

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

PROJECT DESCRIPTION

| | | | |
|------------|---|---------------|------------|
| Name: | SEFL | Number: | 024-MP-19 |
| Applicant: | Southeastern Freight Lines, Inc | Comm. Dist.: | 4 |
| Agent: | Pulice Land Surveyors, Inc. | Sec/Twp/Rng: | 03-49-42 |
| Location: | Southeast Corner of CSX Railroad and Southwest 9 Street | Platted Area: | 7.43 Acres |
| City: | Pompano Beach | Gross Area: | N/A |
| Replat: | N/A | | |

LAND USE

| | | | |
|------------------|---------------------------------|-----------------------------|--|
| Existing Use: | 42,437 Sq. Ft. Industrial | Effective Plan: | Pompano Beach |
| Proposed Use: | 25,000 Sq. Ft. Industrial | Plan Designation: | Industrial. See attached comments from the Planning Council. |
| Adjacent Uses: | | Adjacent Plan Designations: | |
| North: | Industrial | North: | Industrial |
| South: | Industrial | South: | Industrial |
| East: | Industrial | East: | Industrial |
| West: | CSX Railroad, Multi-Family Res. | West: | Medium 10-16 DU/AC within a Dashed-Line |
| Existing Zoning: | I-1 | Proposed Zoning: | I-1 |

RECOMMENDATION (See Attached Conditions)

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

Meeting Date: 04/07/20
Action Deadline: 05/19/20
Deferral Dates:

Prepared: HWC
Reviewed:
Approved:

SERVICES

| | | | |
|--------------------|--------------|----------------------|-----------------------|
| Wastewater Plant: | BCUD (09/19) | Potable Water Plant: | Pompano Beach (04/18) |
| Design Capacity: | 95.0000 MGD | Design Capacity: | 50.000 MGD |
| 12-Mo. Avg. Flow: | 72.5000 MGD | Peak Flow: | 18.500 MGD |
| Est. Project Flow: | 0.0025 MGD | Est. Project Flow: | 0.003 MGD |

Comments: Sufficient capacity exists at this time. Comments: Sufficient capacity exists at this time.

PARKS

| SCHOOLS | | | Land Dedication | Impact Fee | Admin. Fee |
|----------------|------------|-----------|-----------------|------------|------------|
| Dwelling Units | Impact Fee | Local: | N/A | N/A | N/A |
| N/A | N/A | Regional: | N/A | N/A | N/A |

TRANSPORTATION

| | | | |
|--------------------------------|----------------|----------------------------|--------------------|
| Concurrency Zone: Northeast | Trips/Peak Hr. | Transit Concurrency Fee | Road/Admin. Fee |
| Res. Uses: | N/A | N/A | N/A |
| Non-res. uses: | 18 | * | N/A |
| Total: | 18 | * | N/A |

* See Staff Comment No. 3 & 4
See Finding No. 1
See Staff Recommendation No. 1

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024-MP-19

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 25,000 square feet of industrial use. This property is being platted because it does not qualify for an exception to the mandatory platting rule and the plat boundaries are not specifically delineated on a recorded plat.

The industrial square footage on this plat may consist of either industrial uses, industrial/office uses, and/or industrial/showroom uses, upon satisfaction of appropriate transportation concurrency fees. Industrial uses may have a maximum thirty percent (30%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/office uses may have a maximum fifty percent (50%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/showroom uses may have a maximum thirty percent (30%) ancillary commercial or office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant.

- 2) Trafficways approval is valid for 10 months. Approval was received on September 26, 2019.
- 3) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code, transportation concurrency fees will be assessed in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval and must be paid on the date of the building permit issuance. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance, including interior mezzanines and exterior canopies and overhangs for loading facilities.
- 4) At the time of plat application 42,437 square feet of industrial use existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, this structure may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. **No credit will be granted for demolition occurring more than eighteen (18) months prior to the review of construction plans submitted for County environmental review approval.**
- 5) This plat is located in the City of Pompano Beach and is in a dependent water control districts under the jurisdiction of the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division. Surface water management plans must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of the Water Control District No. 04. A surface water management license from the Water and Environmental Licensing Section will be required 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.

- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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 Pompano 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.

Continued

- 11) 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.
- 12) 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.
- 13) A demolition notice of the existing use may be required from the Broward County Air Licensing and Compliance Section of the Environmental Engineering and Permitting Division.
- 14) All future industrial uses must be approved by the Environmental Engineering and Permitting Division.
- 15) 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.
- 16) This property is within 20,000 feet of Fort Lauderdale Executive Airport and the Pompano Beach Municipal Airport. Any proposed construction on this property or 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. 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. To initiate the local municipality review, please contact the City of Fort Lauderdale and the City of Pompano Beach. Also, to initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 17) 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 indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application.

The archaeologist notes that this property is located in the City of Pompano and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Maggie Barszewski of the City of

Pompano Beach's Development Services Department at 954-786-7921 or to seek project review for compliance with the 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.

- 18) Section 5-182(w) of the Land Development Code requires a municipality to submit written documentation, for informational purposes only, either prior to or with the "Written Authorization to Proceed," stating how all proposed industrial plats either abutting a residential land use plan category, or separated from a residential land use plan category by a right-of-way, easement, canal, or lake with a width of 100 feet or less, will address compatibility between the proposed industrial use(s) and the abutting residential land use plan category. The attached letter from the City of Pompano Beach determined that the industrial use will not have an adverse effect on the existing residences as it is separated by a road and railroad right of way that is in excess of 100 feet.
- 19) The attached memorandum from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division indicates that they have reviewed the plat application and have determined that the comments and recommendations are required with respect to the safe and adequate access standards of the Broward County Land Development Code. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 20) The attached memorandum from the Broward County Planning Council indicates that the proposed industrial use is in compliance with the effective land use plan.
- 21) 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.
- 22) 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

FINDINGS

CONCURRENCY REVIEW

- 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 plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

GENERAL RECOMMENDATIONS

- 1) Transportation concurrency fees will be assessed during the review of construction plans submitted for County environmental review approval by the Development and Environmental Review Section of the Planning and Development Management Division, in accordance with the fee schedule specified in the Land Development Code and must be paid on the date of building permit issuance.
- 2) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:

All applicable concurrency/impact fees for the construction, expansion, and/or conversion of a building within this plat shall be paid on the date of building permit issuance.

- 3) Place a note on the face of the plat reading:
 - A) If a building permit for a principal building (excluding dry models, sales and construction offices) and 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.
 - C) This plat is restricted to 25,000 square feet of industrial 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.
- D) Any structure within this plat must comply with Section 2.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.
- 4) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.