

Board of County Commissioners, Broward County, Florida  
Environmental Protection and Growth Management Department  
Planning and Development Management Division  
DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION

|            |  |               |            |
|------------|--|---------------|------------|
| Name:      | LEDDS ENTERPRISE II PLAT ( <b>Parcel A-3</b> )   | Number:       | 027-UP-89  |
| Applicant: | Kirk Willis  | Comm. Dist.:  | 2          |
| Agent:     | Kimley-Horn and Associates, Inc.   | Sec/Twp/Rng:  | 09-48-42   |
| Location:  | North of Northwest 48 Street (Wiles Road), Between Southwest 43 Terrace and Southwest 45 | Platted Area: | 4.61       |
| City:      | Deerfield Beach  | Gross Area:   | 29.6 Acres |
| Replat:    | This is a New Finding of Adequacy for a Recorded Plat (Plat Book 144, Pages 20)          |               |            |

LAND USE

|                  |                                      |                             |   |
|------------------|--------------------------------------|-----------------------------|---|
| Existing Use:    | Vacant (Parcel A-3 Only)             | Effective Plan:             | Deerfield Beach   |
| Proposed Use:    | Parcel A-3: 4.62 Acres<br>Industrial | Plan Designation:           | Industrial. See attached comments from the Planning Council |
| Adjacent Uses:   |                                      | Adjacent Plan Designations: |   |
| North:           | Lake                                 | North:                      | Industrial  |
| South:           | Industrial                           | South:                      | Industrial  |
| East:            | Industrial                           | East:                       | Industrial  |
| West:            | Industrial                           | West:                       | Industrial  |
| Existing Zoning: | I-2                                  | Proposed                    | I-2   |

RECOMMENDATION (See Attached Conditions)

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

Meeting Date: 02/11/20  
Action Deadline: 03/11/20  
Deferral Dates:

Prepared: HWC  
Reviewed:  
Approved:

SERVICES

|                    |                |                      |                         |
|--------------------|----------------|----------------------|-------------------------|
| Wastewater Plant:  | BCUD 4 (09/18) | Potable Water Plant: | Deerfield Beach (08/18) |
| Design Capacity:   | 95.0000 MGD    | Design Capacity:     | 30.000 MGD              |
| 12-Mo. Avg. Flow:  | 69.9000 MGD    | Peak Flow:           | 17.800 MGD              |
| Est. Project Flow: | 0.0201 MGD     | Est. Project Flow:   | 0.033 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        |

|           | Land Dedication                                       | Impact Fee | Admin. Fee |
|-----------|---|------------|------------|
| Local:    | County conducts no local review within municipalities | N/A        | N/A        |
| Regional: | N/A   | N/A        | N/A        |

TRANSPORTATION

|                                |               |                         |                 |
|--------------------------------|---------------|-------------------------|-----------------|
| Concurrency Zone:<br>Northeast | Trips/Peak Hr | Transit Concurrency Fee | Road/Admin. Fee |
| Res. Uses:                     | N/A           | N/A                     | N/A             |
| Non-Res. Uses:                 | 39            | *                       | N/A             |
| Total:                         | 39            | *                       | N/A             |

\* See Staff Comment No. 5  
See Finding No. 1  
See General Recommendation No. 1

LEDDS ENTERPRISES II PLAT (**Parcel A-3**) 20-105  
027-UP-89

STAFF COMMENTS

- 1) This plat was approved by the Broward County Commission on December 19, 1989, for 29.61 acres with “no development” on the plat. A restricted note was subsequently placed on the plat, approved by the Board on June 14, 2011 and recorded on December 20, 2011 (Instrument No. 110445496). The plat note restricted Parcel A-1 to 300,346 square feet of industrial use and Parcel A-2 to 44,654 square feet of industrial use. On February 14, 2012, the plat note was further amended and Parcel A-1 was subdivided into two parcels (A-1B which is restricted into 283,346 square feet of industrial use and Parcel A-3 is restricted into 4.62 acres of industrial) as recorded on January 17, 2013 (Instrument No. 111263482). Neither a building permit was issued nor infrastructure installed by June 14, 2016, and in accordance with Section 5-181(o) of the Land Development Code, the County’s findings of adequacy expired on Parcel A-3. Parcels A-1 and A-2 have previously been extended by the Board.
- 2) This application for a New Finding of Adequacy is for **Parcel A-3 only**. Staff findings and recommendations pertaining to this application for a new finding of adequacy are based on the use being Parcel A-3 is restricted to 4.62 acres of industrial use. Free standing ancillary office uses are permitted within Parcel A-3, as defined as subordinate to the principal outdoor storage use.
- 3) The review of this application for a new finding of adequacy included the information contained in the application, the property survey, the recorded plat and the Development Review Report approved by the County Commission on December 19, 1989.
- 4) The comments, findings and recommendations contained in this report supersede all previous development review reports and delegation requests approved by the County Commission.
- 5) This property is located within a transit concurrency district. In accordance with Land Development Code, transit concurrency fees will be assessed in accordance with the fee schedule specified in the ordinance and prior to environmental review approval of construction plans and must be paid on the date of the building permit issuance. However, previously assessed transportation concurrency fees were satisfied for Parcel A-3 prior to the recordation of the note amendment and the conversion of the industrial square footage to industrial acreage.
- 6) This plat is not located in a Wellfield Zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 7) This plat is located in the City of Deerfield Beach and is in the Central Broward Water Control District. Surface water management plans for this plat must meet the criteria of the Water Control District. A surface water management permit must be obtained from this District prior to any construction. Any discharges to ground or

surface waters, excluding stormwater, will require review and approval by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge

- 8) This project is within the Broward County water service jurisdictional (service) area, District 02. A BCWWS Utility Connection Permit will be required before water construction can begin. Visit the web page at [www.broward.org/WaterServices/Pages/LandDevelopment.aspx](http://www.broward.org/WaterServices/Pages/LandDevelopment.aspx) for additional information. The configurations of water facilities will likely change per subsequent detailed plan review associated with the BCWWS Utility Connection Permit.
- 9) The applicant is advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding, or altering either a gravity sanitary sewer, a sanitary force main, or a pump station. Wastewater receiving lift stations and force mains are critical components of the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483.
- 10) Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division 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., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Water and Environmental Licensing Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 11) 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.
- 12) The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division encourages 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 to be removed during the development process, and a management plan may be necessary to control re-

invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Water and Environmental Licensing Section.

- 13) Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Deerfield Beach if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 14) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. Please contact Paul Krashefski of the Environmental Planning and Community Resilience Division concerning the inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands. He can be reached at (954) 519-1297 or [pkrashefski@broward.org](mailto:pkrashefski@broward.org)
- 15) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.
- 16) All future industrial uses must be approved by the Environmental Engineering and Permitting Division.
- 17) 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, the Environmental Engineering and Permitting Division's approval of an application for a building permit or approval to construct or alter shall not be granted until the Environmental Assessment and Remediation Section of the Environmental Engineering and Permitting Division 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]. It should also be noted that the Environmental Assessment and Remediation must approve any dewatering activities at this site.
- 18) Approval of this new findings of adequacy 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 is approved by the Environmental Engineering and Permitting Division 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.

- 19) The Broward County Aviation Department has no objections to this plat. However, the information submitted with this plat application does not indicate the height of any proposed buildings. The applicant is advised by staff of the Aviation Department that any proposed construction on this property with a height exceeding 200 feet, or the use of cranes or other high-lift equipment, must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply to this development. Based on the location of the proposed project, the FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 20) A review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicated that the proposed development will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

The archaeologist noted that this property is located in the City of Deerfield Beach. Archaeological resources within the City of Deerfield Beach fall under the jurisdiction of Broward County's historic preservation ordinance (B.C. Ord. 2014-32). Pursuant to B.C. Ord. 2014-32, Section 5-536(g), if "in the event that archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery shall be discontinued," and the property owner must notify the County Historic Preservation Officer, Richard (Rick) Ferrer, of the Planning and Development Management Division at 954-357-9731 or [referrer@broward.org](mailto:referrer@broward.org).

In the event any unmarked human burial remains are discovered, pursuant 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](mailto:med_exam_trauma@broward.org).

- 21) Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and the Transit Division staff have reviewed this request and recommend **APPROVAL** subject to the conditions contained in the attached memorandum.
- 22) The attached memorandum from the Broward County Planning Council indicates that the proposed industrial and ancillary office uses are in compliance with the permitted uses of the effective land use plan.
- 23) The attached letter from the City of Deerfield Beach dated December 19, 2019, and Resolution No. 2011/141 adopted August 16, 2011, confirms that the City has no objections to a new findings of adequacy and approves of the plat note.

- 24) 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 specific questions regarding any of the above comments may be directed to each review agency contact person. A complete list of agency contact information can be accessed on the Planning and Development Management Division's web page at:  
[www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf)

## FINDINGS

- 1) This plat is located within the Northeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This application for a new findings of adequacy satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

## GENERAL RECOMMENDATIONS

- 1) Road impact fees and transportation concurrency fees were satisfied for Parcel A-3 prior to the recordation of the note amendment and the conversion of the industrial square footage to industrial acreage. Therefore, no transportation concurrency fees will be assessed.
- 2) Within twelve (12) months of approval of this application for a new finding of adequacy, comply with all conditions of approval and record an agreement acceptable to the County Attorney's Office to amend the note on the plat as follows:
  - A) Parcel A-3 is restricted to 4.62 acres of industrial use. Free standing ancillary office uses are permitted within Parcel A-3, as defined as subordinate to the principal outdoor storage use.

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.

- B) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **February 11, 2025**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as

Continued

- 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
- C) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 11, 2025**, which date is five (5) years from the date of approval of this application 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.
- 3) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.