

STAFF REPORT 20-870
DeBuys Plat
002-MP-12

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Broward County Board of County Commission ("Board") on August 21, 2012. The property is located on approximately 378 acres on the south side of Loxahatchee Road, between Nob Hill Road and University Drive, in the City of Parkland. It is also included within a 1,949 acres parcel of land ("The Wedge") located between County Line Road and Loxahatchee Road that was transferred from Palm Beach County to Broward County through House Bill 1315 on April 20, 2009. The plat was recorded on April 26, 2013 (Plat Book 180, Page 147).

The current note, which was approved by the Board on August 21, 2012, restricts the plat note as follows:

This plat is restricted to 11.17 acres of park use on Parcels A and B; **110,000 square feet of commercial use on Parcel C**; 230 Townhouse units on Parcel D and 481 Single family Detached units. Freestanding Banks and Bank with drive-thru facilities are not permitted on Parcel C without the approval of the Board of County Commissioners.

The applicant is requesting to amend the plat note on Parcel C only by converting 110,000 square feet of commercial use to 100,000 square feet of public charter school. The proposed note would read as follows:

This plat is restricted to 11.17 acres of park use on Parcels A and B; **100,000 square feet of public charter school on Parcel C**; 230 Townhouse units on Parcel D and 481 single family detached units.

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates the Future Land Use Element of the City of Parkland Comprehensive Plan is the effective land use plan for the City of Parkland. That designates Parcel C of this plat for the uses permitted in the "Commercial" land use category. The proposed public charter school use on Parcel C is in compliance with the permitted uses of the effective land use plan.

The Planning Council Staff notes that this plat is located within an area that was the subject of a Broward County Land Use Plan (BCLUP) amendment PC10-4, which was adopted by the Board on September 14, 2010, subject to the following voluntary restrictions (Instrument number 109642938):

- Completion of a cultural/archaeological resources survey;
- Restrict development on the "Commercial" parcel to 110,000 square feet of commercial uses;
- Comply with Trafficways Plan requirements for Loxahatchee Road, Nob Hill Road and University Drive; and
- Payment of \$5,000 to Broward County for traffic signal timing changes.

The proposed charter school is in compliance with the City of Parkland's commercial uses, and therefore is in compliance with Land Use requirements.

Concurrency Review

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. The plat is located within the Northwest Transportation Concurrency Management District and meets the regional road network standards specified in Section 5-182(a)(5)(b) of the Broward County Land Development Code.

Impact Fees

Pursuant to FS 1013.371(1)(a) public schools are exempt from impact fees. Therefore, the proposed charter school will not be assessed road impact fees during the review of construction plans submitted for County environment review approval. However, on November 19, 2019, the developer paid **\$309,2016**, for 59,299 square feet of commercial use in order to expedite the construction of the charter school. A refund of the road impact fees can be granted.

Reviewing Agency Comments

The attached letter from the City of Parkland, dated February 25, 2020, indicates no objection to this request.

This application has been reviewed by Highway Construction and Engineering Division staff who has no objections to this request.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

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>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

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 Parkland and is outside of the Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the Michele Melgen of the City of Parkland at 954-757-4159 or Mmellgren@cityofparkland.org to seek project review for compliance with the City's 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.

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **May 19, 2021**.

The amended note must also include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued for **Parcel C** by **May 19, 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 for **Parcel C** by **May 19, 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.

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.

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

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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.

HWC