

STAFF REPORT
Haas Addition Plat
181-MP-87

A request to revise the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on August 16, 1988, for 1.5 acres of commercial use which was subsequently amended. The property is located on the west side of Andrews Avenue, south of Southwest 3 Street, in the City of Pompano Beach. The plat was recorded on January 18, 1989 (P.B. 137, P.G. 30).

The current note, approved by the County Commission on August 5, 2008 (INSTR #108091068) reads as follows:

This plat is restricted to 40,150 square feet of office use. Commercial/retail uses, freestanding banks or banks with drive-thru facilities are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to revise the note on the plat to eliminate the office use and add 20,000 square feet of industrial use. The proposed note language reads as follows:

This plat is restricted to **20,000 square feet of industrial use**. Industrial buildings may have 30% to 50% ancillary office use or 30% ancillary commercial and office use per bay or single tenant building upon satisfaction of impact/concurrency fees. Freestanding office use is not permitted within the plat without approval from 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 "Industrial" land use category, and the requested plat note amendment complies 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 attached letter from the City of Pompano Beach indicates no objection to the requested amendment.

The Aviation Department has advised that this property is within 20,000-feet of Fort Lauderdale Executive Airport and Pompano Beach Municipal Airport. Any proposed construction, use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 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.

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 Pompano Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Pompano Beach Historic Preservation 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.

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 Broward County Land Development Code. This request represents a decrease of 81 PM peak hour trips. The plat is located within the Northeast Transportation 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 transportation concurrency fees for the proposed industrial use will be assessed and paid in accordance with the fee schedule in effect during the review of construction plans by the Development and Environmental Review Section of the Planning and Development Management Division. These fees will be based on the gross square footage of any building(s) 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 **January 23, 2019**.

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.

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **January 23, 2023**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **January 23, 2023**, 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.

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





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

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for Haas Addition Plat
(181-MP-87) City of Pompano Beach

DATE: November 29, 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 40,150 square feet of office use.

TO: This plat is restricted to 20,000 square feet of industrial use. Industrial buildings may have 30%-50% ancillary office or 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of impact/concurrency fees.

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 "Industrial" land use category. The plat is located on the west side of Andrews Avenue, between Southwest 3 Street and Southwest 4 Street.

The proposed industrial 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:KJW

cc: Greg P. Harrison, City Manager
City of Pompano Beach

David Recor, Acting Director, Development Services Department
City of Pompano Beach



Nov. 3, 2017

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

RE: Plat Note Amendment for the Haas Addition Plat – Letter of No Objection

Ms. Turner:
The City of Pompano Beach has no objection to an amendment of notation on the Haas Addition

Plat. The change to the note is, as follows:

The City of Pompano Beach has no objection to the following change:

From:

This plat is restricted to 40,150 square feet of office use. Commercial/ retail uses, freestanding banks or banks with drive-thru facilities are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

To:

This plat is restricted to 20,000 square feet of industrial use. Industrial buildings may have 30%-50% ancillary office or 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of impact/concurrency fees. Free standing office use is 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

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

Application: Request to amend the note to delete 40,150 square feet of commercial use and add 20,000 square feet of industrial use.
File Number: 181-MP-87
Project Name: HAAS Addition
Comments Due: December 1, 2017
Development Type: Industrial (20,000 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 in a dependent water control district under the jurisdiction of the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division. Surface water management plans must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of the Water Control District No. 4. A surface water management license from the Water and Environmental Licensing Section 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, a maximum daily flow of 16.800 MGD, and the estimated project's flow is 0.002 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 09/17
EPGMD Licensed Capacity	95.0000 MGD
12 Month Average Flow:	64.0400 MGD
Existing Flow Reserved by Building Permit:	2.5800 MGD
Total Committed Flow:	66.6200 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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181-MP-87 HAAS ADDITION

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=85f453365417459f8ba45fa6e5ddd9c>

Additional Comments Addressing Certain Environmental Protection Actions Needed 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. All future industrial uses must be approved by the Environmental Engineering and Permitting Division.
4. 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 plat note amendment 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.



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 HAAS ADDITION

Plat Number 181-MP-87 Plat Book - Page 137 - 30 (If recorded)

Owner/Applicant VTGAT PROPERTIES LLC Phone (954) 462-2800

Address 4345 N.E. 12th TERRACE City OAKLAND PARK State FL Zip Code 33334

Owner's E-mail Address TRUSHTON@FISCHERPANDA.COM Fax # (954) 427-9929

Agent McLAUGHLIN ENGINEERING COMPANY Phone (954) 763-7611

Contact Person JAMES McLAUGHLIN

Address 1700 N.W. 64th STREET, SUITE 400 City FT. LAUDERDALE State FL Zip Code 33309

Agent's E-mail Address MECO400@AOL.COM Fax # (954) 763-7615

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 40,150 square feet of Office Use. Commercial/retail uses, freestanding banks or banks with drive-thru facilities are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts

Proposed note for entire plat This plat is restricted to 20,000 square feet of Industrial Use. Industrial buildings may have 30%-50% ancillary office or 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of impact/concurrency fees. Free standing office use is not permitted within the plat without the approval from the Board of County Commissioners who shall review and address these uses for increased impacts.

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
CITY OF POMPANO BEACH - 1205 N.E. 5TH AVENUE, POMPANO BEACH, FL 33069

Will project be served by an approved sewage treatment plant? If YES, state name and address Yes No
NORTH REGIONAL - 2555 W. COPAUS ROAD, POMPANO BEACH, FL 33069

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 23

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

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

Reasons for this request (Attach additional sheet if necessary.) For the construction of an Industrial Building.

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which about 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?
NONE - 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.

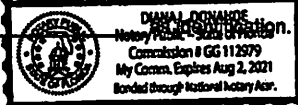
OWNER/AGENT CERTIFICATION

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 J. M. McLaughlin Jr.
Sworn and subscribed to before me this 24th day of August, 2017
by James M. McLaughlin Jr. He/she is personally known to me or

Has presented
Signature of Notary Public Diana L. Donahoe
Type or Print Name Diana L. Donahoe



FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time _____ Application Date 11/03/17 Acceptance Date 11/14/17
Comments Due 12/02/17 C.C. Mtg. Date _____ Fee \$ 2,090

Plats Survey Site Plan City Letter Agreements

Other Attachments (Describe) _____
Title of Request note amendment
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]

McLAUGHLIN ENGINEERING CO.

J.W. McLAUGHLIN, P.E. 1910-1984
ROBERT C. McLAUGHLIN, P.L.S. 1940-1997
JERALD A. McLAUGHLIN, P.L.S.



SCOTT A. McLAUGHLIN, P.S.M.
JOSEPH S. McLAUGHLIN, P.E.
LOU CAMPANILE, JR., P.E., P.L.S.

ENGINEERING • SURVEYING • PLATTING • LAND PLANNING

November 15, 2017

Ms. Karina Da Luz, Senior Planner
Planning and Development Management Division
1 North University Drive
Plantation, FL 33324

RE: **PLAT NOTE AMENDMENT – HAAS ADDITION PLAT (137/30)
PROJECT NARRITIVE**

Dear Ms. Da Luz,

This property is located at 351 South Andrews Avenue, Pompano Beach, FL - Folio Number 4942 02 39 0010 and is currently vacant. The platted Restrictive Note expired and was subsequently changed in Official Records Book 45619, Page 1470, Broward County Records and the five year timeframe for construction expired on August 5th 2013, however the concurrency requirements have already been met. The owner VTGAT Properties, LLC is currently proposing construction of an approximately 20,000 square foot Industrial Building. The proposed Plat Note Amendment recited below has been approved by the City of Pompano Beach. This request will bring the property into compliance for the proposed development. The Site Plan is currently being processed through the City of Pompano Beach and the required Broward County Departments.

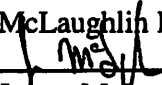
The Current Plat Note (O.R. 45619, Page 1470, B.C.R.)–

This plat is restricted to 40,150 square feet of office use. Commercial/ retail uses, freestanding banks or banks with drive-thru facilities are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The Proposed Plat Note – **This plat is restricted to 20,000 square feet of industrial use. Industrial buildings may have 30%-50% ancillary office or 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of impact/concurrency fees. Free standing office use is not permitted within the plat without approval from the Board of County Commissioners who shall review and address these uses for increased impacts.**

Respectfully Submitted,

McLaughlin Engineering Company


James McLaughlin, PLS
For the Firm