

STAFF REPORT 20-716
Meeks Farm Plat
047-MP-93

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 January 17, 1995 for 27,810 square feet of office use on 9.3 acres. The property is located on the east side of University Drive north of Stirling Road, in the Town of Davie. The plat was recorded on July 12, 1996 (Plat Book 161, Page 24).

The current note, which was approved by the County Commission on April 26, 2005, restricts the plat as follows (Instrument #106039193):

This plat is restricted to 7,000 square feet of bank use. 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 change the current use to allow for 6,000 square feet of fast-food restaurant.

The proposed Note Amendment reads as follows:

This Plat is restricted to **6,000 square feet of fast-food restaurant.**

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 "Commercial" land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan.

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. In addition, this request represents a decrease of 66 PM peak hour trips. The plat is located within the South Central 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

This request shall be subject to transportation concurrency fees which 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. Transportation concurrency fees shall be assessed and paid in accordance with the current fee schedule which may be amended every October 1, unless otherwise waived or exempted.

Reviewing Agency Comments

On October 16, 2019 the Town of Davie approved this plat note amendment (Resolution No. 2019-299).

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

The attached pre-application letter from the Florida Department of Transportation (FDOT) indicates approval of the proposed modifications of the site are subject to the conditions and comments contained therein. The applicant is advised to contact FDOT Access Management at 954-777-4363 or D4AccessManagement@dot.state.fl.us.

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.

This site has previously been reviewed, found to contain wetlands, and was licensed under Environmental Resource License (ERL) DF04-1108 issued on 10/01/04 and expired on 10/1/09. This license authorized impacts to 0.28 acres of wetlands, filling of 0.29 acres of surface waters and excavation of a 7.28 acres lake for site development. Mitigation is not required.

The Broward County Aviation Department has no objections to this plat. This property is located within 20,000 feet of North Perry Airport. Any proposed construction 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 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 or Kfriedman@broward.org.

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 Town of Davie outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Town of Davie, Planning and Zoning Department Manager, David Quigley at 954-797-1103 or david_quigley@davie-fl.gov to seek project review for compliance with the Broward County'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 5, 2021**.

The amended note must also include language stating the following:

- A) 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.
- B) 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
- C) 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.