



Public Works Department

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

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M E M O R A N D U M

DATE: February 25, 2020

TO: Josie Sesodia, Director
Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval Miramar
(Amendment to Non-Vehicular Access Line)
Miramar Central Plaza (002-MP-14)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along Flamingo Road (SR 823) and Miramar Parkway adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission. Our review also included changes to the adjacent roadways and changes on the adjoining properties.

Note: This approval does not include the additional driveways noted on the FDOT letter that have not been approved by the city and are not included in the application. Only those driveways included in the application and the city approval letter are being considered for approval at this time.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends APPROVAL of the proposed recommendations modification and the NVAL amendment subject to the following:

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CONDITION MODIFICATION

The following conditions are recommended for modification or deletion:

1. Condition 1) A) which states:

1) Along the ULTIMATE right-of-way for Flamingo Road except at the following:

A) An 80-foot opening with centerline located approximately 115 feet south of the north plat limits. This opening is restricted to RIGHT TURNS ONLY.

Is hereby deleted as requested by the applicant. The recordation of an NVAL Amendment Agreement is required, subject to the recommendations and requirements within this report.

2. Condition 2) B) which states:

2) Along the ULTIMATE right-of-way for Miramar Parkway except at the following:

...
B) A 40-foot opening with centerline located approximately 740 feet west of the east plat limits. This opening is restricted to and physically channelized for RIGHT TURNS IN ONLY.

Is hereby modified as requested by the applicant. The recordation of an NVAL Amendment Agreement is required, subject to the recommendations and requirements within this report.

3. Condition 10) which states:

10) The driveway in the 80-foot opening on Flamingo Road: shall be centered in the opening, shall consist of one egress lane, 12 feet in width, and one 16-foot wide ingress lane, with minimum entrance radius of 35 feet.

Is hereby deleted as the 80-foot opening on Flamingo Road has been eliminated.

4. Condition 13) which states:

13) A northbound right turn lane on Flamingo Road at the 80-foot opening with 150 feet of storage* and 50 feet of transition.

Is hereby deleted as the 80-foot opening on Flamingo Road has been eliminated.

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5. Condition 16) which states:
- 16) A westbound right turn lane on Miramar Parkway at the 40-foot opening with 121 feet of storage* and 50 feet of transition.

Is hereby modified to read:

- 16) A westbound right turn lane on Miramar Parkway at the 40-foot opening with 150 feet of storage* and 50 feet of transition.

NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

6. The property owners of FC Miramar Phase III (Folio Number 514025100010 and 514025100020) must fully execute the Amendment to Nonvehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
7. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
8. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
- b. Same legal description as the affected portion of the recorded plat.
 - c. Record owner(s) name(s).
 - d. Mortgage holder(s) name(s) If none, it should so state.
 - e. Date through which records were searched (within 30 days of submittal).
 - f. Original signature and/or seal.
9. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

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NON-VEHICULAR ACCESS LINE REQUIREMENTS

10. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line along Flamingo Road (SR 823) adjacent to the plat. Said non-access line will include a corner chord and extend along Miramar Parkway to the east plat limits with the exception of the following openings:

- a. An existing 100-foot opening on Flamingo Road (SR 823) with centerline located approximately 451 feet south of the north plat limits. No modification to the existing access easement is allowed.

This opening shall be labeled on Exhibit C: FULL ACCESS.

- b. A 40-foot opening centered approximately 271 feet east of the western endpoint of the corner chord.

This opening shall be labeled on Exhibit C: RIGHT TURNS IN ONLY.

- c. An existing 100-foot opening with centerline approximately 454 feet west of the east plat limits. No modification to the existing access easement is allowed.

This opening shall be labeled on Exhibit C: RIGHT TURNS AND LEFT - INS ONLY.

RIGHT-OF-WAY REQUIREMENTS (Dedicate by Separate Document)

11. Right-of-way for a corner chord based on a 35-foot radius at the intersection of Flamingo Road (SR 823) and Miramar Parkway.

TURN LANE IMPROVEMENT (Secure and Construct)

12. A westbound right turn lane on Miramar Parkway at the 40-foot opening with 150 feet of storage* and 50 feet of transition.

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IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

13. As previously noted, this request is to modify conditions of approval, including the elimination of recommendation 13) and the modification to condition 16) as enumerated in the prior Development Review Report:

13) A northbound right turn lane on Flamingo Road at the 80-foot opening with 150 feet of storage* and 50 feet of transition. And,

16) A westbound right turn lane on Miramar Parkway at the 40-foot opening with 121 feet of storage* and 50 feet of transition.

At the time of plat recordation, the property owner entered into a Security/Lien Agreement for Required Improvements - recorded in Instrument #113559560 and posted a security in the amount of \$777,751.00 for construction of certain improvements. The property was not developed as anticipated under the previous plat and the improvements have not been completed. The improvements noted within the previous Development Review Report and as noted in the recorded required improvements agreement are to remain except recommendation Number 13 and Number 16. Approval of this Delegation Request includes authorization for Highway Construction and Engineering Division staff to process a release for any security related to Number 13.

14. Section 5-184(d)(2) of the Broward County Land Development Code requires a recordable agreement for the required improvements. The owner of this plat shall amend the recorded agreement by entering into an Amendment to Required Improvements Agreement (CAF 451). The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction & Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.

The Installation of Required Improvements Agreement shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to NVAL Amendment Agreement recordation and/or commencement of construction. Security amounts shall be based upon the one of the following:

- a. Approved construction plans. When security is based on approved construction plans, the security will be calculated at one hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.

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- b. Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
- c. All forms are available on the Highway Construction & Engineering Division's web page at:
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

IMPROVEMENT PLAN SUBMITTAL (Pre-construction and Security Release Requirements)

15. Construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County. Pavement marking and signing shall be provided for all of the Improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.
16. Construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review for conformance to Plat recommendations and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County for FDOT jurisdictional roadways.
17. Communication Conduit/Interconnect plans (3 sets and a cost estimate) shall be submitted to the Traffic Engineering Division. Any easements necessary for relocation and maintenance of the conduit must be provided and shown on the submitted plans. No security shall be released without field inspection and final approval of all materials, installations and locations by the Traffic Engineering Division.

GENERAL RECOMMENDATIONS

18. Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.

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19. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, construction, studies, etc., shall conform to the applicable sections of the following:
 - a. United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).
 - 1) State of Florida Department of Transportation:
 - 2) "Roadway and Traffic Design Standards."
 - 3) "Standard Specifications."
 - 4) "FDOT Transit Facilities Guidelines."
 - b. Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction" (Exhibit 25A of Section 25.1, Broward County Administrative Code).

In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above.

All standard forms are available for downloading from the Highway Construction and Engineering Division's website:
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>.

20. This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as required by Florida Statutes Chapter 197.192. The applicant shall request a current tax letter be forwarded from the Revenue Collection Division to HCED Plat Section.

GENERAL REQUIREMENTS

21. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18-month time frame shall render the approval of this Delegation Request null and void.

NOTE AMENDMENT

22. The Highway Construction and Engineering Division does not object to the note modification.

dgm