

STAFF REPORT 20-701
AT&T No. 1
172-MP-85

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 Board on April 15, 1986 for 5,200 square feet of industrial use on 15.8 acres. The property is located on the east side of State Road 7, between Northwest 13 Street and Northwest 16 Street, in the City of Lauderdale. The plat was recorded on May 15, 1986 (Plat Book 127, Page 18).

The current note, which was approved by the County Commission on June 16, 1998, restricts the plat as follows (Book 28589, Page 955):

This plat is restricted to 66,408 square feet of telecommunications equipment center. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these issues for increased impact.

The applicant is requesting to add 144 garden apartments, 186 mid-rise units and 2,870 square feet of daycare use on Tract 1.

The proposed Note Amendment reads as follows:

This Plat is restricted to **144 garden apartments, 186 mid-rise units and 2,870 square feet of daycare use on Tract 1**; the remainder of the plat is restricted to 66,408 square feet of telecommunications equipment center.

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "Transit Oriented Corridor" land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan. Planning Council staff notes that the Transit Oriented Corridor permits a maximum of 6,262 residential units, of which 4,366 dwelling units have been proposed by plat or development order, and 5,229,208 square feet of commercial uses, of which 2,694,776 square feet has been proposed by plat or development order.

Concurrency Review

This plat with the amended note satisfies the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. This request represents an increase of 193 PM peak hour trips. The plat is located within the Central Transportation Concurrency Management Area and satisfies the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

Impact Fees

Transportation concurrency fees and regional park impact and administrative fees shall be assessed in accordance with the current fee schedules which may be amended every October 1, unless otherwise waived or exempted, and paid on the date of building permit issuance.

School Board staff note this plat falls within the boundary of Land Use Plan Amendment PC 06-3, which is subject to a Third Amended and Restated Interlocal Agreement for Public School Facility Planning ("Tri-Party Agreement") between the School Board, the City of Lauderhill and Broward County. Accordingly, school impact fees shall be assessed in a manner consistent with the Tri-Party Agreement, which requires payment of student station cost per dwelling unit or school impact fee under the current schedule, the greater thereof. Impact fees shall be paid on the date of building permit issuance.

Reviewing Agency Comments

On January 14, 2019, the City of Lauderhill approved this plat note amendment (Resolution No 19R-01-03).

Staff from the Highway Construction and Engineering Division and the Transit Division has reviewed this request and has no objection to the request.

School Board issued a School Capacity Adequacy Determination letter that states this request will generate 33 elementary, 18 middle and 22 high school students and satisfies the public school concurrency requirements.

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 Aviation Department has advised that any proposed construction on this property with a height exceeding 200 feet or use of cranes or other high-lift equipment must be reviewed to determine if the following apply: Federal Aviation Regulation Part 77; Florida Statutes Chapter 333; and/or the Broward County Airport Zoning Ordinance. 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. Any questions regarding this should be directed to the Aviation Department 954-359-2291. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>.

In addition to the above findings, Aviation Department staff have no objection to the request subject to the conditions contained in the attached memorandum.

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), that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

The consulting archaeologist also notes that this plat is located within the City of Lauderdale, which is within the jurisdictional boundaries of Broward County Historic Preservation Ordinance 2014-32. Accordingly, the archaeologist suggests that the property owner/agent contact Rick Ferrer, Historic Preservation Officer for Broward County, to seek project review for compliance with historic preservation ordinance. 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 5, 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 by **May 5, 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 **May 5, 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 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.

JWP