



Public Works Department

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

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M E M O R A N D U M

DATE: October 25, 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)
Pembroke Pines Health Park (044-MP-03)

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 Pembroke Road and University Drive 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 Pembroke Pines Health Park shall 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 University Drive adjacent to the plat except at the following openings:
 - a. An existing 80-foot opening with centerline located approximately 2500 feet north of the section line of Section 21-51-41.
 - b. An existing 50-foot opening with centerline located approximately 3470 feet north of the section line of Section 21-51-41. This opening is restricted to and shall be noted on the sketch as: RIGHT TURNS ONLY.

Delegation Request: Modify Conditions (NVAL)
Pembroke Pines Health Park (044-MP-03)
Page 3 of 6

6. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line along Pembroke Road adjacent to the plat except at the following openings:
 - a. An existing 80-foot opening with centerline located approximately 1660 feet west of the east section line of Section 21-51-41.
 - b. An existing 100-foot opening located at the west plat limits.

TRAFFICWAYS IMPROVEMENTS (Secure and Construct)

7. 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.

SIDEWALK REQUIREMENTS (Secure and Construct)

8. Along University Drive adjacent to this plat.
9. Along Pembroke Road adjacent to this plat.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

10. 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

11. At the time of plat recordation, the previous property owner entered into a Security/Lien Agreement for Required Improvements that was recorded in ORB 39567 Page 1872 and subsequently amended under ORB 47283, Page 1993. The security posted for the agreement, in the amount of \$1,500,000 for construction of certain improvements, has remained the same from the inception. The property was not developed as anticipated under the previous plat and the certain improvements have not been completed. The improvements listed in this Development Review Report are intended to replace and supersede the previous plat requirements and will be covered under a new Security/Lien Agreement and security. Approval of this delegation request and subsequent recordation of the installation agreement, if any, should include authorization for Highway Construction and Engineering Division staff to process a release of the previous Agreement and security.

Delegation Request: Modify Conditions (NVAL)
Pembroke Pines Health Park (044-MP-03)
Page 4 of 6

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#450A) 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.

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) on Pembroke Road shall be submitted to Highway Construction and Engineering Division for review, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County. Pavement marking and signing shall be provided for all of the Improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.

14. Construction plans for the required improvements (including pavement marking and signing plans) on University Drive 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.
15. Communication Conduit/Interconnect plans (3 sets and a cost estimate) shall be submitted to the Traffic Engineering Division. Any easements necessary for relocation and maintenance of the conduit must be provided and shown on the submitted plans. No security shall be released without field inspection and final approval of all materials, installations and locations by the Traffic Engineering Division.

GENERAL REQUIREMENTS

16. 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.
17. 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:
 - 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>.

Delegation Request: Modify Conditions (NVAL)
Pembroke Pines Health Park (044-MP-03)
Page 6 of 6

18. 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.
19. If processed concurrently, no Note Amendment may be recorded at public record until the NVAL agreement has been recorded or they may be recorded concurrently.

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