

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

PROJECT DESCRIPTION

Name:	POSITANO TOWNHOUSES	Number:	039-MP-16
Applicant:	M & H Investments Properties, LLC	Comm. Dist.:	8
Agent:	Pulice Land Surveyors, Inc.	Sec/Twp/Rng:	25-51-41
Location:	East Side of SW 62 Avenue Between SW 35 Court and SW 37 Street	Platted Area:	2.4 Acres
City:	Miramar	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	Vacant	Effective Plan:	Miramar
Proposed Use:	35 Townhome Units	Plan Designation:	Transit Oriented Corridor. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Church; Residential	North:	Transit Oriented Corridor
South:	Residential	South:	Transit Oriented Corridor
East:	Submerged Lands	East:	Transit Oriented Corridor
West:	Snake Warrior Island Natural Area	West:	Transit Oriented Corridor
Existing Zoning:	RM	Proposed Zoning:	RM

RECOMMENDATION (See Attached Conditions)

**APPROVALS:** 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:	06/13/17	Prepared:	KMM
Action Deadline:	08/15/17	Reviewed:	
Deferral Dates:		Approved:	

SERVICES

Wastewater Plant:	Miramar (03/17)	Potable Water Plant:	City of Miramar (06/16)
Design Capacity:	12.7000 MGD	Design Capacity:	17.500 MGD
12-Mo. Avg. Flow:	9.48 MGD	Peak Flow:	15.500 MGD
Est. Project Flow:	0.0088 MGD	Est. Project Flow:	0.012 MGD

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

SCHOOLS

Dwelling Units	Impact Fee
35	*

\* See Staff Comment No. 4  
See Finding No. 2  
\* See Staff Recommendation No. 7

PARKS

	Land Dedication	Impact Fee	Admin. Fee
Local:	County conducts no local review within municipalities	N/A	N/A
Regional:	0.21 Acres	*	*

\* See Staff Comment No. 5  
See Finding No. 4  
\* See Staff Recommendation No. 7

TRANSPORTATION

Concurrency Zone:	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Southeast			
Res. Uses:	23	*	N/A
Non-res. uses:	N/A	N/A	N/A
Total:	23	*	N/A

\* See Staff Comment No. 3  
See Finding No. 1  
\* See Staff Recommendation No. 7

POSITANO TOWNHOUSES  
039-MP-16

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 35 townhome units. This property is being platted because it does not qualify for an exception to the mandatory platting rule, as the plat contains more than two (2) dwelling units.
- 2) Trafficways approval is valid for 10 months. Approval was received on January 26, 2017.
- 3) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code amendments adopted April 26, 2005, transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 4) This plat generates more than one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. School Board staff has reviewed this application and determined that this request satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development.

The 35 townhome units proposed by this plat will be subject to school impact 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. See the attached School Capacity Availability Determination received from the School Board.

- 5) In accordance with Land Development Code amendments adopted September 22, 2009, and September 24, 2013, regional park impact and administrative fees will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 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 contained in Chapter 27 - Article V of the Broward County Code of Ordinances. The surface water management licensing requirements of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division must be met prior to any construction.
- 8) The Water and Environmental Licensing Section of the Broward County Environmental Engineering and 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. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. For additional information, contact the Water and Environmental Licensing Section at 954-519-1483.

- 9) Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and 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 Water and Environmental Licensing Section at 954-519-1483 to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 10) The Water and Environmental Licensing 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 Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division.
- 11) This site is not included in the Protected Natural Lands Inventory; however, it is adjacent to Snake Warrior's Island Natural Area, which is included in the Protected Natural Lands Inventory. The applicant is advised that this plat must not propose any development that may have a negative impact upon the continued preservation of the Natural Land. 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 inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands, may be accessed at the following website:  
<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>
- 12) 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 Miramar. 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.
- 13) 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.
  - 14) 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, 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 Ordinances]. It should also be noted that the Environmental Assessment and Remediation Section must approve any dewatering activities at this site.
  - 15) 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 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 waiver of approval of any other permit that may be required for other aspects of the project.
  - 16) This property is within 20,000 feet of 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 954-359-6170.
  - 17) This 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 plat is located in the City of Miramar and outside the jurisdictional boundaries of Broward County Historic Preservation Ordinance 2014-32. In addition, the consulting archaeologist states that there is potential that the development may encounter previously unrecorded archaeological resources associated with the Seminole occupation of Snake Warrior Island. The property owner/agent is advised to contact the City of Miramar's Community and Economic Development Department at 954-602-3254 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](mailto:med_exam_trauma@broward.org).

- 18) This site is currently serviced by BC Transit Routes 18 and 441 on State Road No. 7 (U.S. Highway No. 441).
- 19) The attached memorandum from the Broward County Planning Council indicates that the effective land use plan for the City of Miramar designates the area covered by this plat as "Transit Oriented Corridor" land use category, which currently permits a maximum of 3,406 dwelling units consisting of a mix of mid-rise, townhome, single family, garden apartment and mobile home units. City of Miramar staff has indicated that all available townhome units have been previously proposed by plat or granted development permits; therefore, the City allocated 35 Reserve Units to this plat on April 19, 2017 through Resolution No. 2017-18.

Planning Council staff further notes that the plat is located within 500 feet of an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan, is subject to Policy 13.01.10 of the Broward County Land Use Plan and it is adjacent to both the City of Miramar and the Broward Municipal Services District. Staff has received written documentation from both local governments that they are waiving a compatibility review. Therefore, the allocation of flexibility has met with requirements of Policy 13.01.10 and the proposed 25 townhome units in this plat are in compliance with the permitted uses and densities of the effective Land Use Plan.

- 20) 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.
- 21) Specific questions regarding any of the above comments may be directed to each review agency contact person. A complete list of agency contact information can be accessed on the Planning and Development Management Division's web page at: [www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf)

## FINDINGS

### CONCURRENCY REVIEW

- 1) This plat is located within the Southeast 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 has been reviewed by the School Board, and satisfies the public school concurrency requirements of Section 5-182(m)(1)a) of the Land Development Code. See the attached School Capacity Availability Determination received from the School Board.
- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This plat satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

## STAFF RECOMMENDATIONS

### FLORIDA STATUTES CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

- 1) SURVEY DATA
  - A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description.
    - 1) Show labels on the plat drawing that correspond to calls in the description.
    - 2) Review the last call in the description as it pertains to a line of the vacated alley which is within the plat boundary and revise as necessary.
  - B) Based on review of the plats recorded in P.B. 1, PG. 188, D.C.R.; P.B. 25, PG. 30, B.C.R.; P.B. 83, PG. 11, B.C.R. and P.B. 99, PG. 28, B.C.R., as well as examination of the Broward County Property Appraiser's website and the Broward County Highway Construction and Engineering Division section map of Section 25-51-41, it appears that the north – south distance from this plat to the north line of the southwest 1/4 of Section 25-51-41 is incorrect. Review and revise as necessary.
  - C) Review and revise the geometry on the plat boundary and ties from the plat to land corners as necessary, after confirmation of the measurements between the plat and the land corners.
  - D) Revise the State Plane Coordinates on the plat corners, P.R.M.s, offset monuments and P.C.P.s as necessary, after resolution of the above comments.
  - E) Verify the north – south relationship between the north line of this plat and the centerline of BELMAN ST. as shown on P.B. 10, PG. 73, B.C.R., between Blocks 18 and 19 of said plat. Refer to the land corner ties shown on that plat and the Broward County Property Appraiser's website and revise as necessary.

Continued

- F) Revise the location of the south line of Block 19 per P.B. 10, PG. 73, B.C.R. and the south line of the north ten acres of Government Lot 4, Section 25 per P.B. 1, PG. 118, D.C.R. after resolution of the above comment.
  - G) Full dimensioning and square footage must be shown on all dedicated rights-of-way, if applicable.
  - H) 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.
  - I) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.
  - J) Show a bearing – distance tie to the FOUND 1/2" IRON PIPE NO ID which is 69.5' +/- north of the southwest corner of LOT 18 from the corresponding plat corner.
- 2) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE
- A) Address any easements, rights-of-way, or specific purpose parcels to be created by this plat in the Dedication language.
  - B) Depict the entire width of rights-of-way Southwest 37 Street, Southwest 36 Street and Southwest 62 Avenue adjacent to the plat. Label the rights-of-way shown with all recorded instruments which establish public rights-of-way adjacent to this plat. Revise the location of the labels for the instruments as currently shown on the plat, based on Staff Recommendation No. (1-E) and (1-F), above.
  - C) All proposed easements must be clearly labeled and dimensioned.
- 3) 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.



Continued

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

The title must be updated for the review of any agreements and for the recordation process. Standard format for "Title Certificates," "Opinions of Title," the "Adjacent Right-of-Way Report," and a "Guide to Search Limits of Easements and Right-of-Way" may be obtained by contacting the Highway Construction and Engineering Division or by visiting the Division's web site:

<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

- B) The Dedication on the original mylar must be executed by all recorded owners 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.
- 4) 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.
  - 5) SIGNATURE BLOCKS
    - A) The Surveyor's Certification must be signed and the plat sealed by a professional surveyor and mapper, and state that the plat was prepared under his or her direction and supervision, and complies with all of the survey requirements of Florida Statutes Chapter 177.

B) The plat must include proper dates for signatures.

6) 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 POSSE Inputs; Impact Fee and Security reports printed.

C) County Surveyor sign-off.

D) P.R.M.s verified.

E) Development Order, Planning and Development Management Director Signature.

F) Highway Construction and Engineering Director Signature.

G) City of Miramar – Transmit scanned copy of mylar for review:

Bissy Vempala	<a href="mailto:bjvempala@ci.miramar.fl.us">bjvempala@ci.miramar.fl.us</a>	954-602-3320
Salvador Zuniga	<a href="mailto:sezuniga@ci.miramar.fl.us">sezuniga@ci.miramar.fl.us</a>	954-602-3323

NOTES:

a) The applicant may request a copy of the FS 177 check print by calling Luis Gaslonde at 954-577-4598.

b) Additional changes made to the original plat mylar (beyond this list of corrections) may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

7) Applicant must pay transportation concurrency fees, school impact fees and regional park impact and administrative fees during the review of construction plans submitted for County environmental review approval by the Development and Environmental Review Section of the Planning and Development Management Division, in accordance with the fee schedule specified in the Land Development Code. Regional park impact and administrative fee amounts are subject to adjustment each October 1.

8) 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.

9) 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.

10) 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 13, 2022**, 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 13, 2022**, 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.

11) Place a note on the face of the plat reading:

This plat is restricted to 35 townhome units.

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.

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



**Commission District No. 8**  
**Municipality: Miramar**  
**S/T/R: 25/51/41**



**039-MP-16**  
**Positano Townhouses**



0 250 500 1,000 Feet

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

The School Board of Broward County, Florida  
**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION**

**PLAT**  
**SBBC-2126-2016**  
**County No: 039-MP-16**  
**Positano Villas**

**April 10, 2017**

Growth Management  
Facility Planning and Real Estate Department  
600 SE 3rd Avenue, 8th Floor  
Fort Lauderdale, Florida 33301  
Tel: (754) 321-2177 Fax: (754) 321-2179  
[www.browardschools.com](http://www.browardschools.com)

**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION  
PLAT**

PROJECT INFORMATION	NUMBER & TYPE OF PROPOSED	OTHER PROPOSED	ADDITIONAL STUDENT
Date: April 10, 2017 11:22:20	Single-Family:		Elementary: 6
Name: Positano Villas	Townhouse: 35		Middle: 3
SBBC Project Number: SBBC-2126-2016	Garden Apartments:		High: 4
County Project Number: 039-MP-16	Mid-Rise:		Total: 13
Municipality Project Number: 1606755	High-Rise:		
Owner/Developer: M & H Investments Properties, LLC	Mobile Home:		
Jurisdiction: Miramar	Total: 35		

**Comments**

This project was reviewed by District staff and preliminarily determined to meet public school concurrency requirements for 35 (three or more bedroom) garden apartment units, which vests the project for the 15 (7 elementary, 4 middle and 4 high school) students generated by this development mix. This application proposes to change the unit mix to 35 (three or more bedroom) townhouse units, which generates only 13 (6 elementary, 3 middle and 4 high school students) for a net reduction of 2 students into Broward County Public Schools. Therefore, pursuant to Section 8.11(a)(2) of the Second Amended Interlocal Agreement for Public School Facility Planning, this application has been determined to be exempt from public school concurrency requirements.

The school Concurrency Service Areas (CSA) serving the application site in the 2016/17 school year include Annabel Perry Elementary, New Renaissance Middle School, and Miramar High Schools. The project was determined to meet public school concurrency requirements because adequate school capacity was determined to be available to support the proposed project.

This application satisfies public school concurrency on the basis that the project is vested for public school concurrency requirements. This preliminary determination shall be valid for 180 days for a maximum of 35 (three or more bedroom) townhouse units and conditioned upon final approval by the applicable governing body. As such, this preliminary School Capacity Availability Determination (SCAD) shall be valid until October 6, 2017. This preliminary school concurrency determination shall be deemed to be void unless prior to the referenced expiration of the Preliminary SCAD, notification of final approval to the District has been provided and/or an extension of this Preliminary SCAD has been requested in writing and granted by the District. Upon the District's receipt of sufficient evidence of final approval by the regulatory agency which shall specify the number, type and bedroom mix for the approved residential units, the District will issue and provide its final SCAD letter for the approved units, which shall ratify and commence the vesting period for the approved residential project. The applicant shall notify the District of any proposed changes to the development, which increases the number of students generated by the project. If a change is proposed to the application, which causes additional students to be generated, the students will not be considered exempt or vested from public school concurrency when the project is re-reviewed.

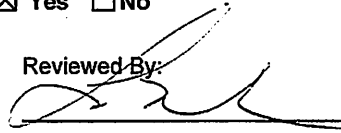
Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code

SBBC-2126-2016 Meets Public School Concurrency Requirement  Yes  No

4-10-17

Date

Reviewed By:



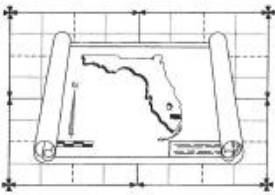
Signature

Lisa Wight

Name

Planner


Title



## 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: Positano Townhomes (formerly known as Positano Villas)  
(039-MP-16) City of Miramar

DATE: May 1, 2017

This memorandum updates our previous comments regarding the referenced plat dated November 29, 2016.

The City of Miramar Future Land Use Element is the effective land use plan for the City of Miramar. That plan designates the area covered by this plat for the uses permitted in the “Transit Oriented Corridor” land use category. This plat is generally located on the east side of Southwest 62 Avenue, between Southwest 36 Street and Southwest 37 Street.

Regarding the proposed development of 35 townhouse dwelling units, Planning Council staff notes that the subject “Transit Oriented Corridor” permits no more than 3,406 dwelling units consisting of 1,883 mid-rise units, 659 (3-bedroom) townhouse units, 623 single-family units, 209 (2-bedroom) garden apartment units, and 32 mobile homes. City of Miramar staff have indicated that all available townhouse dwelling units have previously been proposed by plat or granted development permits. Subsequently, the City allocated 35 “reserve units” to this plat on April 19, 2017, through Resolution Number 2017-18.

Planning Council staff notes that the proposed development is within 500 feet of an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan, and is subject to Policy 13.01.10 of the Broward County Land Use Plan. In order for the proposed development of 35 dwelling units to be in compliance with the permitted uses and densities of the effective land use plan, Planning Council staff must receive confirmation from Broward County that they do not request a compatibility review, per the requirements of Policy 13.01.10.

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

North: Transit Oriented Corridor  
South: Transit Oriented Corridor  
East: Transit Oriented Corridor  
West: Transit Oriented Corridor



**Positano Townhomes**  
**May 1, 2017**  
**Page Two**

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: Kathleen Woods-Richardson, City Manager  
City of Miramar

Eric Silva, AICP, Director, Community & Economic Development Department  
City of Miramar