



Permitting and Inspections Department
Michael A. Russell, MS, Director

March 27, 2018

Patrick Venne
Federated Equities
P.O. Box 370008
Miami, FL 33137
Re: Permit # 2018-00144

Dear Mr. Venne,

I write to inform you that your application for a building permit is hereby denied. Below are the findings of fact and conclusions of law that underpin that decision.

- The Federated Companies received site plan approval (2014-203) for the development of land in the vicinity of Somerset Street, Chestnut Street and Elm Street.
- The approved development featured approximately 445 dwelling units, 91,000 sf of retail space, and a 799 space parking garage.
- The Planning Board conditionally approved Federated's site plan in a letter dated March 17, 2015.
- Included in the "standard conditions of approval," imposed by the Board in its site plan approval is a requirement that "a performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount . . . must be submitted and approved by the Planning Division and [Public Works] Department . . . prior to the release of a building permit[.]"
- This condition is in accordance with and required by Section 14-530(b)(3) which provides that a performance guarantee must be posted "prior to the issuance of a building permit . . ." and Section 14-530(b)(4) which requires that, "at the same time that the developer posts a performance guarantee, the developer shall also initially pay to the City of a site plan inspection fee equal to two (2) percent of the estimated costs of required site improvements for which a performance guarantee is to be posted."
- In its approval, the Board also included conditions requiring Federated to pay certain fees totaling approximately \$84,200 relating to its traffic movement permit and the City's street tree requirements. According to the Board's decision, these fees were to be paid before a building permit could be issued.
- Under Section 14-532(c), site plan approvals typically expire 12 months from the date of approval unless "development has been undertaken in accordance with the approved plan and site work or building construction is ongoing . . ." or "prior to the expiration of the site plan, such other time period is agreed upon, in writing, by the Planning Authority and the applicant, not to exceed three (3) years from the date of approval."



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- At the Federated Companies' request, the City agreed to extend Federated's site plan approval to March 25, 2018. That date ran from a final approval by the Planning Board of a condition of approval on March 25, 2015 and, thus, was 3 years from the date of final action by the Board.
- To date, there has been no site work or building construction on the site.
- The Federated Companies submitted a building permit application on February 1, 2018 and the paid the invoice on February 16th.
- To date, the Federated Companies has not posted a performance guarantee satisfying Section 14-503(b)(3) or the condition of its site plan approval.
- In an email dated Friday, March 23, 2018, the Federated Companies communicated a refusal to post a guarantee as required by the City Code and the Planning Board's conditional approval.
- Although Federated submitted a check on March 5, 2018 in the amount of \$84,200 to satisfy the conditions of approval relating to its traffic movement permit and street tree requirements, on March 12, 2018 Federated requested the return of that fee. The City returned Federated's check on March 12, 2018 and Federated has not resubmitted payment of those fees.

In light of the foregoing, Federated's building permit application is denied on three distinct and alternative grounds:

First, because the Federated Companies' site plan approval expired on March 25, 2018, there is no extant site plan on which a building permit can be based. Federated Companies' building permit is therefore denied on that basis.

Second, because Federated has failed to post either a performance guarantee or a site plan inspection fee as required by the Planning Board's approval and Section 14-530 of the City Code its building permit application is denied.

Third, because Federated has failed to provide payment of the fees relating to its traffic movement permit and in satisfaction of the City's street tree requirements, its building permit application is denied.

This denial may be appealed pursuant to Section 14-472 of the City Code.

Sincerely,