

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:	ROSEMURGY PLAT	Number:	005-MP-14
Applicant:	2500LHP, LLC	Comm. Dist.:	4
Agent:	Avirom & Associates, Inc.	Sec/Twp/Rng:	30-48-43
Location:	Northeast Corner of Federal Highway and N.E. 23 Court	Platted Area:	0.5538 Acres
City:	Pompano Beach	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	Parking Lot	Effective Plan:	Pompano Beach
Proposed Use:	8,491 Sq. Ft. Commercial	Plan Designation:	Commercial
Adjacent Uses:		Adjacent Plan Designations:	
North:	Parking Lot	North:	Commercial
South:	Commercial	South:	Commercial
East:	Church, BSO Office	East:	Commercial
West:	Commercial	West:	Commercial
Existing Zoning:	B-3	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: 06/24/14
Action Deadline: 08/05/14
Deferral Dates:

Prepared: PK
Reviewed:
Approved:

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SERVICES

Wastewater Plant:	BCUD 4 (03/14)	Potable Water Plant:	Pompano Beach (08/05)
Design Capacity:	95.0000 MGD	Design Capacity:	40.0000 MGD
12-Mo. Avg. Flow:	70.3400 MGD	Peak Flow:	23.6000 MGD
Est. Project Flow:	0.0008 MGD	Est. Project Flow:	0.0008 MGD

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

SCHOOLS

Dwelling Units	Impact Fee
N/A	N/A

PARKS

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

TRANSPORTATION

Concurrency Zone: Northeast	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	92	*	N/A
Total:	92	*	N/A

* See Staff Comment No. 3

See Finding No. 1

* See Staff Recommendation No. 9

ROSEMURGY PLAT
005-MP-14

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 8,491 square feet of Commercial.
- 2) Trafficways approval is valid for 10 months. Approval was received on March 27, 2014.
- 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.
- 4) This plat is not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 5) Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. 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.
- 6) 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.
- 7) 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.
- 8) 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

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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.

- 9) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Protected Natural Lands Inventory may be accessed at: <http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>.
- 10) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation Regulations of the City of Pompano Beach. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 11) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
- 12) Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
- 13) 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, 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.
- 14) Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems is approved by the Environmental 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.

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- 15) This property is within 20,000 feet of Pompano Beach Municipal Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA web page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 16) 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.
- 17) This site is currently serviced on Federal Highway (S.R. 5) by BCT Route #10.
- 18) 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.
- 19) 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.
- 20) In accordance with Section 125.022, Florida Statutes, the applicant is advised that 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

CONCURRENCY REVIEW

- 1) This plat is located within the Northeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

RATIONAL NEXUS REVIEW

- 3) This plat has been evaluated by staff of the Highway Construction and Engineering Division for the relationship between the impact of the proposed development and the right-of-way dedications required by the Broward County Land Development Code (rational nexus test). Staff has made a finding that the proposed development meets the threshold test for rational nexus and this report includes right-of-way dedication requirements.

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 (S.R. 5). Said non-access line will include the corner chord and extend east along Northeast 23 Court for a minimum 50 feet.

Direct access to Federal Highway (S.R. 5) from this plat shall be from the northern adjacent property (the BAILEY PLAT, recorded at Plat Book 151, Page 27, B.C.R.).
NOTE: An amendment to the non-vehicular access line on the Bailey Plat was approved by the County Commission on March 11, 2014.

RIGHT-OF-WAY REQUIREMENTS (Dedicate)

- 2) Right-of-way for a corner chord based on a 30-foot radius at the intersection of Federal Highway (S.R. 5) and Northeast 23 Court.

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:

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.

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- B) Label the Point of Commencement and the Point of Beginning on the plat drawing.
 - C) Explain the use of 5/8" x 18" iron rods as P.R.M.s. instead of concrete monuments as required by the Broward County Highway Construction and Engineering Division. If site conditions prohibit the use of concrete monuments, contact the Highway Construction and Engineering Division reviewing surveyor at 954.577.4606 to discuss the use of alternate monumentation.
 - 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) Depict the entire right-of-way width of N.E. 23 Court and North Federal Highway adjacent to the plat. Label the right-of-way shown with all recorded instruments which establish public rights-of-way adjacent to this plat.
 - B) Proposed right-of-way must be clearly labeled and dedicated by the plat. **Revise the label for the proposed right-of-way to indicate that it is "DEDICATED BY THIS PLAT".**
 - C) All proposed easements must be clearly labeled and dimensioned.
 - D) Review the depiction of the 10' F.P.L. easement straddling the north plat boundary. The document recorded in O.R.B. 625, PG. 598, B.C.R. seems to indicate that the east end of the south half of the easement terminates at the east boundary of this plat. Review and revise as necessary.
 - E) Verify the width of and the source of the right-of-way for N.E. 24 Street shown on the plat drawing. The recorded plat referenced as the source of the right-of-way does not dedicate the full width of right-of-way depicted. Review and revise as necessary.
- 5) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS
- A) The original plat mylar must be submitted to the Highway Construction and Engineering Division 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.
- 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 documentation submitted with this plat does not comply with the requirements of Section 5-189(c)(3) of the Broward County Land Development Code. The submitted title documentation either has information omissions and/or unacceptable disclaimers. For a copy of the standard Title Certificate or Opinion of Title format, please visit the Highway Construction and Engineering Division's web site.

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

- 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.

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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.
- B) Show the Planning and Redevelopment Division's File Number "**005-MP-14**" on the lower right hand corner **inside the border** on each page.
- C) Show space for the plat book and page number **inside the border** in the upper right hand corner of each page.
- D) Label the entire part of BLOCK 'E' per P.B. 30, PG. 8, B.C.R. not within this plat as "**A PORTION OF BLOCK 'E'...**"
- E) Provide documentation from the City of Pompano Beach to confirm the requirement of the inclusion of Surveyor's Note #8 on the plat drawing.

7) SIGNATURE BLOCKS

- A) The signature block for the Broward County Planning Council is incomplete. Review an example of a plat recently recorded in Broward County and revise the signature block as necessary.
- B) The required signatures and seals for the City of Pompano Beach must be on the plat prior to submitting the mylars to the Highway Construction and Engineering Division.
- C) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by a copy of the City of Pompano Beach's conditions of municipal approval as included in an agenda report or Resolution.

8) 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.

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F) Highway Construction and Engineering Director Signature.

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

- 9) 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.
- 10) 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.
- 11) 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.

- 12) 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 **June 24, 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 **June 24, 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.

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

This plat is restricted to 8,491 square feet of commercial use. No free standing or drive-thru bank facilities and/or commercial/retail uses are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

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

- 14) 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

August 1, 2013

**THIS PRE-APPLICATION LETTER IS VALID UNTIL AUGUST 1, 2014
THIS LETTER IS NOT A PERMIT APPROVAL**

Mr. Ryan O. Thomas
Bohler Engineering
1000 Corporate Drive, Suite 250
Fort Lauderdale, Florida 33334

Dear Mr. Thomas:

RE: August 1, 2013 Pre-application Meeting for Category D Driveway
Broward County, Urban, In the City of Pompano Beach
State Road 5, State Section 86010, Milepost 10.735, Access Class 5, Posted Speed 40 mph
Reference Project N/A, Location: NE 23rd Court & NE 24th Street, east side, Site Acreage: 1.8
Proposed Land Use: Restaurant, Commercial (Bank with drive-thru or rest), Maximum Square Footage: 14,000
Applicant: Alex Rosemurgy, Property Owner: Alex Rosemurgy
Proposed Project Name & Address: Pompano Retail, 2350 & 2390 N Federal Highway, Pompano Beach, Florida

Your Request: To maintain the existing right-in, right-out driveway located 190 feet north of NE 23rd Court.

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

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

- 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.
- 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.

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: <https://www3.dot.state.fl.us/OneStopPermitting/Home.aspx>.
Click on Statewide Permit News. Scroll down to District 4. 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. Thank you.

Sincerely,


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

CNB/nyh
cc: Geysa Sosa/Stam Williams
File: s:\Permits\Pre-app Letters\Broward County\Alex Rosemurgy - SR 5.doc