

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

PROJECT DESCRIPTION

Name:	TUSCAN ISLES	Number:	031-MP-18
Applicant:	HBC Florida, Inc.	Comm. Dist.:	8
Agent:	HSQ Group, Inc	Sec/Twp/Rng:	31-51-40
Location:	Southwest Corner of Southwest 172 Avenue and Bass Creek Road	Platted Area:	117.7 Acres
City:	Miramar	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	Vacant	Effective Plan:	Miramar
Proposed Use:	385 Single Family Detached Units	Plan Designation:	Residential Maximum Density 3.21. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Single Family Residence	North:	Residential Low 3
South:	Single Family Residence	South:	Residential Max Density 1.0
East:	Single Family Residence	East:	Residential Max. Density 3.06
West:	Single Family Residence	West:	Residential Max. Density 1.0
Existing Zoning:	R-1B	Proposed Zoning:	RS-6 & RS-8

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

Prepared: HWC
Reviewed:
Approved:

SERVICES

Wastewater Plant:	Miramar (09/19)	Potable Water Plant:	Miramar (03/18)
Design Capacity:	12.7000 MGD	Design Capacity:	17.450 MGD
12-Mo. Avg. Flow:	9.7300 MGD	Peak Flow:	15.871 MGD
Est. Project Flow:	0.1155 MGD	Est. Project Flow:	0.135 MGD

Comments: Sufficient capacity exists at this time. Comments: Sufficient capacity exists at this time.

PARKS

SCHOOLS			Land Dedication	Impact Fee	Admin. Fee
Dwelling Units	Impact Fee	Local:	County conducts no local review within municipalities	N/A	N/A
385	*	Regional:	3.465 Acres	*	*

* See Staff Comment No. 4

See Finding No. 2

See General Recommendation No. 1

* See Staff Comment No. 5

See Finding No. 4

See General Recommendation No. 1

TRANSPORTATION

Concurrency Zone: South Central	Trips/Peak Hr.	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	389	N/A	*
Non-res. uses:	N/A	N/A	N/A
Total:	389	N/A	*

* See Staff Comment No. 3

See Finding No. 1

See Staff Recommendation No. 1

TUSCAN ISLES 20-260
031-MP-18

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the uses being 385 single family detached units. This property is being platted because it does not qualify for an exception to the mandatory platting rule, as it contains more than two (2) dwelling units and the plat boundaries are not specifically delineated on a recorded plat.
- 2) Trafficways approval is valid for 10 months. Approval was received on December 23, 2019.
- 3) This plat is located within a Standard Concurrency District. Road impact and administrative fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval.
- 4) This plat generates more than one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. School Board staff has reviewed this application and determined that it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. Therefore, this plat will be subject to school impact fees which will be assessed in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval and must be paid on the date of building permit issuance. See the attached School Capacity Availability Determination received from the School Board.
- 5) In accordance with Land Development Code, regional park impact and administrative fees for the proposed 385 single family residences 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.
- 6) This plat is located in the City of Miramar and is in the South Broward Water Control Drainage District. Surface water management plans for this plat must meet the criteria of the Drainage District. A surface water management permit must be obtained from this District 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.
- 7) 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.
- 8) The Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division has 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, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. Wastewater receiving lift stations and force mains are critical components of the conveyance system. As part of the licensing process, adequate capacity will need to be demonstrated for 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. For additional information, please contact the Water and Environmental Licensing Section at 954-519-1483.

- 9) This plat was reviewed by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division. An Environmental Resource License application was issued on September 11, 2018 (DF17-1249) for 117.69 acres of residential development. See the attached Conceptual Dredge and Fill Review Report.
- 10) This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.
- 11) The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division encourages 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 to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material 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.
- 12) 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

Continued

- 13) 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 Miramar 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.
- 14) 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.
- 15) 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 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.
- 16) The Broward County Aviation Department has no objections to this plat. However, the information submitted with this plat application does not indicate the height of any proposed buildings. The applicant is advised by staff of the Aviation Department that any proposed construction on this property with a height exceeding 200 feet, or the 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 to this development. Based on the location of the proposed project, the FAA may need to conduct a 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/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 17) Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File (FMSF) by the County's consulting archaeologist indicates that the proposed development will not have an adverse effect on any known historical or archeological or paleontological sensitivity.

There are multiple communication towers located within the subject property which the applicant has confirmed are inactive and will be demolished. The towers were formerly operated by Univision broadcasting station co-located on the property which has been demolished. The applicant confirmed that the towers were not associated with the Radio Marti or TV Marti broadcasts directed toward Cuba since the mid-1980s. A review of the transmission facilities of the Office of Cuba Broadcast (OCB) indicates that TV Marti and Radio Marti were not previously from the towers. Based on this information it is the Archeologist opinion that the communication towers and the subject property in general, do not have historically significant associations with

Radio Marti, TV Marti, or the OCB. If in the event that such association can be made, then it would be appropriate to reassess this determination.

The subject property is located in the City of Miramar and lies outside the jurisdiction of the of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Eric Silva of the City of Miramar's Community and Economic Development Department at 954-602-3281 to seek project review for compliance with 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.

- 18) This plat can be served by BC Transit Route 106 on Miramar Parkway.
- 19) The attached memorandum from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division indicates that they have reviewed the plat application and 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. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 20) The Planning Council staff have determined that, the proposed development of 385 dwelling units is in compliance with the permitted uses and densities of the effective land use plan. The staff notes this plat was the subject of Broward County Land Use Plan (BCLUP) Amendment PC 18-2, which was adopted by the Broward County Commission on March 20, 2018, amending the BCLUP designation to "Irregular (3.21) Residential." The amendment is subject to the following voluntary restrictions:
 - Contribute \$500 per additional dwelling unit towards the City of Miramar's Affordable Housing programs; and
 - Include the County as a beneficiary to transportation improvements, including the type of warranted technology and/or safe design at the intersection of Southwest 172 Avenue and Bass Creek Road.

Also, the land use plan amendment was subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, regarding affordable housing and satisfied that requirement along with the City's affordable housing programs and policies, as well the applicant's voluntary contribution of \$500 per additional dwelling unit.

- 21) 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.

- 22) 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

CONCURRENCY REVIEW

- 1) This plat is located within the Southwest Standard Concurrency District, and this application satisfies the regional road network concurrency requirement of Section 5-182(a)(5)b) of the Broward County Land Development Code.
- 2) This plat has been reviewed by the School Board, and satisfies the public school concurrency requirements of Section 5-283(m)1)a) of the Land Development Code. See the attached School Capacity Availability Determination received from the School Board.
- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This plat satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code

GENERAL RECOMMENDATIONS

- 1) Transportation concurrency fees, school impact fees and regional park impact and administrative fees shall 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 must be paid on the date of building permit issuance. Regional park impact and administrative fee amounts are subject to adjustment each October 1.
- 2) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:

All applicable 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 the face of the plat reading:
 - A) 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**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the

- property or the agent of the owner 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
- B) 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**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner 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.
- C) This plat is restricted to 385 single family detached residence.

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.

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