



Resilient Environment Department

**URBAN PLANNING DIVISION**

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**DEVELOPMENT REVIEW REPORT FOR A NOTE AMENDMENT**

Project Description			
Plat Name:	Fruscians Tract	Application Number:	080-MP-02
Application Type:	Note Amendment	Legistar Number:	25-161
Owner/Applicant:	Humbold 18 LLC	Commission District:	9
Authorized Agent:	Greenspoon Marder	Section/Twn./Range:	20/49/41
Location:	South side of Oakland Park Boulevard, between Pine Island Road/Northwest 88 Avenue and Northwest 91 Avenue	Folio Number (s):	4941-20-60-0010 4941-20-60-0011 4941-20-60-0012
Municipality:	City of Sunrise	Platted Area:	19.3 Acres
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Recommendation:	<b>APPROVAL</b>		
Meeting Date:	May 6, 2025		

A location map of the plat is attached as **Exhibit 2**.

The Application is attached (**Exhibit 4**). The Urban Planning Division (UPD) distributed the application to agencies for review as required by Section 5-181 of the Land Development Code. A copy of the comments has been distributed to the applicant/agent for their review and records.

Platting History and Development Rights			
Plat Board Approval:	April 13, 2004	Plat Book and Page Number:	175-55
Date Recorded:	October 17, 2005	Current Instrument Number:	105463827
Plat Note Restriction			
Current Plat Note :	This plat is restricted to 150,000 square feet of commercial use. Banks are not permitted without the approval of the Broward County Board of County Commissioners who shall review and address these uses for increased impact.		
Proposed Note:	This plat is restricted to 412 mid-rise units.		

In accordance with Broward County Land Development Code, mid-rise units are defined as four (4) or more attached dwelling units in a building with four (4) to eight (8) stories (exclusive of parking levels).

### 1. Land Use

Planning Council staff reviewed this application and determined that the City of Sunrise Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat for the uses permitted in the “Irregular (20.1) Residential” land use category. The density of the proposed development of 412 dwelling units on 19.3 acres of land in the platted area together with 3.2 acres of the adjacent Sunrise Ice Chalet plat, is 18.31 dwelling units per gross acre, including the immediately adjacent rights-of-way, which is in compliance with the permitted uses and densities of the effective land use plan. Planning Council staff notes that the referenced plat is being combined with adjacent platted land under the same ownership per the “Covenant Running With the Land in Lieu of Unity of Title,” dated March 12, 2025, recorded by Instrument Number 120098983, in the Public Records of Broward County, Florida, binding both properties together for density purposes. Planning Council memorandum is attached (**Exhibit 3**).

### 2. Affordable Housing

The applicant proposes a total of 412 units, and the development was subject of Broward County Land Use Plan Amendment PC 21-8. The development shown on this plat is subject to Policy 2.16.2 of the Broward County Land Use Plan. To satisfy this policy, Broward County Planning Council recognizes the voluntary commitment of restricting 15% of the proposed dwelling units to affordable housing units at the “moderate-income” level or below (up to 120% of median income) for a minimum of thirty (30) years (Instrument Number 118865275).

### 3. Access

Staff from Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed the plat application and have no objection to this plat note amendment.

### 4. Concurrency – Transportation

This plat is located in the Central Transportation Concurrency Management Areas (TCMA), where level of service (LOS) is expressed in term of bus headways, and where Transportation Concurrency Assessment Fees apply per Sec. 5-182.1(a) of Land Development Code. The proposed use will be a decrease of 1,297 Trips per PM Peak Hour.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Residential	0	161
Non-residential	1,458	0
Difference	161 - 1,458 = -1,297 per PM Peak Hour	

This plat was recorded with a note requiring development to occur before five (5) years from the date of the plat approval. This note is no longer required by the Land Development Code.

### 5. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Sunrise	City of Sunrise
Plant name:	Springtree (5/24)	Springtree (SSP)(12/24)
Design Capacity:	25.5 MGD	10.00 MGD
Annual Average Flow:	11.11 MGD	6.85 MGD
Estimated Project Flow:	0.1442 MGD	0.1442 MGD

**6. Concurrency – Regional Parks**

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

	Land Dedication (Acres)
Regional	2.23
Local	0

**7. Concurrency - Public School**

Based on student generation rate adopted by the School Board and incorporated into the Land Development Code, the proposed 412 mid-rise units will generate 33 (9 elementary, 8 middle, 16 high school) students. This plat will be subject to school impact fees which will be assessed in accordance with the fee schedule specified in the Land Development Code. The School Board staff provided a School Capacity Availability Determination (SCAD) letter which shall expire on October 09, 2025.

**8. Impact Fee**

All impact fees (school impact, park impact, transportation impact and administrative fee) will be calculated by Urban Planning Division, Development and Environmental Review Section, in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for Broward County Development and Environmental review. Fees must be paid prior to the issuance of the building permit.

At the time of the plat application, three (3) single-family residences and a barn exist 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, these structures may be eligible for credit towards transportation concurrency 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.

**9. Environmental Review**

This plat was reviewed by Environmental Permitting Division and have the following recommendations regarding environmental permitting for the future development.

**A. Domestic & Non-Domestic Wastewater and Surface Water Management**

The Broward County Domestic Wastewater Licensing Program has no objection to the described plat note amendment. Nonetheless, should there be a significant flow generation from the site, advanced planning and upgrades to the downstream/off-site wastewater facilities may be warranted. Contact the Environmental Permitting Division at 954-519-1483 or [WWLicense@broward.org](mailto:WWLicense@broward.org) for specific code requirements.

The Broward County Non-Domestic Wastewater Program has no objection to the described plat note amendment because no non-domestic wastewater discharge is anticipated for the site. Nonetheless, should there be proposed non-domestic wastewater discharges, these must meet the criteria under Chapter 27, Article V, Sections 27-193(b)(3)a, 27-193(b)(4)a, 27-194(b), and 27-198(c) of the Broward County Code of Ordinances. Contact the Environmental Permitting Division at 954-519-1483 or [NDDLICENSE@broward.org](mailto:NDDLICENSE@broward.org) for specific code requirements.

In accordance with Chapter 27, Article V, Sections 27-198 through 27-200 of the Broward County Code, titled Water Resources Management, prior to any alteration to the site grading, or construction of a surface water management system, a Broward County Surface Water Management License is required. Contact the Environmental Permitting Division at 954-519-1483 or [SWMLicense@broward.org](mailto:SWMLicense@broward.org) for specific code requirements.

#### **B. Aquatic and Wetland Resources**

The Water and Environment Licensing Section of the Environmental Permitting Division has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging data (LIDAR) indicate that this property may contain County jurisdictional wetlands. The applicant must request a wetland determination from the Water and Environment Licensing Section prior to any land clearing or filling. 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 Environmental Permitting Division at 954-519-1483 or [AWRLicense@broward.org](mailto:AWRLicense@broward.org) for specific code requirements.

The proposed development contains or abuts water bodies or will be creating same. Excavation or filling of any surface waters is regulated under Chapter 27, Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Contact the Environmental Permitting Division at 954-519-1483 or [AWRLicense@broward.org](mailto:AWRLicense@broward.org) for specific code requirements.

The Water and Environmental Licensing Section of the Environmental 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 Florida Exotic Pest Plant Council's List of Florida's Most Invasive Species is available at Florida Exotic Pest Plant Council ([invasive.org](http://invasive.org)).

Other activities regulated under Chapter 27, Article XI of the Natural Resource Protection Code (e.g., lake or canal excavation, installation of headwalls, end walls, or outfalls) may require an Environmental Resource License. Prior to undertaking surface disturbing activities, contact the environmental Permitting Division at 954-519-1483 or [AWRLicense@broward.org](mailto:AWRLicense@broward.org) for specific code requirements.

#### **C. Tree Preservation**

This site does not fall under the jurisdiction of the Broward County Tree Preservation and Abuse Ordinance.

#### **D. Clean-Up and Waste Regulation**

This site is not a known contaminated site; not within one-quarter mile of a contaminated site; not a licensed waste regulation facility; not an abandoned dump or landfill.

#### **E. Air Program**

If any existing facility (e.g. existing structures on site including residential building(s) and/or utility building(s)) or facility component (including roof system, insulation, walls, attached piping, mechanical systems, etc.) is planned to be demolished or renovated, the project shall comply with applicable asbestos regulations. More information on the asbestos requirements can be found at: <https://www.broward.org/ePermits/Pages/AsbestosCertificate.aspx>.

Submit a Statement of Responsibilities Regarding Asbestos (SRRA) electronically at [ePermits.broward.org](http://ePermits.broward.org) at least 10 working-days before commencing work on demolition and/or renovation of facility components subject to asbestos regulations. For assistance, contact Broward County's asbestos program at [AsbestosHelp@broward.org](mailto:AsbestosHelp@broward.org) or call 954-519-0340.

**F. Natural Resources Division**

Natural Resources Division notes that this site is not included in the Protected Natural Lands Inventory.

**10. Historical and Archaeological Recourse Review**

This plat was reviewed by the Broward County's consulting archaeologist. The review of available information including archival documents, maps, the Broward County Property Appraiser, the Broward County Land Use Plan, and the Florida Master Site File (FMSF) determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological sensitivity. However, the subject property includes structures that are over 50 years of age which were reviewed by staff during a field visit some time ago. Structures over 50 years of age were photographed and documented. No structure was identified for preservation or historic resource designation. The property was also associated with a prominent Broward County Judge, Judge John Frusciante.

With the above noted, it is recommended that a historic marker, approved by the County Historic Preservation Board, be installed in a prominent location within the plat. The marker should delineate the history of the property and its association with Judge Frusciante. County staff will provide support services for the marker's language and design as needed.

The subject property is in the City of Sunrise and within the jurisdiction of Broward County's historic preservation ordinance (B.C. Ord. 2014-32). Pursuant to B.C. Ord. 2014\_32, Section 5-536.5(g), if, "in the event that archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery shall be discontinued," and the property owner shall contact Rick Ferrer, Historic Preservation Officer, Resilient Environment Department, Urban Planning Division, Historic Preservation Program, at 1 North University Drive, Plantation, Florida 33324 or by phone at (954) 357-9731 for additional information about historical preservation regulations.

In the event any unmarked human burial remains are discovered, then pursuant to Florida Statutes, Chapter 872.05, all activities that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. The district medical examiner can be reached via email at [Med Exam Trauma@broward.org](mailto:Med Exam Trauma@broward.org) or via phone at (954) 357-5200. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist.

**11. Aviation**

The Broward County Aviation Department has no objections to this plat note amendment. However, the applicant is 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 Code of Ordinance's Chapter 5 (Building Regulations and Land Use). To initiate the Federal Aviation Review, access the FAA Web Page at: <https://oeaaa.faa.gov>.

**12. Utilities**

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

### 13. 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 Urban Planning Division's web page at: [www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf).

### FINDINGS

Staff 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 Central Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182.1(a)(1)(a) of the Land Development Code.
2. This plat was reviewed by the School Board and satisfies the public-school concurrency requirements of Section 5-182.9(a)(1) of the Land Development Code.
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 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 ensure compliance with the standards and requirements of the Land Development Code:

1. Request a wetland determination from the Water and Environment Licensing Section prior to any land clearing or filling.
2. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **May 6, 2026**.
3. Delete the plat note that references expiration of the Finding Adequacy.
4. 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.

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.

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