BIG ORANGE DEVELOPMENT, LTD.
10. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
11. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
12. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXTETING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
-----------------	----------

NOVEMBER 12, 2001 SUBMIT RECEIPT OF PAYMENT OF 2.3 CREDITS FROM THE
LOXAHATCHEE MITIGATION BANK

13. NO LATER THAN NOVEMBER 12, 2001 AND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION IN WETLANDS, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT'S POST PERMIT COMPLIANCE STAFF, DOCUMENTATION 2.3 CREDITS HAVE BEEN DEBITED FROM THE LOXAHATCHEE MITIGATION BANK LEDGER BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).
14. SILT SCREENS, TURBIDITY BARRIERS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AROUND THE FILLING OF 0.20 ACRES OF OTHER SURFACE WATERS AND THE CONSTRUCTION OF THE RETAINING WALLS (REFER TO EXHIBIT 5).
15. PRIOR TO DEVELOPMENT OF THE OUTPARCELS, A PERMIT MODIFICATION WILL BE REQUIRED. PLANS AND CALCULATIONS SHALL BE SUBMITTED TO DEMONSTRATE THAT THE PROPOSED PROJECTS PROVIDE ONE HALF INCH OF DRY PRETREATMENT PRIOR TO OVERFLOW INTO THE MASTER SYSTEM, AND THAT THE PROJECTS MEET THE LAND USE AND SITE GRADING ASSUMPTIONS MADE IN THIS APPLICATION.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTER SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE, UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST

PERMIT NO: 06-03326-P

PAGE 5 OF 6

FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920, THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.

8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.

13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

ENVIRONMENTAL RESOURCE PERMIT

CHAPTER 40E-4 (10/95)

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a drilled review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (fetter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.112 F.S. Law Implemented 373.413, 373.416, 373.419, 373.425 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 18X-4.07(4), Amended 7-1-86, 4/20/94, Amended 1-1-86, 4/20/94, 10-3-95

EXHIBIT F

Arrowhead Golf Course 8201 Southwest 24 Street
This site contains an 18-hole golf course, clubhouse and two tennis courts. The golf course consists of approximately 150 acres.

Berman Park 5801 Southwest 58 Avenue
This park is approximately three acres in size, and includes paddleball courts, playground equipment, picnic areas and a small community center. The rear section of the park is not developed.

Camp Seminole 3301 Southwest 142 Avenue
This approximate 120-acre recreational area is owned and operated by the Boy Scouts of America, deed restricted for passive recreational use. Facilities include campgrounds and hiking trails.

C-11 Canal Bank Orange Dr. (btwn Turnpike and Flam.)
The Town maintains gazebos, fishing piers, bicycle and bridle paths, a canoe landing facility, and landscaping along the C-11 canal; classified as a resource park. The canal bank is controlled by the South Florida Water Management District and consists of approximately 36 acres.

Driftwood Estates 3300 Northwest 77 Avenue
This site is approximately 5 acres in size and is developed with a children's play area, shelter with picnic tables and grills, paddleball courts, softball field, tennis courts and restrooms.

Eastside Community Hall 4300 SW 55 Avenue
This 0.3 acre facility, owned by the Town, consists of an activity building for community functions and special events, and includes restroom facilities.

Flamingo Elementary School 1130 Southwest 130 Avenue
This 5.9 acre facility is leased from the Broward County School Board on an annual basis. The facilities at this site include a basketball court, three playground areas, softball and baseball fields and an outdoor classroom.

Flamingo Gardens ESL 3770 Flamingo Road (SW 124 Avenue)
The Flamingo Road Environmentally Sensitive Land Site is a natural treasure recently purchased by Broward County in an effort to preserve its natural attributes. This 155 acre site is a haven for wildlife, a preserve of diverse plant communities, and a refuge for visitors. This ESL's significance derives from its possession of archaeological, historical and ecological resources; including an oak hammock, an 18-acre wetland, and open water lakes.

Ivanhoe FPL Easement 6801 SW 148 Avenue
This 14.47-acre site is currently undeveloped.

Ivanhoe Park 6101 Southwest 148 Ave.
This 3.3 acre parcel is the site of the Ivanhoe Community Center. The center includes meeting and activity rooms.

Ivanhoe Linear Park Ivanhoe development
This linear park consists of approximately 25 acres of Florida Power and Light transmission easement approximately 200 feet in width. This easement traverses the southern portion of the Ivanhoe development, on both the east and west sides of I-75. It is considered a resource park due to the passive use contemplated.

Lange Park

6500 Southwest 47 Street

The .8 acre park facility is resource oriented. The developed portion of the site contains picnic tables, grills, and an open play area.

Oak Hill Equestrian Park

3100 Southwest 130 Avenue

This approximate 10-acre facility includes equestrian trails, practice area for horsemen, pavilion with picnic tables and grills, children's play area, multi-activity field area, and restrooms. This active park was developed with a grant from the State of Florida Department of Natural Resources, and opened in June 1983.

Orange Park

841 Southwest 133 Avenue

This facility is an approximate 1/2-acre neighborhood park located within the Orange Park Mobile Home Subdivision. The site contains a community center building.

Pine Island Park

SW 92 Ave. & SW 36 St.

The 38-acre site is an active park, which houses a municipal pool facility, community center building, concessions, restrooms, 2 baseball/softball fields, and 2 football/soccer fields.

Pine Island Ridge ESL

This Environmentally Sensitive Land Site was recently purchased by Broward County in an effort to preserve its important natural characteristics. This 101 acre site is used as an area of passive recreation and education, and contains equestrian, nature and pedestrian/bike trails.

Potter Park

4250 Southwest 57 Terrace

This site consists of approximately 3.7 acres and includes a children's play area, picnic pavilion, paddleball court, basketball area, lighted softball field, and concession stand. This active park site was developed with Community Development Block Grant funds in 1976.

Reflections

4200 Alpine Woods Road

Reflections is a small park area. This 4.46-acre site contains play area equipment for recreational use.

Robbins Lodge

4005 Hiatus Road

Robbins Lodge is a sprawling 160 acre site, purchased through an Open Space Bond Issue. It contains an activity building, pavillions, picnic areas and restrooms.

Rodeo Arena

6550 Southwest 42 Street

The arena is part of the 10-acre recreational facility located behind the Town Hall complex. The facility contains a covered arena and bleachers seating 5,000, chutes, concession stands, office/dressing room building, restrooms, a press booth/announcer stand building, and a seven acre open space area which can be used for parking or temporary carnival/festival facility improvement.

Rolling Hills Country Club 3501 West Rolling Hills Circle
The site contains two golf courses, clubhouse and hotel. The western golf course, a regulation 18 hole course, is approximately 125 acres, the eastern executive course is approximately 50 acres in size.

Shenandoah Park 14601 Southwest 14 Street
Shenandoah park is a 17-acre dedicated park site programmed for additional development (see Capital Improvements Element). The active park will contain picnic areas, ball fields and basketball courts, tennis courts, community center, jogging trail and playground equipment.

Southwest 36 Court Park 6200 block of SW 36 Court
This pocket park consists of a single lot, and contains a children's play area and basketball facility.

39th Street Ballfields 7099 Southwest 39 Street
This six acre site is part of Davie Elementary School and contains two lighted baseball/softball fields, and concession/restroom building. Leased to the Town (40-year lease).

Tree Tops Park 3900 SW 100 Avenue
This site is a 257-acre resource-based regional park, owned and operated by Broward County. This facility includes picnic areas and shelters, volleyball courts, horse shoe rings, equestrian and nature trails, water oriented sports, children's play areas, administrative/meeting room building, nature observation tower and open space areas.

Veterans' Park 5950 SW 39 Street
This approximate 15-acre site offers picnic areas, sitting areas, and lakeside fishing. The park is considered a resource-oriented facility.

Waterford Park 5825 W. Waterford Drive
This is a 5-acre active park located within the Ivanhoe development. The facilities at the site include picnic areas, shelters, children's play area, baseball/softball field, basketball courts, paddleball court, and tennis courts.

Waverly 100 6625 Hawkes Bluff Avenue
Waverly is a recently acquired park. It's area is just over 10 acres, and is currently undeveloped.

Western High School 1200 Southwest 136 Avenue
The 20-acre school site addresses active recreational needs with a softball field, baseball field, handball court, football/soccer area, tennis courts, and outdoor basketball courts. The site is leased to the Town (40-year lease).

Westridge 2900 SW 100 Avenue
The Westridge site is an undeveloped open space area of 37 acres, plus 9 additional acres of open space known as the Buckram area.

Wolf Lake 5400 SW 76 Avenue
Wolf Lake is a 50 acre area which contains a picnic area, horseback trails and is also used for fishing.

EXHIBIT G

U.S. Census Bureau

American FactFinder

Main | Search | Feedback | FAQs | Glo

DP-1. Profile of General Demographic Characteristics: 2000
 Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data
 Geographic Area: **Davie town, Florida**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datatotes/cps/s1u.htm>.

Subject	Number	Percent
Total population	75,720	100.0
SEX AND AGE		
Male	36,910	48.7
Female	38,810	51.3
Under 5 years	5,044	6.7
5 to 9 years	5,906	7.8
10 to 14 years	5,968	7.9
15 to 19 years	4,846	6.4
20 to 24 years	4,405	5.8
25 to 34 years	10,984	14.5
35 to 44 years	14,318	18.9
45 to 54 years	10,950	14.5
55 to 59 years	3,603	4.8
60 to 64 years	2,569	3.4
65 to 74 years	4,089	5.4
75 to 84 years	2,370	3.1
85 years and over	668	0.9
Median age (years)	35.5	(X)
18 years and over	55,756	73.6
Male	26,622	35.2
Female	29,134	38.5
21 years and over	53,148	70.2
62 years and over	8,592	11.3
65 years and over	7,127	9.4
Male	3,012	4.0
Female	4,115	5.4
RACE		
One race	73,866	97.6
White	65,916	87.1
Black or African American	3,454	4.6
American Indian and Alaska Native	187	0.2
Asian	2,111	2.8
Asian Indian	728	1.0
Chinese	537	0.7
Filipino	225	0.3
Japanese	65	0.1
Korean	170	0.2
Vietnamese	131	0.2
Other Asian ¹	255	0.3
Native Hawaiian and Other Pacific Islander	30	0.0
Native Hawaiian	5	0.0
Guamanian or Chamorro	5	0.0
Samoan	7	0.0
Other Pacific Islander ²	13	0.0
Some other race	2,168	2.9
Two or more races	1,854	2.4

Subject	Number	Percent
Race alone or in combination with one or more other races¹		
White	67,335	88.9
Black or African American	3,967	5.2
American Indian and Alaska Native	436	0.6
Asian	2,571	3.4
Native Hawaiian and Other Pacific Islander	91	0.1
Some other race	3,281	4.3
HISPANIC OR LATINO AND RACE		
Total population	75,720	100.0
Hispanic or Latino (of any race)	14,270	18.8
Mexican	782	1.0
Puerto Rican	3,285	4.3
Cuban	3,275	4.3
Other Hispanic or Latino	6,928	9.1
Not Hispanic or Latino	61,450	81.2
White alone	54,676	72.2
RELATIONSHIP		
Total population	75,720	100.0
In households	75,623	99.9
Householder	28,682	37.9
Spouse	14,855	19.6
Child	23,223	30.7
Own child under 18 years	18,456	24.4
Other relatives	4,053	5.4
Under 18 years	1,153	1.5
Nonrelatives	4,810	6.4
Unmarried partner	1,958	2.6
In group quarters	97	0.1
Institutionalized population	33	0.0
Noninstitutionalized population	64	0.1
HOUSEHOLDS BY TYPE		
Total households	28,682	100.0
Family households (families)	19,774	68.9
With own children under 18 years	10,523	36.7
Married-couple family	14,855	51.8
With own children under 18 years	7,655	26.7
Female householder, no husband present	3,610	12.6
With own children under 18 years	2,194	7.6
Nonfamily households	8,908	31.1
Householder living alone	6,395	22.3
Householder 65 years and over	1,809	6.3
Households with individuals under 18 years	11,308	39.4
Households with individuals 65 years and over	5,403	18.8
Average household size	2.64	(X)
Average family size	3.13	(X)
HOUSING OCCUPANCY		
Total housing units	31,284	100.0
Occupied housing units	28,682	91.7
Vacant housing units	2,602	8.3
For seasonal, recreational, or occasional use	1,027	3.3
Homeowner vacancy rate (percent)	2.6	(X)
Rental vacancy rate (percent)	5.3	(X)
HOUSING TENURE		
Occupied housing units	28,682	100.0
Owner-occupied housing units	21,940	76.5

Subject	Number	Percent
Renter-occupied housing units	6,742	23.5
Average household size of owner-occupied unit	2.74	(X)
Average household size of renter-occupied unit	2.29	(X)

(X) Not applicable

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrices P1, P3, P4, P8, P9, P12, P13, P17, P18, P19, P20, P23, P27, P28, P33, PCT5, PCT8, PCT11, PCT15, H1, H3, H4, H5, H11, and H12.

EXHIBIT H



KEITH and SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS

August 9, 2002

Barbara Hall, Esq.
Greenberg Traurig, P.A.
515 East Las Olas Boulevard
Fort Lauderdale, FL 33301

RE: Land Use Amendment Trip Rate Comparison

Dear Ms. Hall,

Below is a comparison of the land use scenarios you have provided our office demonstrating that the 2nd proposed scenario generates 353 fewer peak hour trips (24%) compared to the first approved scenario without considering the probable internalization reduction between residential and commercial uses. The trip comparison was performed for peak hour traffic using the latest Broward County trip rates.

Scenario	Land Use	Unit	County Peak Hour Trip Rate	Trips
1. Approved	Commercial	366,900 s.f.	$Ln(T) = 0.660 Ln(FA) + 3.403$	1,481
2. Proposed	Commercial	120,000 s.f.	$Ln(T) = 0.660 Ln(FA) + 3.403$ $T = 1.01 X$	708
	<u>Single Family</u>	416 Units		<u>420</u>
	Total:			1,128
Difference				353

Please call me at (954) 776-1616 ext. 350 if you have any questions.

Sincerely,

Keith and Schnars, P.A.
Engineers--Planners--Surveyors

Fadi Emil Nassar, Ph.D., P.E.
Senior project manager

cc: Andre Groenhoff

N:\DATA\AUG\ADIB\barbara hall aug9402-ph.wpl

6500 North Andrews Avenue • Ft. Lauderdale, Florida 33309-2132
(954) 776-1616 • (800) 488-1255 • Fax (954) 771-7690

EXHIBIT I



FOSTER WHEELER ENVIRONMENTAL CORPORATION

October 30, 2001

10/30/01

Mr. Steven J. Pierce
Big Orange Development Limited
111 NW 20th Street, Suite G-122
Boca Raton, Florida 33431

Subject: Loxahatchee Mitigation Bank
Executed Credit Sales Contract No. 1025
Big Orange Development

Dear Mr. Pierce:

This letter serves as confirmation that you have paid the balance to Foster Wheeler of the contract sales amount to complete the purchase of 2.3 freshwater herbaceous wetland credits at the Loxahatchee Mitigation Bank for your property consisting of 36 acres, more or less, located in Section 28, Township 50 South, Range 41 East, Broward County, Florida. Enclosed for your records is a signed receipt indicating that you have paid to Foster Wheeler the final contract amount.

Please be advised that we are in the process of submitting a request to the FDLP for withdrawal of these credits from the Bank Ledger for transfer to your project. Upon receipt from FDLP of the withdrawal approval, we will forward a copy of that correspondence for your use in demonstrating compliance with the mitigation provision of your ERP.

We truly appreciate your business. Should you have questions concerning the attached documents or other matters related to this transaction, please contact Bob Kessler at (561) 781-3411 or me at (561) 781-3412.

Sincerely,

Carl F. St. Clair, P.E.
Assistant Project Manager

Enclosures

cc (w/o enclosures): Tom Cuba, Delta Seven
R. Kessler



270 SOUTH FLORIDA HIGHWAY, SUITE 100, BOCA RATON, FL 33494-2916
TEL: 561 781-3410 FAX: 561 781-3411



FOSTER WHEELER ENVIRONMENTAL CORPORATION

October 30, 2001

Ms. Victoria K. Tauxe
Florida Department of Environmental Protection
Bureau of Submerged Lands and Environmental Resources
MS 2500
2600 Blair Stone Road
Tallahassee, FL 32399-2400

OCT 31 2001

SUBJECT: Loxahatchee Mitigation Bank
Request for Withdrawal of Mitigation Credits
Big Orange Development, Contract #1023

REF: Environmental Resource Permit No. 0140969-001, and
Specific Condition 19 – Mitigation Credit Withdrawal

Dear Ms. Tauxe:

This letter is a request for withdrawal of 2.3 freshwater herbaceous credits from the Credit Ledger for the Loxahatchee Mitigation Bank in association with commercial development known as University Park of Technology project in Broward County, Florida. This request is made under the provision of Specific Condition 19 of our approved Environmental Resource Permit. In support of this request, the following information is provided:

- ◆ Impact Permittee: Big Orange Development Ltd. (University Park of Technology)
- ◆ ERP No. 06-03326-P, issued October 11, 2001
- ◆ ERP Processor: Barbara Combi, Phone (561) 682-6937
- ◆ Mitigation Requirement: 2.3 freshwater herbaceous credits

Attached is our updated "draft" credit ledger reflecting the requested withdrawal transaction. Copies of the salient pages from the impact project permit also are attached.

We appreciate your consideration of this credit withdrawal request. If you have any questions about this request, please contact me at (561) 781-3412.

Sincerely,

Carl F. St. Cin, P.E.
Assistant Project Manager

attachments

cc: Heather Carmon, SFWMD Compliance
Tom Cuba, Delta Seven
Steven Pierce, Big Orange



759 SOUTH FEDERAL HIGHWAY, SUITE 100, STUART, FL 34994-2936
TEL: 561-781-3400 FAX: 561-781-3411

DRAFT

ATTACHMENT F
Loxahatchee Mitigation Bank Credit Ledger
Environmental Resource Permit No. 0140969-001
October 18, 2001

Freshwater Herbaceous Wetlands: Total Credits Assigned = 520.40

<u>Release Mod./ Impact Permit</u>	<u>Permit Date</u>	<u>Issuing Agency</u>	<u>Ledger Modification</u>	<u>Credits Added</u>	<u>Credits Used</u>	<u>Balance</u>
Credit Release		DEP	13-Nov-00	78.03		78.03
50-04600-P	15-Mar-01	SFWMD	13-Apr-01		2.79	75.24
50-04215-P02	12-Apr-01	SFWMD	26-Apr-01		6.40	68.84
50-04796-P	15-Mar-01	SFWMD	14-May-01		0.44	68.40
50-00633-S-03	11-May-01	SFWMD	22-May-01		0.32	68.08
50-04852-P	10-May-01	SFWMD	08-Jun-01		0.90	67.18
50-00633-S-02	09-Mar-01	SFWMD	08-Jun-01		0.97	66.21
50-04893-P	14-Jun-01	SFWMD	31-Jul-01		10.82	55.39
50-04344-P	25-Jul-01	SFWMD	31-Jul-01		0.51	54.88
50-04763-P	15-Mar-01	SFWMD	27-Aug-01		0.06	54.80
50-00610-S-02	05-Jul-01	SFWMD	05-Sep-01		1.00	53.80
50-00422-S-02	12-Jul-01	SFWMD	05-Sep-01		13.49	40.31
50-04849-P	13-Apr-01	SFWMD	09/12/01		0.20	40.11
50-05061-P	13-Sep-01	SFWMD	18-Oct-01		3.38	36.73
06-03326-P	11-Oct-01	SFWMD			2.30	34.43

Freshwater Forested Wetlands: Total Credits Assigned = 121.20

<u>Release Mod./ Impact Permit</u>	<u>Permit Date</u>	<u>Issuing Agency</u>	<u>Ledger Modification</u>	<u>Credits Added</u>	<u>Credits Used</u>	<u>Balance</u>
Credit Release		DEP	13-Nov-00	18.17		18.17
50-0172062-001	07-Sep-00	DEP	29-Dec-00		0.10	18.07
50-04796-P	15-Mar-01	SFWMD	14-May-01		2.00	16.07
50-04763-P	15-Mar-01	SFWMD	27-Aug-01		0.98	15.09
50-00422-S-02	12-Jul-01	SFWMD	05-Sep-01		10.80	4.29

DRAFT



FORM 6514
Rev. 02/92

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 06-03326-P
DATE ISSUED: OCTOBER 11, 2001**

OCT 11 9 2001

PERMITTEE: BIG ORANGE DEVELOPMENT LTD THE
(UNIVERSITY PARK OF TECHNOLOGY)
C/O MARGOLIS ENTERPRISES, 141 NW 20TH STREET SUITE G12
BOCA RATON, FL 33431

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 36.08 ACRE COMMERCIAL DEVELOPMENT KNOWN AS THE UNIVERSITY PARK OF TECHNOLOGY.

PROJECT LOCATION: BROWARD COUNTY, SECTION 28 TWP 50S RGE 41E

PERMIT DURATION: Five years to complete construction of the surface water management system from the date issued. Conceptual Approval is valid for two years from the date issued. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 010412-8, dated April 11, 2001. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.361, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.361, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 3 OF 6 (15 SPECIAL CONDITIONS).
SEE PAGES 4 - 6 OF 6 (19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON _____
BY Jennifer Krumholz
DEPUTY CLERK

By [Signature]
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 8 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: 6.5 FEET NGVD.
3. DISCHARGE FACILITIES:
 - 1-4' WIDE SHARP CRESTED WEIR WITH CREST AT ELEV. 7.5' NGVD.
 - 1-1.5' W X .92' Ø TRIANGULAR ORIFICE WITH INVERT AT ELEV. 3' NGVD.
 - 24 LF OF 1.5' DIA. REINFORCED CONCRETE PIPE CULVERT.

RECEIVING BODY : CBDD CANAL

CONTROL ELEV : 3 FEET NGVD. /3 FEET NGVD DRY SEASON.
4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE TOP SOILED AND STABILIZED THROUGH SEEDING OR PLANTING FROM 2 FEET BELOW TO 1 FOOT ABOVE THE CONTROL ELEVATION TO PROMOTE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF BIG ORANGE DEVELOPMENT, LTD.
10. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
11. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
12. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
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- NOVEMBER 12, 2001 SUBMIT RECEIPT OF PAYMENT OF 2.3 CREDITS FROM THE LOXAHATCHEE MITIGATION BANK
13. NO LATER THAN NOVEMBER 12, 2001 AND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION IN WETLANDS, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT'S POST PERMIT COMPLIANCE STAFF, DOCUMENTATION 2.3 CREDITS HAVE BEEN DEBITED FROM THE LOXAHATCHEE MITIGATION BANK LEDGER BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).
 14. SILT SCREENS, TURBIDITY BARRIERS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AROUND THE FILLING OF 0.20 ACRES OF OTHER SURFACE WATERS AND THE CONSTRUCTION OF THE RETAINING WALLS (REFER TO EXHIBIT 5).
 15. PRIOR TO DEVELOPMENT OF THE OUTPARCELS, A PERMIT MODIFICATION WILL BE REQUIRED. PLANS AND CALCULATIONS SHALL BE SUBMITTED TO DEMONSTRATE THAT THE PROPOSED PROJECTS PROVIDE ONE HALF INCH OF DRY PRETREATMENT PRIOR TO OVERFLOW INTO THE MASTER SYSTEM, AND THAT THE PROJECTS MEET THE LAND USE AND SITE GRADING ASSUMPTIONS MADE IN THIS APPLICATION.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL THE PERMITTEE HAS COMPLETED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST

FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6137, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.

8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE OWNED LANDS.

13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6207, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows.

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a de novo review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.116 F.A.C. History-- New 3-3-94 Amended 1-31-82, 12-1-82, Formerly 10K-4.07(4), Amended 7-1-86, 4/29/94, Amended 7-1-99, 4/23/04, 10/3/95

EXHIBIT J



Delta Seven TM
General Environmental Consulting

P.O. Box 3241
St. Petersburg, FL 33731

Ph: 727-823-2443
Fk: 727-550-2513

Delta-Seven@worldnet.att.net
<http://home.att.net/~Delta-Seven/>

Alan Margolis
Margolis Enterprises
141 NW 20th St.
Boca Raton, FL 33431

August 8, 2002

Dear Mr. Margolis,

RE: Parcel in the town of Davie, University Park of Technology - Application Number 010412-8.

Pursuant to your request I have reviewed all of my files and notes on the subject parcel as they relate to questions 7.C, 7.E, and 7.F of the land use amendment inquiry. My responses are attached.

7.C Wetlands

Wetlands on site were not claimed as jurisdictional wetlands by Broward County or the Army Corps of Engineers. Wetlands on site were claimed as jurisdictional under the rules of the South Florida Water Management District and that agency has issued a construction permit covering the site. All issues involving these wetlands have been resolved by all regulatory agencies.

7E Listed species:

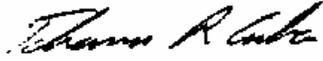
There was one listed species on site. A small (<3ft) alligator was seen in the small pond. This pond has been approved for removal by the water management district permit. Once the habitat is eliminated, the alligator will be displaced. The size of the pond is not large enough to support an alligator much larger than the one noted, eliminating any possibility of a breeding population. No other listed species were observed.

7F Plants listed in the Regulated Plant Index:

The site was dominated by exotic upland trees and smartweed. No regulated plants were observed.

I hope this review is useful to you. If you need other information, please do not hesitate to inquire.

Respectfully,



Thomas R. Cuba, Ph.D., CEP, CLM, FREP
President, Delta Seven Inc

EXHIBIT K

Hurricane Evacuation Map



Broward Emergency Management Agency
 201 N. W. 84th Avenue, Plantation, FL 33324
 Telephone: 954-831-3900

**American Red Cross +
 Regional Hurricane Shelters**

- 1) **Lyons Creek Middle School**
4333 Sol Press Blvd., Coconut Creek
- 2) **Deerfield Beach High School**
910 S. W. 16 St., Deerfield Beach
- 3) **Blanche Ely High School**
1201 N. W. 6th Ave., Pompano Beach
- 4) **Parkside Elementary School**
10257 N. W. 29th St., Coral Springs
- 5) **Floranada Elementary School**
5251 N. E. 14th Way, Fort Lauderdale
- 6) **Plantation Elementary School**
651 N. W. 42nd Ave., Plantation
- 7) **Fox Trail Elementary School**
1250 Nob Hill Road, Davie
- 8) **Falcon Cove Middle School**
4251 Bonaventure Blvd., Weston
- 9) **Silver Trail Middle School**
18300 Sheridan St., Pembroke Pines
- 10) **Panther Run Elementary School**
801 N. W. 172nd Ave., Pembroke Pines
- 11) **Watkins Elementary School**
3520 S. W. 52nd Ave., Pembroke Park
- 12) **Hallandale High School**
720 N. W. 9 Ave., Hallandale Beach

- PLAN A** Typically a Category 1-2 hurricane.
- PLAN B** Typically a Category 3 or higher hurricane.

Those persons located in low lying areas or beside tidal bodies of water should seek shelter elsewhere if conditions warrant. ALL mobile home residents must evacuate in PLAN A and PLAN B. In addition, mobile home residents may be ordered to evacuate if tropical storm conditions warrant.

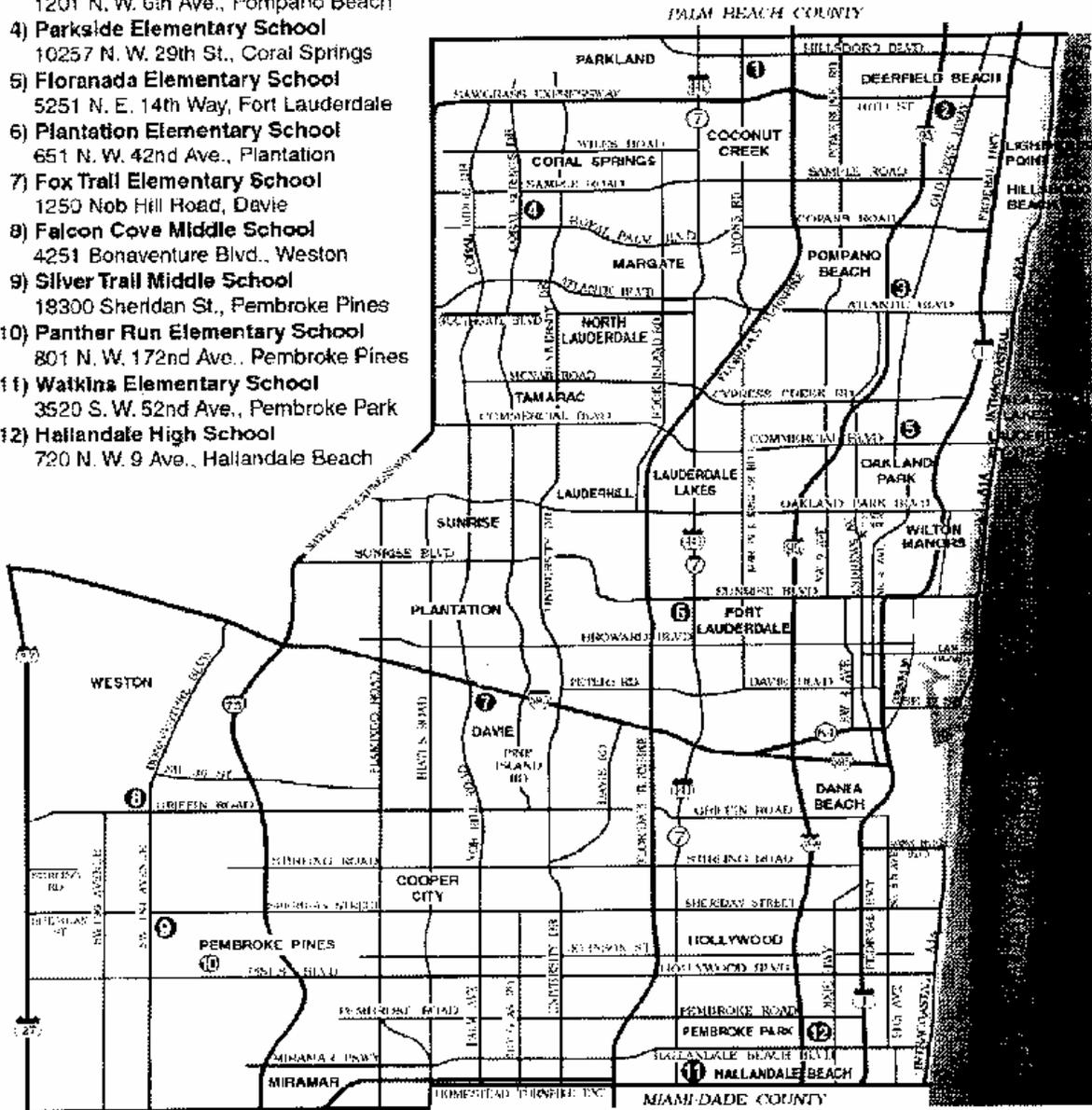
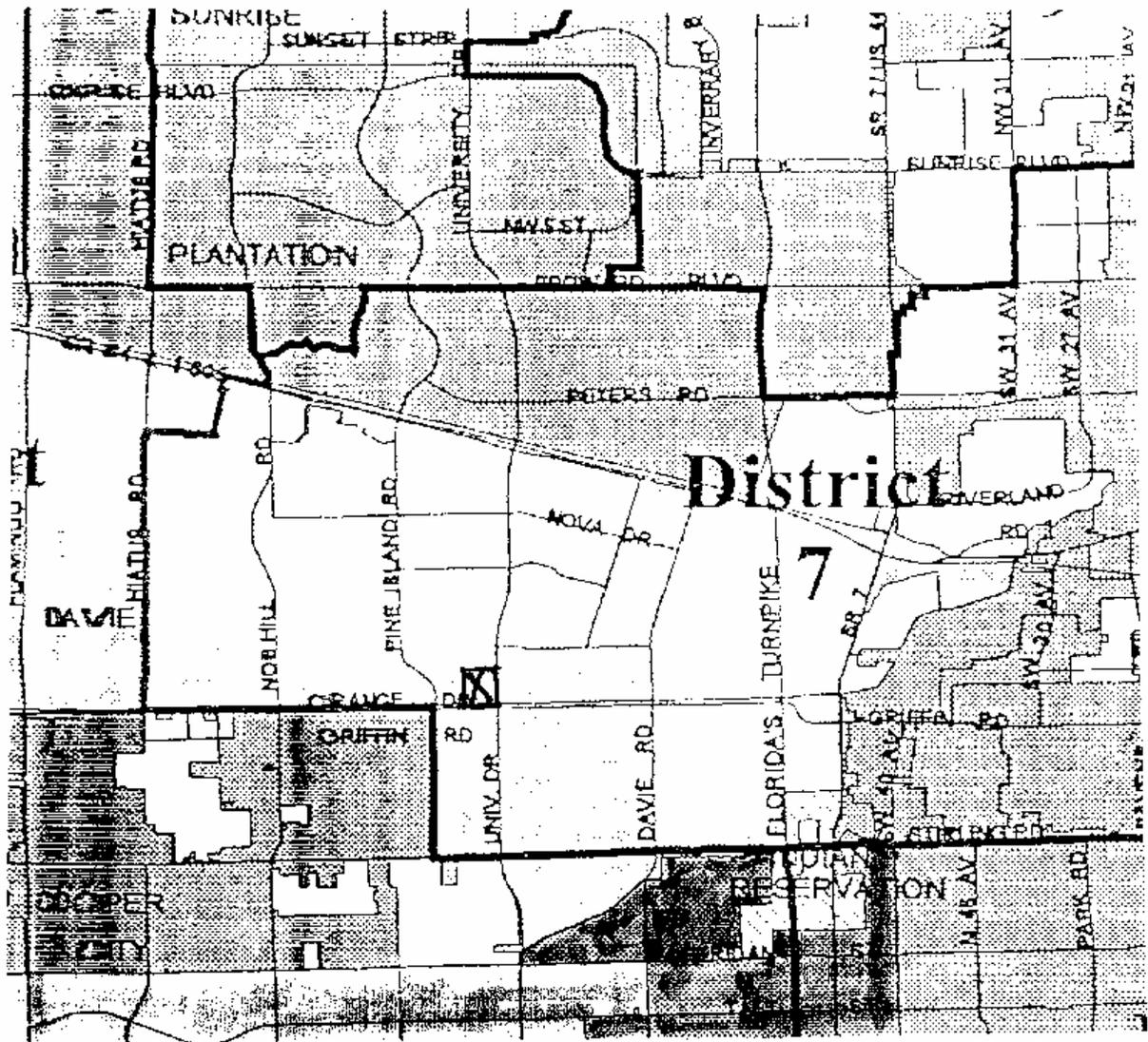


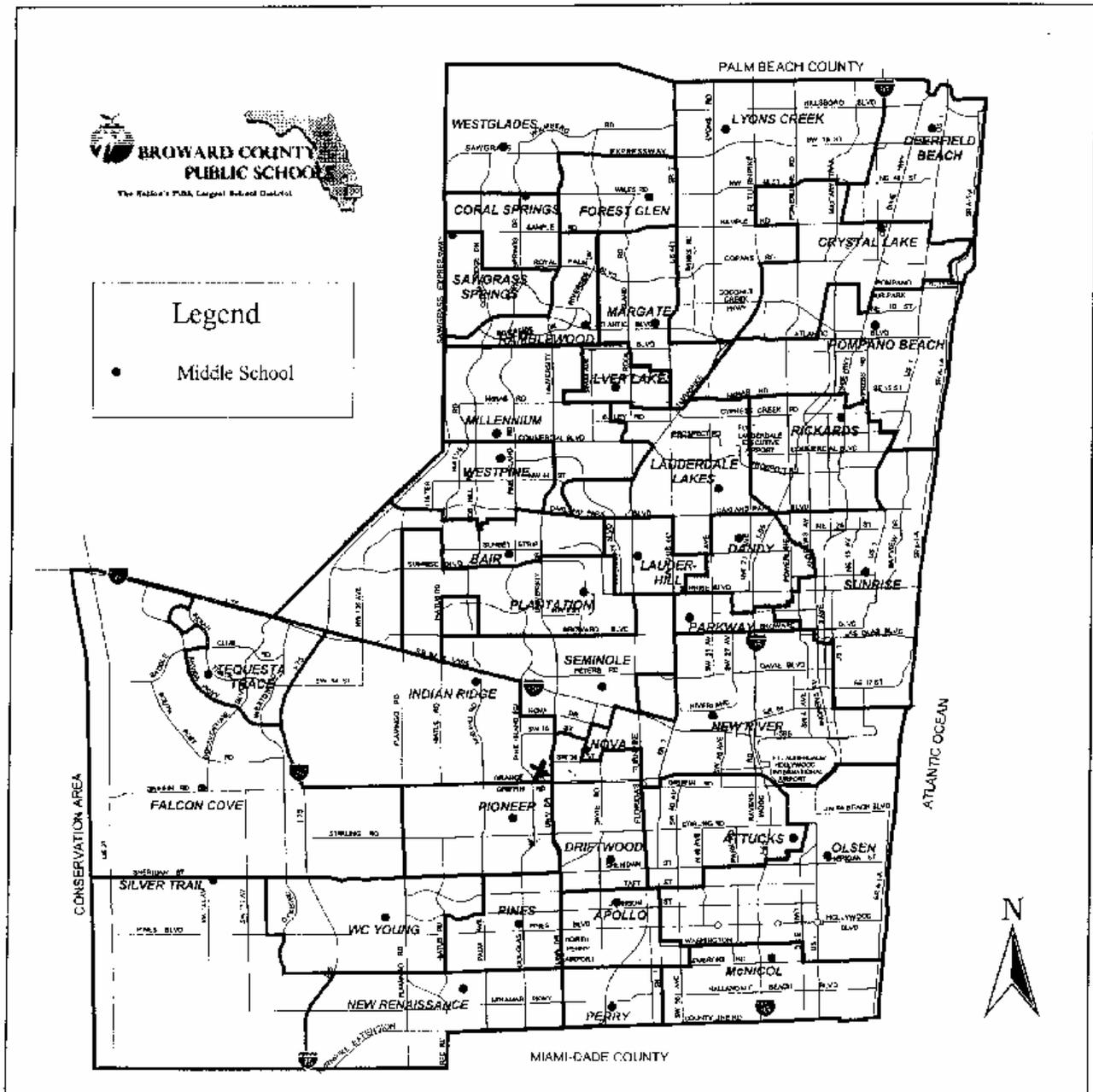
EXHIBIT L



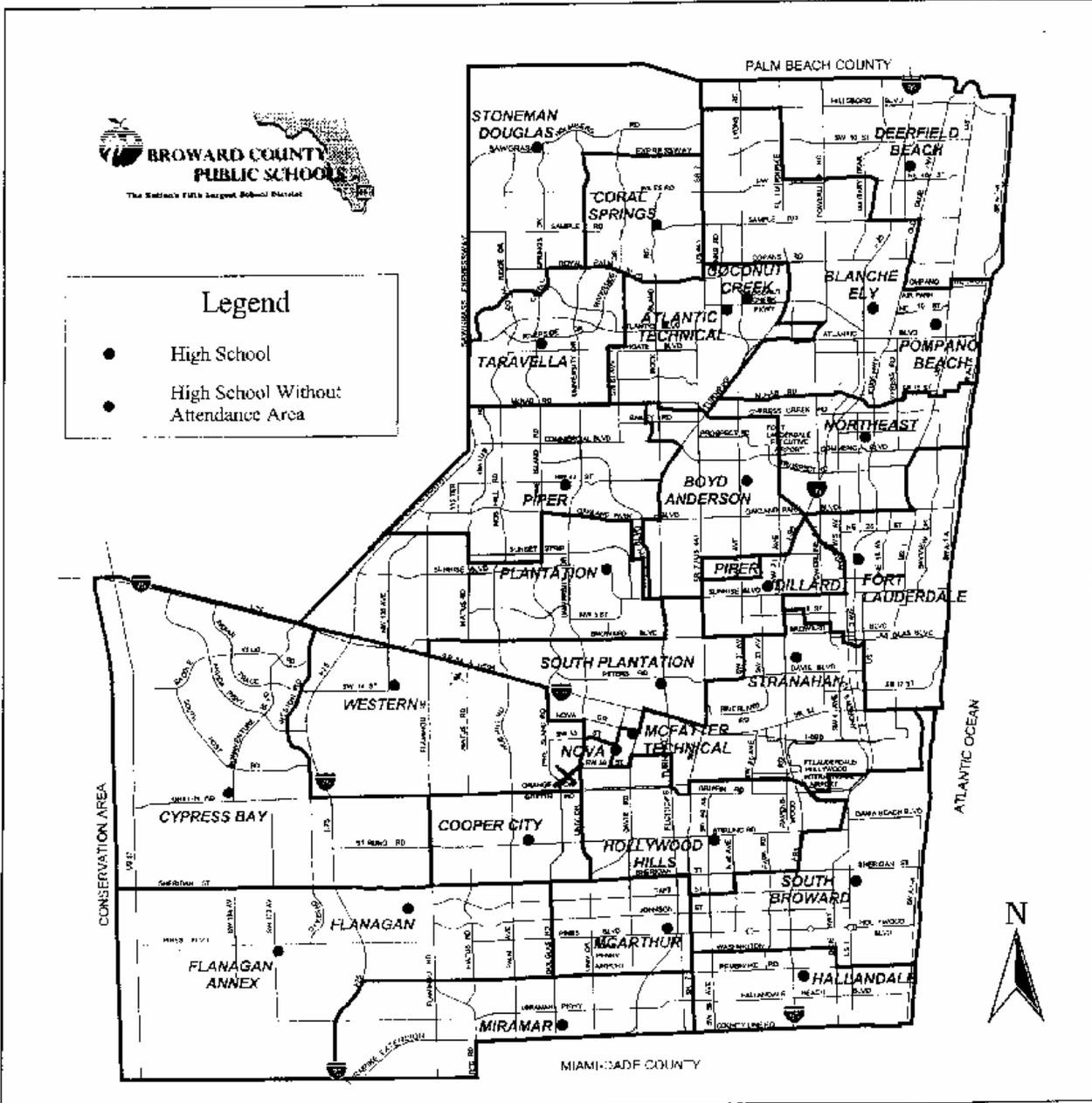
- X AMENDMENT SITE
- TOWN OF DAVIE
- COOPER CITY
- HOLLYWOOD
- PEMBROKE PINES
- UNINCORPORATED

EXHIBIT M

2002-2003 MIDDLE SCHOOL BOUNDARIES



2002-2003 HIGH SCHOOL BOUNDARIES



STUDENT CHOICE/SCHOOL BOUNDARIES

June 2002
 GIS/Planning 2002-2003 02 03 high boundar

EXHIBIT N



Administration 954-357-8300 • FAX 954-357-8305 - Maintenance 954-357-8423 • FAX 954-357-8350
Marketing and Communications 954-357-8355 • FAX 954-357-8371 - Operations 954-357-8383 • FAX 954-357-8378
Paratransit 954-357-8329 • FAX 954-357-8345 - Service Development 954-357-8375 • FAX 954-357-8342
Transit Information Systems 954-357-6782 • FAX 954-357-8305

August 14, 2002

Mr. Alexander P. Heckler, Esq.
Greenberg-Traurig, P.A.
515 East Las Olas Blvd.
Fort Lauderdale, FL 33302

RE: Town of Davie Land Use Plan Amendment

Dear Mr. Heckler:

Your fax-memorandum dated August 14, 2002, regarding the proposed site for the **Town of Davie Land Use Plan Amendment**, has been reviewed by Mass Transit (BCT) for current and planned bus service.

The nearest bus service to the amendment site is on University Drive and is provided by BCT Route 2, which operates at twenty-minute intervals (headways) on weekdays and 40 minutes on weekends (Saturday and Sunday).

Staff anticipates an increase in the number of transit trips as a result of this amendment. Bus Rapid Transit (BRT) service is proposed for this route segment in the year 2025 long-range plan update.

Please call me at 357-8351, if you need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "David Daniels".

David Daniels
Associate Planner

c: Spencer Stoleson



Administration 797-1030
Administrative Services 797-1020
Budget & Finance 797-1050
Community Services 797-1145
Development Services 797-1111

Engineering 797-1113
Fire Department 797-1090
Police Department 797-1200
Public Works 797-1240
Utilities 433-4000

Town of Davie

6591 Orange Drive Davie, Florida 33314-3399

(954) 797-1000

August 15, 2002

Alexander P. Heckler, Esq.
GREENBERG TRAUKIG, P.A.
Post Office Box 14036
Fort Lauderdale, Florida 33301

Re: Water and Sewer Availability
Northwest corner of University Drive and Orange Drive

Dear Mr. Heckler:

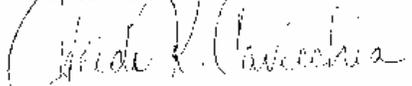
Per your request for information regarding the service available to the above referenced property, please be advised that the property is located within the Town of Davie Utilities Department service area. There are water and sewer facilities available to provide service to this property. This entire parcel will be served by the Town of Davie as per agreement between the Town of Davie and the City of Sunrise for exchange in service (Resolution #R2001-308).

Plant Capacity can be reserved by executing a Water and Sewer Service Agreement with the Town of Davie.

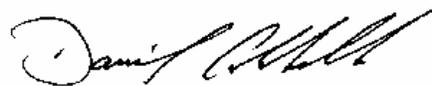
If you have any further questions regarding the above matter, please do not hesitate to call.

Sincerely,

TOWN OF DAVIE:


Heidi K. Cavicchia
Assistant to the Utilities Director

THROUGH:


Daniel Colabella
Utilities Director

:hkc
cc: Town of Davie Planning Department



CENTRAL BROWARD WATER CONTROL DISTRICT

8020 STIRLING ROAD (DAVIE)
HCL: YWOOD, FLORIDA 33024

BOARD OF COMMISSIONERS

Wayne Arnold, Chair
Marian M. Russell, Vice-Chair
Kavir Biederman
Cris Fardelmann
Tom Green
Sandra Switzer

TELEPHONE: (954) 432-5110
FAX: (954) 432-8603
E-Mail: culvert@gate.net

August 21, 2002

Mr. Alexander P. Heckler
515 East Las Olas Boulevard
Fort Lauderdale, Florida 33301

Re: Town of Davie Land Use Plan Amendment
Drainage Services

Dear Mr. Heckler:

Please be advised that the Central Broward Water Control District has adequate facilities to provide drainage for the above referenced property.

Do not hesitate to call should you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Crowley".

Michael Crowley
District Manager/Secretary

Mc/vg



SOUTHERN SANITATION
3831 NW 21st Avenue
Tampa Beach, FL 33073
(954) 974-7500

August 26, 2002

*Alexander P. Heckler, Esq.
Greenberg Traurig, P.A.
515 East Las Olas Boulevard
Fort Lauderdale, Florida 33301*

Re: TOWN OF DAVIE LAND USE AMENDMENT SOLID WASTE SERVICES

Dear Mr. Heckler:

*After reviewing the Analysis of Public Facilities and Services for the Town of Davie, everything looks to be in order except for item # 2. The correction should read; **The Town of Davie is serviced by the Wheelabrator South Resource Recovery Plant.***

This letter will be faxed to you today.

If you need further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Doug Whitehead".

*Douglas L. Whitehead
District Manager
Waste Management of Broward County*



SOUTHERN SANITATION

3831 NW 21st Avenue
Pompano Beach, FL 33073
(954) 974-7500

September 6, 2002

Alexander P. Heckler, Esq.
Greenberg Traurig, P.A.
515 East Las Olas Boulevard
Fort Lauderdale, Florida 33301

***Re: TOWN OF DAVIE LAND USE AMENDMENT SOLID WASTE
SERVICES***

Dear Mr. Heckler:

Wheelabrator North and South Resource Recovery Plant and Central
Landfill do have adequate disposal capabilities for your project and for your
development.

Sincerely,

A handwritten signature in cursive script that reads "Douglass L. Whitehead".

Douglass L. Whitehead
District Manager
Waste Management of Broward County

