

STAFF REPORT
Strok Plat
058-MP-89

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on September 19, 1989 for 15 single family detached units, 180,000 square feet of office use and 36,000 square feet of commercial uses on 20.7 acres. The property is located on the north side of Oakland Park Boulevard, between Northwest 18 Avenue and I-95, in the City of Oakland Park. The plat was recorded on March 12, 1991 (P.B. 147, PG. 35).

The current note, approved by the County Commission on October 11, 2005 (INSTRUMENT # 105969230), reads as follows:

Parcel A is restricted to 118,830 square feet of builders supply/home improvement store.

Parcel B is restricted to 6,561 square feet of unrestricted commercial use.

Parcel C is restricted to open space.

Bank uses within Parcel B are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to increase the commercial use on Parcel B by 3,671 square feet for a total of 10,232 square feet. There are no changes to Parcels A and C. The proposed note reads as follows:

Parcel A is restricted to 118,830 square feet of builders supply/home improvement store.

Parcel B is restricted to 10,232 square feet of commercial use (2,232 square feet existing, 8,000 square feet proposed).

Parcel C is restricted to open space.

Free standing banks and/or drive-thru bank 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.

This request was evaluated by the Reviewing Agencies.

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by Parcel B of this plat for the uses permitted in the "Commercial" land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan.

The Aviation Department has advised that this property is within 20,000 feet of Fort Lauderdale Executive Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at:

Continued

<http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. The archaeologist notes that this property is located in the City of Oakland Park which is outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Oakland Park's Engineering and Community Development Department at 954-630-4348 to seek project review for compliance with the municipal historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

The attached letter from the City of Oakland Park indicates no objection to this request which was approved by the City Commission on April 19, 2017.

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents an increase of 40 PM peak hour trips. The plat is located within the Central Transportation Concurrency Management Area, and this application satisfies the regional road network concurrency requirement of Section 5-182(a)(5)a) of the Broward County Land Development Code.

At the time of plat approval, all new development on the property was subject to road impact fees which were paid for 118,830 square feet of builders supply/home improvement store on Parcel A and 1,500 square feet of commercial use on Parcel B. Transportation concurrency fees were subsequently satisfied for the existing 2,232 square feet of fast-food restaurant on Parcel B. The additional 8,000 square feet of commercial use on Parcel B proposed by this request is also subject to transportation concurrency fees, which 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), including permanent canopy/roof over any drive-thru facilities or outdoor seating areas, as defined in the ordinance.

Staff recommends **APPROVAL** of this request, provided the applicant accomplishes the following:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **June 6, 2018**.

The amended note must also include language stating the following:

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.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

Finally, 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.

SMC

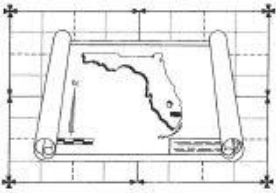


Commission District No. 9
Municipality: Oakland Park
S/T/R: 21/49/42



058-MP-89
Strok Plat


Prepared by: Planning and Development Management Division
Date Flown: January 2017



BROWARD COUNTY PLANNING COUNCIL

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

TO: Josie P. Sesodia, AICP, Director
Broward County Planning and Development Management Division

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for Strok Plat (Parcel B)
(058-MP-89) City of Oakland Park

DATE: May 1, 2017

Planning Council staff has reviewed the proposed revision to the restrictive note on the above referenced plat. The proposal is to change the restrictive note on the plat as follows:

FROM: Parcel B is restricted to 6,561 square feet of commercial use.

TO: Parcel B is restricted to 10,232 square feet of commercial use (2,232 square feet existing, 8,000 square feet proposed).

The Future Land Use Element of the City of Oakland Park Comprehensive Plan is the effective land use plan for the City of Oakland Park. That plan designates the area covered by Parcel B of this plat for the uses permitted in the "Commercial" land use category. Parcel B is generally located on the north side of Oakland Park Boulevard, between Northwest 18 Avenue and Interstate 95.

The existing and proposed commercial uses are in compliance with the permitted uses of the effective land use plan.

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:PMS

cc: David Hebert, City Manager
City of Oakland Park

Jennifer Frastai, Director, Engineering and Community Development Department
City of Oakland Park

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT
TO THE PLANNING AND DEVELOPMENT MANAGEMENT DIRECTOR**

Application: Delegation Request (To amend the note to increase the commercial use by 3,671 square feet.)
File Number: 058-MP-89
Project Name: Strok Plat (Parcel B)
Comments Due: April 28, 2017
Development Type: Commercial (10,232 Square Feet; 2,232 Existing / 8,000 Proposed)

The Planning and Development Management Division of the Broward County Environmental Protection and Growth Management Department (EPGMD) has coordinated with other Divisions in this Department along with the County Health Department to provide the following comments on the above referenced plat:

Surface Water Management

This plat is located in the City of Oakland Park and is under the jurisdiction of the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division. 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 Water and Environmental Engineering and Licensing Section must be met prior to any construction.

Potable Water Review

This plat will be served by the Fiveash Water Treatment Plant which has a capacity of 70.000 MGD and a maximum daily flow of 41.500 MGD. According to the Health Department, there is sufficient available water treatment plant capacity to serve the proposed uses at this point in time.

Wastewater Review

Wastewater Treatment Plant:	G. T. Lohmeyer
Flow Data:	As of 02/17
EPGMD Licensed Capacity	48.0000 MGD
12 Month Average Flow:	38.3300 MGD
Existing Flow Reserved by Building Permit:	1.3380 MGD
Total Committed Flow:	39.6680 MGD
Estimated Project Flow:	0.0010 MGD

In accordance with Section 5-182(g) of the Broward County Land Development Code, to date the existing wastewater treatment and disposal facility has sufficient plant capacity to provide for the wastewater treatment and disposal needs of the development proposed by this application.

The applicant is 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. Wastewater receiving lift stations and force mains are critical components to the conveyance system. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483.

Natural Resources Preservation

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 the Broward County Code of Ordinances, Chapter 27, Article XIII.

Page 2
058-MP-89 STROK PLAT (PARCEL B)

Review of available information indicates that, at this time, there are no wetlands within the boundaries of this 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, such as lake or canal excavation regulated under Article XI of the Natural Resource Protection Code, may require a license. The Applicant is encouraged to contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 at the earliest time to determine if, and what type of, a license may be required prior to undertaking any surface disturbing activities.

The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division encourages 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 to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Water and Environmental Licensing Section.

Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Oakland Park if trees are to be removed or relocated. 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.

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>.

Additional Comments Addressing Certain Environmental Protection Actions Needing to be Taken to Implement the Project

1. Any discharges to ground or surface waters, excluding stormwater, will require review and approval from the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.
2. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.
3. The subject plat is in the vicinity of a known contaminated site and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, the Environmental Engineering and Permitting Division's approval of an application for a building permit or approval to construct or alter shall not be granted until the Environmental Assessment and Remediation Section of the Environmental Engineering and Permitting 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

Page 3
058-MP-89 STROK PLAT (PARCEL B)

Ordinances]. It should also be noted that the Environmental Assessment and Remediation Section must approve any dewatering activities at the subject location.

Be advised that approval of a delegation request 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. Connections to such systems are approved by the Environmental Engineering and 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 a waiver or approval of any license or permit that is, or may be, required for any aspect of the project.



5399 N. Dixie Highway, Suite 3 • Oakland Park, Florida 33334 • www.oaklandparkfl.org

April 21, 2017

Thuy Turner, Planning Section Supervisor
Environmental Protection and Growth Management Department
Planning and Development Management Division
1 N. University Dr.
Plantation, Florida 33324

Re: Approval – Delegation Request/Plat Note Amendment for Parcel B of the Strok Plat at 1710 W. Oakland Park Boulevard – Case# CD16-19ZP

Dear Ms. Turner:

On April 19, 2017, the Oakland Park City Commission approved Home Depot USA's request for the Delegation Request/Plat Note Amendment for Parcel B of the Strok Plat at the above mentioned address to move forward to Broward County for review.

The request approved amends the development restriction on Parcel B of the Strok Plat to expand from 6,561 square feet of unrestricted commercial use to 10,232 square feet of commercial use. It is understood that final approval is dependent upon Broward County approval and any future development on the property must acquire the necessary City approvals.

This letter confirms that the City of Oakland Park has no objection to the above referenced plat note amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristen Nowicki", is written over a horizontal line.

Kristen Nowicki, AICP
Senior Planner

cc: Suzanne Russo, Senior Corporate Counsel, Home Depot USA
Jim Drotos - Shah, Drotos, & Associates
Jon Schwartz – Tandem Development



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

Application to Amend or Revise Level of Approved Development

INSTRUCTIONS

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please type this application or print legibly in **black ink**.

PROJECT INFORMATION

Plat Name Strok Plat

Plat Number 058-MP-89 Plat Book - Page 147/35 (If recorded)

Owner/Applicant Home Depot U.S.A., Inc. Phone 770-433-8211

Address 2455 Paces Ferry Road City Atlanta State GA Zip Code 30339

Owner's E-mail Address _____ Fax # _____

Agent Shah, Drotos & Associates Phone 954-943-9433

Contact Person James F. Drotos, P.E.

Address 3410 N. Andrews Ave Ext. City Pompano Beach State FL Zip Code 33064

Agent's E-mail Address jdrotos@shahdrotos.com Fax # 954-783-4754

PROPOSED CHANGES

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary.)

Current note for entire plat See attached Exhibit "A"

Proposed note for entire plat See attached Exhibit "A"

PLEASE ANSWER THE FOLLOWING QUESTIONS

Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?
 Yes No Don't Know
 If YES, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.

Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)? Yes No
 If YES, provide LUPA number: _____

Does the note represent a change in TRIPS? Increase Decrease No Change
 Does the note represent a major change in Land Use? Yes No

Will project be served by an approved potable water plant? If YES, state name and address. Yes No
Fiveash WTP, 4321 NW 9th Ave, Fort Lauderdale, FL 33309

Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No
Fiveash WTP, 4321 NW 9th Ave, Fort Lauderdale, FL 33309

Are on-site wells for potable water currently in use or proposed? Yes No
 If YES, see page 2 of this form for additional required documentation.

Are septic tanks current in use or proposed? Yes No
 If YES, see page 2 of this form for additional required documentation.

Estimate or state the total number of on-site parking spaces to be provided SPACES 542

Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS 65

Number of students for a daycare center or school STUDENTS N/A

Reasons for this request (Attach additional sheet if necessary.) See Attached Exhibit "B"

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which abut residential land use categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width of 100 feet or less must submit written documentation from the municipality stating how the City will address compatibility between the proposed industrial use(s) and the residential land use plan category. Industrial uses include manufacturing, assembly, processing, indoor and outside storage, warehouse, distribution, excavation and landfills. Residential land use plan categories include all residentially named categories plus Agricultural, Rural Ranches, Rural Estates, TOC, TOD, RAC and LAC. Please consult with Planning and Development Management staff if you have any questions.

Please see reverse side for Required Documentation and Owner/Agent Certification

REQUIRED DOCUMENTATION: Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc.

- Recorded or approved plat.
- Letter of approval from the applicable municipality, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- Current letter is required from the appropriate utility service area stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- Signed and sealed sketch and legal description for any new parcel or tract created by the application.
- A check for the application fees made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

School Concurrency Submission Requirements

- **RESIDENTIAL APPLICATIONS ONLY:** Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board.

REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes," you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

LAND USE	Gross Building sq. ft.* or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the same?	Change Use?	Has been or will be demolished?
Home Depot	105,040 sf	Current	Yes	No	No
Checkers Restaurant	2,232 sf	Current	Yes	No	No

The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

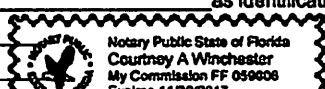
- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

OWNER/AGENT CERTIFICATION

State of Florida
County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent [Signature]
Sworn and subscribed to before me this 4th day of April, 2017
by _____ He/she is personally known to me or
 Has presented _____ as identification.
Signature of Notary Public Courtney A. Winchester
Type or Print Name Courtney A. Winchester



FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time _____ Application Date 4/12/17 Acceptance Date 4/13/17
Comments Due 04/28/17 C.C. Mtg. Date 06/06/17 Fee \$ 1840

Plats Survey Site Plan City letter Agreements

Other Attachments(Describe) _____
Title of Request amend note - PARCEL B
Distribute to: Full Review Planning Council School Board Land Use & Permitting

Health Department (on septic tanks and/or wells) Zoning Code Services (unincorporated area only)
 Planning & Redevelopment (unincorporated area only) Other _____

Other _____
Adjacent City None Received by [Signature]

Exhibit "A"

Current Note:

Parcel A is restricted to 118,830 square feet of builders' supply/home improvement store.
Parcel B is restricted to 6,561 square feet of unrestricted commercial use.
Parcel C is restricted to open space.
Bank uses within Parcel B are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

Proposed Note:

Parcel A is restricted to 118,830 square feet of builders' supply/home improvement store.
Parcel B is restricted to 10,232 square feet of commercial use (2,232 square feet existing, 8,000 square feet proposed.)
Parcel C is restricted to open space.
Free standing banks or banks with drive thru facilities are not permitted within Parcel B without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

Exhibit "B"

This application requests an amendment to the level of approved development for Parcel B of the Strok Plat (PB 147, Pg 35). Parcel B is currently divided into 2 separate parcels with 2 separate owners. The Checkers restaurant is built on one of the parcels and the remaining portion of Parcel B is owned by Home Depot. The proposed outparcel together with the adjacent Checkers restaurant parcel are currently entitled to build up to 6,561 SF of unrestricted commercial use.

This application requests a total of 10,232 SF of commercial use for all of Parcel B, an increase of 3,671 SF. The Checkers site is deed restricted to no more than 2,200 SF of commercial development, however Broward County has allocated 2,232 SF of commercial to the existing Checkers site, leaving the remaining 8,000 SF for the remainder of Parcel B.