



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A NEW PLAT

Project Description			
Plat Name:	441 Commercial Center	Number:	014-MP-21
Application Type:	New Plat	Legistar Number:	22- 1564
Applicant:	Kias Properties & Investments, LLC	Commission District:	5
Agent:	Pillar Consultants, Inc.	Section/Twn./Range:	36/50/41
Location:	West side of State Road 7/U.S. 441, between Southwest 51 Street and Southwest 52 Court	Platted Area:	0.9 Acre
Municipalities:	Davie	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FS 125.022 Waiver	A Waiver of extension was granted until April 26, 2023		
Recommendation:	APPROVAL		
Meeting Date:	November 15, 2022		

A location map of the plat is attached as **Exhibit 2**.

The Application is attached as **Exhibit 10**. The Urban Planning Division (UPD) distributed the application to agencies for review, as required by Section 5-181 of the Land Development Code.

Existing and Future Land Use	
Existing Use:	2,500 Sq. Ft. of Restaurant and 2,400 Sq. Ft. of Commercial Use
Proposed Use:	8,300 Sq. Ft. of Commercial Use
Plan Designation:	Transit Oriented Corridor
Adjacent Uses	Adjacent Plan Designations
North: Commercial	North: Transit Oriented Corridor
South: Commercial	South: Transit Oriented Corridor
East: Single Family Residential, Multi-Family Residential.	East: Transit Oriented Corridor (City of Hollywood)
West: School, Commercial	West: Transit Oriented Corridor
Existing Zoning	Proposed Zoning
RAC	RAC

1. Land Use

Planning Council has reviewed this application and determined that the Town of Davie's Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat uses permitted in the "Davie Transit Oriented Corridor" land use category, see **Exhibit 3**. The commercial use is subject to the recorded "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Transit Oriented Corridor," as recorded in Official Record Book 47829, Pages 1938-1943.

2. Adjacent City

Notices was sent to the Cities of Dania Beach and Hollywood and no objections were received, see **Exhibit 4**.

3. Trafficways

Trafficways approval is valid for 10 months. Approval was received on June 23, 2022.

4. Access

Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed the plat application and determined that its comments and recommendations are required with respect to the safe and adequate access standards of the Broward County Land Development Code, as shown in the attached memorandum. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans, **Exhibit 5**.

This project is located on State Road 7/US 441. Florida Department of Transportation (FDOT) has issued a pre-approval letter, **Exhibit 6**. 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."

5. Concurrency – Transportation

This plat is located in the Southeast Transportation Concurrency Management Area, which is subject to Transportation concurrency fees, as defined in Section 5- 182.1.(a)(1)a) of Land Development Code. The proposed plat generates an increase of 17 trips PM peak hours.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Residential	0	0
Non-residential	42	59
Total	(59-42) = 17	

6. Concurrency - Water and Wastewater Capacity

This plat receives water and wastewater from the utilities listed below:

	Potable Water	Wastewater
Utility Provider:	Town of Davie	Town of Davie
Plant name:	Davie (10/20)	Davie 2 (06/22)
Design Capacity:	10.00 MGD	4.85 MGD
Annual Average Flow:	7.45 MGD	2.11 MGD
Estimated Project Flow:	0.001 MGD	0.001 MGD

Sufficient capacity exists at this time to serve the proposed development; however, approval of this plat note does not guarantee reservation of future capacity. Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system.

7. Impact Fee Payment

Transportation concurrency and administrative fees will be calculated by Urban Planning Division, Development and Environmental Review Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance.

At the time of plat application, 2,500 square feet of restaurant and a 2,400 square feet commercial building existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182.13 of the Land Development Code, this structure may be eligible for credit towards road impact 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 three (3) years prior to the review of construction plans submitted for County environmental review approval.

8. Environmental Review

This plat has been reviewed by Environmental Permitting Division. See the attached environmental review report which provide recommendations to the developer regarding environmental permitting for the future development. See the attached Environmental Review Report, **Exhibit 7**.

The Resilient Environment Department's records indicate that at least one underground fuel pipeline is located in the vicinity of this plat. Prior to conducting any subsurface work, the developer shall contact Sunshine 811 or 800-432-4770 to properly mark the location of the pipeline(s) to ensure that work is not in the location of this fuel pipeline(s).

Natural Resource Division notes that this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

9. Additional Environmental Protection Actions

Plat approval 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 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.

10. Historic Resources

This plat has been reviewed by the County's consulting archaeologist. The 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 determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. See the attached historic and archaeological comments, **Exhibit 8**.

11. Aviation

This property is within 20,000 feet of the Broward County's Fort Lauderdale-Hollywood International Airport. The Broward County Aviation Department (BCAD) as advised that 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 Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>. Please see the attached BCAD's Comments, see **Exhibit 9**.

12. Utilities

Florida Power and Light (FPL) and AT&T have been advised of this plat application and provided no comments.

13. Notice to Applicant

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 list of agency contacts is available on the Urban Planning Division's web page at: www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf

FINDINGS

Staff have reviewed the application and found that it meets the requirement of the Land Development Code and satisfies requirements for Concurrency:

1. This plat is located within the Southeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182.1(a)(1)a) of the Land Development Code.
2. This plat satisfies the drainage, water, wastewater and solid waste disposal concurrency requirement of Section 5-182.6 of the Broward County Land Development Code.

RECOMMENDATIONS

Based on the review and findings, staff recommends **APPROVAL** of this application, subject to the following conditions which shall assure compliance with the standards and requirements of the Land Development Code:

1. Conditions attached in Highway Construction and Engineering Memorandum, **Exhibit 5**.
2. Place note on the face of the plat, preceding municipal official's signature, reading:

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 this face of the plat reading:

- a. This plat is restricted to 8,300 square feet of commercial 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. 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.

[HWC]