

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

PROJECT DESCRIPTION		Agenda Number	
Name:	NORTH FEDERAL 2650 PLAT	Number:	030-MP-13
Applicant:	North Federal 2650, LLC	Comm. Dist.:	4
Agent:	Corporate Property Services, Inc.	Sec/Twp/Rng:	25-49-42
Location:	East Side of N. Federal Highway, North of N.E. 26 Street	Platted Area:	0.8666 Acres
City:	Fort Lauderdale	Gross Area:	N/A
Replat:	N/A		

LAND USE			
Existing Use:	Vacant	Effective Plan:	Fort Lauderdale
Proposed Use:	4,500 Sq. Ft. Commercial	Plan Designation:	Commercial and Medium-High (25) Residential. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Commercial, Multi-family Residential	North:	Commercial and Medium-High (25) Res.
South:	Commercial	South:	Commercial and Medium-High (25) Res.
East:	Multi-family Residential	East:	Medium-High (25) Res. and Low (4.4) Res.
West:	Commercial	West:	Commercial
Existing Zoning:	B-1 & X-P	Proposed Zoning:	N/A

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: 04/08/14  
Action Deadline: 05/13/14  
Deferral Dates:

Prepared: PK  
Reviewed:  
Approved:

## Continued

## SERVICES

Wastewater Plant:	G. T. Lohmeyer (01/14)	Potable Water Plant:	Fort Lauderdale (03/06)
Design Capacity:	48.0000 MGD	Design Capacity:	90.0000 MGD
12-Mo. Avg. Flow:	39.1800 MGD	Peak Flow:	59.7000 MGD
Est. Project Flow:	0.0025 MGD	Est. Project Flow:	0.0047 MGD

Comments: Sufficient capacity exists at this time.      Comments: Sufficient capacity exists at this time.

## PARKS

SCHOOLS			Land Dedication	Impact Fee	Admin. Fee
Dwelling Units	Impact Fee	Local:	County conducts no local review within municipalities	N/A	N/A
N/A	N/A	Regional:	N/A	N/A	N/A

## TRANSPORTATION

Concurrency Zone: Central	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	49	*	N/A
Total:	49	*	N/A

\* See Staff Comment No. 3

See Finding No. 1

\* See Staff Recommendation No. 15

North Federal 2650 Plat  
030-MP-13

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 4,500 Square Feet of Commercial.
- 2) Trafficways approval is valid for 10 months. Approval was received on December 12, 2013.
- 3) This plat is located within a Transportation Concurrency Management Area. Transportation concurrency fees 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. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance and shall include all canopies/roofs over outdoor seating and service areas.
- 4) Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. The surface water management licensing requirements of the Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building Permitting Division must be met prior to any construction.
- 5) The Environmental Engineering and Licensing Section 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. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.
- 6) Review of available information by staff of the Aquatic and Wetland Resources Section of the Environmental Licensing and Building 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 Aquatic and Wetland Resources Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 7) The Aquatic and Wetland Resources 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

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plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division.

- 8) 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. This Inventory may be accessed at <http://gis.broward.org/flex/ProtectedNaturalLands/> and provides information regarding the ownership and management for each of the Protected Natural Lands.
- 9) 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 Fort Lauderdale. 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.
- 10) Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
- 11) 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 Licensing and Building Permitting 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.
- 12) This property is within 20,000 feet of Fort Lauderdale Executive 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 954-359-2291.
- 13) The Broward County Historical Commission staff has reviewed this plat application and determined that significant archaeological resources are not likely to be affected by development on this site. However, in the event that any unanticipated archaeological features or artifacts are discovered, the Historical Commission must be notified within 24 hours. If any unmarked human burial remains are discovered, then work in the vicinity of the burial find must halt immediately, until a determination can be made pursuant to FS Chapter 872, by either the state archaeologist or the

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county medical examiner, regarding the disposition of the remains. In addition, pursuant to Section 5-305, Ordinance No. 92-38 entitled Protection and Preservation of Archaeological Sites Discovered During the Development Process, in the event that future artifacts are uncovered during development activities, said activities shall be discontinued in the immediate vicinity of the discovery site and the procedures set forth in the aforementioned ordinance shall be initiated. For additional information, contact County Archaeologist Matthew De Felice at 954-357-5506 or at [mdefelice@broward.org](mailto:mdefelice@broward.org).

- 14) This site is currently serviced on North Federal Highway (SR 5) by BCT Routes #10 and #20.
- 15) The recommendations of the Highway Construction and Engineering Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 16) Openings or improvements on functionally classified State Roads are subject to the Rules of the Department of Transportation Chapter 14-97 State Highway System Access Management Classification System and Standards. In accordance with Section 5-189(b)(5) of the Land Development Code, the applicant has submitted the attached pre-application approval letter from the Florida Department of Transportation.
- 17) The effective Land Use Plan designates the western 0.64 acre parcel of this plat "Commercial" and the eastern 0.23 acre parcel "Medium-High (25) Residential." However, Planning Council staff received written documentation that the City of Fort Lauderdale applied the "5% Residential-to-Commercial" flexibility rule to this portion of the plat on February 18, 2014, through Ordinance Number C-14-10. Therefore, the proposed commercial use on the eastern 0.23 acre parcel is also in compliance with the permitted uses of the effective land use plan. Planning Council staff also notes that this allocation of "flexibility" is not subject to Policy 13.01.10 of the Broward County Land Use Plan. See the attached comments which have been received from the Broward County Planning Council.
- 18) 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.

## FINDINGS

- 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(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

### NON-VEHICULAR ACCESS LINE REQUIREMENTS

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 recommendations:

- 1) Along the ULTIMATE right-of-way for Federal Highway (SR 5) except at a 50-foot opening with centerline located approximately 35 feet north of the south plat limits. This opening is restricted to RIGHT TURNS ONLY.

The opening on Federal Highway (SR 5) is subject to the approval of the Florida Department of Transportation (FDOT). The applicant should consult with and obtain approval of FDOT. Contact the District Access Management Engineer at 954-777-4350 to discuss permissible access.

### PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

- 2) Post a security in the amount of \$2,000.00 or request/provide a cost estimate for Pavement Markings and Sign security amounts to the Broward County Traffic Engineering Division.

### COMMUNICATION CONDUIT/INTERCONNECT (Secure and Construct)

- 3) Construction of the required improvements shall include relocating or replacing any existing communication conduit/interconnect on Federal Highway (SR 5) that may be damaged by construction of driveways, sidewalks, turn lanes, and other improvements. The security amount for communication conduit/interconnect must be approved by the Traffic Engineering Division.

### IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

- 4) County Commission Policy requires a recordable agreement listing all of the plat required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (CAF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to recordation of the plat. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to the issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction and Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.
- 5) The Installation of Required Improvements Agreement (CAF#450) 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 plat recordation and/or the commencement of construction. Security amounts shall be based upon the one of the following:

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- 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 and Engineering Division's web page at: <http://bcegov2.broward.org/bcengineering/Plats/PlatsForms.asp>.

#### IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

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

#### 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:

- 8) SURVEY DATA
  - A) The legal description in the title opinion or certificate must match the legal description on the plat.
  - B) Review the square footage shown for Lot 1, Block 1 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

Continued

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.

9) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Show the missing distance along the west line of the proposed right-of-way and add the square footage.
- B) Obtain and provide a copy of the latest FDOT Right-of-Way Map for State Road 5 (U.S 1) adjacent to this plat, to the Highway Construction and Engineering Division for review. Add a label for same indicating the State Road designation, roadway section number, sheet number, and the latest date of revision.
- C) Provide a copy of the FDOT Project Network Control Survey cited as the source of the grid bearings and benchmarks to the Highway Construction and Engineering Division for review.
- D) All existing easements must be clearly labeled and dimensioned. The Sewer Connection Agreement recorded in O.R.B. 7803, PG. 272, B.C.R. does not appear to affect the plat. Revise as necessary.

10) 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.
- B) Delete the Notice and Sheet index from Page 1 of 2.

11) 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 Fort Lauderdale's conditions of approval as included in the agenda report or Resolution.

12) 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.



Continued

- B) Completion of Security Table and PLMASTER Data Base Inputs; Reports Printed.
- C) County Surveyor Sign-off.
- D) P.R.M.s Verified.
- E) Development Order, Planning and Redevelopment Director Signature.
- B) Highway Construction and Engineering Director Signature.

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

- 13) 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.
- 14) 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).
  - B) State of Florida Department of Transportation:
    - 1) *Roadway and Traffic Design Standards*.
    - 2) *Standard Specifications*.
    - 3) *FDOT Transit Facilities Guidelines*.
  - C) 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.

- 15) Applicant must pay transportation concurrency fees during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division, in accordance with the fee schedule specified in the Land Development Code.

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- 16) 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.

- 17) 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.

- 18) 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 **April 8, 2019**, 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 **April 8, 2019**, 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.

- 19) Place a note on the face of the plat reading:

This plat is restricted to 4,500 square feet of commercial use. No free standing or drive-thru bank facilities are permitted on Lot 1, Block 1 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.

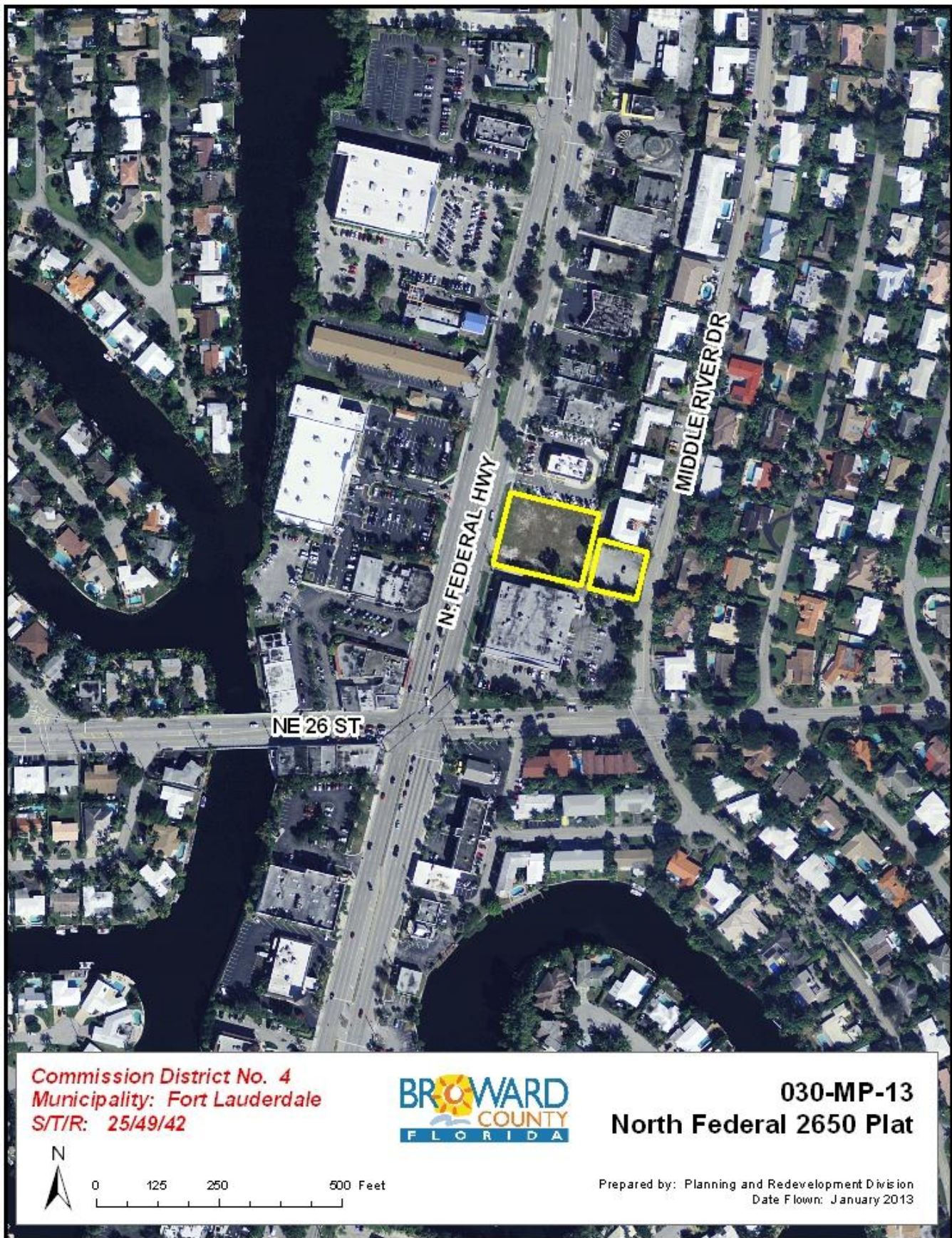
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Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

- 20) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.



Continued





## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309

ANANTH PRASAD, P.E.  
SECRETARY

December 13, 2012

**THIS PRE-APPLICATION LETTER IS VALID UNTIL DECEMBER 13, 2013  
THIS LETTER IS NOT A PERMIT APPROVAL**

Mr. Cliff Torres  
Corporate Property Services, Inc.  
1239 East Newport Center Drive, Suite 113  
Deerfield Beach, Florida 33442

Dear Mr. Torres:

**RE:** December 13, 2012 Pre-application Meeting for Category D Driveway  
Broward County, Urban In the City of Fort Lauderdale  
State Road 5, State Section 86020, Milepost 3.563, Access Class 5, Posted Speed 45 mph  
Reference Project N/A, Location: Federal Highway (east side), 325 feet north of NE 26<sup>th</sup> Street  
Site Acreage: 0.87, Proposed Land Use: Fast Food Drive-thru restaurant, Maximum Square Footage: 4,500  
Applicant: Chick-fil-A, Inc. (ground lease), Property Owner: North Federal 2650 LLC  
Proposed Project Name & Address: Chick-fil-A, Inc. 2650 North Federal Highway, Fort Lauderdale, Florida

**Your Request:** A right-in, right-out driveway, 325 feet north of NE 26<sup>th</sup> Street

**WE APPROVE YOUR REQUEST.** Please see the conditions and comments below.

This ruling is based on your presentation of the facts, site plan and survey.

**Conditions:** A minimum driveway length of 25 feet, as measured from the ultimate right-of-way line to the first conflict point, shall be provided.  
A radial return is required.

- Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- A Storm Water Pollution Prevention Plan must be submitted with the application if there will be more than one acre of "disturbed area" (as defined by the Florida Department of Environmental Protection (FDEP)).
- If right-of-way dedication is required to implement the proposed improvements, the applicant shall donate the right-of-way to the Department.
- All driveways not approved in this letter must be fully removed and the area restored.

**Comments:** Please note that the dimensions between driveways are measured from the near edge of pavement to near edge of pavement and dimensions between median openings are measured from centerline to centerline unless otherwise indicated. edge of pavement and dimensions between median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note any required improvements. This letter shall be submitted with any further reviews. If conceptually approved, the applicant may submit engineering plans to the Department for permitting. The Department's personnel shall review these plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. Please note that this letter does not guarantee permit approval. The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department.

For right-of-way dedication requirements go to: <http://www.dot.state.fl.us/statemaintenanceoffice/District4PermitInformation.shm>. Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact Christine Nabong Bacomo at the District Permits Office with any questions at telephone number 954-777-4377, fax number 954-677-7893 or e-mail: [christine.bacomo@dot.state.fl.us](mailto:christine.bacomo@dot.state.fl.us). Thank you.

Sincerely,

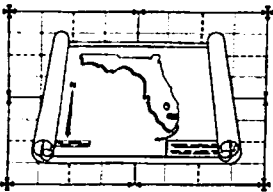
  
Geysa V. Sosa, P.E.  
District Traffic Access Manager

CNB/nyh

cc: Geysa Sosa/Stam Williams

File: s:\Permits\Pre-app Letters\Broward\Chick-fil-A, Inc. (ground lease) - SR5.doc





## BROWARD COUNTY PLANNING COUNCIL

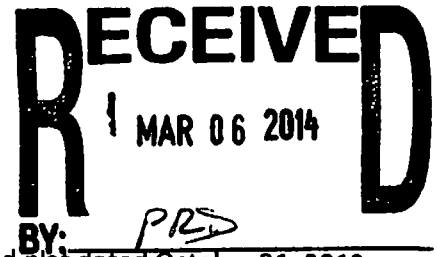
115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

TO: Henry A. Sniezek, Director  
Planning and Redevelopment Division  
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director

RE: North Federal 2650 Plat (030-MP-13)  
City of Fort Lauderdale

DATE: March 6, 2014



This memorandum updates our previous comments regarding the referenced plat dated October 21, 2013.

The Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan is the effective land use plan for the City of Fort Lauderdale. That plan designates the area covered by this plat for the uses permitted in the "Commercial" (i.e. the western 0.64 acres) and "Medium-High (25) Residential" (i.e. the eastern 0.23 acres) land use categories. This plat is generally located on the east side of Federal Highway/U.S. 1, between Northeast 26 Street and Oakland Park Boulevard.

The proposed commercial use on that portion of the plat designated "Commercial" is in compliance with the permitted uses of the effective land use plan.

Regarding that portion of the plat designated "Medium-High (25) Residential," Planning Council staff has received written documentation that the City of Fort Lauderdale applied the "5% Residential-to-Commercial" flexibility rule to this portion of the plat on February 18, 2014, through Ordinance Number C-14-10. Therefore, the proposed commercial use is in compliance with the permitted uses of the effective land use plan.

Please note that this allocation of "flexibility" is not subject to Policy 13.01.10 of the Broward County Land Use Plan as the subject parcel is not located within 500 feet of a Broward County or regional park, or an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan, and is not located adjacent to another municipality.

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

North:	Medium-High (25) Residential and Commercial
South:	Medium-High (25) Residential and Commercial
East:	Medium-High (25) Residential and Low (4.4) Residential
West:	Commercial

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:MEG

cc: Lee Feldman, City Manager  
City of Fort Lauderdale

Greg Brewton, Director, Department of Sustainable Development  
City of Fort Lauderdale