



Public Works Department

**HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION**

1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

**MEMORANDUM**

DATE: April 10, 2023

TO: Josie Sesodia, Director  
Urban Planning Division

FROM: David (D.G.) McGuire, Manager  
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner  
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval (Amendment to  
Non-Vehicular Access Line)  
Hurok (029-MP-19)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along Powerline Road adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission. Our review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends APPROVAL of the proposed NVAL amendment subject to the following:

#### NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

It is the express intent of this non-vehicular access line to eliminate all proposed openings and existing driveways not specifically delineated in the following comments:

1. The property owners of 950 North Powerline Road (Folio Number 484234480010) must fully execute the Amendment to Nonvehicular Access Lines Agreement (BCF457) and submit it to the Highway Construction and Engineering Division for review and approval.
2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
  - a. Same legal description as the affected portion of the recorded plat.
  - b. Record owner(s) name(s).
  - c. Mortgage holder(s) name(s) If none, it should so state.
  - d. Date through which records were searched (within 30 days of submittal).
  - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

#### NON-VEHICULAR ACCESS LINE REQUIREMENTS

5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line along Powerline Road adjacent to the plat except at the following openings:
  - a. A proposed 90-foot opening with centerline located approximately 45 feet south of the north plat limits.

This opening shall be labeled on Exhibit C: RIGHT TURNS ONLY.

#### RIGHT-OF-WAY REQUIREMENTS

6. Any driveway in the 90-foot opening(s): shall be centered in the opening, shall consist of an egress lane, 12 feet in width, and an ingress lane 16-foot-wide ingress lane, with minimum entrance radii of 40 feet. The NVAL shall extend along both sides of the Access Easement for 100 feet.

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7. The minimum distance from the non-vehicular access line of Powerline Road, at any ingress or egress driveway, to the outer edge of any interior service drive, Gate, or parking space with direct access to such driveway shall be 150 feet.

ACCESS EASEMENT REQUIREMENTS (By Separate Instrument)

8. Provide a minimum 90-foot (width) by 150-foot (length) ingress/egress easement in the 90-foot opening on Powerline Road. The dimensions may be modified to more closely approximate the proposed driveway dimensions. Any proposed modifications are subject to the review and approval of the Highway Construction and Engineering Division prior to plat recordation.
9. The property owners must fully execute the Declaration of Restrictive Covenants for Private Roadways and Access (CAF #463) or other acceptable document and submit it to the Highway Construction and Engineering Division for review and approval. The agreement shall provide for a deep ingress/egress easement as described above.

TRAFFICWAYS IMPROVEMENTS (Secure and Construct)

10. The removal of all existing driveways in locations not consistent with approved openings in the non-vehicular access line and the construction of curb, gutter, and sidewalk in these openings when necessary to complete the required improvement.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

11. Construction of the required improvements shall include installation of signs and thermoplastic pavement markings. Pavement markings and signs shall be designed, fabricated, and installed in accordance with Traffic Engineering Division standards. The security amount for pavement markings and signs will be based on the approved construction plans or the approved engineer's cost estimate as outlined below. Design and installation of the required markers and/or signs are subject to approval by Florida Department of Transportation for projects located on a FDOT jurisdictional roadway.

IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

12. Section 5-184(d)(2) of the Broward County Land Development Code requires a recordable agreement for the required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (BCF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to plat recordation. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction & Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.

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The Installation of Required Improvements Agreement shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to NVAL Amendment Agreement recordation and/or commencement of construction. Security amounts shall be based upon the one of the following:

- a. Approved construction plans. When security is based on approved construction plans, the security will be calculated at one hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.
- b. Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
- c. All forms are available on the Highway Construction & Engineering Division's web page at:  
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

**IMPROVEMENT PLAN SUBMITTAL (Pre-construction and Security Release Requirements)**

13. Construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review for conformance to Plat recommendations, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County.

**GENERAL REQUIREMENTS**

14. Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.
15. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, construction, studies, etc., shall conform to the applicable sections of the following:

- A) United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).

- 1) State of Florida Department of Transportation:

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- 2) "Roadway and Traffic Design Standards."
- 3) "Standard Specifications."
- 4) "FDOT Transit Facilities Guidelines."

- B) Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction" (Exhibit 25A of Section 25.1, Broward County Administrative Code).

In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above.

All standard forms are available for downloading from the Highway Construction and Engineering Division's website:  
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>.

16. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18-month time frame shall render the approval of this Delegation Request null and void.

dgm