

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

PROJECT DESCRIPTION

Name:	PLANTATION 441	Number:	068-MP-07
Applicant:	Plantation 441 Ltd.	Comm. Dist.:	9
Agent:	Pulice Land Surveyors, Inc.	Sec/Twp/Rng:	12-50-41
Location:	North of Peter Road, Between State Road 7/U.S. 441 and NW 42 Avenue	Platted Area:	5.82 Acres
City:	Plantation	Gross Area:	29.6 Acres
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 178, Pages 154)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Plantation
Proposed Use:	Assisted Living Facility (ALF) with 124-Sleeping Rooms (111 Dwelling Units Equivalent)	Plan Designation:	Local Activity Center. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Motel	North:	Local Activity Center
South:	Commercial, Single Family Residential	South:	Local Activity Center
East:	Commercial, Motel	East:	Local Activity Center
West:	Commercial, Single Family Residential	West:	Low (5) Residential
Existing Zoning:	SP1-2AC	Proposed	N/A

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: 03/31/20  
Action Deadline: 05/05/20  
Deferral Dates:

Prepared: HWC  
Reviewed:  
Approved:

SERVICES

Wastewater Plant:	Plantation (09/19)	Potable Water Plant:	Plantation (12/18)
Design Capacity:	17.5000 MGD	Design Capacity:	24.000 MGD
12-Mo. Avg. Flow:	11.9000 MGD	Peak Flow:	6.116 MGD
Est. Project Flow:	0.0333 MGD	Est. Project Flow:	0.039 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

\* See Staff Comment No. 6  
See Finding No. 2  
See Gen. Recommendations No.1

	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

\* See Staff Comment No. 7  
See Finding No. 4  
See Gen. Recommendations No. 1

TRANSPORTATION

Concurrency Zone:	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Northeast			
Res. Uses:	27	*	N/A
Non-Res. Uses:	N/A	N/A	N/A
Total:	27	*	N/A

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

PLANTATION 441 20-323  
068-MP-07

STAFF COMMENTS

- 1) This plat was approved by the Broward County Commission on November 13, 2008, for 17,800 square feet of warehouse/office with warehouse/office use permits up to fifty percent (50%) of ancillary office within the warehouse use. At the time of plat approval, it included a replat of "*PLANTATION SEVEN PLAT*" (Plat Book 151, Page 20), which was approved for 30,000 square feet of commercial use. The new findings of adequacy required that either a building permit be issued or infrastructure for development be substantially completed by November 13, 2013. However, neither was a building permit issued nor infrastructure installed, and in accordance with Section 5-181(o) of the Land Development Code, the County's findings of adequacy have expired.
- 2) Staff findings and recommendations pertaining to this application for a new finding of adequacy are based on the use being an assisted living facility (ALF) with 124 sleeping room (111 dwelling unit equivalents). This facility will be restricted to prohibit the residence of school age children in a manner not inconsistent with federal, state, or local law or regulations from school concurrency and school impact fee requirements.

In addition, the applicant request amending the nonvehicular access line (NVAL) to have two 25-foot openings, the first 157 feet south of the north plat limits for right turns in only and the second 280 feet south of the north plat limits for right turns out only.

- 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 November 13, 2008. Review by the Highway Construction and Engineering Division and the Transit Division also included changes to the adjacent roadways and changes on the adjoining properties.
- 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 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.
- 6) School Board staff has reviewed this application and determined that, as this plat proposes an Assisted Living Facility that is intended for use solely by persons 18 years of age and older, the plat is not anticipated to generate additional students into the Broward County Public Schools. Furthermore, Section 5-182(m)(9) of the Land Development Code exempts residential communities restricted by deed or other

recorded instruments, or a notation on the face of the plat which, in the opinion of the Office of the County Attorney, prohibits the residence of school age children in a manner not inconsistent with federal, state or local law or regulations from school concurrency and school impact fee requirements. **This plat shall be restricted by the notation on the face of the plat to persons 18 years of age or older.** Therefore, this plat will not be subject to school impact fees, provided the applicant provides documentation acceptable to the County Attorney's Office confirming the age restriction status of this plat. See the attached School Capacity Availability Determination received from the School Board and Staff General Recommendation No. 2.

- 7) In accordance with Land Development Code, regional park impact fees and regional park administrative 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 building permit issuance.
- 8) 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.
- 9) This plat is located in the City of Plantation and is under the jurisdiction of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division. Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. A surface water management license from the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division 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.
- 10) 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.
- 11) 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 to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

- 12) The Water and Environmental Licensing Section encourages that 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 be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials 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 of the Environmental Engineering and Permitting Division.
- 13) 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)
- 14) 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 Plantation 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.
- 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) 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.

- 17) 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.
- 18) This property is within 20,000 feet of the Fort Lauderdale-Hollywood International 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 Broward County Review, please contact [Kfriedman@broward.org](mailto:Kfriedman@broward.org) and to initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>

This serves as a notice of potential aircraft overflight and noise impacts on this property due to its proximity to the Fort Lauderdale/Hollywood International Airport, which is being disclosed to all prospective purchasers considering the use of this property for residential/place of worship purposes. This property is subject to overflight and associated noise of arriving and departing aircraft during the course of normal airport operations. Individuals sensitive to such events should satisfy themselves before purchasing this property that such exposure to aircraft overflights and the noise associated therewith will not adversely affect their enjoyment of the property.

In addition, this also serves as notice to prospective purchasers of parcels within the property that, pursuant to Broward County Ordinance 2006-37 and consistent with the Federal Aviation Administration's "Change to FAA's Noise Mitigation Policy," effective October 1, 1998, The County will only provide noise mitigation for existing "incompatible development" and not for new incompatible development. The determination of "compatible" and "incompatible development" will be based on the County's most current Federal Aviation Administration (FAA) approved Noise Exposure Map and the Airport's most current noise compatibility program which has been reviewed and approved by FAA for the Airport.

Further information regarding the current and potential impact of airport operations on the subject property may be obtained from the Broward County Aviation Department, Airport Development Planning Division at 954-359-2291.

- 19) 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 Plantation and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to

contact Dan Holmes of the City of Plantation at 954-797-2212 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](mailto:med_exam_trauma@broward.org).

- 20) This site is currently serviced on State Road 7 (US 441) by BCT Routes # 18 and #441.
- 21) Openings or improvements on functionally classified State Roads are subject to the "Rules of the Department of Transportation Chapter 14-97 State Highway System Access Management Classification System and Standards." In accordance with Section 5-189(b)(5) of the Land Development Code, the applicant has submitted the attached pre-application approval letter from the Florida Department of Transportation.
- 22) The applicant is requesting NVAL Amendment in order to have two 25-foot openings on State Road 7 (US 441). Staff from the Highway Construction and Engineering, Traffic Engineering and Transit Division have reviewed this request. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 23) The attached comments regarding this plat's compliance with the effective Land Use Plan have been received from the Broward County Planning Council. The proposed 124 sleeping rooms is in compliance with the effective land use plan and is subject to the recorded "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Local Activity Center" (O.R.B. 50665, PG.782-787, B.C.R.). It requires the City of Plantation to monitor development activity and to enforce permitted land use densities and intensities within the Local Activity Center.
- 24) The attached letters dated July 31, 2019, from the City of Plantation confirm that the City has no objections to a new Findings of Adequacy, Note Amendment and NVAL Amendment.
- 25) The attached letters to the adjacent City of Fort Lauderdale and from the Broward Municipal Services District indicate no objection to this request.
- 26) 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.

- 27) 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 Central 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 has been reviewed by the School Board, this plat generates no students and, in accordance with Section 5-182(m)(1)b)1 of the Land Development Code, is exempt from the requirements of public school concurrency. See the attached School Capacity Availability Determination received from the School Board.
- 3) 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.
- 4) This application for a new findings of adequacy satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

## GENERAL RECOMMENDATIONS

- 1) Transportation concurrency fees, regional park impact and administrative 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 at the time of obtaining a building permit, transportation concurrency, regional park impact and administrative fees need to be satisfied at the time of obtaining a building permit. Regional park impact and administrative fee amounts are subject to adjustment each October 1.
- 2) **Applicant must execute and record a Declaration of Restrictive Covenants (Age Restricted) providing notice to future residents of the Assisted Living Facility within this plat that the residence of school age children in a manner not inconsistent with federal, state or local law or regulations is prohibited.**
- 3) 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) This plat is restricted to an assisted living facility (ALF) with 124 sleeping room (111 dwelling unit equivalents). This facility is restricted to prohibit the residence of school age children in a manor not inconsistent with federal, state,



or local law or regulations from school concurrency and school impact fee requirements.

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 **March 31, 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. 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 **March 31, 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.
  - 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.