

STAFF REPORT
Hastings Trust Plat
046-MP-96

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 February 18, 1997 for 20,000 square feet of commercial use on 1.7 acres. The property is located on the south side of McNab Road, west of Federal Highway, in the City of Pompano Beach. The plat was recorded on July 31, 1997 (P.B. 163, PG. 23).

The current note, based on a new findings of adequacy for the plat approved by the County Commission on June 4, 2013 (INSTRUMENT # 112336066), reads as follows:

This plat is restricted to **25,000 square feet of commercial use**. No freestanding banks and/or bank drive-thru facilities are 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 decrease the commercial use by 10,000 square feet for a total 15,000 square feet and to add 150,000 square feet of self-storage use to the plat. The proposed note reads as follows:

This plat is restricted to **15,000 square feet of commercial use and 150,000 square feet of self-storage use**. No freestanding banks and/or bank drive-thru facilities are permitted 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 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 both Fort Lauderdale Executive Airport and 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.

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 Pompano Beach which is outside the jurisdiction of Broward County Historic

Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Pompano Beach's Development Services Department at 954-786-7921 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 Pompano Beach indicates no objection to this request.

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 a decrease of 50 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.

Transportation concurrency fees in the amount of **\$51,004** were paid for 27,800 square feet of office use, which was never constructed. **This paid amount will be applied as credit on a first-come, first-serve basis towards the assessment of future transportation concurrency fees for the proposed commercial and self-storage uses.** All 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), including interior mezzanines and permanent canopy/roof over any drive-thru facilities, outdoor seating areas and/or exterior loading 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 **August 22, 2018**.

The amended note must also include language stating the following:

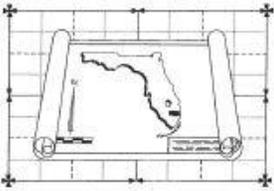
Any structure within this plat must comply with Section IV D.1.f., Development Review requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

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

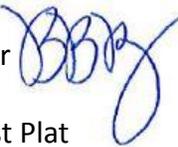




BROWARD COUNTY PLANNING COUNCIL

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 Hastings Trust Plat
(046-MP-96) City of Pompano Beach

DATE: May 30, 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: This plat is restricted to 25,000 square feet of commercial use.

TO: This plat is restricted to 15,000 square feet of commercial use and 150,000 square feet of self-storage warehouse use.

The Future Land Use Element of the City of Pompano Beach Comprehensive Plan is the effective land use plan for the City of Pompano Beach. That plan designates the area covered by this plat for the uses permitted in the "Commercial" land use category. This plat is generally located on south side of McNab Road, west of Federal Highway.

The proposed commercial and self-storage warehouse 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: Greg P. Harrison, City Manager
City of Pompano Beach

Robin Bird, Director, Development Services Department
City of Pompano Beach

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

Application: Request to amend the note to reduce 10,000 square feet of commercial use and add 150,000 square feet of self-storage use.
File Number: **046-MP-96**
Project Name: **Hastings Trust Plat**
Comments Due: **May 31, 2017**
Development Type: **Commercial** (15,000 Square Feet) and **Self-Storage** (150,000 Square Feet)

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 Pompano Beach and is under the jurisdiction of the Water and Environmental Licensing Section of the Broward County 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. A surface water management license from the Environmental Engineering and Licensing Section of the Broward County Planning and Environmental Regulation Division will be required prior to any construction.

Potable Water Review

This plat will be served by the City of Pompano Beach's Water Treatment Plant which has a capacity of 50.000 MGD and a maximum daily flow of 16.800 MGD. Therefore, 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:	B. C. North Regional
Flow Data:	As of 04/17
EPGMD Licensed Capacity	95.0000 MGD
12 Month Average Flow:	64.0400 MGD
Existing Flow Reserved by Building Permit:	2.5100 MGD
Total Committed Flow:	66.5500 MGD
Estimated Project Flow:	0.0030 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 of the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of 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. Contact the

Page 2
046-MP-96 HASTINGS TRUST PLAT

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

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 at the earliest time to determine if, and what type of, license may be required prior to undertaking 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 Pompano Beach 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 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>

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

1. 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.

Page 3
046-MP-96 HASTINGS TRUST PLAT

2. Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.
3. 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, 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 Ordinances]. It should also be noted that the Environmental Assessment and Remediation must approve any dewatering activities at this site.

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.

March 15, 2017

Thuy Turner
Planning & Development Management Division
1 N. University Drive, Ste 102A
Plantation, Florida 33324

RE: Plat Note Amendment for the Hastings Trust Plat – Letter of No Objection

Mr. Turner:

The City of Pompano Beach has no objection to amendment of notation on the Hastings Trust Plat. The change to the note is, as follows:

From:

A) This plat is restricted to 25,000 square feet of commercial use. No freestanding banks and/or bank drive-thru facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

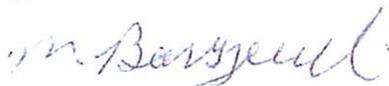
B) This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and 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.

To:

This plat is restricted to 15,000 square feet of commercial use and 150,000 square feet of self-storage warehouse use. Freestanding banks and/or banks with drive thru facilities are not permitted within the plat without approval from the Board of County Commissioners who shall review and address these uses for increased impacts.

If you have any questions, please contact Maggie Barszewski at 954-786-7921.

Sincerely,



Maggie Barszewski, AICP
Planner



Planning and Redevelopment 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 Hastings Trust Plat

Plat Number 046-MP-96 Plat Book - Page 163-23 (If recorded)

Owner/Applicant McNab Grove Inc. Phone 561-705-5353

Address 553 Cascade Falls Drive City Weston State FL Zip Code 33327

Owner's E-mail Address pompanodiscountliquor@yahoo.com Fax # none

Agent Keith and Associates, Inc. Phone 954-788-3400

Contact Person Mike Vonder Meulen, AICP

Address 301 East Atlantic Boulevard City Pompano Beach State FL Zip Code 33060

Agent's E-mail Address mvondermeulen@keith-associates.com Fax # 954-788-3500

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

Proposed note for entire plat See attached

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

Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No

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 4/6

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

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

Reasons for this request (Attach additional sheet if necessary.) To mirror proposed development

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 Redevelopment 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?
vacant					

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 16th day of June, 2016
by SOMA SHERKHA IKASAM He/she is personally known to me or
 Has presented _____ as identification.
Signature of Notary Public [Signature]
Type or Print Name DULCE J WALKER



FOR PLANNING AND REDEVELOPMENT DIVISION USE ONLY

Time _____ Application Date 5/11/17 Acceptance Date 5/16/17
Comments Due 5/31/17 C.C. Mtg. Date 8/15/17 Fee \$ 1840

Plats Survey Site Plan City Letter Agreements

Other Attachments(Describe) _____
Title of Request amend note
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 _____

Adjacent City none Received by [Signature]

Proposed Plat Note Language

**Hastings Trust Plat
046-MP-96 163-23**

From:

A) This plat is restricted to 25,000 square feet of commercial use. No freestanding banks and/or bank drive-thru facilities are permitted 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.

To:

This plat is restricted to 15,000 square feet of commercial use and 150,000 square feet of self-storage warehouse use. Freestanding banks and/or banks with drive-thru facilities are not permitted within the plat without approval from the Board of County Commissioners who shall review and address these uses for increased impacts.