



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	Walmart Oakland Park	Number:	026-MP-16
Application Type:	Note Amendment	Legistar Number:	20-1298
Applicant:	Mark Van Dyke	Commission District:	4
Agent:	Ram Realty Acquisitions V LLC	Section/Twn./Range:	26/49/42
Location:	Southeast corner of Oakland Park Boulevard and Northeast 6 Avenue	Platted Area:	12 Acres
Municipality:	Oakland Park	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	December 8, 2020		

A location map showing this Plat and parcels designated within the plat for the purpose of assigning development entitlement is attached as **Exhibit 2**.

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

Platting History and Development Rights			
Plat Board Approval:	March 20, 2018	Plat Book and Page Number:	183-253
Date Recorded:	February 5, 2019	Current Instrument Number:	115669790
Plat Note Restriction			
Original Plat:	This plat is restricted to 130,000 square feet of commercial. No free-standing banks or bank drive-thru facilities are permitted without the approval of the Board of County Commissioners.		
Proposed Note:	Parcel A1 is limited to 35,000 square feet of commercial uses. Parcel A2 is limited to 288 midrise units and 12 townhouse units.		
Extensions:	Not Applicable		

1. Land Use

Broward County Planning Council staff has reviewed this application. The plan designates the area covered by this plat for the uses permitted in the “Commercial” land use category. The Planning Council staff finds the proposed note is in compliance with the permitted uses of the effective land use plan for Parcel A1. On September 16, 2020 Planning Council received written documentation that the City of Oakland Park allocated 300 “flexibility units” to Parcel A2, therefore the proposed 300 dwelling units are in compliance with the permitted uses, as shown in **Exhibit 3**.

2. Access

Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed this application and have no objection to this note amendment, however, a non-vehicular access line request for this plat is being submitted concurrently with this item for Board approval where the agencies 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, see **Exhibit 7**.

This project is located on Federal Highway, which is a State Roadway. Florida Department of Transportation (FDOT) has issued a pre-approval letter for parcel A only, see **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."

3. Municipal Review

The City of Oakland Park adopted Resolution No. 2020-017 on September 16, 2020 supporting the application, which is attached in **Exhibit 4**. Adjacent City of Wilton Manors indicate no objection to this request, see **Exhibit 5**.

4. Concurrency – Transportation

This plat is located in Central Transportation Concurrency Management Area which is subject to transportation concurrency fees, as defined in Section 5- 182.1(a)(5)a) of Land Development Code.

Proposed Use	Trips per Peak Hour (PM)
Residential	120
Non-residential	314
Total	434

The plat was recorded with a note requiring development to occur before five (5) years from date of plat approval. This note is no longer required by the Land Development Code.

5. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Oakland Park	City of Oakland Park
Plant name:	Fort Lauderdale (Ficeash) (06/20)	G.T. Lohmeyer (06/20)
EPGMD License Capacity:	20.000 MGD	48.0000 MGD

Annual Average Flow:	10.400 MGD	38.0800 MGD
Estimated Project Flow:	0.1090 MGD	00.0075 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.

6. Concurrency – Regional Parks

Broward County reviews all projects for Regional Park impacts and have reviewed this application and have no objection to this note amendment. This plat with the amended note satisfies the regional park concurrency requirement and the solid waste disposal concurrency requirement of Broward County Land Development Code.

Regional Park impact fees and regional park administrative fees for the proposed dwelling units will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.

7. Concurrency - Public School

The School Board has reviewed the application and satisfies public school concurrency on the basis that a portion of the project is vested and there is adequate school capacity anticipated to be available to support the project as proposed. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 8**.

8. Impact Fee Payment

All impact fees will be calculated by PDMD DER Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance. Fees are subject to increase annually on October 1st.

9. Environmental Review

This plat has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 9** provides recommendations to the developer regarding environmental permitting for the future development.

Environmental Planning and Community Resilience Division has reported that this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

10. Historic Resources

Broward County’s consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that this property is located in the City of Oakland Park outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Casey Graham, Director of Engineering and Building Services of the City of Oakland Park at 954-630-4348 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.

11. Aviation

This property is within 20,000 feet of the City of Fort Lauderdale's Fort Lauderdale Executive 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 Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

12. Utilities

Florida Power and Light (FPL) and AT&T have been advised of this plat 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 Planning and Development Management Division's web page at: www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf

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. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **November 10, 2021**.
2. Delete the plat note that references expiration of the Findings of Adequacy.
3. 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.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

KDL