

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

PROJECT DESCRIPTION

| | | | |
|------------|---|---------------|------------------------------------|
| Name: | BRONWYN BATISTE PLAT | Number: | 058-MP-04 |
| Applicant: | RSJ 14 th Court Property Investments, LLC | Comm. Dist.: | 7 |
| Agent: | TDON Development, Inc. | Sec/Twp/Rng: | 35/49/42 |
| Location: | South side of Northeast 14 Court Between Northeast 5 Terrace and Northeast 7 Avenue | Platted Area: | 1.9 Acres |
| City: | Fort Lauderdale | Gross Area: | 1.4 Acres (Residential Portion) |
| Replat: | This is a New Finding of Adequacy for a Recorded Plat (Plat Book 177, Page 115) | | |

LAND USE

| | | | |
|------------------|--|-----------------------------|---|
| Existing Use: | Vacant | Effective Plan: | Fort Lauderdale |
| Proposed Uses: | 26 Garden Apartments, 6 Live/Work Townhouse Units and 3,000 Sq. Ft. Commercial | Plan Designation: | Medium (15) Residential & Commercial. See attached comments from Planning Council |
| Adjacent Uses: | | Adjacent Plan Designations: | |
| North: | Single Family Res; Multi-family | North: | Commercial and Medium (15) Residential |
| South: | Multi-family Residential, Park | South: | Commercial and Medium (15) Residential |
| East: | Multi-family Res. Commercial | East: | Commercial |
| West: | Single Family Res; Multi-family | West: | Medium (15) Residential |
| Existing Zoning: | RM-15 & CB | Proposed Zoning: | RM-15 & CB |

RECOMMENDATION (See Attached Conditions)

APPROVAL: 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: | 10/10/17 | Prepared: | SMC |
| Action Deadline: | 11/14/17 | Reviewed: | |
| Deferral Dates: | | Approved: | |

SERVICES

| | | | |
|--------------------|-----------------------|----------------------|-------------------------|
| Wastewater Plant: | G.T. Lohmeyer (06/17) | Potable Water Plant: | Fort Lauderdale (02/17) |
| Design Capacity: | 48.0000 MGD | Design Capacity: | 90.00 MGD |
| 12-Mo. Avg. Flow: | 38.2300 MGD | Peak Flow: | 51.00 MGD |
| Est. Project Flow: | 0.0083 MGD | Est. Project Flow: | 0.12 MGD |

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

PARKS

SCHOOLS

| Dwelling Units | Impact Fee |
|----------------|------------|
| 32 | * |

* See Staff Comment No. 5
See Finding No. 2
* See Recommendation No. 4

Local:
Regional:

| | Land Dedication | Impact Fee | Admin. Fee |
|-----------|---|------------|------------|
| Local: | County conducts no local review within municipalities | N/A | N/A |
| Regional: | 0.173 Acres | * | * |

* See Staff Comment No. 6
See Finding No. 4
* See Recommendation No. 4

TRANSPORTATION

| Concurrency Zone: | Trips/Peak Hr | Transit Concurrency Fee | Road/Admin. Fee |
|-------------------|---------------|-------------------------|-----------------|
| Res. Uses: | 20 | * | * |
| Non-res. uses: | 33 | * | * |
| Total: | 53 | * | * |

* See Staff Comment No. 4
See Finding No. 1
* See Recommendation No. 4

BRONWYN BAPTISTE PLAT
058-MP-04

STAFF COMMENTS

- 1) This plat was approved on April 18, 2006 for 33 townhouse units, with a requirement that either a building permit be issued or the infrastructure be installed by April 18, 2011. Neither a building permit was issued nor infrastructure installed; therefore, in accordance with Section 5-181(o) of the Land Development Code, the County's findings of adequacy have expired.
- 2) Staff findings and recommendations pertaining to this application for a new finding of adequacy are based on the use being 26 garden apartments, 6 live/work townhouse units and 3,000 square feet of commercial use.
- 3) The comments, findings and recommendations contained in this report supersede all previous development review reports and delegation requests approved by the County Commission.
- 4) This plat is located within a Transportation Concurrency Management Area. 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) as defined in the ordinance.
- 5) This application 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 it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. Therefore, 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.
- 6) In accordance with Land Development Code, 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. Regional park impact and administrative fees in the amounts of **\$12,378** and **\$465**, respectively, were paid prior to plat recordation. These payments will be credited towards the assessment of future regional park impact and administrative fees.
- 7) 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.

Continued

- 8) 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.
- 9) 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.
- 10) 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 Fort Lauderdale 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.
- 11) 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>
- 12) 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.
- 13) 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.
- 14) 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.

- 15) Approval of this new findings of adequacy 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 Licensing and Building 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) Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that this property is located in the City of Fort Lauderdale and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Fort Lauderdale Urban Design and Planning Division at 954-828-7101 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.
- 17) The recommendations of the Highway Construction and Engineering Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 18) The attached comments regarding compliance with the Effective Land Use Plan have been received from the Broward County Planning Council.
- 19) The attached letter from the City of Fort Lauderdale indicates no objection to a five-year extension of this plat's findings of adequacy and to the amended note language.
- 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

FINDINGS

- 1) This plat is located within the Central 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 application for a new findings of adequacy satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This application for a new findings of adequacy satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

STAFF RECOMMENDATIONS

Highway Construction and Engineering Division and Transit Division staff have determined that new and amended plat requirements are not necessary to ensure safe and adequate access between the adjoining Trafficway and this plat to comply with the adequacy standards of the Broward County Land Development Code. Staff has the following recommendations:

PLATTED ITEMS (NVAL, DEDICATIONS, EASEMENTS) DETERMINED TO BE ADEQUATE WITH NO CHANGES REQUIRED

- 1) The non-vehicular access line (NVAL) illustrated on the plat as recorded in Plat Book 177, Page 115 adequately complies with the original conditions of plat approval.
- 2) The right-of-way illustrated on the plat as recorded in Plat Book 177, Page 115 adequately complies with the original conditions of plat approval.
- 3) The easements illustrated on the plat as recorded in Plat Book 177, Page 115 adequately comply with the original conditions of plat approval.

GENERAL RECOMMENDATIONS

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

- 5) Within twelve (12) months of approval of this application for a new finding of adequacy, comply with all conditions of approval and record an agreement acceptable to the County Attorney's Office to amend the note on the plat as follows:
 - A) This plat is restricted to 26 garden apartments and 6 live/work townhouse units with 3,000 square feet of commercial use. The portion of the plat designated "Medium (15) Residential" is restricted to no more than 23 units and no more than 9 dwelling units on the that portion of the plat designated "Commercial."

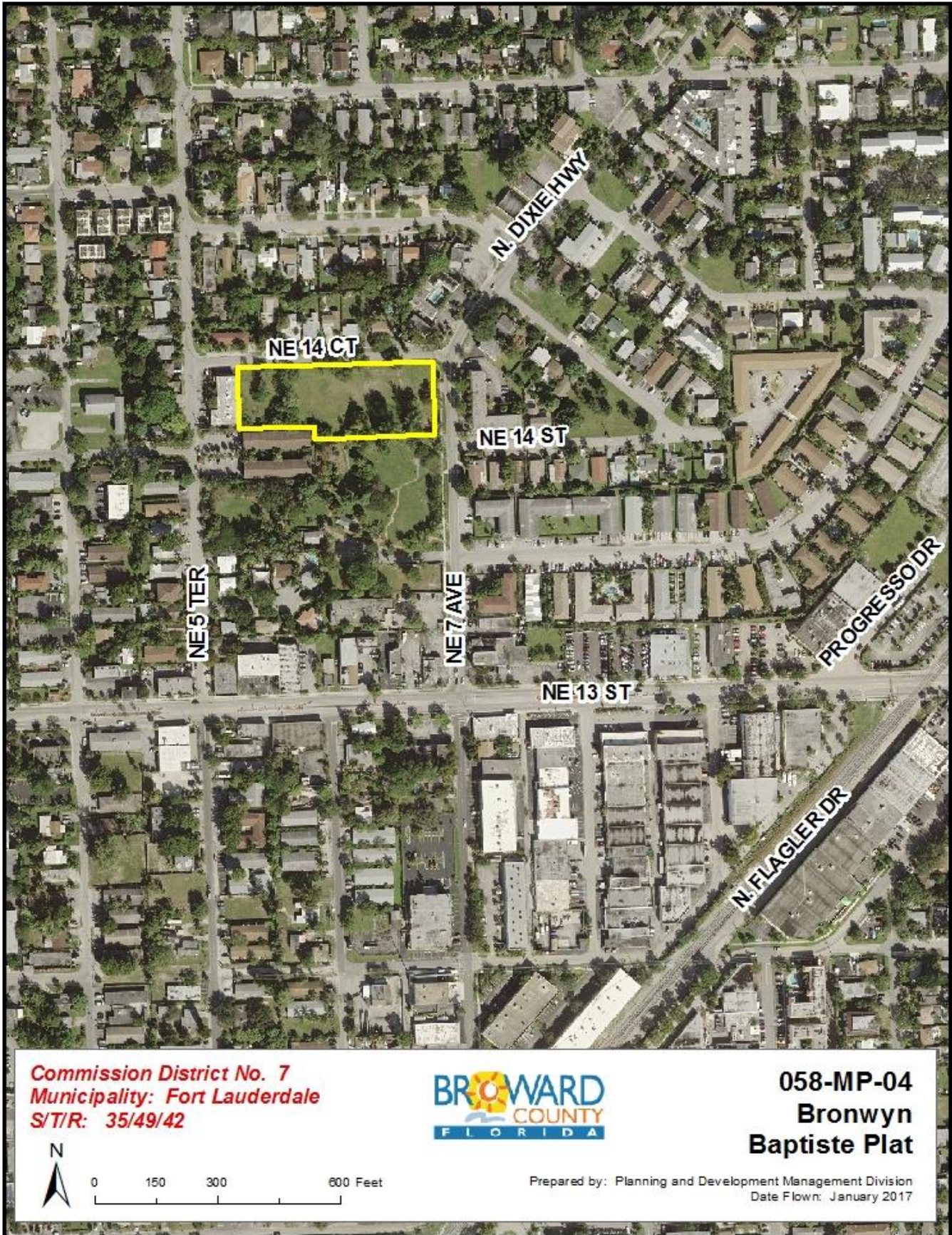
 - B) This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat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

 - C) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **October 10, 2022**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property 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

 - D) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **October 10, 2022**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from

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- the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.
- 6) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.



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

**PLAT
SBBC-2227-2017
County No: 058-MP-04
Bronwyn Batiste Plat**

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**

**FINAL SCHOOL CAPACITY AVAILABILITY DETERMINATION
PLAT**

| PROJECT INFORMATION | NUMBER & TYPE OF PROPOSED | OTHER PROPOSED | ADDITIONAL STUDENT |
|---|---------------------------|---|--------------------|
| Date: April 10, 2017 10:15:05 | Single-Family: | Live/Work units within the CB zoned portion of the Plat | Elementary: 6 |
| Name: Bronwyn Batiste Plat | Townhouse: 6 | | Middle: 3 |
| SBBC Project Number: SBBC-2227-2017 | Garden Apartments: 26 | | High: 4 |
| County Project Number: 058-MP-04 | Mid-Rise: | | Total: 13 |
| Municipality Project Number: R17001 | High-Rise: | | |
| Owner/Developer: RSJ 14th court Property Investments, LLC | Mobile Home: | | |
| Jurisdiction: Fort Lauderdale | Total: 32 | | |

Comments


According to the information provided, 33 townhouse units are permitted onsite, which vests the project for the 13 (6 elementary, 3 middle and 4 high school) students generated by this development mix. This plat application proposes to change the unit mix to 6 (three or more bedroom) townhouse and 26 (three or more bedroom) garden apartment units, which generates the same number of students to 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.

If a change is proposed to the application, which causes students to be generated by the project, the students will not be considered exempt or vested from public school concurrency (PSC) 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-2227-2017 Meets Public School Concurrency Requirement: Yes No

4/10/17
Date

Reviewed By: 
Signature
Lisa Wight
Name
Planner
Title



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

FROM: Barbara Blake Boy, Executive Director 

RE: Bronwyn Batiste Plat (Findings of Adequacy)
(058-MP-04) City of Fort Lauderdale

DATE: July 25, 2017

The Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan is the effective land use plan for the City of Fort Lauderdale. That plan designates the area covered by this plat for the uses permitted in the "Commercial" (i.e., the easternmost approximate 0.50 net acres) and "Medium (15) Residential" (i.e., the westernmost approximate 1.43 net acres) land use categories. This plat is located on the southwest corner of Northeast 14 Court and Dixie Highway/Northeast 7 Avenue.

Information submitted with the application for review indicates that the proposed use of the plat is for 32 dwelling units (no more than 23 dwelling units on that portion of the plat designated "Medium (15) Residential" and no more than 9 dwelling units on that portion of the plat designated "Commercial") and 3,000 square feet of commercial use.

In order for the proposed commercial use to be considered in compliance with the permitted uses of the effective land use plan, said use must be restricted to that portion of the plat designated "Commercial."

Regarding the proposed 9 dwelling units on the portion of the plat designated "Commercial," it is noted that the City of Fort Lauderdale's certified land use plan permits free-standing multi-family residential uses on parcels of land 10 acres or less in areas designated "Commercial," subject to the allocation of "flexibility units" and/or "reserve units." Planning Council staff has received written documentation that the City has allocated 9 "flexibility units" to the "Commercial" portion of the proposed plat. Therefore, the proposed 23 dwelling units are considered to be in compliance with the permitted uses and densities of the effective land use plan.

Regarding the proposed 23 dwelling units on the approximate 1.43 acre portion of the plat designated "Medium (15) Residential," Planning Council staff calculations indicate that the maximum number of dwelling units permitted per the effective land use plan on that portion of the plat is 21 dwelling units. Planning Council staff has received written documentation that the City has allocated 2 "reserve units" to the "Medium (15) Residential" portion of the plat.

Bronwyn Batiste Plat
July 25, 2017
Page Two

Therefore, the proposed 23 dwelling units are considered to be in compliance with the permitted uses and densities of the effective land use plan.

Please note that this allocation of “flexibility units” and “reserve units” is not subject to Policy 2.10.1 of the Broward County Land Use Plan as the subject parcel is not adjacent to, or within 500 feet of, a Broward County or regional park, or an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan, and is not adjacent to another municipality.

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

| | |
|--------|--|
| North: | Commercial and Medium (15) Residential |
| South: | Commercial and Medium (15) Residential |
| East: | Commercial |
| West: | Medium (15) Residential |

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: Lee Feldman, City Manager
City of Fort Lauderdale

Anthony Fajardo, Director, Department of Sustainable Development
City of Fort Lauderdale





June 1, 2017

Josie Sesodia, Director
Broward County Environmental Protection and Growth Management Department
1 North University Drive, Building A, Suite 102
Plantation, Florida 33324

RE: Municipal Letter for Plat Note Amendment – BRONWYN BATISTE PLAT

Dear Ms. Sesodia:

The City of Fort Lauderdale has received a request for a municipal letter regarding plat note amendment to the BRONWYN BATISTE PLAT, according to the Plat thereof as recorded in Plat Book 177, page(s) 115-118, of the Public Records of Broward County, Florida.

As per Broward County Code Section 5-181, changes to plat approval conditions shall not be accepted unless the municipality has issued a letter or has adopted a resolution stating the municipality's position regarding the application. The specific plat note amendment request is as follows:

From:

This plat is restricted to 33 townhouse units. That portion of the plat designated "Medium (15) Residential" on the effective Land Use Plan (i.e., westernmost approximate 1.43 acres) is restricted to no more than 21 units, and that portion of the plat designated "Commercial" on the effective Land Use Plan (i.e., easternmost approximate 0.50 acres) is restricted to no more than 12 units.

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.

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 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 26 garden apartments and 6 live/work townhouse units with 3,000 square feet of commercial use. Free standing banks or banks with drive thru facilities are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

That portion of the plat designated "Medium (15) Residential" on the effective Land Use Plan (i.e., westernmost approximate 1.43 acres) is restricted to no more than 23

residential units, and that portion of the plat designated "Commercial" on the effective Land Use Plan (i.e., easternmost approximate 0.50 acres) is restricted to no more than 9 residential units.

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.

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 property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

City staff has reviewed the proposed plat note amendment and has determined that the note change is consistent with the development permit issued for Case R17001, Site Plan Level III, and approved by the City's Planning and Zoning Board on April 18, 2017.

If you have any questions or require additional information, please feel free to contact Jim Hetzel, Principal Planner at 954-828-5019 or at jhetzel@fortlauderdale.gov.

Sincerely,


Anthony Greg Fajardo, Director
Department of Sustainable Development

Cc via email: Christopher Lagerbloom, Assistant City Manager
Ella Parker, Urban Design and Planning, Department of Sustainable Development
Evy Kalus, Broward County Planning and Development Management Division
Rob Stiegele, Jr. RSJ 14th Court Property Investments, LLC