

STAFF REPORT
Delta Pompano
053-MP-08

A request to modify conditions of plat approval has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on December 8, 2009, for 182,930 square feet of industrial use (22,930 square feet existing and 160,000 square feet proposed) on 40.4 acres. The property is located on the west side of Powerline Road (SR 845), south of Copans Road, in the City of Pompano Beach. This plat was recorded on April 14, 2010 (P.B. 179, P.G. 67).

On March 14, 2017, the County Commission approved a request to revise the note restriction and the plat note was recorded on May 17, 2017 (Instrument #114390775). The current note is currently restricted to 572,930 square feet of industrial use and 20,000 square feet of commercial use.

An extension to satisfy the Findings of Adequacy for this plat was issued on June 17, 2016, per the applicant's request and in accordance with House Bill 7023 and Executive Orders 15-173, 16-30, 16-43 and 16-64; therefore, the new expiration date for this plat's Findings of Adequacy is May 15, 2019.

On March 22, 2017, the City of Pompano Beach, Planning and Zoning Board approved a request of a site plan to construct an industrial development and related site improvements. Due to the new site configuration, the applicant is requesting for a southbound right turn lane and a northbound left turn lane from Powerline Road. This modification request includes a release of the Declaration of Restrictive Covenants for Project Access (OR 46881-1473, BCR) that currently restricts ingress and egress into the subject site, which shall be done concurrent with the recordation of the Installation of Required Improvements Agreement.

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL**, subject to the conditions contained in the attached memorandum from these Divisions, which requests compliance with the adequacy standards of the Broward County Land Development Code.

The attached letter from the City of Pompano Beach indicates no objection to this request.

The attached comments from the Florida Department of Transportation (FDOT) indicates approval with conditions for this request.

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

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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.

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Public Works Department

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

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

M E M O R A N D U M

DATE: December 5, 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
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval
Delta Pompano (053-MP-08)

The Highway Construction and Engineering Division and the Transportation Department, 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 Powerline Road (SR845) adjacent to the plat. Our 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. Our review also included changes to the adjacent roadways and changes on the adjoining properties.

Concurrent with the December 08, 2009 approval of the plat, the Board of County Commissioners approved a waiver of the southbound right turn lane on Powerline Road at the project entrance. The applicant submitted a traffic study for the proposed development and as provided for under Section 5-182(c)(10) of the Broward County Land Development Code, requested a waiver of the proposed southbound right turn lane on Powerline Road. As a part of that approval, the property owner proposed to voluntarily restrict access on Powerline Road by the recordation of a Declaration of Restrictive Covenants for Project Access. Public Works Department staff determined that the traffic study and the access restriction provide sufficient evidence that the absence of the proposed right turn lane would not adversely affect

traffic conditions. This determination provides the basis for the County Commission to waive the right turn lane construction requirement.

The applicant is now requesting an additional access movement at the existing 50-foot opening. New access recommendations are noted below and Public Works Department staff supports the release of the Dedication of Restrictive Covenants for Project Access (OR 46881-1473) concurrent with the recordation of a new Installation of Required Improvements Agreement (CAF#450).

Staff recommends APPROVAL of the proposed NVAL amendment subject to the following:

NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

1. The property owners of Delta Pompano Tract A (Folio Number 484228280010) shall fully execute the Amendment to Non-vehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
 - a. Same legal description as the affected portion of the recorded plat.
 - b. Record owner(s) name(s).
 - c. Mortgage holder(s) name(s) If none, it should so state.
 - d. Date through which records were searched (within 30 days of submittal).
 - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

NON VEHICULAR ACCESS LINE REQUIREMENTS

5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line along Powerline Road (SR845) adjacent to the plat except at the following openings:
 - a. A 50-foot opening centered approximately 40 feet north of the south plat limits. The opening shall be labeled on Exhibit C: RIGHT-IN, RIGHT-OUT, LEFT-IN ONLY.

ACCESS REQUIREMENTS

6. The minimum distance from the non-vehicular access line of Powerline Road (SR845), at any ingress or egress driveway, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 50 feet.

7. For the two-way driveway that will be centered in a 50 foot opening: the minimum pavement width shall be 24 feet, the minimum entrance radii shall be 30 feet.

TURN LANE IMPROVEMENTS (Secure and Construct)

8. A southbound right turn lane on Powerline Road (SR845) at the 50-foot opening with 135 feet of storage and 50 feet of transition. The design of this turn lane is subject to approval by the Florida Department of Transportation.
9. A northbound left turn lane on Powerline Road (SR845) at the 50-foot opening with 185 feet of storage and 50 feet of transition. The design of this turn lane is subject to approval by the Florida Department of Transportation.

SIDEWALK REQUIREMENTS (Secure and Construct)

10. Reconstruct the existing sidewalks (including curb and gutter) along Powerline Road (SR845) in those locations impacted by right turn lane construction.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

11. Construction of the required improvements shall include installation of pavement markings and signs. All pavement markings shall be thermoplastic. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. The security amount for pavement markings and signs will be based on the approved construction plans or the approved engineer's cost estimate as outlined below.

IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

12. County Commission Policy requires a recordable agreement listing all of the plat required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (CAF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to recordation of the NVAL Amendment Agreement. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction & Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.

13. The Installation of Required Improvements Agreement shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to NVAL Amendment Agreement recordation and/or commencement of construction. Security amounts shall be based upon the one of the following:
 - a. Approved construction plans. When security is based on approved construction plans, the security will be calculated at one hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.
 - b. Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
 - c. All forms are available on the Highway Construction & Engineering Division's web page at: <http://bcegov2.broward.org/bcengineering/Plats/PlatsForms.asp>

IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

14. The construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to Highway Construction and Engineering Division for review, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the County. Pavement marking and signing shall be provided for all of the Improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.

GENERAL REQUIREMENTS

15. The Traffic Engineering Division, the Highway Construction and Engineering Division, and the Office of Transportation recommendations

for this Delegation Request may be modified for minor technical conflicts which are identified by details included in submitted construction plans.

16. All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, constructions, studies, etc., shall conform to the applicable sections of the following:
 - United States Department of Transportation: "Manual on Uniform Traffic Control Devices", (MUTCD).
 - State of Florida Department of Transportation:
 - "Design Standards".
 - "Standards Specifications".
 - "Transit Facilities Guidelines"
 - Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction"
 - In addition, all designs for construction shall be certified by a Professional Engineer or Land Surveyor registered in the State of Florida, that they meet the standards included above.
17. The developer shall be responsible for the cost of relocating utilities, drainage facilities, traffic control poles, interconnect cables, and related equipment as necessary to complete required improvements.
18. Reservoir capacity sufficient to accommodate a minimum of 5 vehicles must be provided for guardhouses or gates on any driveway/roadway that intersects the trafficway. The area that provides this reservoir capacity is measured from the ultimate right-of-way line of the trafficway to the first stopping place for card readers, visitor's phones, guardhouses, etc. A reservoir area must include a space that is 12 feet wide and 22 feet long for each vehicle.
19. Standard forms are available for downloading from the Highway Construction & Engineering Division's web page.
20. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18 month time frame shall render the approval of this Delegation Request null and void.

dgm



November 3, 2017

Thuy Turner, Planning Section Supervisor
Planning and Development Management Division
Environmental Protection and Growth Management Dept.
Broward County
1 N University Dr.
Plantation, Florida 33324

RE: Delta Pompano, PB 179 Page 67 (County File #053-MP-08)
Release/Termination of Declaration of Restrictive Covenants for Project Access

Dear Ms. Turner,

The City of Pompano Beach ("City") has reviewed the Declaration of Restrictive Covenants for Project Access recorded in Official Records Book 46881 Page 1473 of the Public Records of Broward County, Florida (the "Declaration"). The City has approved a site plan on the Delta Pompano plat. The site plan includes a southbound right turn lane and a northbound left turn lane into the project from Powerline Road. Therefore, the City has no objection and consents to the release/termination of the Declaration.

Sincerely,

David L. Recor, Acting Director of Development Services
City of Pompano Beach



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

RACHEL D. CONE
INTERIM SECRETARY

April 6, 2017

***Letter revised to modify driveway 2 spacing.

Alan L. Tinter
Tinter Traffic, LLC
2857 N.E 25 Street
Fort Lauderdale, FL 33305

Dear Alan L. Tinter

RE: April 6, 2017 Variance Committee Review to allow for Category D Driveway

Applicant/Property Owner: Bridge Development Partners

Broward, (Urban) City of Pompano Beach

State Road: 845 Section: 86065 MP: 8.300 Access Class: 05 Posted Speed: 45 mph SIS: Influence Area

Site Acreage: 40.2 Acres Proposed Land Use/Maximum Square Footage: Warehouse Distribution

Project Name & Address: Bridge Point - 1951 N. Powerline Road, Pompano Beach, FL

Date of Pre-application Review: 1/12/2017

Request: Driveway 1: Right-in only driveway onto SR 845/Powerline Road, located approximately 390 feet south of NW 21 Street.

Driveway 2: Right-in /left-in/right-out driveway onto SR 845/Powerline Road, located approximately 630 feet south of NW 21st Street.***

This request is: **Approved**

Conditions: / Comments:

- 1. **A minimum driveway length of 25 feet, as measured from the ultimate right-of-way line of the State Road to the first conflict point, is required.**
- 2. **Right turn lanes are required for (Driveway 1 and Driveway 2) and shall meet minimum FDOT design standard and must include bicycle lane width.**
- 3. **Driveway 1 shall be channelized.**
- 4. **The queue length for the proposed left turn lane must be determined by a traffic study approved by the district Access Manager.**

Access with a guard gate requires a minimum driveway length of 100 feet, as measured from the ultimate right-of-way line of the State Road to the first conflict point.

- **Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage.**
- **A Storm Water Pollution Prevention Plan must be submitted with the application if there will be more than one acre of "disturbed area" (as defined by the Florida Department of Environmental Protection (FDEP)**

Alan L. Tinter – Bridge Point Access Management Review Committee Letter

April 6, 2017

- If additional right-of-way is required to implement the proposed improvements, the applicant shall donate the right-of-way to the Department.
- All existing driveways not approved in this letter must be fully removed and the area restored.

Comments:

Please note that the dimensions between driveways are measured from the near edge of pavement to near edge of pavement and dimensions between median openings are measured from centerline to centerline unless otherwise indicated.




The purpose of this letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note any required improvements. Earlier Department decisions on this request shall be voided unless expressly approved herein. If the above concept is approved, the applicant may submit engineering plans to the Department for permitting. The Department's personnel shall review these plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Please note that this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department.

Committee approvals and conditions which are at variance with Department rules or standards are not binding in the permitting process for more than **12 months**.

Please submit a copy of this letter with your permit application. Contact Geysa Sosa, P.E. at the District Permits Office with any questions regarding the permit application at telephone number 954-777-4377, fax number 954-677-7893 or e-mail: geysa.sosa@dot.state.fl.us.

For right-of-way dedication requirements go to: <https://gis.dot.state.fl.us/OneStopPermitting>: Click on Statewide Permit News. Scroll down to District 4. Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

THE DISTRICT ACCESS MANAGEMENT REVIEW COMMITTEE

	With the above ruling I	Agree	Disagree	
Steve Braun, P.E. District Design Engineer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	April 6, 2017
Mark Plass, P.E. District Traffic Operations Engineer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	April 6, 2017
Morteza Alian, P.E. District Maintenance Engineer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	April 6, 2017

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



**Application to Change or Waive Requirements
of the Broward County Land Development Code**

INSTRUCTIONS

This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

ROADWAY RELATED

1. Non-Vehicular Access Lines
2. Roadway Improvements (such as turn lanes, busbays traffic signals, etc.)
3. Right-of-Way Dedications
4. Sidewalks and Paved Access
5. Design Criteria

NON-ROADWAY RELATED

6. Design Criteria
7. Waste Water Disposal/Source of Potable Water
8. Fire Protection
9. Parks and/or School Dedications
10. Impact/Concurrency Fee(s)
11. Environmental Impact Report
12. Other Changes

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 documentation attached. Please type this application or print legibly in **black ink**.

PROJECT INFORMATION

Plat/Site Plan Name Delta Pompano

Plat/Site Plan Number 53-MP-08 Plat Book - Page 179-67 (If recorded)

Owner/Applicant Waste Management Inc of Florida Phone 954-984 2029

Address 2700 WILES ROAD City Pompano Beach State FL Zip Code 33073

Owner's E-mail Address DeBock, Luke <ldebock@wm.com> Fax # _____

Agent Craven Thompson & Associates, Inc. Phone 954-739-6400

Contact Person Catherine A. Donn

Address 3563 NW 53 ST City Fort Lauderdale State FL Zip Code 33309

Agent's E-mail Address cdonn@craventhompson.com Fax # _____

PROPOSED CHANGES

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).

Staff Recommendation No(s) 6

Land Development Code citation(s) N/A

Have you contacted anyone in County Government regarding this request? Yes No

If yes, indicate name(s), department and date DG McGuire, Plat Section, October 4, 2017

Narrative explaining proposed changes in detail including the desired result and justification for the request (attach additional sheet if necessary):

Developer has an approved site plan for the entire site that will require them to build the SB right turn lane, NB left turn lane, and associated improvements for their new project on Powerline Road. Therefore, they desire to terminate the Declaration of Restrictive Covenants (OR 46881-1473, BCR) that currently restricts ingress and egress into the subject site.

**Please see the reverse side of this form 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.

All requests listed on this application must include the following documents:

- ✓ Letter from the applicable municipality, dated within six (6) months of this application, stating the city's position on this request.
- ✓ Approved or recorded plat (a survey and site plan may be accepted for single family and duplex applications. Please consult with Planning and Development Management Division staff).
- ✓ A check for the application fees (if applicable) made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

For ROADWAY RELATED items (1 through 5) listed under INSTRUCTIONS on Page 1 of this form, the following additional documents are also required:

- ✓ The proposed site plan (2 original) which shows, at a minimum, the on-site traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). The site plan must provide relevant dimensions and must be drawn to scale.
- N/A • Signed and sealed drawings (2 original) clearly illustrating the proposed change(s). The drawings must provide relevant dimensions and must be drawn to scale.
- ✓ A valid Pre-Application approval letter from the Florida Department of Transportation is required for all roadway and/or access related applications which abut a Trafficway that is functionally classified as a State Road. This requirement includes the creation or amendment of vehicular access and/or any improvements requiring permits from the State.

For NON-ROADWAY RELATED items (6 through 12) listed under INSTRUCTIONS on Page 1 of this form, please consult with Planning and Development Management staff to determine any additional required documentation.

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 *Catherine A. Donn*

Sworn and subscribed to before me this 3rd day of November, 2017

by Catherine A. Donn He/she is personally known to me or
 Has presented _____ as identification.

Signature of Notary Public *Patricia A. Gilbert*

Type or Print Name Patricia A. Gilbert



FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time _____ Application Date 11/07/2017 Acceptance Date 11/13/17

Comments Due 11/30/2017 C.C. Mtg. Date _____ Fee \$ 1,730

Report Due 12/14/2017 Adjacent City none

Plats Site Plans/Drawings City Letter FDOT Letter

Other (Describe) Development order No. 16-12000065

Title of Request modification (termination of the Declaration of Restrictive Covenants (OR 46881-1473))

Distribute to: Engineering Traffic Engineering Mass Transit

Other _____ Other _____

Comments _____

Received by *K...*

November 7, 2017

Ms. Josie Sesodia, AICP, Director
Environmental Protection and Growth Management Department
Planning and Development Management Division
Broward County Governmental Center West
1 North University Drive, Suite 102A
Plantation, FL 33324

**RE: DELTA POMPANO Plat, PB 179-67, 53-MP-08
1951 N POWERLINE ROAD, FOLIO # 4842 2828 0010
PROJECT NARRATIVE LETTER – REQUIREMENTS CHANGE
CTA PROJECT NO. 77-1061-001-19**

Dear Ms. Sesodia:

CRAVEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

Waste Management Inc. of Florida (WM), in conjunction with Bridge Development Partners, LLC, our client/contract purchaser for this project, would like to submit an Application to Change or Waive Requirements of the Broward County Land Development Code as they relate to Roadway Improvements for the subject plat.

Bridge Development is desirous to develop a Class A Industrial Warehouse/Distribution and Logistics Center, and is therefore requesting to terminate the Declaration of Restrictive Covenants (OR 46881-1473, BCR, copy enclosed) that currently restricts ingress and egress into the subject site. They have an approved site plan for the entire site that will require them to build the SB right turn lane, NB left turn lane, and associated improvements for their new project on Powerline Road, and as such, will need to construct the improvements necessary to do this without the restriction of the recorded instrument noted above.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,
CRAVEN THOMPSON & ASSOCIATES, INC.

CATHERINE A. DONN
Planner

Ecopy: Mr. Brian Latta, Bridge Development Partners, LLC
Mr. Mike Gai, Sun-Tech Engineering
Ms. Nectaria Chakas, Esquire, Lochrie & Chakas, PA

Enclosure

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409



SITE

Southbound
Right Turn Lane

POWERLINE RD

Directional
Median Opening

Approximately 185'

Northbound Left
Turn Lane

**Bridge Point – Powerline
DELTA POMPANO Plat
Proposed Full Median Opening**