

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

PROJECT DESCRIPTION

Name:	HUROK	Number:	029-MP-19
Applicant:	US Gateway Investments, LLC	Comm. Dist.:	2
Agent:	McLaughlin Engineering Company	Sec/Twp/Rng:	34-48-42
Location:	Northeast Corner of Powerline Road and Northwest 9 Street	Platted Area:	4.2 Acres
City:	Pompano Beach	Gross Area:	N/A
Replat:	GREEN LAND TRUST PLAT (Plat Book 178, Page 164)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Pompano Beach
Proposed Use:	80,000 Sq. Ft. Commercial	Plan Designation:	Commercial. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Commercial, Vacant	North:	Commercial
South:	Single Family Residential	South:	Low-Medium (5-10 DU/A) Residential
East:	Commercial, Vacant	East:	Commercial
West:	Multifamily Residential	West:	Medium (10-16 DU/A), Community Facility
Existing Zoning:	B-2	Proposed Zoning:	B-3

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:	BCUD 4 (09/19)	Potable Water Plant:	Pompano Beach (10/18)
Design Capacity:	95.0000 MGD	Design Capacity:	50.000 MGD
12-Mo. Avg. Flow:	69.9000 MGD	Peak Flow:	18.450 MGD
Est. Project Flow:	0.0080 MGD	Est. Project Flow:	0.016 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:	N/A	N/A	N/A
N/A	N/A	Regional:	N/A	N/A	N/A

TRANSPORTATION

Concurrency Zone:	Trips/Peak Hr.	Transit Concurrency Fee	Road/Admin. Fee
South Central			
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	542	*	N/A
Total:	542	*	N/A

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

HUROK 20-259
029-MP-19

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the uses being 80,000 square feet of commercial on 4.2 acres. This property is being replatted in order to expand the plat boundary which will add 1.2 acres to the underlying plat.
- 2) Trafficways approval is valid for 10 months. Approval was received on December 12, 2019.
- 3) This is a replat of GREEN LAND TRUST PLAT (Plat Book 178, Page 164), approved by the Broward County Board of Commissioners on June 10, 2008, for 80,000 square feet of commercial use and includes 1.2 acres (unplatted) on the north plat limits of Green Land Trust Plat.
- 4) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code, transportation concurrency fees will be assessed in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval and must be paid on the date of the building permit issuance.
- 5) 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.
- 6) This plat is located in the City of Pompano Beach and is in a dependent water control district under the jurisdiction of the Water and Environmental Licensing Section of the 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 and the criteria of the Water Control District No. 3. 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.
- 7) 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.

- 8) See the attached Conceptual Dredge and Fill Review Report. The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging (LIDAR) data indicate that this property may contain County jurisdictional wetlands. **The applicant must request a formal wetland determination from the Water and Environmental Licensing Section. If the site is determined to contain wetlands, an Environmental Resource License will be required prior to any dredging, filling, or other alteration of wetlands.** Contact the Water and Environmental Licensing Section at 954-519-1483.
- 9) 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.
- 10) 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
- 11) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation regulations of the City of Pompano Beach. 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.
- 12) 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.
- 13) 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.

- 14) The subject plat is in the vicinity of a known contaminated site and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, approval of an application for a building permit or approval to construct or alter shall not be granted until 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 Section of the Environmental Engineering and Permitting Division must approve any dewatering activities at this site.
- 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) This property is within 20,000 feet of Fort Lauderdale Executive Airport and Pompano Beach Municipal 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 cities or FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the local municipality review, please contact the City of Fort Lauderdale and the City of Pompano Beach directly. 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.
- 17) 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 is will not have an adverse effect on any known historical or archaeological resources or areas of paleontological sensitivity. The archaeologist notes that this property is located in the City of Pompano Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the Maggie Barszewski of the City of Pompano Beach's Historic Preservation, Development Services Department at 954-786-7921 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 Email: med_exam_trauma@broward.org

Continued

- 18) The recommendations of the Highway Construction and Engineering Division and the Transit Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 19) This site is currently serviced on Powerline Road (SR 845) by BCT Route # 14.
- 20) 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.
- 21) The attached comments received from the Broward County Planning Council indicate that proposed commercial use is in compliance with the effective land use plan.
- 22) 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.
- 23) 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 Northeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

GENERAL RECOMMENDATIONS

- 1) Transportation concurrency 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.

Continued

- 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 80,000 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.

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.

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