

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:	SPEAR AND VARAT PLAT	Number:	043-MP-03
Applicant:	Cynthia L. Varat, Trustee and Rachael J. Spear, Trustee	Comm. Dist.:	5
Agent:	Kimley-Horn and Associates, Inc.	Sec/Twp/Rng:	04-51-41
Location:	Southeast Corner of Stirling Road and Pine Island Road	Platted Area:	11.2787 Acres
City:	Davie	Gross Area:	NA
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 176, Pages 1 & 2)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Davie
Proposed Use:	Parcel A-1: 75,000 Sq. Ft. Commercial Parcel A-2: Drainage	Plan Designation:	Residential 1 DU/Ac. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Community Facility	North:	Community Facilities
South:	Vacant	South:	Residential 1 DU/Ac
East:	Church	East:	Residential 1 DU/Ac
West:	Single Family Residential	West:	Irregular (3.663) Res. w/in a Dashed Line Area (City of Cooper City)
Existing Zoning:	A1	Proposed	Parcel A-1: B2, Parcel A-2: A1

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, including recommendations and conditions related to the Board's April 8, 2014, "compatibility review" finding concerning the subject plat.

Meeting Date: 04/22/14
Action Deadline: 05/27/14
Deferral Dates:

Prepared: PK
Reviewed:
Approved:

Continued

SERVICES

Wastewater Plant: Davie 2 (01/14)		Potable Water Plant: Davie (06/05)	
Design Capacity:	4.8500 MGD	Design Capacity:	7.4000 MGD
12-Mo. Avg. Flow:	2.9300 MGD	Peak Flow:	6.5000 MGD
Est. Project Flow:	0.0075 MGD	Est. Project Flow:	0.0075 MGD

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

PARKS

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

* See Staff Comment No. 5

TRANSPORTATION

Concurrency Zone: South Central	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	519	*	N/A
Total:	519	*	N/A

* See Staff Comment No. 4

See Finding No. 1

* See Recommendation No. 27

SPEAR AND VARAT PLAT
043-MP-03

STAFF COMMENTS

- 1) This plat was approved on February 1, 2005, for 13 single family detached units, with a requirement that a building permit be issued by February 1, 2010. No building permit was issued, and in accordance with Section 5-181(o) of the Land Development Code, the County's finding of adequacy has expired.
- 2) Staff findings and recommendations pertaining to this application for a new finding of adequacy are based on the use being 75,000 square feet of commercial on Parcel A-1 (northern 9.895 acres) and drainage on Parcel A-2 (southern 1.302 acres).
- 3) The comments, findings, and recommendations contained in this report supersede all previous development review reports and delegation requests approved by the County Commission.
- 4) 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.
- 5) Prior to recordation of this plat, park administrative fees in the amount of \$195.00 were paid. Since residential units are no longer proposed to be built, the property owner may request a refund of these fees.
- 6) 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.
- 7) Surface water management plans for this plat must meet the criteria of the Central Broward Water Control District. A surface water management permit must be obtained from this District prior to any construction.
- 8) The Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building 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. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.

Continued

- 9) This site was previously reviewed, found to contain wetlands, and is currently being licensed as Pine Island Marketplace. On August 16, 2013, an Environmental Resource License Application, No. DF13-1141, was submitted to the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division. This application proposes to impact 0.84 acres of an existing 1.05 acre low quality herbaceous wetland. On January 10, 2014, staff sent a second request for additional information; however, no formal response has been received as of this date. **An Environmental Review License is required prior to undertaking any surface disturbing activities to the natural resources.** See the attached Conceptual Dredge and Fill Review Report received from the Aquatic and Wetland Resources Section.
- 10) This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.
- 11) 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.
- 12) 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://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c> and provides information regarding the ownership and management for each of the Protected Natural Lands.
- 13) If trees are to be removed or relocated, development of the site must comply with the Tree Preservation Regulations of the Town of Davie. 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.

Continued

- 14) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code which are not currently being reviewed in connection with Environmental Resource File No. DF13-1141. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
- 15) 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.
- 16) Approval of this new finding of adequacy 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.
- 17) This property is within 20,000 feet of the North Perry 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.
- 18) 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 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.
- 19) This site is currently serviced on Stirling Road by BCT Route #16. There is an existing bus stop adjacent to the site.

Continued

- 20) The recommendations of the Highway Construction and Engineering Division and the Transit Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 21) This plat is designated "Residential 1 DU/Ac" on the effective Land Use Plan. Planning Council staff has received written documentation from the Town of Davie that the Town applied the 5% Residential-to-Commercial flexibility rule for the proposed commercial use on Parcel A-1 through Resolution No. R-2013-241 adopted on December 4, 2014. However, the proposed commercial development is contiguous to the City of Cooper City and, in accordance with Broward County Land Use Plan Policy 13.01.10 the City of Cooper City requested a compatibility review. Planning Council staff notes that said compatibility review was approved by the Broward County Commission on April 8, 2014, subject to the following voluntary commitments:
 - Granting a conservation easement in favor of the County on Parcel A-2;
 - Incorporating features into the site plan design to ensure compatibility with adjacent uses; and
 - Executing, to the satisfaction of Broward County, a legally enforceable mechanism for compliance with the referenced voluntary commitments.

See Staff Recommendation No. 25 and the attached comments received from the Broward County Planning Council.

- 22) Attached are two resolutions from the Town of Davie approving requests for this finding of adequacy. Resolution No. R-2013-239 approves the amendment to the restrictive note consistent with this application. Resolution No. R-2013-240 approves amending the non-vehicular access line along Pine Island Road to accommodate the revised development associated with this proposed plat note.
- 23) 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 South 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 application for a new finding of adequacy 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 AMENDMENT AGREEMENT REQUIREMENTS

- 1) Fully execute an Amendment to Non-Vehicular Access Line (NVAL) Agreement (CAF #457) and submit to the Highway Construction and Engineering Division for review and approval.
- 2) Prepare signed and sealed legal descriptions for exhibits to the Amendment to NVAL Agreement.
- 3) An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the Amendment to NVAL Agreement and must include the following information:
 - A) The same legal description as the affected portion of the recorded plat.
 - B) Record owner(s) name(s).
 - C) Mortgage holder(s) name(s). If none, it should so state.
 - D) Date through which records were searched (within 30 days of submittal of the Amendment to NVAL Agreement).
 - E) Original signature and/or seal.
- 4) For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.
- 5) Exhibit "C" to the NVAL Agreement shall describe and illustrate a new non-vehicular access line along the ULTIMATE right-of-way for Pine Island Road except for the following:
 - A) An 80-foot opening with centerline located approximately 760 feet south of the centerline of Stirling Road, aligning with the existing median opening. **This is an existing platted opening to remain.**
 - B) A 55-foot opening with centerline located approximately 348 feet south of the centerline of Stirling Road. This opening is restricted to and physically channelized for RIGHT TURNS IN ONLY.
- 6) Along the ULTIMATE right-of-way for Stirling Road except for a 50-foot opening at the east plat limits. This opening is restricted to right turns only. **This is an existing platted opening to remain.**

Continued

ACCESS REQUIREMENTS

- 7) Any driveway in the 80-foot opening: shall be centered in the opening, shall consist of a minimum of two egress lanes, each 12 feet in width, and one 16- foot wide ingress lane, with minimum entrance radii of 35 feet.
- 8) A channelized driveway shall consist of one lane with a pavement width of 15 feet, with minimum entrance radii of 50 feet.
- 9) For the two-way driveway that will be centered in a 50-foot opening: the minimum pavement width shall be 24 feet, the minimum entrance radii shall be 30 feet.

SIDEWALK REQUIREMENTS FOR BUS LANDING PAD (By Separate Instrument)

- 10) A 2-foot wide x 40-foot long paved bus landing pad (8-foot total expanded sidewalk) on Stirling Road commencing 20 feet east of the corner chord at the west plat limits and continuing east for 40 feet.

Stirling Road in this location is functionally classified as a Broward County jurisdiction roadway. Standard forms to dedicate rights-of-way and easements by separate instrument are available from the Highway Construction and Engineering Division, Right-of-Way Section. The applicant should contact Frank Guiliano at (954) 577-4652 (fguiliano@broward.org) for copies of standard conveyance documents and instructions for processing. County Attorney approval of the conveyance documents is required prior to recordation of the Findings of Adequacy. The applicant must provide adequate time for the review and approval process. Submittal of draft copies of legal descriptions & sketches is recommended before execution of conveyance documents.

TRAFFICWAYS IMPROVEMENTS (Secure and Construct)

- 11) The physical channelization of the driveway in the 55-foot opening on Pine Island Road as specified under the non-vehicular access line requirements.

TURN LANE IMPROVEMENTS (Secure and Construct)

- 12) A northbound right turn lane on Pine Island Road at the 80-foot opening with 150 feet of storage* and 100 feet of transition.
- 13) A southbound left turn lane on Pine Island Road at the 80-foot opening with 200 feet of storage# and 100 feet of transition.
- 14) A northbound right turn lane on Pine Island Road at the 55-foot opening with 150 feet of storage* and 100 feet of transition. This improvement requires the re-striping of the existing pavement only.
- 15) An eastbound right turn lane on Stirling Road at the 50-foot opening with 150 feet of storage* and 100 feet of transition. This improvement requires the re-striping of the existing pavement only.

Continued

- * The length of turn lane storage is measured from the end of taper (transition) to the point of curvature of the driveway radius, or corner chord in the case of intersecting road right-of-way.

SIDEWALK REQUIREMENTS (Secure and Construct)

- 16) Along Pine Island Road adjacent to this plat, as displaced by turn lane construction.

SIDEWALK FOR BUS LANDING PAD (Secure and Construct)

- 17) An 8-foot wide x 40-foot long expanded sidewalk for the bus landing pad on Stirling Road commencing 20 feet east of the corner chord at the west plat limits and continuing east for 40 feet. Design must extend to the face of curb and gutter, and is subject to review by both the Service and Capital Planning Section of the Transit Division and the Paving and Drainage Section of the Highway Construction and Engineering Division.

COMMUNICATION CONDUIT/INTERCONNECT (Secure and Construct)

- 18) The developer shall be responsible for the cost of relocating or replacing any existing communication conduit/interconnect on Pine Island Road that may be damaged by the construction of driveways, sidewalks, turn lanes, or other improvements.
- 19) The developer shall be responsible for the cost of relocating or replacing existing communication conduit/interconnect on Stirling Road that may be damaged by construction of driveways, sidewalks, turn lanes, or other improvements.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

- 20) Construction of the required improvements shall include installation of pavement markings and signs. All pavement markings shall be thermoplastic. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. The security amount for pavement markings and signs will be based on the approved construction plans or the approved engineer's cost estimate as outlined below.

IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

- 21) 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.

The original plat improvement agreement was recorded and secured by lien in O.R. Book 42341, Page 783, B.C.R. Upon completion of this New Finding of Adequacy, the applicant can request the release of the lien and termination of this agreement.

- 22) 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:
- 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

- 23) 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.
- 24) 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.

COMPATIBILITY REVIEW REQUIREMENTS

- 25) In accordance with the voluntary commitments made at the compatibility review determination public hearing on April 8, 2014, prior to recordation of the agreement amending the note on the plat for this new finding of adequacy, execute and record to the satisfaction of Broward County, a Conservation Easement or other legally enforceable instrument approved by the County Attorney's office, in favor of Broward County, restricting Parcel A-2 of this plat to conservation or drainage uses only, and execute and record, to the satisfaction of Broward County, a Declaration of Restrictive Covenants providing for the incorporation of those features included in the attached Planning Council comments to ensure compatibility with adjacent land uses.

GENERAL RECOMMENDATIONS

- 26) 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.
- 27) 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.

- 28) 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.

Continued

- 29) Within twelve (12) months of approval of this application for a new finding of adequacy, comply with all conditions of approval and record an agreement acceptable to the County Attorney's Office to amend the note on the plat as follows:
- A) This plat is restricted to 75,000 square feet of commercial use on Parcel A-1 (see attached legal description) and drainage on Parcel A-2 (see attached legal description). No free standing or drive-thru bank facilities are permitted on Parcel A-1 without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.
 - B) 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.
 - C) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **April 22, 2019**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property 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
 - D) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **April 22, 2019**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property 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.
 - E) 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.
- 30) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Conceptual Dredge and Fill Review Report

March 19, 2014

Plat Name: Spear and Varat Plat
Plat No: 043-MP-03

LOCATION

Section: 04 **Township:** 50 South **Range:** 41 East

Address: Southeast corner of Stirling Road and Pine Island Road in the Town of Davie, Florida.

FINDINGS

Wetland Characteristics present: Yes X No

COMMENTS

Conceptual review is not applicable for this site plan. This site has previously been reviewed, found to contain wetlands, and is currently being licensed as Pine Island Marketplace.

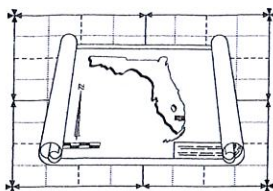
The Environmental Resource License application number for the project is DF13-1141 which was initially submitted on August 16, 2013. The application proposes to impact 0.84 acre of an existing 1.05 acre low quality herbaceous wetland. Most recently the Department sent a second request for additional information to the applicant on January 10, 2014. No formal response has been received to date.

The applicant has been notified that impacts to natural resources are not permitted prior to issuance of the requested license. This report is for informational purposes only and does not constitute waiver or approval of any license or permit that is, or may be, required for any aspect of the project.

Please be advised that modifications to the project may be required to meet current wetland regulations.

Continued






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: Spear and Varat Plat (043-MP-03)
(Findings of Adequacy) Town of Davie

DATE: April 9, 2014

This memorandum updates our previous comments regarding the referenced plat dated February 24, 2014.

The Future Land Use Element of the Town of Davie Comprehensive Plan is the effective land use plan for the Town of Davie. That plan designates the area covered by this plat for the uses permitted in the "Residential 1 du/ac" land use category. This plat is generally located on the southeast corner of Stirling Road and Pine Island Road.

The proposed drainage use on Parcel A-2 is in compliance with the permitted uses of the effective land use plan.

Regarding the proposed commercial use on Parcel A-1, Planning Council staff has received written documentation that the Town of Davie applied the "5% Residential-to-Commercial" flexibility rule to this portion of the plat on December 4, 2013, through Resolution No. R-2013-241. Planning Council staff notes that this "flexibility" allocation is subject to Broward County Land Use Plan Policy 13.01.10 regarding compatibility reviews, as the proposed development is contiguous to the City of Cooper City and a compatibility review was requested by the City. In this regard, Planning Council staff notes that said compatibility review was approved by the Broward County Commission on April 8, 2014, subject to the following voluntary commitments:

- A conservation easement in favor of the County shall be placed on Parcel A-2;
- Incorporate features into the site plan design to ensure compatibility with adjacent uses (see Attachment); and
- The referenced voluntary commitments are conditioned on the execution, to the satisfaction of Broward County, of a legally enforceable mechanism.

We further note that 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.

Spear and Varat Plat
April 9, 2014
Page Two

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

North: Community Facilities

South: Residential 1 du/ac

East: Residential 1 du/ac

West: Irregular (3.663) Residential w/in a Dashed Line Area (City of Cooper City)

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

Attachment

cc: Rick Lemack, Town Administrator
Town of Davie

David Quigley, Planning & Zoning Manager, Planning & Zoning Division
Town of Davie

APPLICANT REQUIREMENTS AND COMMITMENTS

The Applicant is also providing the following features to promote compatibility with adjacent and nearby uses:

- **Buffer wall.** The Project incorporates a wall measuring 6'-8' in height that extends along eastern perimeter of the Development Site (next to the church) and increases in height to 8' when it reaches the anchor tenant (Grocery Store) building. The 8' wall continues along the rear of the Grocery Store to shield the loading/unloading areas. As the wall continues along the western portion of the building, the wall transitions down to 6' in height and becomes more decorative in nature since it will be visible from Pine Island Road. (See Appendix 8 – Screenwall Elevations)
- **Landscape buffers.** The Project incorporates an attractive perimeter landscape buffer utilizing a rich layering of landscape materials (trees, shrubs ground cover). Along Pine Island and Stirling Road the landscape buffer includes undulating and meandering berms.
- **Pedestrian connectivity.** The Project includes a sidewalk along Pine Island Road and Stirling Road as well as within the site to provide pedestrian connectivity between the buildings.
- **Lighting which meets the Town's Night Sky Ordinance.** All of the Project parking lot and water feature lighting was designed to comply with the Town's Night Sky Ordinance which mitigates light pollution on to adjacent rights-of-way and adjacent properties.
- **Public square.** The Project includes a public square located at the main access point along Pine Island. The public square will include pergola features and a fountain to create a pleasant environment for visitors to relax and enjoy.
- **Voluntary restrictions on operations.** After conducting three community outreach meetings, and hearing the concerns raised by some of the neighbors (primarily Monterra residents), Applicant agreed to certain restrictions on the operations of the Grocery Store. The restrictions were incorporated as conditions of site plan approval and will further be memorialized in a Declaration of Restrictions which will be recorded prior to the issuance of a building permit for any structures on the Development Site. The restrictions are as follows:
 - **Store Hours.** The Grocery Store will not be a 24 hour store. Instead, it will be open to the public between the hours of 6:00 am and 11:00 pm. Internal operations such as restocking of shelves or employee training will be permitted during hours that the store is not open to the public (this is common practice for grocery retailers).
 - **Delivery Hours.** Deliveries for the Grocery Store shall be permitted between the hours of 7:00 am and 11:00 pm. Delivery trucks shall not be permitted to idle in the loading area.
 - **Size of Store.** The Grocery Store shall not exceed 40,000 square feet.
 - **Shopping carts.** An electronic shopping cart containment system shall be added to the proposed amenities of the Grocery Store to prevent shopping carts from leaving the Property.
 - **Safety features.** The Grocery Store shall include the following safety and security features: outside and inside surveillance security cameras, landscape design incorporating CPTED principles, and an operational security plan.

RESOLUTION NO. R-2013-239

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING DELEGATION APPLICATION "DG 13-132 PINE ISLAND MARKETPLACE" TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "SPEAR AND VARAT PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the "Spear and Varat Plat" was recorded in the public records of Broward County in Plat Book 176, Pages 1 and 2; and

WHEREAS, the owner desires to amend the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this amendment prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

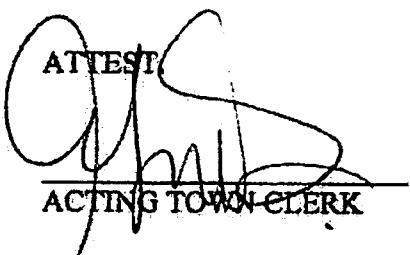
SECTION 1. The Town Council of the Town of Davie does hereby approve the proposed amendment to the "Spear and Varat Plat" (Plat Book 176, Pages 1 and 2, Broward County Records) being specifically described in the exhibits attached thereto.

SECTION 2. Any improvements required to satisfy transit oriented concurrency should be located within the Town of Davie on the local road network.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 4th DAY OF December, 2013.

ATTEST


ACTING TOWN CLERK


MAYOR/COUNCILMEMBER

APPROVED THIS 4th DAY OF December, 2013.



1401 EAST BROWARD BOULEVARD, SUITE 303
FORT LAUDERDALE, FLORIDA 33301
DIRECT DIAL: 954.779.1123
EMAIL: NCHAKAS@LOCHRIELAW.COM
MAIN PHONE: 954.779.1119
FAX: 954.779.1117

Plat Note Amendment for
Spear and Varat Plat
(Plat Book 176, Page 1)

November 21, 2013

1. **Background.** The Applicant, Gatlin Development Company, is the contract purchaser of land which is subject to the Spear and Varat Plat. The Applicant is proposing to develop the property as a retail center (consisting of neighborhood retail-related uses). As part of the development, the Applicant has requested that the Town of Davie allocate commercial flexibility acreage to 9.895 acres of land (included in Parcel A) under the plat and rezone this parcel to B-2. The remaining land (1.302 ac) which is the south part of Parcel A will remain vacant/drainage. In order to facilitate this request, the Applicant is proposing bifurcate Parcel A into 2 parcels – Parcel A-1 and Parcel A-2 and amend the notation to correspond to the uses which will take place on each parcel.

2. **Requests.** The Applicant is now proposing to do the following:

(a) **Bifurcate Parcel A into 2 parcels.** The Applicant is proposing to bifurcate Parcel A into 2 separate parcels: *Parcel A-1 (9.895 acres)* and *Parcel A-2 (1.302 acres)*.

(b) **Amend the plat note.** Applicant will be amending the notation (see proposed note language below).

3. **Current vs. proposed note language.** Below is the current note language and the proposed note language. Please note that although the Applicant's site plan shows only 66,688 sf, the County's definition of gross square footage is quite broad and includes items like open air canopies (such as canopies for drive thru lanes and outdoor dining areas). In order to provide for flexibility in the future (for example, if a restaurant wants to add an outdoor dining area that is covered with a canopy or awning), the applicant has built in some extra square footage into the proposed plat note.

Current Note:

This Plat is restricted to 13 single family detached units.

Proposed Note:

Parcel A-1 (see attached legal description) is restricted to 75,000 square feet of commercial uses.

Parcel A-2 (see attached legal description) is restricted to drainage.

Freestanding banks or banks with drive-thru facilities are not permitted within the plat without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

RESOLUTION NO. R-2013-240

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING DELEGATION APPLICATION "DG 13-133 PINE ISLAND MARKETPLACE" TO AMEND THE NON-VEHICULAR ACCESS LINE (NVAL) OPENING ON THE PLAT KNOWN AS "SPEAR AND VARAT PLAT" AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the "Spear and Varat Plat" was recorded in the public records of Broward County in Plat Book 176, Pages 1 and 2; and

WHEREAS, the owner desires to amend the non-vehicular access line (nval) opening associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this request prior to a review of the proposal by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

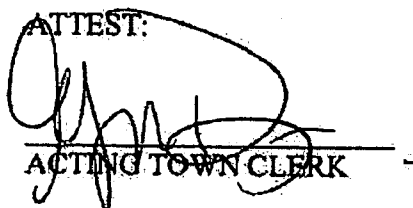
SECTION 1. The Town Council of the Town of Davie does hereby approve the request to amend the non-vehicular access line opening on the "Spear and Varat Plat" (Plat Book 176, Pages 1 and 2, Broward County Records) being specifically described in the attached exhibits.

SECTION 2. This resolution shall be recorded in the Broward County public records.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 4th DAY OF December, 2013.


MAYOR/COUNCILMEMBER

ATTEST:

ACTING TOWN CLERK

APPROVED THIS 4th DAY OF December, 2013.



1401 EAST BROWARD BOULEVARD, SUITE 303
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DIRECT DIAL: 954.779.1123
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Non-vehicular Access Line (NVAL) Amendment
Spear and Varat Plat
Pine Island Marketplace

(Plat Book 176, Page 1)

November 21, 2013

The Applicant, Gatlin Development Company, is the contract purchaser of land which is subject to the Spear and Varat Plat. The Applicant is proposing to develop the property as a retail center (consisting of neighborhood retail-related uses). As part of the development proposal, the Applicant is proposing to amend the NVAL to add an additional access point as follows:

- 52-foot wide access opening (limited to "right-in" turns only) on Pine Island Road located approximately 227 feet south of the intersection of Pine Island and Stirling.

With this additional right-in only access point, vehicles traveling from the south on Pine Island will be able to turn right into the development without having to use the full access opening located farther south on Pine Island Road. As such, this additional access point allows for more convenient and direct access to the outparcel buildings on the northern end of the site. Because Pine Island is a County road the Applicant's traffic engineer presented this modification to County staff and it was determined that the additional access point is acceptable.



Environmental Protection and Growth Management Department

PLANNING AND REDEVELOPMENT DIVISION

1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6866 • FAX 954-357-6521 • 954-519-1412

January 15, 2014

City Planner
City of Cooper City
PO Box 290910
Cooper City FL 33329

RE: Municipal notification of findings of adequacy adjacent to the city limits:
Spear and Varat Plat (043-MP-03)

Written comments must be received on or before February 24, 2014

As per Broward County Commission Policy effective March 24, 1998, we are forwarding a copy of the findings of adequacy application to all municipalities that are adjacent to the plat.

Enclosed is a copy of the above referenced application.

If your municipality desires to comment on this application, the comments must be in writing and received at the Planning and Redevelopment Division on or before the above referenced date.

Any written comments received will be forwarded to the applicant along with the comments from other agencies reviewing the application.

If you have any questions, please contact Martin Berger at (954)357-6623.

Sincerely,

Henry Sniezek, Director
Planning and Redevelopment Division