



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

Project Description			
Plat Name:	OAKS PLACE	Number:	013-MP-20
Application Type:	New Plat	Legistar Number:	21-085
Applicant:	BCD Dania Oaks, LLC	Commission District:	7
Agent:	Pulice Land Surveyor	Section/Twn./Range:	36/50/41
Location:	West side of Southwest 40 Avenue, between Southwest 54 Court and Stirling Road	Platted Area:	4.8 Acres
Municipality:	Dania Beach	Gross Area:	N/A
Previous Plat:	Dania Oaks - Parcel A (Plat Book 183 -309)	Replat:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
FS 125.022 Waiver	N/A		
Recommendation:	<b>APPROVAL</b>		
Meeting Date:	April 6, 2021	Action Deadline:	May 6, 2021

A location map showing of the plat is attached, see **Exhibit 2**.

This plat is replat of all of Parcel A of the Dania Oaks (Plat Book 183, Page 309, B.C.R.) which was approved by the Board on March 1, 2016, for 24 townhouse units and one (1) single family on Parcel A and a park on Parcel B, and also an unplatted parcel.

Existing and Future Land Use	
Existing Use:	1 Single Family Residence
Proposed Use:	57 Townhomes
Plan Designation:	Low (5) Residential
Adjacent Uses	Adjacent Plan Designations
North: Single Family Residence, Vacant	North: Medium (16) Residential
South: Single Family Residence, Vacant	South: Low (5) Residential
East: Single Family Residence	East: Low (3) Residential and Estate Residential
West: Special Residential Facility	West: Irregular (12-13.5) Residential
Existing Zoning	Proposed Zoning
RM-2	RM-2

**1. Land Use**

Broward County Planning Council has reviewed this application and determined that the City of Dania Future Land Use Map is the effective Land Use Plan, see **Exhibit 3**.

The Planning Council staff have calculated that 25 is the maximum number of dwelling units permitted on this site per the effective Land Use Plan. However, Planning Council staff received written documentation that the City of Dania Beach allocated 14 “flexibility units” to this plat on September 8, 2015, through Ordinance Number 2015-019 and up to 21 “flexibility units” on January 9, 2018, through Ordinance 2017-038. Therefore, the proposed development of 57 dwelling units is in compliance with the permitted uses and densities of the effective Land Use Plan.

With the allocation of “flexibility” Planning Council staff notes the subject parcel is not subject to Policy 2.10.1 of the Broward County Land Use Plan as it is not located within 500 feet of a Broward County or regional park, or an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan and is not located adjacent to another municipality.

**2. Affordable housing**

This plat is not subject to Policy 2.16.2 because it is not the subject of a Broward County Land Use Plan amendment.

**3. Trafficways**

Trafficways approval is valid for 10 months. Approval was received on September 24, 2020.

**4. Access**

Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division 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, as shown in the attached memorandum, see **Exhibit 4**. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.

**5. Concurrency – Transportation**

This plat is located in the Southeast 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
Residential	38
Non-residential	N/A
Total	38

**6. Concurrency - Water and Wastewater Capacity**

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

	Potable Water	Wastewater
Plant Name:	BCWW 3A (03/20)	Hollywood (09/20)
Utility Provider:	Broward County	City of Hollywood
Design Capacity:	9.00 MGD	55.50 MGD
Annual Average Flow:	3.576 MGD	39.26 MGD
Estimated Project Flow:	0.02 MGD	0.014 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.

The Broward County Water and Wastewater Engineering Division have noted that his project is within the Broward County Water and Wastewater Services service area. A BCWWWS Developer’s Agreement or BCWWW Utility Connection Permit will be required before water/sanitary sewer construction can be begin. Please visit [www.broward.org/waterservices/eei00600.htm](http://www.broward.org/waterservices/eei00600.htm) for Developer Coordination Information. The configuration of water/sanitary sewer facilities will likely change per subsequent detailed plan review associated with the BCWWS developer’s agreement or BCWWA Utility Connection Permit.

**7. Concurrency – Regional Parks**

Broward County reviews all projects for Regional Park impacts (and only projects in the BMSD/ unincorporated area for local park impacts.)

	Land Dedication (Acres)
Regional	0.34
Local	N/A

**8. Concurrency - Public School**

In accordance with Section 5-182.9(a)(1) of the Land Development Code this plat is subject to public school concurrency because it will generate several students at one or more levels (i.e. elementary, middle and high). School Board staff have reviewed this plat and provide a School Capacity Availability Determination (SCAD) letter as attached. The student associated with this development are vested for public school concurrency purposes until July 22, 2023, see **Exhibit 5**.

**9. Impact Fee Payment**

Transportation Concurrency and administrative fees, school impact fees, regional park impact and administrative fees will 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. Transportation Concurrency and administrative fee, regional park impact and administrative fee amounts are subject to adjustment each October 1<sup>st</sup>.

At the time of plat application, a single-family residence existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182.13 of the Land Development Code, this structure may be eligible for credit towards transportation concurrency, school impact and park impact fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. No credit will be granted for demolition occurring more than three (3) years prior to the review of construction plans submitted for County environmental review approval.

**10. Environmental Review**

This plat has been reviewed by Environmental Engineering and Permitting Division. See the attached environmental review report which provide recommendations to the developer regarding environmental permitting for the future development, see **Exhibit 6**.

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

The Environmental Protection and Growth Management Department's 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 shall contact Sunshine 811 or 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).

**11. Additional Environmental Protection Actions**

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.

**12. Historic Resources**

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 indicates that the proposed development will not have an adverse effect on previously resources.

Phase I Cultural Resource Assessment Survey of Dania Oak Project, Broward County, Florida (FMSF No. 26696) was completed and indicates that historical structures were recorded with the FMSF and have been demolished.

This property is located in the City of Dania Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Eleanor Norena, Director of the Community Development Department, City of Dania Beach at 954-924-6805 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](mailto:med_exam_trauma@broward.org).

**13. Aviation**

This property is within 20,000 feet of Broward County's 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>. To initiate the Broward County Review, please contact [Kfriedman@broward.org](mailto:Kfriedman@broward.org).

**14. Utilities**

Florida Power and Light (FPL) and AT&T have been advised of this plat and provided no comments.

**15. 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](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf)

## **FINDINGS**

Staff have reviewed the application and found that it meets the requirement of the Land Development Code and satisfies requirements for Concurrency:

1. This plat is located within the Southeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182.1(a)(5)a) of the Land Development Code.
2. This plat has been reviewed by the School Board and satisfies the public school concurrency requirements of Section 5-182.9 (a)(1) of the Land Development Code. See the attached School Capacity Availability Determination received from the School Board, **Exhibit 5**.
3. This plat satisfies the drainage, water, wastewater and solid waste disposal concurrency requirement of Section 5-182.6 of the Broward County Land Development Code.
4. This plat satisfies the regional park concurrency requirement of Section 5-182.7 (a) of the Broward County Land Development Code.

## **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. Conditions attached in Highway Construction and Engineering Memorandum, **Exhibit 4**.
2. Place note of the face of the plat, preceding municipal official's signature, reading:

All application, 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 this face of the plat reading:
  - a. This plat is restricted to 57 townhome units.

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