

**Application to Amend or Revise Level of Approved Development**

**INSTRUCTIONS**

This form is used to apply for amendments or revisions to the current level of development previously approved. 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 type this application or print legibly in **black ink**.

**PROJECT INFORMATION**

Plat Name Kimberly Plat

Plat Number 098-MP-86 Plat Book - Page 130 - 1 (If recorded)

Owner/Applicant Pier 66 Ventures, LLC Phone \_\_\_\_\_

Address 6900 Tavistock Lakes Boulevard, Suite 200 City Orlando State FL Zip Code 32827

Owner's E-mail Address \_\_\_\_\_ Fax # \_\_\_\_\_

Agent Stephanie J. Toothaker, Esq. Phone 954-648-9376

Contact Person Stephanie J. Toothaker, Esq.

Address 110 SE Sixth Street, Floor 15 City Fort Lauderdale State FL Zip Code 33301

Agent's E-mail Address sjt@trippscott.com / stephanie@toothaker.org Fax # \_\_\_\_\_

**PROPOSED CHANGES**

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary.)

Current note for entire plat See Exhibit "A"

Proposed note for entire plat See Exhibit "A"

**PLEASE ANSWER THE FOLLOWING QUESTIONS**

Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?  
 Yes  No  Don't Know  
 If YES, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.

Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)?  Yes  No  
 If YES, provide LUPA number: \_\_\_\_\_

Does the note represent a change in TRIPS?  Increase  Decrease  No Change  
 Does the note represent a major change in Land Use?  Yes  No

Will project be served by an approved potable water plant? If YES, state name and address.  Yes  No  
City of Fort Lauderdale

Will project be served by an approved sewage treatment plant? If YES, state name and address  Yes  No  
City of Fort Lauderdale

Are on-site wells for potable water currently in use or proposed?  Yes  No  
 If YES, see page 2 of this form for additional required documentation.

Are septic tanks current in use or proposed?  Yes  No  
 If YES, see page 2 of this form for additional required documentation.

Estimate or state the total number of on-site parking spaces to be provided SPACES 885

Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS N/A

Number of students for a daycare center or school STUDENTS N/A

Reasons for this request (Attach additional sheet if necessary.) Amend Plat Note as described in Exhibit "A".

**FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT**

Proposed industrial plat notes which abut residential land use categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width of 100 feet or less must submit written documentation from the municipality stating how the City will address compatibility between the proposed industrial use(s) and the residential land use plan category. Industrial uses include manufacturing, assembly, processing, indoor and outside storage, warehouse, distribution, excavation and landfills. Residential land use plan categories include all residentially named categories plus Agricultural, Rural Ranches, Rural Estates, TOC, TOD, RAC and LAC. Please consult with Planning and Development Management staff if you have any questions.

**Please see reverse side for Required Documentation and Owner/Agent Certification**

**REQUIRED DOCUMENTATION: Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc.**

- **Recorded or approved plat.**
- **Letter of approval from the applicable municipality**, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- **Current letter is required from the appropriate utility service area** stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- **Signed and sealed sketch and legal description** for any new parcel or tract created by the application.
- **A check for the application fees** made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

*School Concurrency Submission Requirements*

- **RESIDENTIAL APPLICATIONS ONLY: Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board.**

**REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS**

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes," you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

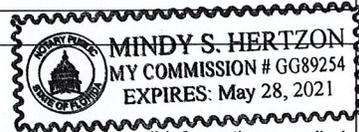
| LAND USE        | Gross Building sq. ft.* or Dwelling Units | Date Last Occupied | EXISTING STRUCTURE(S) |             |                                 |
|-----------------|---|--------------------|-----------------------|-------------|---------------------------------|
|                 |   |                    | Remain the same?      | Change Use? | Has been or will be demolished? |
| See Exhibit "A" |   |                    |                       |             |                                 |
|                 |   |                    |                       |             |                                 |

The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

**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 are 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 owner/agent.

Signature of owner/agent [Signature]  
Sworn and subscribed to before me this 30<sup>th</sup> day of APRIL, 2019  
by STEPHANIE TORSHAKER  He/she is personally known to me or \_\_\_\_\_ as identification.

Has presented \_\_\_\_\_  
Signature of Notary Public [Signature]  
Type or Print Name MINDY S. HERTZON

**FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY**

Time N/A Application Date 5/31/2019 Acceptance Date 6/20/2019  
Comments Due 7/4/2019 C.C. Mtg. Date TBD Fee \$ 2090

Plats  Survey  Site Plan  City Letter  Agreements

Other Attachments(Describe) NARRATIVE

Title of Request PIER 66 NOTE AMENDMENT

Distribute to:  Full Review  Planning Council  School Board  Land Use & Permitting

Health Department (on septic tanks and/or wells)  Zoning Code Services (unincorporated area only)  
 Planning & Redevelopment (unincorporated area only)  Other FDOT

Other HCED

Adjacent City N/A Received by [Signature]

JEAN-PAUL W. PEREZ  
SENIOR PLANNER

April 30, 2019  
Revised August 29, 2019  
Revised January 7, 2019

**VIA EMAIL**

Karina Da Luz, Planning Section Supervisor  
Elizabeth J. Eassa, AICP, Senior Planner  
Environmental Protection and Growth Management Department  
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1 N. University Drive, #102a | Plantation, FL 33324  
[Kdaluz@Broward.org](mailto:Kdaluz@Broward.org) / [eeassa@broward.org](mailto:eeassa@broward.org)

*Re: Exhibit "A"- Plat Note Amendment Revised Narrative  
KIMBERLY PLAT — 098-MP-86*

I represent Pier 66 Ventures, LLC (the "Applicant"), as owner and applicant of 2301 SE 17th Street, Fort Lauderdale, FL 33316 (the "Property"), Folio No. 5042-13-21-0010. The Property is located on the north side of Southeast 17th Street Causeway (SR A-1-A), adjacent to the Intracoastal Waterway. Applicant requests to amend the existing plat note on the Kimberly Plat (the "Plat") recorded on February 2, 1987 in Plat Book 130, Page 1 as amended by the Agreement of Notation on Plat recorded on September 26, 2008 in the Official Records Book 45710, Page 141 of Broward County, Florida.

On September 27, 2016, the Broward County Commission approved a subsequent plat note amendment. However, the plat note amendment agreement was never recorded with Broward County. The Plat's Findings of Adequacy was extended to January 20, 2024 through Executive Orders in accordance with Florida Statute 252.636.

**Project Description:**

In October 2018, Applicant submitted to the City of Fort Lauderdale's Development Review Committee ("DRC") a Site Plan Level III application with allocation of residential flex units for the redevelopment of Pier 66 (Case No. R18073) subject to the Development Agreement approved by the City Commission on second reading on July 10, 2018. The Property currently contains 384 hotel rooms, including 156 in the existing Pier 66 Tower and 228 in the surrounding lanai buildings.

On May 15, 2019, the City of Fort Lauderdale Planning and Zoning Board approved the proposed site plan for the Property, which includes a total of 347 hotel rooms. The lanai buildings containing 228 hotel rooms would be demolished. The renovation of the Pier 66 Tower would bring only 152 hotel rooms into use, and a new hotel addition would include 195 hotel rooms. The approved site plan also includes 127 residential units, 16,000 square feet of office use, and 17,000 square feet of commercial use in addition to preserving 11,000 square feet of existing commercial use and 127 existing marina slips

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

**Proposed Plat Note Amendment:**

Consistent with the approved site plan, the Applicant requests to change the following restrictive note on the Plat:

**From:**

This plat is restricted to a 512 room hotel (380 rooms existing and 132 proposed), a 123 wet slip marina (existing), 42 high-rise units, 52,400 gross square feet of commercial use (47,400 square feet existing and 5,000 square feet proposed), and 20,000 gross square feet of office use. Commercial/retail uses are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Free standing banks or banks with drive-thru facilities are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The 42 high-rise units shall be restricted to:

- Mixed-use buildings in which the residential floor area does not exceed 50% of the total floor area of the building; and/or
- Mixed-use buildings with the first floor limited to commercial development; and/or
- Free standing multi-family residential uses provided that the gross residential acreage does not exceed 10 acres within areas designated as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or 40% of the total gross acreage of the commercial/residential development.

**To:**

This Plat is restricted to 347 hotel rooms (152 rooms existing and 195 proposed), 127 wet slip marina, 76 high rise units, 39 garden apartments, 12 townhomes, 16,000 square feet of office use, and 28,000 square feet of commercial use (11,000 square feet existing and 17,000 square feet proposed).

All residential units shall be restricted to:

- Mixed-use buildings in which the residential floor area does not exceed 50% of the total floor area of the building; and/or
- Mixed-use buildings with the first floor limited to commercial development; and/or
- Free standing multi-family buildings wherein the residential acreage does not exceed 10 acres or 40% of the total acreage of the commercial parcel, whichever is greater.

Respectfully,

*/s/ Stephanie J. Toothaker*

Stephanie J. Toothaker, Esq.