

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

PROJECT DESCRIPTION

Name:	P.D.K. PLAT	Number:	019-MP-04
Applicant:	Broward Development II, LLC/Perry Kape	Comm. Dist.:	7
Agent:	McLaughlin Engineering Company	Sec/Twp/Rng:	21-50-42
Location:	Southwest Corner of State Road 84 and Southwest 18 Terrace	Platted Area:	0.69 Acre
Town:	Fort Lauderdale	Gross Area:	N/A
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 177, Pages 104-105)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Fort Lauderdale
Proposed Use:	50,000 Sq. Ft. Commercial	Plan Designation:	Commercial. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	State Road 84, Industrial	North:	Commercial
South:	Multi-Family Residential	South:	Medium-High (25)
East:	Industrial	East:	Commercial
West:	Commercial	West:	Commercial
Existing Zoning:	B-2	Proposed Zoning:	B-2

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: 05/19/20
Action Deadline: 08/18/20
Deferral Dates:

Prepared: HWC
Reviewed:
Approved:

SERVICES

Wastewater Plant:	G.T. Lohmeyer (12/19)	Potable Water Plant:	Ft. Lauderdale (07/19)
Design Capacity:	48.0000 N/A MGD	Design Capacity:	20.000 MGD
12-Mo. Avg. Flow:	36.9800 N/A MGD	Peak Flow:	10.600 MGD
Est. Project Flow:	0.0050 N/A MGD	Est. Project Flow:	0.050 MGD

Comments: Sufficient capacity exists at this time.

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PARKS

SCHOOLS

Dwelling Units	Impact Fee
N/A	N/A

	Land Dedication	Impact Fee	Admin. Fee
Local:	County conducts no local review within municipalities	N/A	N/A
Regional:	N/A	N/A	*

TRANSPORTATION

Concurrency Zone: Southwest	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-Res. Uses:	258	*	N/A
Total:	258	*	N/A

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

P.D.K PLAT 20-655
019-MP-04

STAFF COMMENTS

- 1) This plat was approved by the Broward County Commission on May 3, 2005, for 30,059 square feet of industrial use, with a requirement that either a building permit be issued or the infrastructure for development be installed by May 3, 2010. However, neither was a building permit issued nor infrastructure installed. Therefore, 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 findings of adequacy are based on the use being 50,000 square feet of commercial use.
- 3) The review of this application for a new finding of adequacy 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 Board on May 3, 2005. Review by the Highway Construction and Engineering Division and the Transit Division included no 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 amendments adopted April 26, 2005, transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 6) 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.
- 7) This plat is located in the City of Fort Lauderdale 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 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 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.
- 8) 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.

- 9) 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.
- 10) 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.
- 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. 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
- 12) 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 Fort Lauderdale 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.

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- 13) 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.
- 14) 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.
- 15) A Storage Tank License may be required if there will be fuel storage associated with either an emergency generator system or a service station. Contact the Environmental and Consumer Protection Division at 954-519-1260 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) Note that Environmental Engineering and Permitting Division 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 must contact Sunshine State On-Call at 1-800-432-4770 to properly mark the location of the pipeline(s) to ensure that work is not in the location of this fuel pipeline(s).
- 18) 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.
- 19) 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 Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov> and to initiate the Broward County Review, please contact Kfriedmand@broward.org.

- 20) A 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 indicated that the proposed development will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. The archaeologist noted that this property is located in the City of Fort Lauderdale and is outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. Therefore, the property owner/agent is advised to contact Trisha Logan, Urban Planner III of the City of Fort Lauderdale's Urban Design and Planning Division at 954-828-7101 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.
- 21) This plat is served by Route 84, on State Road 84.
- 22) 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.
- 23) On May 3, 2005, the developer posted a Cash Security Bond of \$1,000 for Pavement Marking and Signs, which is recorded in O.R. Book 43039 Pages 784-799.
- 24) Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and the Transit Division staff have reviewed this request and recommend **APPROVAL**. See the memorandum.
- 25) The attached comments regarding this new findings of adequacy's compliance with the Effective Land Use Plan have been received from the Broward County Planning Council.
- 26) The attached letter dated December 3, 2019, from the City of Fort Lauderdale confirms that the City has no objections to a new findings of adequacy and Plat Note amendment.
- 27) 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 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

- 1) This plat is located within the Eastern Core Transportation Concurrency District, and this application satisfies 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 satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

GENERAL RECOMMENDATIONS

- 1) Transportation Concurrency will be assessed during the review of construction plans submitted for County environmental review approval by the Development Management 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) Within twelve (12) months of approval of this application for a new findings 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 50,000 square feet of commercial.

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 **May 19, 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 **May 19, 2025**,

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- 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.
- 3) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.