

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:	PALM COVE	Number:	015-MP-13
Applicant:	LDC Monterey Ventures, LLC	Comm. Dist.:	9
Agent:	Pulice Land Surveyors, Inc.	Sec/Twp/Rng:	13-49-41
Location:	East Side of Florida Turnpike, South of Commercial Boulevard	Platted Area:	33.3817 Acres
City:	Tamarac	Gross Area:	N/A
Replat:	This Plat is a Partial Replat of MONTEREY BY PRESTIGE (Plat Book 178, Pages 119-126)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Tamarac
Proposed Use:	164 Townhouse Units and 61 Single Family Detached Units (43 3-bedroom and 18 4-bedroom)	Plan Designation:	Low-Medium (10) Residential. See the attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Single Family Residential	North:	Low-Medium (10) Residential
South:	Single Family Residential	South:	Single Family (5 DU/Acre) (Lauderdale Lakes)
East:	Single Family Residential, Vacant	East:	Low-Medium (10) Res., Commercial Recreation
West:	Florida Turnpike	West:	Major Transportation
Existing Zoning:	R-3	Proposed Zoning:	N/A

RECOMMENDATION (See Attached Conditions)

**DENIAL:** This application is inconsistent with the recorded Declaration of Restrictive Covenants related to Land Use Plan Amendment PC 06-29 regarding school impacts. No public school concurrency determination can be provided until the Declaration is amended, and in accordance with Section 5-182(m)(1)a) of the Land Development Code, this application must be recommended for DENIAL until the School Board issues a School Capacity Availability Determination. See Staff Comment No. 7 and Finding No. 2.

**DENIAL:** The proposed uses are inconsistent and less restrictive than the voluntary restriction made with Broward County Land Use Plan Amendment PC 06-09 regarding unit types and bedroom mixes. See the attached letter from the Planning Council and Staff Comment No. 25.

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

Prepared: PK  
Reviewed:  
Approved:

## Continued

## SERVICES

Wastewater Plant:	BCUD 4 (01/14)	Potable Water Plant:	Tamarac (02/05)
Design Capacity:	95.0000 MGD	Design Capacity:	20.000 MGD
12-Mo. Avg. Flow:	69.3900 MGD	Peak Flow:	7.600 MGD
Est. Project Flow:	0.0593 MGD	Est. Project Flow:	0.069 MGD

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

## SCHOOLS

Dwelling Units	Impact Fee
225	*

\* See Staff Comment No. 7

See Finding No. 2

\* See Staff Recommendation No. 9

## PARKS

	Land Dedication	Impact Fee	Admin. Fee
Local:	County conducts no local review within municipalities	N/A	N/A
Regional:	1.6875 Acres	*	*

\* See Staff Comments No. 8 & 9

See Finding No. 4

\* See Staff Recommendation No. 8

## TRANSPORTATION

Concurrency Zone: Central	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	170	*	N/A
Non-res. uses:	N/A	N/A	N/A
Total:	170	*	N/A

\* See Staff Comment No. 6

\* See Finding No. 1

\* See Staff Recommendation No. 8

PALM COVE  
015-MP-13

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the uses being 164 Townhouse Units and 61 Single Family Dwelling Units (43 three-bedroom and 18 four or more bedroom).
- 2) This application indicates that the single family residential units will be restricted by bedroom type. The applicant is advised that the definition of a bedroom, as defined in the Land Development Code, is *any habitable room that can be used for sleeping which typically includes, but is not limited to, a room with proper escape window and which room has an area for a closet, whether or not such closet area has permanent or temporary doors.*
- 3) Trafficways approval is valid for 10 months. Approval was received on February 27, 2014.
- 4) This plat is a replat of the entire residential portion of MONTEREY BY PRESTIGE (Plat Book 178, Pages 119-126), approved for 48 single family detached units (24 three-bedroom and 24 four or more bedroom), 184 townhouse units (138 two-bedroom and 46 three-bedroom) and 22.92 acres of park use. The park use, located on Tracts D and E of the plat, is not included in this replat. Either prior to or simultaneously with the recordation of this replat, the applicant must submit a Page 4 Project Update Sheet and an agreement to amend the note on the underlying plat to delete the residential units, and pay \$187.00 to delete the associated trips. See Staff Recommendation No. 10.
- 5) This property was the subject of Broward County Land Use Plan Amendment PC 06-29, approved by the County Commission on December 12, 2006, which amended the land use designation on this plat from "Commercial Recreation" to "Low-Medium (10) Residential." This amendment was approved subject to various voluntary commitments/restrictions, as described in the attached comments from the Broward County Planning Council which, except for the payment for the costs of student station fees to the School Board, have been effectuated via a Declaration of Restrictive Covenants recorded at O.R. Book 44460, Page 1757. The payment to the School Board is effectuated via a separate Declaration of Restrictive Covenants recorded at O.R. Book 44460, Page 1773.
- 6) 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.
- 7) This plat generates more than one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. However, in conjunction with Land Use Plan Amendment PC 06-29, the property owner recorded a Declaration of Restrictive Covenants (O.R. Book 44460, Page

## Continued

1773) agreeing to pay student station costs in one lump sum directly to the School Board (in lieu of standard school impact fees assessed and paid prior to environmental review approval of construction plans) to mitigate the impacts of the additional students generated by Land Use Plan Amendment PC 06-29. **School Board staff has reviewed this plat application and determined that it is inconsistent with the recorded Declaration of Restrictive Covenants. No public school concurrency determination can be provided until the Declaration is amended to address the student impacts of the revised development mix, and in accordance with Section 5-182(m)(1)a) of the Land Development Code, this application must be recommended for DENIAL until the School Board issues a School Capacity Availability Determination finding that this application satisfies the school concurrency requirements of the Code.**

- 8) In accordance with Land Development Code amendments adopted September 22, 2009 and September 24, 2013, regional park impact and administrative fees will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 9) Prior to plat recordation of the underlying plat, MONTEREY BY PRESTIGE (Plat Book 178, Pages 119-126), park administrative fees in the amount of **\$3,022.00** were paid for the approved, proposed 24 three-bedroom single family dwelling units, 24 four or more bedroom single family dwelling units, 138 two-bedroom townhouse units, and 46 three-bedroom townhouse units. **The \$3,022.00 park administrative fee previously paid may be credited towards the park administrative fees to be assessed for this plat during the review of construction plans submitted for County environmental review approval.**
- 10) 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.
- 11) 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.
- 12) 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. 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. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.

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- 13) 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.
- 14) This site may contain burrowing owls which are listed as a Species of Special Concern by the Florida Fish and Wildlife Conservation Commission. See Staff Recommendation No. 2) F) below.
- 15) 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 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.
- 16) 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.
- 17) Any development within the plat limits is subject to Chapter 27, Article XIV, Sections 27-401 through 27-418 of the Broward County Code, titled Broward County Tree Preservation and Abuse Ordinance. This plat contains mature tree canopy and a Tree Removal License is required for tree removal, relocation and/or replacement. Contact the Tree Preservation Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements. See Staff Recommendation No. 2) E) below.
- 18) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
- 19) The subject plat is in the vicinity of known contaminated sites and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, approval of an application for a building permit or approval to construct or alter shall not be granted until the Pollution Prevention,

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Remediation and Air Quality Division is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on site [Section 27-66(h) Broward County Code of Ordinances]. It should also be noted that the Pollution Prevention, Remediation and Air Quality Division must approve any dewatering activities at this site.

- 20) This plat includes land historically used as a golf course. Golf courses have a high potential for arsenic contamination. Under the authority of Section 27-66(h) of the Broward County Natural Resource Protection Code, the Pollution Prevention, Remediation and Air Quality Division has the authority to withhold environmental review approval for any building permits or approvals to develop, construct, or alter any site that contains potential sources of pollution. Note that when any building or development plans are submitted to Broward County for environmental review, the environmental review approval will be withheld until the Pollution Prevention, Remediation and Air Quality Division has reviewed the environmental assessment for the golf course and determined that the building or development will not interfere with cleanup of any potential contaminants at the site or exacerbate any potential on-site contamination.
- 21) 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.
- 22) This property is located 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 954-359-6170.
- 23) Based on review of contemporary and historic aerial photography and topographical maps by the Broward County Historical Commission staff, there is a moderate probability that this plat contains intact archaeological deposits. Therefore, Historical Commission staff suggests that the applicant perform a Phase 1 Archaeological Survey prior to any ground disturbing activity. Moreover, **in conjunction with Land Use Plan Amendment PC 06-29 and mandated by Section 5.(b) of the Declaration of Restrictive Covenants, recorded at O.R. Book 44460, Page 1757, the applicant must complete an archaeological survey prior to the review of construction plans submitted for County environmental review approval for the first building permit. See Staff Recommendation No. 2) D) below.** The work should be conducted by a qualified professional archaeologist per 36 CFR Part 61 (as amended) and shall be completed and submitted to the Historical Commission

## Continued

for review and comment. The Phase 1 archaeological work and report shall conform to the standards for such work as outlined in the State of Florida Division of Historical Resources, Standards and Operations Manual Module Three, located at website: <http://www.flheritage.com/preservation/compliance/docs/Module3.pdf>. The applicant is encouraged to contact the County Archaeologist Matthew DeFelice at 954-357-5506 or [mdefelice@broward.org](mailto:mdefelice@broward.org) prior to conducting the survey in order to discuss survey methodologies.

In the event that any unanticipated archaeological features or artifacts are discovered, the Historical Commission must be notified within 24 hours of the discovery and sufficient time provided to allow proper recordation, recovery, or preservation of the find (pursuant to Section 5-305, Ordinance No. 92-38 entitled Protection and Preservation of Archaeological Sites Discovered During the Development Process). 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 County medical examiner as to jurisdiction, custody, and disposition of the remains.

- 24) This site is currently serviced on nearby Commercial Boulevard (State Road 870) by BCT Route #55.
- 25) The proposed 61 single family dwelling units and 164 three-bedroom townhouse units are inconsistent with, and less restrictive than the development mix permitted pursuant to the Declaration of Restrictive Covenants recorded at O.R. Book 44460, Page 1757 related to Broward County Land Use Plan Amendment PC 06-29. Therefore, **this application is not in compliance with the permitted uses of the effective Land Use Plan and must be recommended for DENIAL.** See the attached comments received from the Broward County Planning Council.
- 26) **In compliance with Policy 1.07.07 of the Broward County Land Use Plan regarding affordable housing, the property owner agreed to construct fifteen percent (15%) of the residential units as affordable Workforce Housing as defined by the Broward County Comprehensive Plan. In accordance with Section 3 of the Declaration of Restrictive Covenants recorded at O.R. Book 44460, Page 1757, this commitment is required to be effectuated via recording a separate Declaration of Restrictive Covenants (Affordable Housing) prior to the issuance of the first building permit for the construction or erection of the first residential unit on the property.** See Staff Recommendation No. 2) C) below.
- 27) 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) In connection with Land Use Plan Amendment PC 06-29 for this property approved by the County Commission on December 12, 2006, the owner voluntarily entered into a Declaration of Restrictive Covenants, recorded at O.R. Book 44460, Page 1773, regarding the mitigation of student impacts. **This plat application is inconsistent with the Declaration of Restrictive Covenants recorded against the property and the Declaration must be amended to enable the development as proposed in this application. No public school concurrency determination can be provided until this issue is addressed, and in accordance with Section 5-182(m)(1)a) of the Land Development Code, this application must be recommended for DENIAL.**
- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This plat satisfies the regional park concurrency requirement of Section 5-182(i) 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 the Florida Turnpike.

### LAND USE PLAN AMENDMENT VOLUNTARY REQUIREMENTS

- 2) In accordance with Land Use Plan Amendment PC 06-29 and the Declaration of Restrictive Covenants recorded at OR Book 44460, Page 1757, prior to environmental review approval of construction plans by the Development Management and Environmental Review Section of the Planning and Redevelopment Division for the first building permit for construction of a residential unit, satisfy the following voluntary commitments:
  - A) Pay \$150,000 to Broward County for the purchase of Advanced Transportation Management Systems software. The owner shall obtain and provide the County as part of its environmental review application, with proof that this provision has been satisfied.
  - B) Install and pay for sound walls along the Florida Turnpike in any area(s) abutting the property where sound walls are not constructed by the Florida Turnpike Enterprise. The sound walls shall be the same height as those



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constructed by the Florida Turnpike Enterprise immediately to the north and south.

- C) Enter into a Declaration of Restrictive Covenants (Affordable Housing) to construct fifteen percent of the units on the property as Workforce Housing.
- D) Conduct an archaeological survey of the property. The owner shall obtain and provide the County as part of its environmental review application, with proof that this provision has been satisfied.
- E) Comply with the Broward County Tree Preservation Code, Chapter 27 of the Broward County Code of Ordinances by minimizing the number of trees to be removed by incorporating existing trees into the site plan. If the trees cannot be incorporated into the site plan in the current location and the trees are capable of being relocated, the owner shall relocate the trees, especially those of specimen size and quality.
- F) Apply to the Florida Fish and Wildlife Conservation Commission for a permit to relocate any burrowing owls, if present on the property upon commencement of development.

3) 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.
  - 1) The geometry on this plat is the same as what is shown on the underlying plat recorded in P.B. 178, PG. 119, B.C.R., yet this plat indicates that the found monumentation per the underlying plat does not fit the geometry. Illustrate the process used to determine the location, configuration and geometry of the boundary of this plat. If applicable, clearly identify found monumentation at lot and block corners per adjoining plats used to establish the boundaries of this plat. Show geometry between those monuments and the monuments per this plat to tie said monuments to the corners and changes of direction on the boundary of this plat.
  - 2) Explain the apparent discrepancy between the locations of the south line of Section 13-49-41, which is the south plat boundary line, as shown on this plat with the depiction of said line on the underlying plat recorded in P.B. 178, PG. 119, B.C.R. The State Plane Coordinates on the respective plats indicate a 2.6' +/- north – south difference in the location of the line. The Boundary and Topographic Survey provided with this plat submittal indicates a 1.5' +/- north – south difference on the section line, based on the ties shown to existing monuments per the underlying plat. Show the points used to establish the location of the section line. Describe the found monumentation at the points, including any identification on the monuments. Show the State Plane Coordinates on said points with ties to the plat boundary.

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- 3) The State Plane Coordinates on the boundary of this plat differ from the coordinates shown on the underlying plat by 2.6' +/- north – south. Explain how the coordinates shown on this plat were determined. Identify and depict monumented control points used, with the State Plane Coordinates on the monumented points.
- B) The bearing reference line must be a well-established and monumented line. Depict said line with its monumentation and tie to the plat boundary. The direction on the Basis of Bearings reference line called out in Surveyor's Note #2 does not appear to be applicable to said line. Review and revise as necessary.
- C) Revise Surveyor's Note #2 to indicate that the **GRID BEARINGS AND STATE PLANE COORDINATES** are based on the referenced resurvey **AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT**.
- D) 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.
- E) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.
- 4) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE
  - A) Revise the Dedication block to indicate the name of the Homeowners Association. If the name does not currently appear on the Florida Department of State Division of Corporations web site, provide proof of the creation of said corporation prior to plat recordation.
  - B) Complete the FDOT section number for the first FDOT Right-of-Way Map cited as a source of right-of-way for the Sunshine State Parkway.
- 5) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS
  - A) Pursuant to the requirements of Ordinance 2003-22, plat mylars will not be accepted without being accompanied by an original title certificate or an attorney's opinion of title which shall:
    - 1) be based upon a legal description that matches the plat.
    - 2) be based upon a search of the public records within forty-five (45) days of submittal.

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- 3) contain the names of all owners of record.
- 4) contain the names of all mortgage holders of record and if there are no mortgages, it shall so state.
- 5) contain a listing of all easements and rights-of-ways of record lying within the plat boundaries.
- 6) contain a listing of all easements and rights-of-ways which abut the plat boundaries and are necessary for legal access to the plat, and if there are none it shall so state.

The title must be updated for the review of any agreements and for the recordation process. 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://bcegov2.broward.org/bcengineering/index.asp>.

- B) All record owners must execute the plat with original signatures. For property owned by an individual (or by individuals), the plat must be executed in the presence of two witnesses for each signature. Property owned by corporations must be executed by at least one of the following officers: the President, Vice President, or Chief Executive Officer together with either (i) two witnesses or (ii) the Corporate Seal. A plat which has been executed by any officer other than the President, Vice President, or Chief Executive Officer must also provide documentation authorizing the individual(s) who executed the plat. The officers executing a plat must be verified through the Florida Department of State, or by the applicant providing corporate documentation. Persons executing plats owned by a partnership or a trust must provide documentation clearly demonstrating their authority to execute on behalf of the partnership or trust.
  - C) All mortgagees must execute the plat with original signatures, seals, and witnesses.
  - D) Acknowledgments and seals are required for each signature.
- 6) DRAFTING AND MISCELLANEOUS DATA
- A) Address any undefined abbreviations or symbols used on the plat or added during revision. 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. Correct the definition of **U.E.**
  - B) No text on the plat drawing should be obstructed or overlapped by lines or other text.
  - C) Identify the hatch symbols on the west and south plat boundaries. This can be addressed in the Legend.

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D) Identify the source of the 10' U.E. east of the southernmost southeast plat corner.

7) 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 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.
- F) Highway Construction and Engineering Director Signature.
- G) City Final Sign-off – Tamarac:

John Doherty: 954-724-2415 [johnnd@tamaract.org](mailto:johnnd@tamaract.org).

Harris Hamid: 954-718-6990 [harrish@tamarac.org](mailto:harrish@tamarac.org).

Bonnie Rapp: 954-724-2411 [bonnier@tamarac.org](mailto:bonnier@tamarac.org).

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

- 8) Applicant must pay transportation concurrency fees, regional park impact fees and the balance of any regional park administrative 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. Impact fee amounts are subject to adjustment each October 1.
- 9) Applicant must either make a lump sum payment to the School Board as a *Mitigation Payment* towards the cost of providing student stations for the number of students anticipated from the property prior to environmental review approval for construction of the first residence unit, or pay school impact fees prior to environmental review approval of constructions plans. This requirement will depend on a School Concurrency Adequacy Determination made pursuant to an amendment to the Declaration of Restrictive Covenants recorded at O.R. Book 44460, Page 1773. See Staff Comment No. 7 and Finding No. 2 above.

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- 10) This plat is a replat of the entire residential portion of MONTEREY BY PRESTIGE (Plat Book 178, Pages 119-126). Either prior to or simultaneously with the recordation of this replat, the applicant must submit a Page 4 Project Update Sheet and an agreement to amend the note on the underlying plat to delete the residential units, and pay \$187.00 to delete the associated trips.
- 11) 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.
- 12) 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.

- 13) 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.

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

This plat is restricted to 164 townhouse units and 61 single family detached units (43 three-bedroom and 18 four or more bedroom).

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

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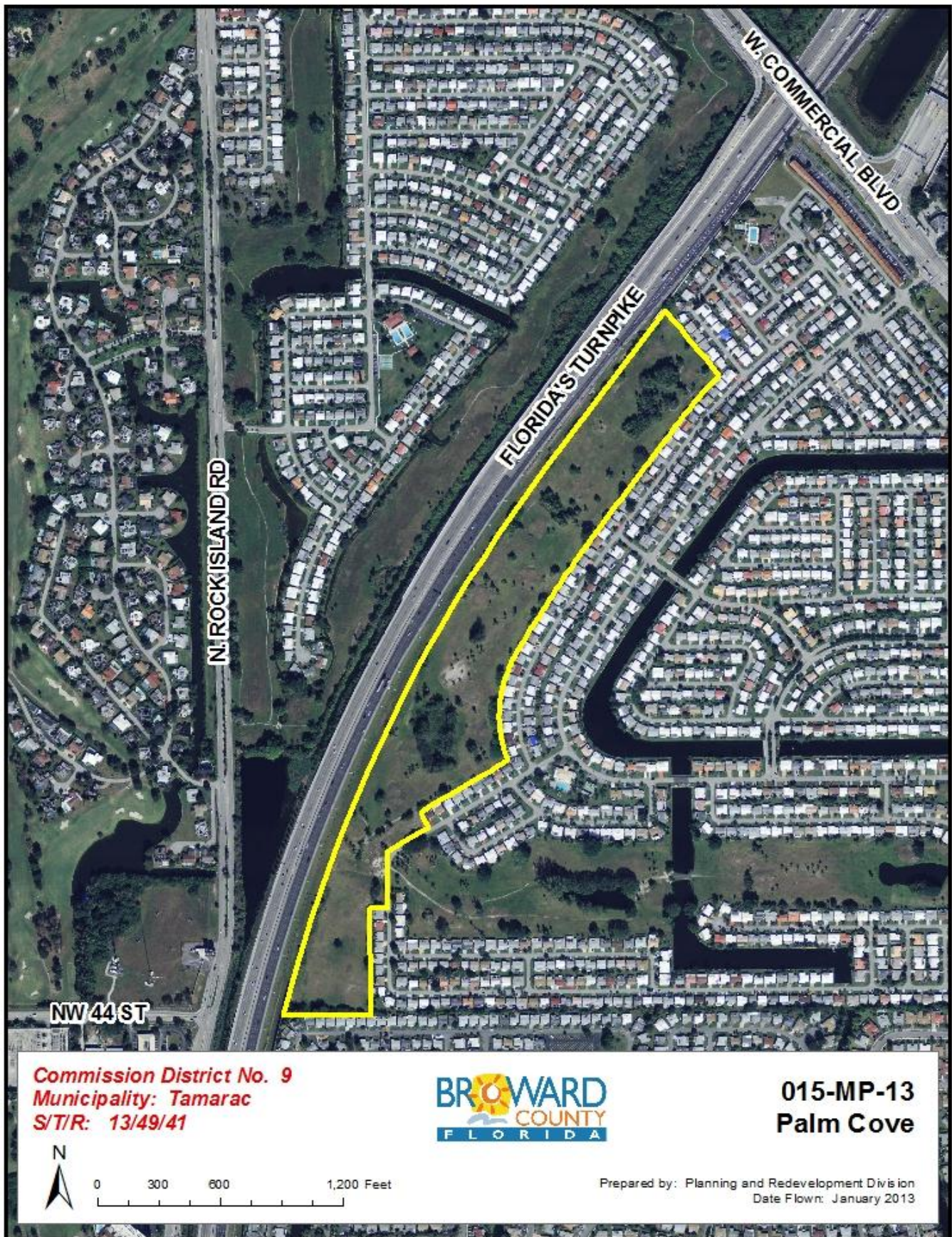
approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

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.

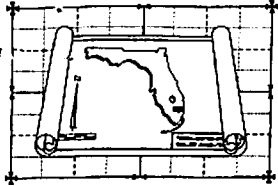
- 15) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.



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## BROWARD COUNTY PLANNING COUNCIL

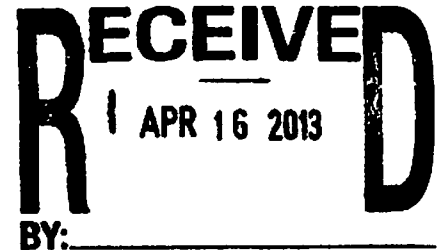
115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

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

FROM: Barbara Blake Boy, Executive Director 

RE: Palm Cove (015-MP-13)  
City of Tamarac

DATE: April 16, 2013



The Future Land Use Element of the City of Tamarac Comprehensive Plan is the effective land use plan for the City of Tamarac. That plan designates the area covered by this plat for the uses permitted in the "Low Medium (10) Residential" land use category. This plat is generally located on the south side of Northwest 49 Court, between Northwest 48 Avenue and Florida's Turnpike.

Planning Council staff notes that this plat was the subject of Broward County Land Use Plan (BCLUP) amendment PC 06-29, which amended the future land use designation from "Commercial Recreation" to "Low-Medium (10) Residential." Said amendment was adopted by the Broward County Commission on December 12, 2006, subject to the following voluntary restrictions:

- Development will be restricted to no more than 233 dwelling units, consisting of 49 single-family homes (25 three (3)-bedroom units and 24 four (4)-bedroom units) and 184 townhomes (138 two (2)-bedroom units and 46 three (3)-bedroom units);
- Payment of the costs per student station fees to the School Board for the additional elementary and middle school students generated by the proposed amendment; the public school facility impacts estimate will be updated utilizing the revised Student Generation Rates and mitigation will be based on the higher amount and any increase resulting to student station costs will be paid by the applicant or successors;
- 15% of the units will be developed as affordable, workforce housing as defined in the Broward County Comprehensive Plan;
- Contribution of \$300,000 to Broward County toward the purchase of the signal system software package necessary for the County's Advanced Transportation Management System for PC 06-29 and PC 06-30;
- Contribution of \$250,000 to develop and implement a traffic calming program for PC 06-29 and PC 06-30, to include traffic calming and speed bumps wherever directed by the City;
- If the Florida Department of Transportation/Turnpike Enterprise does not fund and construct soundwalls, they will be built at the same height as those constructed to the north and south of the developments, at the expense of the applicant or successors, and any other previous commitments regarding soundwalls;



Palm Cove (015-MP-13)

April 16, 2013

Page Two

- Terms of agreements with Mainlands Sections 1, 2, 3, 5, 6 and 7, including, but not limited to, recreation leases and ingress/egress points;
- No "flexibility" provisions of the Broward County Land Use Plan will be sought to increase the density/intensity of the development approved per the land use plan amendment;
- Repair of any damage caused to local roads during construction at the expense of the applicant or successors; and
- Fulfillment of on the record commitments made to the City of Tamarac.

In addition, the applicant committed to 1) pursue alternative construction and traffic ingress and egress, as well as restricting construction hours and traffic (Monday through Friday 8 a.m. to 6 p.m., Saturday 8:00 a.m. to 1:00 p.m. and no construction on Sunday); 2) complete an archaeological survey prior to development; 3) apply for a permit from the Florida Fish and Wildlife Conservation Commission for the relocation of any burrowing owls, if present; and 4) comply with the Tree Preservation regulations of Broward County.

The proposed 61 single-family dwelling units (consisting of 43 three-bedroom and 18 four-bedroom units) and 164 three-bedroom townhouse units are inconsistent and less restrictive than the subject voluntary restriction made via BCLUP amendment PC 06-29 regarding unit types and bedroom mixes; therefore the uses are not in compliance with the permitted uses of the effective land use plan.

Planning Council staff will update this memorandum as appropriate.

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

North: Low Medium (10) Residential  
South: Single Family (5 d.u./acre) (City of Lauderdale Lakes)  
East: Low Medium (10) Residential and Commercial Recreation  
West: Major Transportation

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: Michael C. Cernech, City Manager  
City of Tamarac

Jennifer Bramley, Director, Community Development Department  
City of Tamarac