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

PROJECT DESCRIPTION

Name: 1570 SW 13TH COURT PLAT       Number: 031-MP-16
Applicant: LORD Corporation       Comm. Dist.: 4
Agent: IBI Group (Florida), Inc.       Sec/Twp/Rng: 03-49-42
Location: South Side of SW 13 Court, West of Andrews Avenue       Platted Area: 5.0 Acres
City: Pompano Beach       Gross Area: N/A
Replat: N/A

LAND USE

Existing Use: Vacant       Effective Plan: Pompano Beach
Adjacent Uses:
North: Industrial       North: Industrial
South: Hotel       South: Industrial
East: Industrial       East: Industrial
West: Industrial       West: Industrial
Existing Zoning: I-1       Proposed Zoning: I-1

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: 05/09/17       Prepared: SMC
Action Deadline: 06/13/17       Reviewed:
Deferral Dates:       Approved:
SERVICES

Wastewater Plant: BCUD 4 (01/17)  Potable Water Plant: Pompano Beach

<table>
<thead>
<tr>
<th>Design Capacity:</th>
<th>95.0000</th>
<th>Design Capacity:</th>
<th>50.000 MGD</th>
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<tbody>
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<td>Est. Project Flow:</td>
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<td>Est. Project Flow:</td>
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Comments: Sufficient capacity exists at this time.  Comments: Sufficient capacity exists at this time.

SCHOOLS

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<tr>
<th>Dwelling Units</th>
<th>Impact Fee</th>
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PARKS

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<tr>
<th>Land Dedication</th>
<th>Impact Fee</th>
<th>Admin. Fee</th>
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<tr>
<td>Local:</td>
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<td>Regional:</td>
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TRANSPORTATION

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<thead>
<tr>
<th>Concurrency Zone: Northeast</th>
<th>Trips/Peak Hr</th>
<th>Transit Concurrency Fee</th>
<th>Road/Admin. Fee</th>
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<tr>
<td>Res. Uses:</td>
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<tr>
<td>Non-res. uses:</td>
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<td>*</td>
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<tr>
<td>Total:</td>
<td>102</td>
<td>*</td>
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* See Staff Comment No. 3
See Finding No. 1
* See Staff Recommendation No. 7

30-DM-17B
(Rev. 04/08)
1) **Staff findings and recommendations pertaining to this plat are based on the uses being 141,000 square feet of industrial. The applicant states that the property is being voluntarily platted by the property owner; however, it also does not qualify for an exception to the mandatory platting rule, as the property is approximately five (5) acres in size and the plat boundaries are not specifically delineated on a recorded plat.**

It is noted that the industrial square footage on this plat may consist of either industrial uses, industrial/office uses, and/or industrial/showroom uses, upon satisfaction of appropriate transportation concurrency fees. Industrial uses may have a maximum thirty percent (30%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/office uses may have a maximum fifty percent (50%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/showroom uses may have a maximum thirty percent (30%) ancillary commercial or office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant.

2) **Trafficways approval is valid for 10 months. Approval was received on December 1, 2016.**

3) **This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code amendments adopted April 26, 2005, transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance, including interior mezzanines and exterior canopies and overhangs for loading facilities.**

4) **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.**

5) **Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of Water Control District No. 4. The surface water management licensing requirements of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division must be met prior to any construction.**

6) **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.

7) Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Water and Environmental Licensing Section at 954-519-1483 to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

8) The Water and Environmental Licensing Section encourages that 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 be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials 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 of the Environmental Engineering and Permitting Division.

9) 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. The Inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands, may be accessed at the following website:

http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c

10) 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.
11) 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.

12) Any discharges to ground or surface waters, excluding stormwater, will require review and approval by Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.

13) A Broward County Hazardous Material License may be required. Contact the Environmental Assessment and Remediation Section of the Environmental Engineering and Permitting Division at 954-519-1260 for specific license requirements.

14) 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 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.

15) This property is within 20,000 feet of the Fort Lauderdale Executive Airport and the 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 FAA may need to 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.

16) Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File (FMSF) by the County’s consulting archaeologist indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. 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 City of Pompano Beach, 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 med_exam_trauma@broward.org.
17) This site is currently serviced on nearby Andrews Avenue by BCT Route 60.

18) The attached comments from the Broward County Planning Council indicate that the proposed industrial use is in compliance with the permitted uses of the effective Land Use Plan.

19) 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.

20) 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.

STAFF RECOMMENDATIONS

FLORIDA STATUTE CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

1) SURVEY DATA

   A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description.

   B) Provide closure reports, with areas, of the plat boundary and parcels created by the plat to the Broward County Highway Construction and Engineering Division for review. The area of the plat as determined by Broward County Highway Construction and Engineering Division differs from what is shown on the plat boundary. Review and revise as necessary.
C) The platting surveyor must submit Certified Corner Records for section corners used in preparation of the plat to both the State and Broward County. County staff will confirm submittal to the State prior to plat recordation. For section corners which have Certified Corner Records on file, the surveyor must submit an affidavit confirming that the Section corner was found to be substantially as described in the most recently available certified corner record. Standard affidavit forms are available from the County Surveyor’s Office.

D) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

2) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

A) Address any easements, rights-of-ways or specific purpose parcels to be created by this plat in the Dedication language.

B) All proposed easements must be clearly labeled and dimensioned. Review the sum of the north – south dimensions along the east plat boundary used to determine the location of the south end of the 20’ FP&L EASEMENT and revise as necessary.

3) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS

A) The title certificate or an attorney’s opinion of title must be updated to reflect a comprehensive search of the Public Records within 30 days prior to plat recordation. If the updated title shows any change to property ownership, then a new dedication on the plat mylar must be executed by the new owner(s) with the proper acknowledgements. If the updated title shows any changes to or additional mortgage holders, then a new Mortgagee consent must be executed with the proper acknowledgements.

Standard format for “Title Certificates,” “Opinions of Title,” the “Adjacent Right-of-Way Report,” and a “Guide to Search Limits of Easements and Right-of-Way” may be obtained by contacting the Highway Construction and Engineering Division or by visiting the Division’s web site: http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx

Note: The Opinion of Title submitted with the plat mylar doesn’t state that the public records were searched from the beginning. Submit an updated Opinion of Title which follows the standard format prior to plat recordation.

4) DRAFTING AND MISCELLANEOUS DATA

A) Address any undefined abbreviations or symbols used on the plat or added during revisions. Remove any abbreviations and symbols from the Legend that do not appear on the plat. Add any missing abbreviations and symbols to the Legend that appear on the plat or are added during revisions. Remove any duplicate abbreviations in the Legend. The abbreviation R/W appears in the
legend but does not appear in the plat drawing. Review & revise legend as necessary.
In the legend (P) denotes per Plat Book 174 Pages 112 & 113 BCR. However on the plat the abbreviation (P) is also used to denote per Plat Book 146 page 30 BCR. Review & revise legend as necessary.

5) SIGNATURE BLOCKS

A) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by a copy of the City of Pompano Beach’s agenda report or Resolution listing all conditions of municipal plat approval. No report or Resolution was submitted with the mylar. Provide the required documentation prior to plat recordation.

6) HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION INTERNAL PROCEDURES

The following items are required for plat recordation but are completed by County staff:

A) Planning Council Executive Director Signature.
B) Completion of POSSE Inputs; Impact Fee and Security reports printed.
C) County Surveyor sign-off.
D) P.R.M.s verified.
E) Development Order, Planning and Development Management Director Signature.
F) Highway Construction and Engineering Director Signature.
G) City of Pompano Beach – Transmit scanned copy of mylar for review.

Susana Serrano Susana.Serrano@copbfl.com

NOTE: Additional changes made to the original plat mylar beyond the above list of corrections may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

7) Applicant must pay transportation concurrency fees 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.

8) This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as
required by Florida Statutes Chapter 197.192. The applicant must submit a current tax letter from the Revenue Collection Division providing proof of payment.

9) Place a note on the face of the plat, preceding the designated municipal official’s signature, reading:

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due.

10) 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 \textbf{May 9, 2022}, 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 \textbf{May 9, 2022}, 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.

11) Place a note on the face of the plat reading:

This plat is restricted to 141,000 square feet of industrial use. Industrial uses may have up to 30%-50% ancillary office or up to 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of transportation concurrency fees. No freestanding office, freestanding banks or bank drive-thru facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

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.
Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

12) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.
TO: Josie P. Sesodia, AICP, Director  
Broward County Planning and Development Management Division

FROM: Barbara Blake Boy, Executive Director

RE: 1570 SW 13th Court Plat  
(031-MP-16) City of Pompano Beach

DATE: September 14, 2016

The Future Land Use Element of the City of Pompano Beach Comprehensive Plan is the effective land use plan for the City of Pompano Beach. That plan designates the area covered by this plat for the uses permitted in the “Industrial” land use category. This plat is generally located on the south side of Southwest 13 Court, west of Andrews Avenue.

The proposed industrial use is in compliance with the permitted uses of the effective land use plan.

The effective land use plan shows the following land uses surrounding the plat:

- North: Industrial
- South: Industrial
- East: Industrial
- West: Industrial

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:RECM

cc: Dennis Beach, City Manager  
City of Pompano Beach

Robin Bird, Director, Development Services  
City of Pompano Beach