

This revision includes comments provided by the following agencies with color coding:

SFWMD	8/13/07
City of Sunrise	8/21/07
Applicant	8/23/07
Town of Southwest Ranches	8/23/07
FDOT	8/24/07 and 9/24/07
City of Weston	8/24/07
Broward County	8/24/07
SFRPC	updated 05/22/08
Town of Davie	none received

**NOTES:**

Previous ~~strike out~~ and underline has been removed from the document, reflecting changes made in previous versions. ~~Strike out~~ and underline shown in this document are proposed new revisions.

*Comments shown in italic font* will not be included in the DO and are for discussion purposes only.

A color copy of this document is available in PDF format on our website at <http://www.sfrpc.com/dri/adasonline.htm>

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The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08

2 **Definitions:** (to be added to document)

3  
4 "First Responder" shall refer to Broward Sheriffs Office (BSO), Florida Highway Patrol (FHP), City of  
5 Weston and other public safety agencies as appropriate.

6  
7 "Developer" shall refer to developer, successors or assignees.  
8  
9

10 **Conditions of Approval**

11  
12 A. General Conditions

- 13  
14 1. The Developer shall obtain commercial land use designation for the subject  
15 property in the Town of Davie Comprehensive Land Use Plan Map and in the  
16 Broward County Land Use plan. The Developer shall obtain the corresponding  
17 zoning classification from the Town of Davie. The DRI development order shall  
18 only take effect ~~upon~~ on the final effective date of the concurrent  
19 comprehensive plan land use map and Town of Davie text amendments.  
20
- 21 2. The Developer shall obtain approval of an Interchange Modification Report  
22 (IMR) from Florida Department of Transportation (FDOT) and the Federal  
23 Highway Administration (FHWA) for vehicular access from I-75 at Royal Palm  
24 Blvd. to provide access to the site. The DRI development order shall be void  
25 and have no further effect ~~until if the IMR is not has been~~ approved by FDOT  
26 and FHWA. If the approved IMR requires access to Shotgun Road, the  
27 Developer shall voluntarily void and rescind this Development Order.  
28
- 29 3. Pursuant to Rule 9J-2.045(7)(b), FAC, no building permits shall be issued for  
30 any portion of the DRI until the IMR has been approved by FHWA and FDOT.  
31  
32

33 *Note: The City of Sunrise received approval of its Consumptive Use Permit from SFWMD in May 2008.*

- 34  
35 4. No building permits shall be issued for any portion of the project until South  
36 Florida Water Management District (SFWMD) has certified that an adequate  
37 potable water supply is available to serve the project, through the renewal of  
38 the City of Sunrise Consumptive Use Permit and confirmation of their  
39 alternative water supply projects, ~~or until the Developer has adequately  
40 provided for an alternative water supply to serve the project that is acceptable  
41 to SFWMD and the City of Sunrise (if applicable).~~ All necessary capital  
42 facilities required shall be listed in the Capital Improvements Elements of the  
43 City of Sunrise and the Town of Davie Comprehensive Plans (only if as  
44 required by Statute).  
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5. Notwithstanding the Developer's compliance with making improvements and proportionate share payments, as described in the conditions listed in Subsection V below, the Developer shall be required to satisfy Broward County's regional transportation concurrency requirements in accordance with Section 5-182(a)(7) of the Broward County Land Development Code; provided, however, some or all of the obligations in subsection V may, with Broward County's concurrence, satisfy the County's Concurrency requirements.
  6. No development agreement shall supersede this Development Order.
  7. The land use shall revert to Agricultural if all the development orders for the project, as defined by Town of Davie Land Development Code 12-503, are not received.
- B. Application for Development Approval
1. For purposes of this condition, the Application for Development Approval ("ADA") shall include the following documents:
    - a. Application for Development Approval dated August 9, 2005; and
    - b. Supplemental information dated November 23, 2005, July 28, 2006 and April 2007.
  2. The Developer shall integrate all original and supplemental information into a Consolidated Application for Development Approval, which reflects the approved development program, and submit two copies of the Consolidated Application for Development Approval to the South Florida Regional Planning Council (SFRPC) (including one paper copy and one copy in CD-ROM format), one copy each to the Town of Davie, Broward County (Development Management Division) and the Department of Community Affairs, within 30 days of the effective date of this Development Order. The Consolidated Application for Development Approval shall be prepared as follows:
    - a. Where new, clarified or revised information was prepared subsequent to submittal of the Application for Development Approval dated August 9, 2005 but prior to issuance of the Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the Application for Development Approval will be replaced with revised pages.
    - b. Revised pages shall be marked "Page Number (R) - Date" with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

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3. Pursuant to Rule 9J-2.025(3)(b)9, Florida Administrative Code (FAC), the Consolidated Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Consolidated Application for Development Approval, unless modified by Development Order conditions, is a condition for approval.

C. Approved Development

1. The Commons DRI shall be permitted to develop a maximum amount of development in accordance with the land uses listed below, subject to required approvals.

Land Use	Total Permitted Development
Commercial	1,100,000 square feet of gross floor area
Office	885,000 square feet of gross floor area
Hotel	300 rooms

2. The Commons DRI shall be developed in a single phase.
3. Development within The Commons DRI shall be located substantially as depicted on the Master Development Plan (Map H) attached as Exhibit 1.
4. Pursuant to Section 380.06(5)(c), Florida Statutes, The Commons DRI shall be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes, in effect at the time of the approval of this Development Order.
5. The maximum building height, as defined in Town of Davie Land Development Code 12-503, shall not exceed 60 feet, including any accessory structures.
6. No building permits for principal buildings within The Commons DRI shall be issued for development that would generate traffic volumes that exceed 3,445 net external PM peak hour trip ends consisting of 1,350 PM peak hour inbound trips and 2,095 PM peak hour outbound trips. The number of net external PM peak hour trip ends generated by development within The Commons DRI shall be calculated in accordance with Exhibit 2.

D. Commencement of Development

1. The Developer shall commence significant physical development within five (5) years from the effective date of this Development Order. This time period

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136 shall be tolled during the pendency of any appeal pursuant to Section 380.07,  
137 Florida Statutes. For the purpose of this condition, construction shall be  
138 deemed to have been initiated after placement of permanent evidence of a  
139 structure (other than a temporary construction trailer) on a site, such as the  
140 pouring of slabs or footings or any work beyond the stage of excavation or land  
141 clearing; the construction of roadways, including the modification of the  
142 interchange at I-75 and Royal Palm Boulevard; or the construction of other  
143 utility infrastructure.

144  
145 2. On site construction hours shall be limited to 7 am to 6 pm on weekdays and 9  
146 am to 5 pm on weekends. Interchange construction hours shall be coordinated  
147 between the Town of Davie, FDOT, FHP and other first responders, with the  
148 intention of limiting hours of construction to those listed above adjacent to  
149 residential areas abutting the project.

150  
151 E. Buildout Date  
152  
153 The buildout date for The Commons DRI shall be December 31, 2013, unless the  
154 buildout date is extended as provided in Section 380.06(19)(c), Florida Statutes.

155  
156 F. Downzoning Date  
157  
158 The property within The Commons DRI shall not be subject to downzoning, unit  
159 density reduction, or intensity reduction before the expiration of this Development  
160 Order, unless the Town of Davie demonstrates that substantial changes in the  
161 conditions underlying the approval of this Development Order have occurred or the  
162 Development Order was based upon substantially inaccurate information provided by  
163 the Developer, or that the change is clearly essential to the public health, safety, or  
164 welfare.

165  
166 G. Stormwater  
167  
168 The Developer shall ensure that stormwater runoff is retained within The Commons  
169 DRI in accordance with applicable regulations of the SFWMD, FDOT, the Central  
170 Broward Water Control District, Broward County, and the Town of Davie. The  
171 Developer shall design, construct and maintain the stormwater management system  
172 for The Commons DRI and any additions, expansion, or replacements to the  
173 stormwater management system to meet the following standards:

174  
175 a. Comply with the regulations and requirements of the SFWMD, FDOT,  
176 the Central Broward Water Control District, the Broward County  
177 Environmental Protection Department (EPD), and the Town of Davie  
178 Comprehensive Plan drainage level of service requirements for surface  
179 water management;  
180

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- 181 b. Install pollutant retardant structures to treat all stormwater runoff at  
182 each of the new project outfall structures in accordance with the  
183 stormwater management system drainage permits and master drainage  
184 plan, and periodically remove pollutant accumulations as required by  
185 the stormwater permitting agencies;  
186  
187 c. Use silt screens and aprons during any phase of project construction  
188 that may increase turbidity in adjacent surface waters; and  
189  
190 d. Mulch, spray, or grass exposed areas to prevent soil erosion and  
191 minimize air pollution and stormwater runoff.  
192  
193

194 H. Water Supply, Water Use and Irrigation

- 195  
196 1. The Developer shall incorporate the use of water sensors, ultra-low volume  
197 water use plumbing fixtures, self-closing and/or metered water faucets,  
198 xeriscape landscape techniques and other water conserving devices/methods,  
199 including gray water if available, to reduce the demand on the region's potable  
200 water supply. These devices and methods shall meet the criteria outlined in  
201 the water conservation plan of the public water supply permit issued to the  
202 ~~Town of Davie or the~~ City of Sunrise by the SFWMD.  
203  
204 2. The Developer shall design, construct, and maintain the onsite irrigation  
205 system for The Commons DRI, expansions, or replacements to the onsite  
206 irrigation system to minimize salt-water intrusion and excessive irrigation in  
207 accordance with SFWMD guidelines. The Developer shall use water  
208 conserving techniques to reduce the demand on the region's potable water  
209 supply, including the installation of rain sensors on irrigation timers, and  
210 compliance with restrictions on irrigation timing as required by ~~the Town of~~  
211 ~~Davie law.~~  
212

213 *Developer proposed to delete this condition as duplicative of condition 4 below: However, SFRPC staff does not*  
214 *agree that it is duplicative.*

- 215  
216 3. *A certificate of occupancy for development within The Commons DRI shall not*  
217 *be issued unless the Developer demonstrates that the City of Sunrise has*  
218 *an adequate permitted allocation of potable water and adequate potable water*  
219 *treatment and delivery facilities to meet the needs of the development for*  
220 *which a certificate of occupancy is requested.*  
221  
222 4. The Developer shall obtain a Developer Permit from the City of Sunrise  
223 indicating that water capacity is available to serve the project. ~~If the City of~~  
224 ~~Sunrise does not have capacity, the Developer shall adequately provide for an~~

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- 225 ~~alternative water supply to serve the project that is acceptable to SFWMD, the~~  
226 ~~City of Sunrise (if applicable) and the Town of Davie.~~  
227  
228 5. The Developer shall comply with Rule 9J-2.044(6) relating to the mitigation of  
229 significant potable water impacts.  
230  
231 6. The Developer must obtain a Water Use Permit from the SFWMD for the  
232 proposed surface water withdrawals for landscape irrigation.  
233  
234 I. Energy  
235  
236 1. The Developer shall incorporate energy conservation measures into the design  
237 and operation of projects within The Commons DRI. At a minimum, all  
238 development shall be constructed in conformance with the specifications of the  
239 applicable building code at the time of the issuance of the building permit and  
240 the Florida Energy Code. The Developer shall consider using natural gas  
241 and/or renewable energy sources (e.g., solar heating) for water heating, space  
242 heating, air-cooling, and lighting control. The Developer shall monitor design  
243 review procedures and electrical energy conservation measures, as proposed in  
244 the Consolidated Application for Development Approval, during the  
245 construction phase to assess the effectiveness of same.  
246  
247 2. The Developer shall utilize Leadership in Energy and Environmental Design  
248 (LEED) standards in their development and receive certification from Florida  
249 Green Builder's Association and International Audubon. In the event that any  
250 of these provisions conflict, or are duplicative, LEED standards shall be used.  
251  
252 J. Wastewater  
253  
254 1. Prior to the issuance of the first building permit for any permanent structure  
255 within The Commons DRI, the Developer shall ensure that sufficient  
256 wastewater capacity exists to meet the wastewater flows of the development.  
257  
258 2. The Developer shall obtain a Developer Permit from the City of Sunrise  
259 indicating that sewer plant capacity is available to serve the project.  
260  
261 3. The Developer shall comply with Rule ~~9J-2.044(6)~~9J-2.044(7) relating to the  
262 mitigation of significant ~~potable~~ wastewater impacts.  
263  
264 4. Prior to the issuance of the first certificate of occupancy for any permanent  
265 structure within The Commons DRI, the Developer shall complete or cause the  
266 completion of appropriate expansions and improvements to the lift stations  
267 and force mains which are necessary to provide wastewater service for The  
268 Commons DRI.  
269

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- 270 K. Solid Waste  
271  
272 1. The Developer shall provide a letter from the solid waste provider that the  
273 projected solid waste generated from The Commons DRI can be appropriately  
274 met by the off-site solid waste company prior to the issuance of building  
275 permits.  
276  
277 2. The Developer shall implement a source separation recycling program.  
278
- 279 L. Landscaping  
280  
281 1. The Developer shall comply with the tree preservation and landscaping  
282 requirements of the Town of Davie. The Developer shall follow xeriscape  
283 principles in landscape design and the selection of species for planting.  
284 Substitute landscaping species may be used if approved by the Town of Davie.  
285 Such approval shall be based on the following criteria for plant materials:  
286 a. Does not require excessive irrigation or fertilizer;  
287 b. Is not prone to insect infestation or disease;  
288 c. Does not have invasive root systems;  
289 d. Other criteria as may be appropriate; and  
290 e. Site buffers and the site landscaping will include native plants.  
291
- 292 *NOTE: SFRPC staff recommends that specific dimensions (condition L2) should be addressed in site plan not*  
293 *the development order, because they do not mitigate a regional impact.*  
294
- 295 2. The Developer shall install a ~~minimum 100-foot wide~~ buffer/berm along the  
296 north and east property lines and a ~~minimum 30-foot high~~ buffer wall along the  
297 south property line.  
298  
299 3. The Developer shall install landscape buffers and landscape encapsulated  
300 sound walls to reduce light pollution to neighboring properties.  
301  
302 4. The development shall follow the night sky ordinance if adopted by the Town  
303 of Davie.  
304
- 305 M. Economic Development  
306  
307 1. The Developer shall use economic development enhancement resource  
308 agencies and programs designed to involve small and minority businesses in  
309 the development and expansion of permanent job opportunities within The  
310 Commons DRI. Examples of such agencies and programs include, but are not  
311 limited to, those contained in the South Florida Small and Minority Business  
312 Resource Directory. The Developer shall attempt to access the range of job  
313 skills available in the region and promote greater labor force enhancement. At  
314 a minimum, the Developer is encouraged to provide potential commercial

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315 tenants with information about employment and training agencies that  
316 maintain a database of trained/skilled workers to consider in meeting The  
317 Commons DRI's employment needs. This information shall be biennially  
318 updated and submitted as a part of the Biennial Status Report.

- 319
- 320 2. The Developer shall hold job fairs in the Town of Davie's Community  
321 Development Block Grant (CDBG) Target Areas to assist in hiring very low to  
322 moderate income persons at the project.

323

324 *Note: The developer requested deletion of "service" from condition and addition of phrase "during rush hour"*  
325 *to 3a below. However, at the Conditions meeting SFRPC staff stated that this would not be acceptable as*  
326 *mitigation for the project, since one hour headways during rush hour would not meet the needs of retail service*  
327 *workers and would not meet minimum criteria for a transit service.*

- 328
- 329 3. The Developer shall expend a minimum of \$150,000 per year, to be adjusted  
330 annually for inflation using the Consumer Price Index, to operate a shuttle bus  
331 **service**, between the CDBG target areas in eastern Davie and the project site, to  
332 serve persons employed in the project. The Developer shall fund this service  
333 until such time as the Town **reasonably** determines that it is no longer needed.  
334 The Developer shall coordinate with the Town of Davie to provide a service  
335 that:

- 336 a. **maintains one hour headways or less;**  
337 b. operates during hours that will best serve retail and restaurant workers;  
338 c. follows a route that will best serve employees; and  
339 d. begins service prior to issuance of the first certificate of occupancy at  
340 the project.

- 341
- 342 4. The Developer shall provide on-site daycare facilities for employees of  
343 businesses in The Commons with appropriate hours of operation that will  
344 serve retail and office workers.

345

346 N. Hazardous Materials

- 347 1. The Commons DRI is not anticipated to include laboratories or other uses  
348 which would have a significant hazardous materials generation/usage impact  
349 as defined in Rule 9J-2.044(2)(f) and (5)(a), (FAC). In the event that hazardous  
350 material usage on any project within The Commons DRI will have a significant  
351 hazardous materials generation/usage impact, prior to issuance of a certificate  
352 of occupancy for any such use, the owner(s) and/or developer of the project  
353 generating such use, to the extent necessary and appropriate, after consultation  
354 with any leaseholders, shall submit a Hazardous Materials Management Plan  
355 for review and approval by the Town of Davie, in coordination with the first  
356 responders, as applicable, the Broward County Environmental Protection  
357 Department, the Florida Department of Environmental Protection (FDEP), and  
358 the SFRPC, which conforms with the requirements of Rule 9J-2.044(5)(b)2, FAC.

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359 A copy of the approved plan shall be provided to the Town of Davie Fire  
360 Department. The Hazardous Materials Management Plan shall be  
361 incorporated into any lease for such project and by sale agreement, restrictive  
362 covenant or other appropriate legally binding enforcement provision when any  
363 of the property on which such project is located is conveyed.

364 2. The Developer shall provide for the removal of the on-site out-of-service above  
365 ground fuel storage tanks; provide all required environmental assessment  
366 documentation to the FDEP, Broward County and other applicable agencies;  
367 and conduct all required site remediation in accordance with all applicable  
368 laws.

369 Q. Air Quality

370  
371 1. Prior to initiating construction or modification of the parking facility, the  
372 Developer shall meet with Broward County Environmental Protection  
373 Department (EPD) and the FDEP to establish parameters for a Carbon  
374 Monoxide Air Quality Analysis. This analysis will address worst case  
375 concentrations for each phase and build out while incorporate the  
376 methodology of the latest FDEP guidelines. All Level of Service (LOS) "E" or  
377 "F" intersections impacted by 5% or more project traffic and surface parking  
378 areas with 1,500 vehicle trips per hour or parking garages with 750 vehicle trips  
379 per hour ~~or combined 1,000 surface and multilevel parking spaces~~ shall be  
380 considered for the analysis.

381  
382 2. Broward County Ordinance Sec. 27-176, requires that prior to construction of a  
383 new parking facility or modification an existing one, the Developer shall  
384 submit a parking facility license application, prepare an air quality impact  
385 study and obtain a parking facility license if the number of parking spaces for  
386 the entire DRI is greater than or equal to 1,500 surface spaces; or 750 multilevel  
387 parking spaces; or combined 1,000 surface and multilevel parking spaces. The  
388 Developer shall submit the Carbon Monoxide Air Quality Analysis and  
389 Parking Facility license, based upon the agreed methodology, to EPD, the  
390 FDEP and SFRPC for their review and approval. The analysis shall  
391 demonstrate that the National Ambient Air Quality Standards for Carbon  
392 Monoxide will not be violated as a result of this project and if necessary, shall  
393 include mitigation measures for which the Developer shall be responsible.  
394

395 P. Noise

396 1. Noise levels generated on site and measured at the property line shall not  
397 exceed 50 dBA ~~in accordance with a~~ as prescribed in the noise study titled "The  
398 Environmental Acoustic Assessment for the Commons" dated July 27, 2007.  
399

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400 2. The Developer shall install landscape buffers and landscape encapsulated  
401 sound walls ~~as prescribed in the noise study titled to reduce noise impacts to~~  
402 ~~neighboring properties to levels at or below the background levels of noise~~  
403 ~~produced by I-75 as documented in~~ "The Environmental Acoustic Assessment  
404 for the Commons" dated July 27, 2007.

405 Q. Fill

406 The Developer shall ensure that any fill material used within The Commons DRI,  
407 whether from onsite excavation activities or from offsite sources, meets the clean soils  
408 criteria of the EPD and the FDEP, as applicable.

409 R. Historic and Archaeological Sites

410 In the event of discovery of any archaeological artifacts during the construction of The  
411 Commons DRI, construction shall stop within a thirty-foot radius/buffer and  
412 immediate notification shall be provided to the Division of Historical Resources,  
413 Florida Department of State, and the Town of Davie. Construction may resume within  
414 the affected area after the Town of Davie and the Division of Historical Resources have  
415 determined the appropriate mitigation pursuant to Rule 9J-2.043, FAC, if any are  
416 warranted, and such measures have been implemented by the Developer.

417 S. Public Safety

418  
419 1. The term "public safety" used herein shall include but not be limited to the  
420 Town of Davie Fire Rescue and Police Departments.

421 2. The Developer shall enter into an agreement with the Town of Davie such that  
422 the cost of providing fire rescue and police services and/or facilities to the  
423 project shall be borne by the Developer, his successors and assignees, and that  
424 changes to staffing levels can only be made with written approval from the  
425 Town of Davie.

426 3. Prior to the submittal of an engineering permit for the site, the Developer shall  
427 work with the Town of Davie (with input from public safety responders from  
428 the City of Weston and FHP) to ensure the adequate provision of fire/rescue  
429 and police services necessary to serve The Commons DRI.

430 4. The level of staffing necessary will be determined by the Town of Davie Police  
431 and Fire Departments. If the demand for police services increases or decreases  
432 from the amount initially forecast, the Developer shall be responsible for the  
433 costs of appropriate increased or decreased staffing levels.

434 5. The Developer shall dedicate a minimum two (2) acre site acceptable to the  
435 Town of Davie for an on-site public safety facility.

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436 6. In addition, the Developer shall provide a suitable workspace within the  
437 retail/office development to accommodate public safety personnel as  
438 determined by the Town of Davie Police and Fire Rescue Departments.

439 T. Wetlands

440 1. Mitigation for the loss of any on-site wetlands shall be that required by the  
441 applicable governmental entities with wetlands jurisdiction.

442  
443 2. The Developer must obtain all necessary permits related to wetland impacts  
444 from the U.S. Army Corps of Engineers, the SFWMD and Broward County,  
445 including official wetland jurisdictional determinations.

446  
447 3. The project will comply with the Town of Davie Land Development Code  
448 regulations that relate to the protection of natural resources and wetlands.

449  
450 4. The Developer shall obtain necessary approvals from the Florida Fish and  
451 Wildlife Conservation Commission or the U.S. Fish and Wildlife Service  
452 concerning endangered, threatened or species of special concern ~~with the~~ prior  
453 to issuance of an Environmental Resource Permit.

454 U. Recreation

455 The Developer shall dedicate to the Town of Davie an equestrian trail within the  
456 eastern buffer area along Shotgun Road. The equestrian trail shall be maintained by  
457 the Developer.

458 V. Transportation

459 1. Access to The Commons DRI shall be provided as follows:

460  
461 a. Access to The Commons DRI shall be limited to a new public roadway  
462 extending from the east side of the existing interchange at I-75 and  
463 Royal Palm Boulevard into the site and shall not connect to Shotgun  
464 Road.  
465

466  
467 b. The Developer shall construct a two-lane roundabout with a minimum  
468 outside diameter of 230 feet at the entry to the connecting roads into  
469 The Commons DRI spaced no less than 1,500 feet from the near edge of  
470 the roundabout to the centerline of the intersection formed by the  
471 signalized I-75 northbound exit ramp juncture, subject to Interchange  
472 Modification Report (IMR) analysis approved by FDOT and FHWA.

473  
474 c. There shall be no public access, including vehicular, pedestrian,  
475 equestrian or bicycle access, from the-project site to Shotgun Road.

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- d. Site design shall provide for ingress and egress from Shotgun Road for use of public safety personnel and vehicles.
  2. Emergency ingress and egress shall be provided as follows:
    - a. The Developer shall develop an Emergency Management Plan identifying how visitors and employees will be protected and evacuated, if necessary, in an imminent catastrophic condition and show how emergency vehicles will access the site under the various incidents.
    - b. Prior to the issuance of the first building permit for a principal building, the Emergency Management plan shall be approved by the Town of Davie with input from other first responders. The Emergency Management Plan shall be updated as needed and shall be approved by the Town of Davie with input from other first responders.
    - c. Emergency conditions shall only be activated under imminent catastrophic conditions which public safety officials have determined to be life-threatening. Under this scenario, any evacuation of the site will be under police control and direction. Site design, including the position of buffers and walls, shall accommodate emergency egress points on to I-75 and Shotgun Road for use during such emergency conditions.
    - d. The Developer shall develop and maintain a Traffic Incident Management Plan, which shall show how traffic accessing or exiting The Commons DRI will be managed when traffic incidents occur (crashes) that block part or all of an access road's approach lanes. The plan shall identify how vehicles will be detoured or directed around the incident with the use of mountable curbs, shoulders, and traversable median sections and identify alternate routes to be utilized should detouring over/through curbs, shoulders and medians prove inadequate;
    - e. Prior to the issuance of the first building permit for a principal building, the Traffic Incident Management Plan shall be approved by the Town of Davie with input from other first responders and Broward County Traffic Engineering Division. The Traffic Incident Management Plan shall be updated as needed and shall be approved by the Town of Davie with input from other first responders and Broward County Traffic Engineering Division.
  3. During construction access to the site shall be limited as follows:

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The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08

- 520 a. Access to the site for construction traffic shall be provided via the I-75  
521 interchange only and shall be subject to approval by FDOT (including  
522 approval of temporary ramp access, if necessary); however, in the event  
523 that FDOT does not approve the applicant's request for temporary  
524 construction ramps and exclusive access from the interchange,  
525 construction traffic shall be permitted temporary use of local roads.
- 526 b. Access to the site for public safety vehicles during construction shall be  
527 provided from Shotgun Road and shall be subject to approval by the  
528 Town of Davie.
- 529 c. Construction traffic to and from the site shall use I-75 and avoid use of  
530 local roadways in the City of Weston and the Town of Southwest  
531 Ranches including, but not limited to, Dykes Road, Volunteer Road and  
532 SW 172 Avenue.  
533
- 534 4. Development within The Commons DRI requires modification of the  
535 interchange at I-75 and Royal Palm Boulevard:  
536
- 537 a. The Developer shall construct the interchange modification at I-75 and  
538 Royal Palm Boulevard in the configuration ultimately approved by the  
539 FHWA and FDOT. (It is understood that the IMR will include  
540 evaluation of all alternatives required by FHWA.  
541
- 542 b. No site construction on site shall occur until:  
543 ~~(a)~~ (1) construction of the permanent I-75 interchange is  
544 completed; or  
545 ~~(b)~~ (2) construction of the interchange has started and a  
546 temporary construction access for the interchange has been  
547 permitted by FDOT and constructed by the developer.  
548
- 549 c. No permit shall be issued for construction of a principal building until  
550 FDOT has issued a permit for construction of the permanent I-75  
551 interchange access ramp.  
552
- 553 d. No Certificate of Occupancy shall be issued for a principal building  
554 (excluding the public safety building) until the permanent I-75  
555 interchange access ramp is completed.  
556
- 557 e. The I-75 interchange access ramps shall utilize the night sky  
558 requirements, if adopted by the Town of Davie, and subject to approval  
559 by FDOT.  
560
- 561 5. The Developer shall mitigate all project related traffic impacts on I-75 from  
562 Royal Palm Boulevard to Sheridan Street by making a proportionate share

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The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08

563 contribution toward the capacity, operation or mobility improvements as  
564 anticipated for long range capacity enhancements on I-75 (mainline or  
565 interchange) currently set forth in the adopted I-75 Master Plan dated January  
566 2006 and associated Project, Development and Environment study as approved  
567 by FDOT at time of payment. The proportionate share contribution shall be  
568 calculated consistent with the proportionate share formula in Section  
569 163.3180(12), Florida Statutes, Rule 9J-2.0245, FAC, and reviewed by FDOT.  
570 Payment shall be made prior to the first building permit for a principal  
571 building.  
572

573 6. The Developer shall pay Broward County, the Town of Southwest Ranches  
574 and the Town of Davie proportionate share contributions to toward the  
575 signalization of the intersection of Dykes Road (SW 160th Avenue) and Stirling  
576 Road (SW 60th Street), if warranted and approved by the local jurisdictions:  
577

578 a. The proportionate share contribution shall be calculated consistent with  
579 the proportionate share formula in Section 163.3180(12), Florida  
580 Statutes, Rule 9J-2.0245, (FAC)., and reviewed by Broward County, the  
581 Town of Davie and the Town of Southwest Ranches. Payment shall be  
582 made prior to the first building permit for a principal building.  
583

584 b. The mechanical box for said signalization shall be located within the  
585 Town of Davie jurisdictional limits.  
586

587  
588 *The City of Weston has stated that the City will not will not issue permits for construction of local road*  
589 *improvements necessary to mitigate the local traffic impacts of this DRI west of the project site. Broward*  
590 *County MPO notes that widening of Royal Palm Blvd., Dykes Road and South Post Road are not consistent*  
591 *with the adopted Broward County Long Range Transportation Plan. SFRPC has delete the proposed local road*  
592 *improvement conditions (#7 and part of 8) within the City of Weston from the DRAFT Development Order.*  
593

594  
595 8. Prior to the issuance of ~~certificates of occupancy~~ the first building permit for a  
596 principal building, the Developer shall make a proportionate share payment  
597 toward the capacity, operation or mobility improvements to the affected local  
598 jurisdictions for the proportionate cost of the following roadway improvements  
599 (based on a Construction Estimate prepared by the project engineer with  
600 review and approval by the appropriate local jurisdiction):  
601

602 the addition of ~~Add~~ one lane in each direction on Dykes Road between  
603 Griffin Road and Sheridan Street widening the road from two lanes to  
604 four lanes and comply with the appropriate municipal and Broward  
605 County standards for signal design, signage and pavement markings,  
606 and engineering standards.  
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9. All roadway modifications, other than on the interstate highway system, shall include design consideration for bike lanes, sidewalks, bus bays and bus shelters where such facilities are consistent with the local and regional plans and can be permitted with the agency having jurisdiction over the roadway facility.
10. The Developer, through a Community Development District or other appropriate entity acceptable to the Town of Davie, shall be responsible for the construction and maintenance of all project roadways east of the eastern terminus of the I-75 Royal Palm Boulevard Interchange that are outside the FDOT right-of-way. (These facilities will not be approved or maintained by the Broward County Traffic Engineering Division.)
11. The Developer shall encourage transit use, carpooling and vanpooling by:
- a. providing rideshare and transit information to tenants and employees and by designating employee parking spaces, conveniently located, for exclusively high occupancy vehicle use where appropriate; and through the provision of discount transit fares/passes;
  - b. developing a Travel Demand Management Plan (TDMP) for The Commons DRI that promotes car and van-pool programs, maintains a ridesharing database, promotes transit, and promotes preferential parking for onsite employees who volunteer for these trip reduction initiatives;
  - c. designating an on-site Employee Transit Coordinator who shall coordinate the implementation of the TDMP and provide annual reports to the FDOT and the Town of Davie; ~~and~~
  - d. participating and supporting the implementation of re-routing existing or future transit lines into the site from Broward County, the Town of Davie and the City of Weston;
  - e. incorporating transit-oriented design principles into the design of the site, such that the park and ride facility can have quality connectivity (convenience and comfort) to the primary portions of the development; and
  - f. performing a shared parking study to identify any reductions in parking that can be achieved by combining the parking supply for office and retain uses.

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- 646            12.    The TDMP and Employee Transportation Coordinator (ETC) shall be  
647            developed within one year of the issuance of the first certificate of occupancy  
648            for a permanent structure within The Commons DRI initiated when certificates  
649            of occupancy for the retail development have reached a cumulative total of  
650            500,000 square feet of GFA and/or the certificates of occupancy for the office  
651            space have reached a cumulative total of 250,000 square feet of GFA. The  
652            TDMP and ETC shall be in effect for a period not less than five (5) years during  
653            which the ETC shall submit annual trip reduction status reports for review and  
654            comment to and shall be reviewed by the Town of Davie and FDOT. Upon the  
655            five (5) year anniversary of implementing the TDMP and Employee  
656            Transit Coordinator shall be evaluated after five (5) years and be in effect for a  
657            period of ten (10) years following the issuance of the first certificate of  
658            occupancy for a principal building. Continuation of the TDMP and Employee  
659            Transit Coordinator after that date shall be determined jointly between the  
660            FDOT, the Town of Davie and the Developer shall conduct a critical review of  
661            the TDMP and mutually decide upon its continuance thereafter.  
662
- 663            13.    The Developer shall provide a location, that is acceptable to Broward County  
664            Transit and FDOT, for a future transit station/stop with shelter facilities for  
665            the planned I-75 busway in consultation with the affected transit agencies and  
666            FDOT as appropriate. The station/stop shall including necessary parking and  
667            right-of-way as identified in the adopted I-75 Master Plan dated January 2006,  
668            and the subsequent Project Development and Environment Study to be  
669            approved by FDOT.
- 670            14.    The Developer shall maintain sufficient area within 1,000 feet from the  
671            southwest corner of the site to provide an on-site park and ride lot  
672            requirements as determined by the I-75 Project Development and Environment  
673            Study. The park and ride lot will provide providing a shared parking area for  
674            at least 100 spaces where short term provisions can be made to accommodate  
675            commuters, transit passengers and shuttle stops from local shuttle buses. This  
676            lot shall be reevaluated and/or incorporated into the Busway and Transit  
677            Station and its parking facilities if the Busway Transit Station is deemed a  
678            viable component of the I-75 Master Plan Project Development and  
679            Environment Study dated January 2006 and ultimately implemented by the  
680            FDOT. If the Busway is not deemed viable, the park and ride lot shall remain  
681            and function to serve as an intermodal center for the surrounding area.  
682
- 683            15.    The site will be developed in recognition of a Park and Ride lot within 1000 feet  
684            of the southwest corner of the site. The Park and Ride site and surrounding  
685            parking will be developed so as not to preclude pedestrian interaction with  
686            other on-site uses. To the extent feasible, Transit Oriented Development  
687            principles will be utilized including minimizing vehicular conflicts with on-site  
688            vehicles and pedestrians.

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W. Biennial Report and Monitoring

1. The biennial report required by Section 380.06(18), Florida Statutes, shall be submitted every two (2) years, until buildout is achieved, on the anniversary date of the effective date of this Development Order to the Town of Davie, the SFRPC, the Florida Department of Community Affairs, the FDOT, and such additional parties as may be required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), FAC.
2. The Town of Davie Town Administrator, or his or her designee, shall be responsible for monitoring the Developer's compliance with the conditions of this Development Order and shall ensure that the applicable Development Order conditions have been complied with prior to the issuance of any development permits. Upon the written request of the owner(s) or developer(s) of property within The Commons DRI, the Town of Davie shall certify in writing to the owner(s), developers, mortgagees, and potential mortgagees or their designee(s) the compliance status of the conditions of this Development Order relative to the property within The Commons DRI to which the request is related. If all conditions of this Development Order are being satisfied or are otherwise in compliance, the certification shall provide that the Development Order is in full compliance. If all conditions are not being complied with, the Town of Davie shall specify in writing which conditions are not in compliance.
3. In the event the Developer violate any of the conditions of the Development Order or otherwise fails to act in substantial compliance with the Development Order (hereinafter "violator"), the Town of Davie may stay the effectiveness of the Developer Order as to the tract or portion of the tract in which the violation or conduct has occurred and withhold further permits, approvals, and services for development in said tract or portion of the tract, upon passage of any appropriate resolution by the Town of Davie, adopted in accordance with this section, finding that such violation has occurred. The violator shall be given written notice that states: i) the nature of the purported violation and ii) that unless the violation is cured within fifteen (15) days of said notice, a public hearing will be held to consider the matter within thirty (30) days of said notice. If the violation is not curable within fifteen (15) days, the violator's diligent good faith efforts to cure the violation will obviate the need to hold a public hearing and the Development Order will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the Town of Davie shall give fifteen (15) days notice to the violator of its intention to stay the effectiveness of the Development Order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred until the

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**The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08**

732 violation is cured. For purposes of this provision, the word “tract” shall be  
733 defined to mean any quantity of land capable of being described with such  
734 definiteness that its boundaries may be established, which is designated by its  
735 owner or developer as land to be used or developed as a unit or which has  
736 been used or developed as a unit, and which is located within The Commons  
737 DRI.

738

739 X. Expiration or Termination Date

740

741 The expiration date for this Development Order shall be December 31, 2020, unless the  
742 expiration date is extended as provided in Section 380.06(19)(c), Florida Statutes.

743

744 Y. Transmittal to the SFRPC and the Department of Community Affairs

745

746 Within thirty (30) days after the adoption of this Development Order, a certified copy  
747 of this Development Order with all exhibits shall be sent via first class certified U.S.  
748 Mail to the SFRPC, the Department of Community Affairs, and the Developer.

749

750 Z. Recording

751

752 Within thirty (30) days after the effective date of this Development Order, the  
753 Developer shall record notice of the adoption of this Development Order together with  
754 the Development Order with the Clerk of the Circuit Court of the Seventeenth Judicial  
755 Circuit, in and for Broward County, Florida in accordance with Sections 28.222 and  
756 380.06(15)(f), Florida Statutes. This notice shall specify that this Development Order  
757 runs with the land and is binding upon the Developer, its agents, successors, grantees  
758 and assigns, jointly or severally. The Developer shall provide a copy of the recorded  
759 notice to the Town of Davie, the SFRPC, and the Department of Community Affairs.

760

761

762 **ADDITIONAL CONDITIONS FOR THE TOWN OF DAVIE**

763

764 1. The Town of Davie shall withhold the issuance of building permits or certificates of  
765 occupancy, or both, if the Developer fails to meet the requirements of Conditions A 1 -  
766 7.

767

768 2. The Town of Davie shall withhold the issuance of building permits or certificates of  
769 occupancy, or both, if potable water and/or wastewater treatment demand exceeds  
770 capacity adequate to serve that demand.

771

772 3. The Town shall include appropriate conditions in the development order to ensure that  
773 The Commons Development of Regional Impact meets the local government’s  
774 concurrency requirements.

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The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08

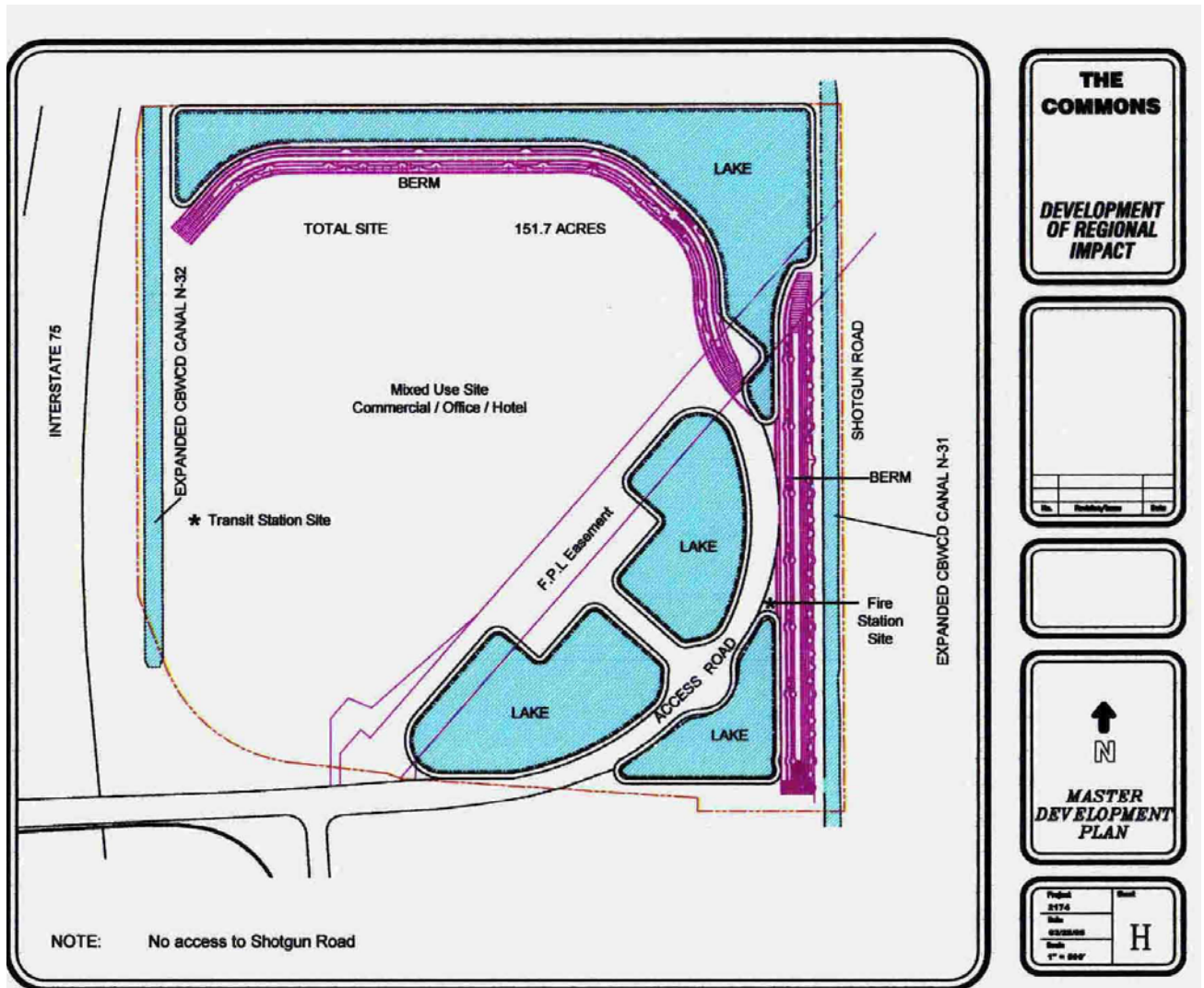
- 776 4. The Town shall withhold issuance of all Certificates of Occupancy until the Developer  
777 provides the Town with a signed receipt or other documentary evidence indicating that  
778 the amounts set forth below has been paid:  
779
- 780 (a.) Proportionate share payment for mitigation under Section V condition 5 to FDOT;
  - 781 (b.) Proportionate share payment for mitigation under Section V condition 6 and 8 to  
782 Town of Davie;
  - 783 ~~(c.) Proportionate share payment for mitigation under Section V condition 7 and 8 to  
784 City of Weston; and~~
  - 785 (c.) Proportionate share payment for mitigation under Section V condition 6 and 8 to  
786 Town of Southwest Ranches; and
  - 787 (d.) Proportionate share payment for mitigation under Section V condition 6 and 8 to  
788 Broward County.  
789  
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STAFF DRAFT

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791 EXHIBIT 1 - Master Development Plan  
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 793  
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 796  
 797  
 798 Source: Application for Development Approval

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The Commons DRI - Proposed Development Order Conditions - 5th Draft 05/22/08

799 EXHIBIT 2 - The Commons DRI PM Peak Hour Trip Rate Table  
 800  
 801  
 802

LAND USE	SCALE OF DEVELOPMENT	ITE LAND USE CODE	PM PEAK HOUR				
			GROSS TRIPS	PASS BY TRIPS	INTERNAL CAPTURE TRIPS	NET EXTERNAL TRIPS	NET EXTERNAL TRIP RATE
GENERAL OFFICE	885,000 SF GFA	710	1,070		89	981	1.108
COMMERCIAL /RETAIL	1,000,000 SF GLA	820	2,862	413	109	2,340	2.340
HOTEL	300 ROOMS	310	177		53	124	0.413
TOTALS			4,109	413	251	3,445	

803  
 804 NOTE:  
 805 [1] COMMERCIAL RETAIL IS 1,100,000 SF GFA AND 1,000,000 GLA. ITE TRIP CALCULATIONS  
 806 FOR RETAIL ARE IN GLA.  
 807 [2] SOURCE: APPLICATION FOR DEVELOPMENT APPROVAL TABLE 21.B2, TABLE 21.C3  
 808  
 809

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