STAFF REPORT Dania Oaks 029-MP-15

A request to amend a platted non-vehicular access line has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on March 1, 2016, for 24 townhouse units and one (1) single family unit (Parcel A) and a park (Parcel B) on 2.3 acres. The property is located on the west side of Southwest 40 Avenue and south of Southwest 54 Court, in the City of Dania Beach.

As of this writing, the plat is not recorded; however, an extension to record the plat was issued on June 17, 2016, per the applicant's request and in accordance with Florida Statutes 252.363 (Zika Virus and Hurricane Matthew). Therefore, the expiration date to record this plat has been extended to October 21, 2019.

A companion item to revise the plat note to eliminate the parcel designations, add one (1) townhouse unit, for a total of 25 units, and eliminate the single family unit on Parcel A and park use on Parcel B is also scheduled for County Commission consideration on August 22, 2017.

The plat was approved with a 30-foot access opening along the west side of Southwest 40 Avenue with centerline located approximately 113 feet south of the north plat limits. The applicant is requesting to enlarge this opening to 60 feet and relocate it approximately 68.5 feet south of the north plat limit to comply with the site plan for Oaks Place Townhomes. This request is a change from the original plat approval which has not been recorded. A copy of the updated plat is attached to reflect the proposed 60 feet opening.

The attached resolution (No. R-2017-031) indicates this request was approved by the Dania Beach City Commission on March 28, 2017.

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL** of this request subject to the conditions contained in the attached memorandum from these Divisions, which recommends a 60-foot opening. Approval is also subject to recordation of this plat by October 21, 2019, in accordance with Sec 5-189 (f)(1) of the Land Development Code and in accordance with Florida Statutes 252.363.

In addition, this approval is subject to the Board authorizing 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.

Continued



HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

MEMORANDUM

DATE: June 29, 2017

TO: Josie Sesodia, Director

Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager

Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner

Service Development, Transit Division

SUBJECT: Delegation Request: Modify Conditions of Plat Approval (Amendment to

Non-Vehicular Access Line) Dania Oaks (029-MP-15)

The Highway Construction and Engineering Division and the Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along Southwest 40 Avenue adjacent to the plat. Staff review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission. This review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends **APPROVAL** of the proposed NVAL amendment subject to the following:

NON-VEHICULAR ACCESS LINE REQUIREMENTS

- 1) Prior to recordation, the subject plat shall illustrate a non-vehicular access line along Southwest 40 Avenue adjacent to the plat except at the following openings:
 - A) Along the ULTIMATE right-of-way for Southwest 40 Avenue except at a 60-foot opening with centerline located approximately 98 feet south of the north plat limits. This opening shall be labeled on the plat: RIGHT TURNS ONLY.

Continued

NOTES:

2) All other conditions of County plat approval outlined in the Development Review Report remain unchanged.

dgm



RESOLUTION NO. 2017-031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE "DANIA OAKS PLAT" (DR-11-17) SUBMITTED BY BASELINE ENGINEERING AND LAND SURVEYING, INC., ON BEHALF OF BCD DANIA OAKS, LLC, FOR PROPERTY LOCATED AT 5461-5471 SW 40TH AVENUE, IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 28 of the Code of Ordinances of the City of Dania Beach (the "Code"), which chapter contains the City Land Development Code (the "LDC"), pursuant to Part 6, "Development Review Procedures and Requirements", Article 640 "Plats", it is stated that since June 4, 1953, no principal building may be constructed on any lot unless a plat including the lot has been approved by both the City Commission and County Commission, and recorded in the official records of Broward County; and

WHEREAS, Baseline Engineering and Land Surveying, Inc. on behalf of BCD Dania Oaks, LLC (the "Applicant"), is requesting plat approval (DR-11-17), for property legally described in attached Exhibit "A", which is made a part of and is incorporated into this Resolution by this reference; and

WHEREAS, the "Dania Oaks Plat" (DR-11-17), is restricted to 25 Townhome residential dwelling units; and

WHEREAS, on February 23, 2017, the City's Development Review Committee (the "DRC"), which includes representatives from the Broward Sheriff's Office, Broward Fire Department, Public Services Department, the City's landscape consultant and the Planning Division staff, reviewed the plat for compliance with all applicable regulations; and

WHEREAS, staff recommends approval of the plat for the residential townhome development; and

WHEREAS, the City Commission conducted a duly noticed public hearing in accordance with Article 640 of the LDC; and

WHEREAS, the City Commission finds that the approval of the proposed plat will protect the public health, safety and welfare of residents of the City, and furthers the purposes, goals, objectives and policies of the City's Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct, and they are made a specific part of this Resolution.

Section 2. That the application for the "Dania Oaks Plat" (DR-11-17), a copy of which is attached as composite Exhibit "B", which is made a part of and incorporated into this Resolution by this reference, is approved.

Section 3. That the issuance of a development permit by a municipality does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a state or federal agency, or undertakes actions that result in a violation of state or federal law.

Section 4. That such application must be reviewed by the Broward County Aviation Department; the point of contact is William Castillo, Airport Planner located at 220 S.W. 45 Street, Suite 101, Dania Beach, Florida, 33312, (954) 359-6100.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED March 28, 2017.

ATTEST:

LOUISE STILSON, CMC

CITY CLERK

'AMARA JAMES/

MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBROV



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.

documentation attached. Please type this application or print legibly in <u>black lnk</u> .
PROJECT INFORMATION
Plat Name Dania Oaks
Plat Number 029-MP-15 Plat Book - Page N/A (If recorded)
Owner/Applicant BCD Dania Oaks, LLC Phone 305-749-0900
Address 20900 NE 30th Avenue, #200 City Aventura State FL Zip Code 33180
Owner's E-mail Address jb@b2jgroup.com Fax #
Agent Greenspoon Marder, PA Phone 954-491-1120
Contact Person Dennis D. Mele, Esq., copy to Sarah Stewart
Address 200 E. Broward Blvd, Ste 1800 City Fort Lauderdale State FL Zip Code 33301
Agent's E-mail Address dennis.mele@gmlaw.com copy: sarah.stewart@ Fax #Fax #
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 This Plat is restricted to 24 townhomes and 1 single family dwelling unit on Parcel A, and
a park on Parcel B.
Proposed note for entire plat This Plat is restricted to 25 townhomes.
PLEASE ANSWER THE FOLLOWING QUESTIONS
Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan? Yes
Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)? Yes No
Does the note represent a change in TRIPS? Increase Decrease
Will project be served by an approved potable water plant? If YES, state name and address. ☑Yes☐No City of Dania Beach, 1201 Stirling Road
Will project be served by an approved sewage treatment plant? If YES, state name and address ☐ Yes☐No City of Hollywood Regional, 3441 Hollywood Boulevard
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
Number of seats for any proposed restaurant or public assembly facility. SEATS
Number of students for a daycare center or school STUDENTS
Reasons for this request (Attach additional sheet if necessary.)
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	EXI	STING STRU	CTURE(S)
	ft.* or Dwelling Units	Occupied	Remain the same?	Change Use?	Has been or will be demolished?
Residential Unit	1	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 FLORT DA
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
Sworn and subscribed to before me this OH day of OU
by TOFL GAV He/she parametry known Public - State of Florida
Has presented a Commission FF 973699
Signature of Notary Public My Comm. Expires Jul 7, 2020
Type or Print Name NICOLOS / TIDOS Bonded through National Notary Assn.
FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY
TimeApplication Date 5/20-/17 , Acceptance Date 6/1/16
Comments Due 06/15/16 C.C. Mtg. Date 08/15/17 Fee S 14/20
Plats Survey Site Plan City Letter Agreements
Other Attachments (Paccritica)
Title of Request BLVISE NOTE - Eliminate Park on Paral B
Distribute to: XFull 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 HOLUWOOD Received by STATEL
application to modify conditions of .
note: application to modify conditions of.
plat approval / Predise NVAL also submitted
English



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

1 North University Price Scite 193 A. Plantation Florida 2004 154 657 2009 Florida 2004 154 657 2009 Florida 2004 154 657 2009 Florida 2004 155 657

1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521 • 954-519-1412

June 5, 2017

Mr. Thomas Barnett, AICP, Director Development Services Department City of Hollywood 2600 Hollywood Blvd Hollywood, FL 33022

RE:

Municipal notification of a delegation request to revise the "note" (approved level of development) and the NVAL (non-vehicular access line) on an approved but unrecorded

plat adjacent to the municipal limits of Hollywood:

Plat Name: Plat No.:

DANIA OAKS 029-MP-15

Written comments must be received on or before June 15, 2017.

Dear Mr. Barnett:

As per Broward County Commission Policy effective March 24, 1998, we are forwarding the attached copy of an application for a delegation request to all municipalities that are adjacent to the plat.

If your municipality desires to comment on this application, the comments must be in writing and electronically submitted to the Planning and Development Management Division on or before the above referenced date. Please send your comments via e-mail to our offices at pdmdinfo@broward.org.

Any written comments received will be forwarded to the applicant along with the comments from other agencies reviewing the application.

If you have any questions, please contact Sue Carrano at 954-357-6627 or scarrano@broward.org.

Sincerely

Thuy (twee) Turner, AICP, Planning Section Manager Planning and Development Management Division

029-MP-15

DANIA OAKS

PLAT BOOK PAGE SHEETS

BROWARD COUNTY PLANEND COUNCIL:
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BY: EXECUTIVE DIRECTOR OR DESIGNÉE

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A REPLAT OF A PORTION OF TRACT 8, "NEWMAN'S SURVEY OF SECTION 38, TOWNSHIP 50 SOUTH RANGE 41 EAST", AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA.

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BROWARD COUNTY FINANCE AND ADMARSTRATIVE SERVICES
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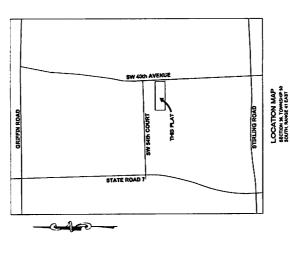
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PLAT BOOK PAGE SHEET 2 OF 3 SHEETS

DANIA OAKS

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SHERIDAN HOUSE PLAT

(P.B. 105, PG. 50, B.C.R.)

FLAT LI

N: 625816.9059 E: 917895.8530

1/2" F.LP. 1/2" 2486 0/5 0.22" S 0.13" W SyERDAN HOUSE P Parcel Corner

LEGEND

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BLR - Deuter Louis Neu
BRR - Deuter Louis Loui

DOCUME DEVELOPMENT CODE. THE OWNER OF THE PROPER SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE REQUIREMENT WITHIN THE ABOVE REFERENCED TIME GOVERNMENTAL APPROPRIATE

N: 625840,0613 E: 918443,0426

MARCH 1 , 20_21 THEN THE COUNTY'S FINDINGS OI ADDITIONAL BUILDING PERMITS SHALL BE ISSUED COUNTY SHALL MAKE A SUBSEQUENT FINDINGS THA DOCUME THIS PLAT IS RESTRICTED TO 24 TOWNHOMES AND 1 S IF CONSTRUCTION OF PROJECT WATER LINES, SEWE ADEQUACY REQUIREMENTS SET FORTH WITHIN DEVELOPMENT CODE. THE OWNER OF THE PROPER' REQUIREMENT WITHIN THE ABOVE REFERENCED TIME SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE FOR INTERNAL ROADS HAVE NOT ENTITY. APPROPRIATE GOVERNMENTAL

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CONCRETE MONUMENT
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LB #6439

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PLAT LIMITS

87.49'48"

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68.50

THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE ORDINANCES, AND MAY BE AMENDED BY APPROVAL SOLELY INDICATING THE APPROVED DEVELOPMENT WITHIN THE PLAT AND DO NOT OPERATE AS A RESTRI **DWNER INCLUDING AN OWNER OR OWNERS OF PROP** IITLE TO THE PROPERTY WITH REFERENCE TO THIS PI OF COUNTY COMMISSIONERS. THE NOTATION AND

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CC ANY STRUCTURE WITHIN THIS PLAT MUST OF DEVELOPMENT REVIEW REQUIREMENTS, OF THE REGARDING HAZARDS TO AIR NAVIGATION.

PARCEL "B" (RW DEDICATION) - 1,061 SQ. F PARCEL "A" (RESIDENTIAL) - 100,424 SQ. FT TOTAL AREA - 101,485 SQ. FT. / 2.329 ACRE AREA TABULATION: N. ROKROS 5077 5' R/W PER P.B. 133, PG. 48 (ILLEGIBLE) 15' ROAD PER O.R.B. 675, PG. 192, (B.C.R.) F.N. &D 20' ROAD BY PLAT (P.B. 1, PG. 98 & P.B. 2, PG. 32, D.C.R.) BASIS OF BEARING-EAST LINE SEC. 36-50-41 212.52 S87.49'48"W SW 40TH AVENUE
35' DEEDED TO BROWARD COUNTY PER O.R.B. 675, PG. 35.0 206 (B.C.R.) PLAT LIMITS SET P.R.M. 60.00'

NEW PROPOSED

ACCESS OPENING 5.00° 84.02 -30.00 INITIAL PROPOSED ACCESS OPENING PLAT LIMITS

377.34'

477.55 472.55' H

100,424 SQ. FT. V PARCEL