

STAFF REPORT
F.P. & L. Welleby Substation
059-MP-83

A request to amend the note on the plat has been filed with the Planning and Development Management Division. The plat was approved by the County Commission on March 6, 1984, for an electrical power substation and 600 square feet of utility building on 4 acres. The property is located on the southeast corner of Northwest 44 Street and the C-42 Canal, in the City of Sunrise. The plat was recorded on March 20, 1984 (Plat Book 119, Page 21).

The current note, approved by the County Commission on May 20, 1984 (INSTRUMENT # 84095629), reads as follows:

Use on this plat is limited to **an electrical power substation and 600 square feet of utility building.**

The applicant is requesting to amend the note to eliminate the current note to allow for a City Park. The proposed note reads as follows:

This plat is restricted to a **City Park.**

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 "Utilities" land use category and that this request is in compliance with the permitted uses of the effective Land Use Plan.

This application has been reviewed by Highway Construction and Engineering Division staff who has no objections to this request.

The Aviation Department has indicated that the property is located within 20,000 feet of Fort Lauderdale-Hollywood International Airport. Any proposed construction or the use of construction cranes 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>.

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. This plat is located in the City of Sunrise, which is within the archaeological and historic jurisdiction of Broward County Historic Preservation Ordinance 2014-32. In the event that any unanticipated archaeological

features or artifacts are discovered during the course of development or survey, in accordance with Broward County Ordinance 2014-32, Section 5-536.5(g) the property owner shall notify Rick Ferrer, Broward County Historic Preservation Officer of the discovery within 24 hours at 954-357-9731 or rferrer@broward.org.

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 Sunrise indicates no objection to this request, as approved by the City Commission on June 13, 2017, by Resolution No. 83-229-17-A.

This plat with the amended note satisfies the regional park concurrency requirement of Section 5-182(i) and the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. The previous utility use did not generate any PM peak hour trip traffic. This request represents an increase of 13 PM peak hour trips. The plat is located within the Central Concurrency Management District and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

The proposed city park use qualifies for a total waiver of transportation concurrency fees under Section 5-182(a)(5)a)3) of the Land Development Code. Staff recommends, if the waiver is approved, that the alternate source of funding for the transportation concurrency fees be the waiver fund set aside in accordance with Section 5-182(a)(5)a)4) of the Land Development Code.

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

- 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:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **August 22, 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

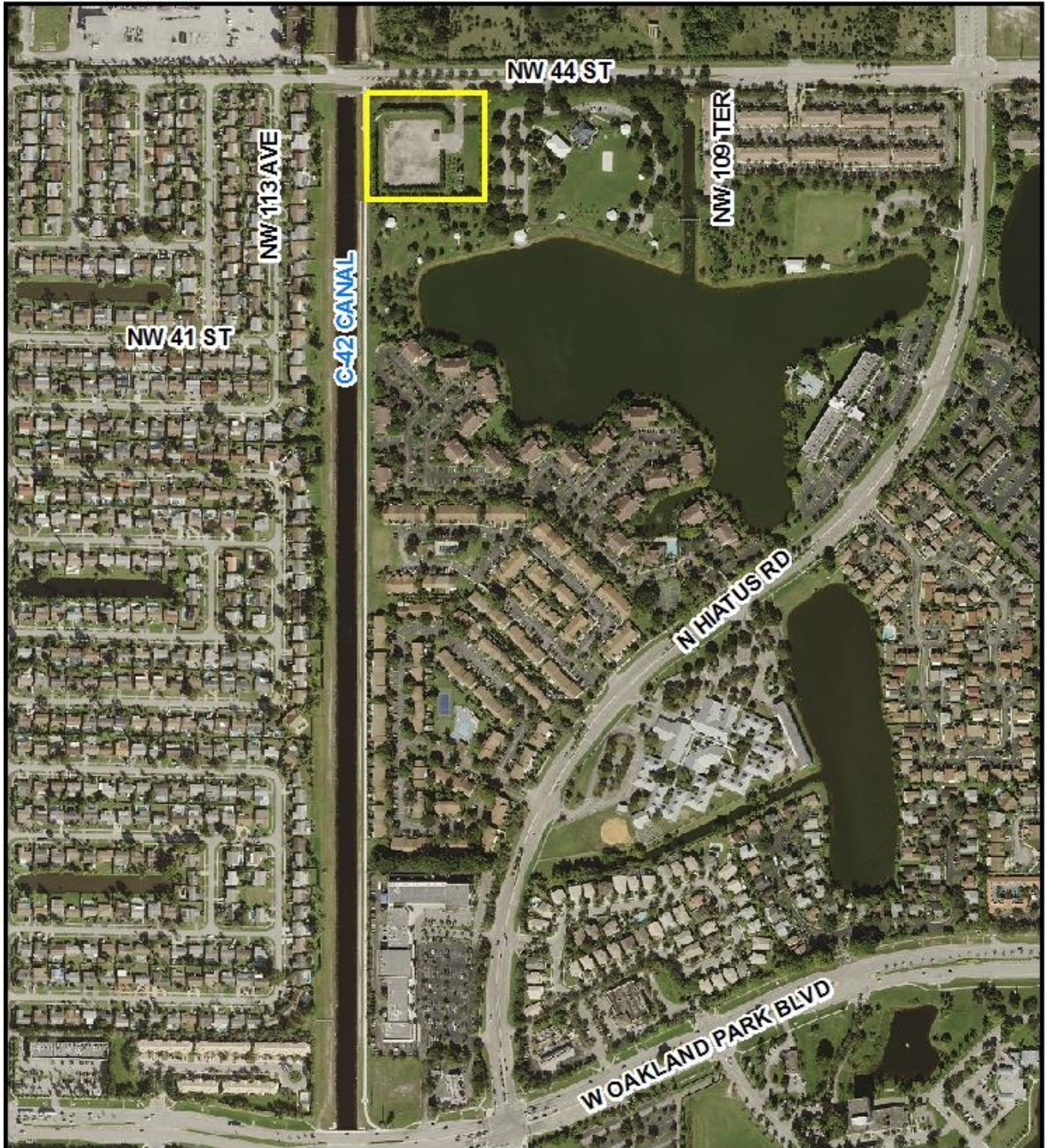
Continued

- 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 **August 22, 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. The note amendment must include language stating that 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.

KDL



Commission District No. 1
Municipality: Plantation
S/T/R: 19/49/41



059-MP-83
F.P. & L. Welleby
Substation

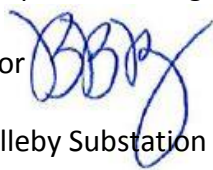


0 250 500 1,000 Feet

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



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

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for F.P. & L. Welleby Substation
(059-MP-83) City of Sunrise

DATE: July 6, 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 an electrical power substation and a 600 square foot utility building.

TO: This plat is restricted to a city park.

The Future Land Use Element of the City of Sunrise Comprehensive Plan is the effective land use plan for the City of Sunrise. That plan designates the area covered by this plat for the uses permitted in the "Utilities" land use category. This plat is generally located on the south side of Northwest 44 Street, west of Northwest 109 Terrace.

The proposed city park use is 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:DBT

cc: Richard Salamon, City Manager
City of Sunrise

Jim Koeth, Assistant Director, Planning Division
City of Sunrise

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

Application: Request to amend the note to remove an electrical power substation and 600 square foot utility building and add a City Park.
File Number: 059-MP-83
Project Name: F. P. & L. Welleby Substation
Comments Due: July 10, 2017
Development Type: City Park

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 Sunrise 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 Sunrise's Water Treatment Plant which has a capacity of 25.500 MGD and a maximum daily flow of 12.800 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:	Sunrise Springtree
Flow Data:	As of 04/17
EPGMD Licensed Capacity	10.0000 MGD
12 Month Average Flow:	7.6400 MGD
Existing Flow Reserved by Building Permit:	0.0410 MGD
Total Committed Flow:	7.6810 MGD
Estimated Project Flow:	0.0020 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. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483.

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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.

This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.

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 Sunrise 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>

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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.
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. A demolition notice of the existing use will be required from the Broward County Air Licensing and Compliance Section of the Environmental Engineering and Permitting Division.

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.

COMMUNITY DEVELOPMENT
DEPARTMENT



Phone: (954) 746-3270
Fax: (954) 746-3287

June 19, 2017

Ms. Josie P. Sesodia, AICP, Director
Environmental Protection and Growth Management Department
Planning and Development Management Division
115 South Andrews Avenue, Room 329K
Fort Lauderdale, FL 33301

RE: Request for a revision to the restrictive note for the “F.P. & L. Welleby Substation” plat, as recorded in Plat Book 119, Page 21 of the Public Records of Broward County, Florida.

Dear Ms. Sesodia:

The City of Sunrise is proposing an expansion to the existing Welleby Park located 11100 NW 44 Street. The proposed development plan for Welleby Park will require an amendment to the restrictive note on the above-referenced plat. The City of Sunrise is initiating and is supportive of a revision to the restrictive note for the “F.P. & L. Welleby Substation” plat. On June 13, 2017 the City Commission approved Resolution No. 83-229-17-A authorizing the Director of Community Development to execute a letter of approval for the above referenced plat note amendment.

The property is legally described as “F.P. & L. Welleby Substation” plat, as recorded in Plat Book 119, Page 21 of the public records of Broward County, Florida.

The current Plat Note Restriction states:

“Use on this plat is limited to an electrical power substation and 600 sq. ft. of utility building.”

The proposed Plat Note Restriction is:

“This plat is restricted to a city park.”

If you have any questions or require anything further, please contact Bradley Swing, AICP, Assistant City Planner at (954) 746-3238.

Very truly yours,

CITY OF SUNRISE

Shannon Ley, P.E.
Community Development Director

SL/bs

cc: Jim Koeth, LEED, AP BD+C, Assistant Director/City Planner
File: 00:04002 (FPL Welleby Substation)



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 F.P.& L. WELLEBY SUBSTATION

Plat Number 059-MP-83 Plat Book - Page 119 - 21 (If recorded)

Owner/Applicant City of Sunrise Phone 954-746-3270

Address 1601 NW 136 Avenue City Sunrise State FL Zip Code 33323

Owner's E-mail Address Askzoning@sunrisefl.gov Fax # 954-746-3287

Agent Shannon Ley, P.E., Director of Community Development Dept. Phone 954-746-3288

Contact Person Brad Swing, ACIP, Assistant City Planner

Address 1601 NW 136 Avenue City Sunrise State FL Zip Code 33323

Agent's E-mail Address bswing@sunrisefl.gov Fax # 954-746-3287

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 USE ON THIS PLAT IS LIMITED TO AN ELECTRICAL POWER SUBSTATION AND 600 SQ. FT. OF UTILITY BUILDING.

Proposed note for entire plat THIS PLAT IS RESTRICTED TO A CITY PARK.

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
Springtree Water Treatment Plant, 4350 Springtree Drive, Sunrise, FL 33351

Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No
Springtree Waste Water Treatment Plant, 4350 Springtree Drive, Sunrise, FL 33351

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 42

Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS 0

Number of students for a daycare center or school STUDENTS 0

Reasons for this request (Attach additional sheet if necessary.) City purchased property to expand adjacent park.

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?
UTILITY BUILDING	600	Oct. 2014			YES

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

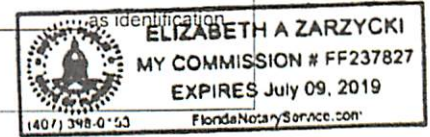
- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures 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 Shannon L. Ley
Sworn and subscribed to before me this _____ day of _____, 2017
by Shannon L. Ley He/she is personally known to me or
 Has presented _____
Signature of Notary Public Elizabeth A. Zarzycki
Type or Print Name Shannon Ley



FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time _____ Application Date 06-20-2017 Acceptance Date 06-23-2017
Comments Due 07-10-17 C.C. Mtg. Date 08-22-2017 Fee \$ 2090

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 _____
Other None
Adjacent City _____ Received by [Signature]