

STAFF REPORT 20-506
Sector 1 Boundary Plat
104-MP-96

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Board on March 4, 1997, for a mixture of commercial, office, industrial and hotel uses on 63.4 acres. The property is located on the south side of State Road 84, west of Glades Parkway, in the City of Weston. The plat was recorded on June 26, 1998 (Plat Book 165, Page 16). This property is included in the Weston – Indian Trace Development of Regional Impact (DRI).

The current note, which was approved by the County Commission on June 4, 2013, restricts the plat as follows (Book 50051, Page 1427):

This plat is restricted to 94,000 square feet of commercial use on Parcel A; 95,000 square feet of middle and high school use on Parcel B-1 (see attached legal description); 28,346 square feet of church use (3,792 square feet existing and 24,554 square feet proposed) on Parcel B-2 (see attached legal description); and **60,000 square feet of commercial use**, 150,000 square feet of office use, 450,000 square feet of industrial use, and 161 townhouses on the remainder of Parcel B (see attached legal description). No daycare/preschool, elementary school, middle school and/or high school uses are permitted on Parcel B-2 without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to increase the commercial use from 60,000 square feet to 94,000 square feet. Increasing the commercial use by 34,000 square feet on the remainder of Parcel B.

The proposed Note Amendment reads as follows:

This Plat is restricted to 94,000 square feet of commercial use on Parcel A; 95,000 square feet of middle and high school use on Parcel B-1, 28,346 square feet of church use on Parcel B-2 and **94,000 square feet of commercial use**, 150,000 square feet of office use, 450,000 square feet of industrial use, and 161 townhouses on the remainder of Parcel B. No daycares/preschool, elementary school, middle school and/or high school uses are permitted on Parcel B-2 without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "Industrial" land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan. Planning Council staff notes that they have received written documentation that the City of Weston allocated "20% Industrial-to-Commercial" flexibility rule to portions of Parcel B through Broward County Ordinance 96-19(Z) to the plat on September 23, 2019.

It is further noted that the allocation of “flexibility” for this plat is not subject to Policy 2.10.1 of the Broward County Land Use Plan, as the subject parcel is not located within 500 feet of a Broward County or regional park, or an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan, and is not located adjacent to another municipality.

Concurrency Review

This plat with the amended note satisfies the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents an increase of 155 PM peak hour trips. The plat is located within the Southwest Standard Transportation Concurrency Management District and the Weston – Indian Trace Development of Regional Impact (DRI). No additional road impact fees are required for this plat, since they have been satisfied through the DRI. A letter from the City of Weston stating consistency with the DRI will be required when construction plans are submitted for County environmental review approval.

Impact Fees

Both road impact fee requirements and regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code are satisfied. Demolition credit applied towards the assessment of transportation concurrency fees may only be utilized for development which satisfies the above conditions. If a demolition permit for existing structures is issued more than eighteen (18) months prior to the date of development and environmental review of constructions plan, impact fees shall be assessed in accordance with the current fee schedule which may be amended every October 1, unless otherwise waived or exempted, and paid on the date of building permit issuance.

Regional park impact and administrative fees are subject to an annual adjustment on October 1. The applicant is further advised that, in cases where a building floor may have both commercial and office uses on it, the entire floor will be assessed for commercial use.

Reviewing Agency Comments

The attached letter from the City of Weston, dated December 5, 2019, indicates no objection to this request.

Staff from the Highway Construction and Engineering Division and the Transit Division has reviewed this request and has no objection to the request.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

The Aviation Department has advised that any proposed construction on this property with a height exceeding 200 feet or use of cranes or other high-lift equipment must be reviewed to determine if the following apply: Federal Aviation Regulation Part 77; Florida Statutes Chapter 333; and/or the Broward County Airport Zoning Ordinance. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. Any questions regarding this should be directed to the Aviation Department 954-359-2291. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>.

In addition to the above findings, Aviation Department staff have no objection to the request subject to the conditions contained in the attached memorandum.

Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

The consulting archaeologist also notes that this plat is located within the City of Weston, which is outside the jurisdictional boundaries of Broward County Historic Preservation Ordinance 2014-32. Accordingly, the archaeologist suggests that the property owner/agent contact Sarah Sinatra Gould, Director of Development Services, at 954-266-6495 to seek project review for compliance with municipal historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **April 7, 2021**.

The amended note must also include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **April 7, 2025**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner 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

- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **April 7, 2025**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner 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.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

KDL