

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

PROJECT DESCRIPTION

Name:	BW CYPRESS & POWERLINE	Number:	043-MP-15
Applicant:	BW Cypress Powerline LLC & Hess Retail Stores LLC	Comm. Dist.:	9
Agent:	Pulice Land Surveyors, Inc.	Sec/Twp/Rng:	09-49-42
Location:	Southwest Corner of Cypress Creek and Powerline Road	Platted Area:	2.6 Acres
City:	Fort Lauderdale	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	829 Sq. Ft. Convenience Store	Effective Plan:	Fort Lauderdale
Proposed Use:	Service Station/Convenience Store with 18 Fueling Positions and 4,200 Sq. Ft. Commercial	Plan Designation:	Employment Center. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Commercial, Hotel	North:	Employment Center
South:	Industrial	South:	Employment Center
East:	Commercial	East:	Employment Center
West:	Commercial	West:	Employment Center
Existing Zoning:	I - General Industrial	Proposed Zoning:	B-2

RECOMMENDATION (See Attached Conditions)

APPROVAL: subject to staff recommendations and conditions which shall assure compliance with the standards and requirement of Chapter 5, Article IX, of the Broward County Code of Ordinances.

Meeting Date: 03/20/18
Action Deadline: 04/24/18
Deferral Dates:

Prepared: KMM
Reviewed:
Approved:

SERVICES

Wastewater Plant:	G.T. Lohmeyer (11/17)	Potable Water Plant:	Broward County 1A (05/16)
Design Capacity:	48.0000 MGD	Design Capacity:	16.0000 MGD
12-Mo. Avg. Flow:	38.9000 MGD	Peak Flow:	8.6000 MGD
Est. Project Flow:	0.0007 MGD	Est. Project Flow:	0.0004 MGD

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

PARKS

SCHOOLS

Dwelling Units	Impact Fee
N/A	N/A

Local:

Regional:

	Land Dedication	Impact Fee	Admin. Fee
Local:	County conducts no local review within municipalities	N/A	N/A
Regional:	N/A	N/A	N/A

TRANSPORTATION

Concurrency Zone: Central	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	227	*	N/A
Total:	227	*	N/A

* See Staff Comment No. 3 & 4
See Finding No. 1
See Staff Recommendation No. 34

BW CYPRESS & POWERLINE
043-MP-15

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the uses being a service station/convenience store with 18 fueling positions and 4,200 square feet of commercial. This property is being platted because it does not qualify for an exception to the mandatory platting rule, as the plat boundaries are not specifically delineated on a recorded plat.
- 2) Trafficways approval is valid for 10 months. Approval was received on January 25, 2018.
- 3) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code amendments adopted April 26, 2005, transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 4) At the time of plat application, an 829 square feet convenience store existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, this structure may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. No credit will be granted for demolition occurring more than eighteen (18) months prior to the review of construction plans submitted for County environmental review approval.
- 5) This plat 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.
- 6) Surface water management plans for this plat 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. The surface water management licensing requirements of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division must be met prior to any construction.
- 7) The Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division has 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, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. Wastewater receiving lift stations and force mains are critical components of the conveyance system. For additional information, contact the Water and Environmental Licensing Section at 954-519-1483.

- 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 to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 9) The Water and Environmental Licensing Section encourages that 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 be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials 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 of the Environmental Engineering and Permitting Division.
- 10) 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>
- 11) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation regulations of the City of Fort Lauderdale. 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.
- 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. Any vehicle washing facility not connected to a sanitary sewer system must recycle 100% of its wash water and no discharge to the drainage system will be permitted.

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- 14) A demolition notice of the existing convenience store will be required from the Broward County Air Licensing and Compliance Section of the Environmental Engineering and Permitting Division.
- 15) A Storage Tank License will be required. Contact the Environmental and consumer Protection Division at 954-519-1260 for specific license requirements.
- 16) 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, 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 Remediation Section must approve any dewatering activities at this site.
- 17) Plat approval 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 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 waiver of approval of any other permit that may be required for other aspects of the project.
- 18) This property is within 20,000 feet of Fort Lauderdale Executive Airport and Pompano Beach Municipal Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 19) Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. The archaeologist 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's Urban Design and Planning Division at 954-828-6520 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

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examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

- 20) This site is served by BC Transit Route 14 on Powerline Road (SR 845) and BS ID #1179.
- 21) The recommendations of the Highway Construction and Engineering Division and the Transit Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 22) Openings or improvements on functionally classified State Roads are subject to the "Rules of the Department of Transportation Chapter 14-97 State Highway System Access Management Classification System and Standards." In accordance with Section 5-189(b)(5) of the Land Development Code, the applicant has submitted the attached pre-application approval letter from the Florida Department of Transportation.
- 23) The attached memorandum from the Broward County Planning Council's staff indicates that they have received documentation from the City of Fort Lauderdale that on June 6, 2017, the City allocated the 20% Employment Center-to-Commercial flexibility rule through Ordinance No. C-17-11. As a result, the proposed service station/convenience store with 16 fueling position and commercial uses are in compliance with the permitted uses of the effective land use plan. Also, the Planning Council further notes that this allocation of "flexibility" is not subject Policy 2.10.1 of the Broward County Land Use Plan as the plat is not located within 500 feet of a Broward County Regional Park, or an Environmental Sensitive Land.
- 24) The attached resolution (Resolution No. 17-120) has been received from the City of Fort Lauderdale showing that the proposed plat satisfies the provisions of the City's Unified Land Development Code.
- 25) 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.
- 26) 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

CONCURRENCY REVIEW

- 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.

RATIONAL NEXUS REVIEW

- 2) This plat has been evaluated by staff of the Highway Construction and Engineering Division for the relationship between the impact of the proposed development and the right-of-way dedications required by the Broward County Land Development Code ("rational nexus test"). Staff has made a finding that the proposed development meets the threshold test for rational nexus and this report includes right-of-way dedication requirements.

STAFF RECOMMENDATIONS

NON-VEHICULAR ACCESS LINE REQUIREMENTS

It is the express intent of this non-vehicular access line to eliminate all proposed openings and existing driveways not specifically delineated in the following recommendations:

- 1) Along the ultimate right-of-way for Cypress Creek Road (Northwest 62 Street) except at a 40-foot opening with centerline located approximately 20 feet east of the west plat limits. Said non-access line shall extend along both sides of the ingress/egress easement except for the south 25 feet.

This opening is restricted to right turns only.

- 2) Along the ultimate right-of-way for Powerline Road (SR 845) except at a 50-foot opening with centerline located approximately 47 feet north of the south plat limits. Said non-access line will include a corner chord.

This opening is restricted to right turns only.

RIGHT-OF-WAY REQUIREMENTS (Dedicate)

- 3) Ten (10) feet of right-of-way for the northern 175 feet of the plat and 6.34 feet of right-of-way for the remainder to comply with the Broward County Trafficways Plan on Powerline Road (SR 845), a 120-foot Arterial.
- 4) Five (5) feet of right-of-way for the eastern 175 feet of the plat to comply with the Broward County Trafficways Plan on Cypress Creek Road (NW 62nd Street), a 110-foot Arterial.
- 5) Eleven (11) feet of right-of-way along the eastern 125-foot and 17 feet of right-of-way for the remainder for an expanded intersection on Cypress Creek Road (NW 62nd Street) at Powerline Road (SR 845).

Note: The intersection of Cypress Creek Road (NW 62nd Street) and Powerline Road (SR 845) is required to meet the minimum standards established for an expanded intersection.

- 6) Right-of-way for a corner chord based on a 35-foot radius at the intersection of Cypress Creek Road (NW 62nd Street) at Powerline Road (SR 845).
- 7) Twelve (12) feet of right-of-way for a combination bus bay and right turn lane on Powerline Road (SR 845) commencing at the corner chord and extending through the 50-foot opening.

ACCESS EASEMENT REQUIREMENTS

- 8) Provide a 40-foot wide by 50-foot deep ingress/egress easement in the 40-foot opening on Cypress Creek Road (Northwest 62 Street). The dimensions may be modified to more closely approximate the proposed driveway dimensions. Any proposed modifications are subject to the review and approval of the Highway Construction and Engineering Division prior to plat recordation.
- 9) Provide a 25-foot wide access easement connecting the southern 25 feet of the aforementioned easement to the adjoining parcel to the west. Any proposed modifications are subject to the review and approval of the Highway Construction and Engineering Division prior to plat recordation.
- 10) For the two-way driveway that will be centered in any opening: the minimum pavement width shall be 24 feet, the minimum entrance radii shall be 30 feet.
- 11) The minimum distance from the ultimate property line on Powerline Road (SR 845) or Cypress Creek Road (Northwest 62 Street), 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 25 feet.

SIDEWALK REQUIREMENTS FOR BUS LANDING PAD (Dedicate)

- 12) Provide a 2-foot wide x 40-foot long paved bus landing pad (8-foot total expanded sidewalk) on Powerline Road (SR 845) commencing 88 feet south of the north plat limits (along the east plat limits) and continuing south for 40 feet.

BUS SHELTER REQUIREMENTS (Easement)

- 13) Provide an 8-foot wide x 14-foot long bus shelter easement on Powerline Road (SR 845) commencing 108 feet south of the north plat limits (along the east plat limits) and continuing south for 14 feet.

TRAFFICWAYS IMPROVEMENTS (Secure and Construct)

- 14) The removal of all existing driveways in locations not consistent with approved openings in the non-vehicular access line and the construction of curb, gutter, and sidewalk in these openings when necessary to complete the required improvement.

TURN LANE IMPROVEMENTS (Secure and Construct)

- 15) An eastbound right turn lane on Cypress Creek Road (NW 62nd Street) at Powerline Road (SR 845) with 150 feet of storage and 50 feet of transition.

The length of turn lane storage is measured from the end of taper (transition) to the point of curvature of the driveway radius, or corner chord in the case of intersecting road right-of-way. Design and approval is subject to the Highway Construction and Engineering Division.

COMBINATION BUS BAY/RIGHT TURN LANE (Secure and Construct)

- 16) A southbound combination bus bay/right turn lane on Powerline Road (SR 845) commencing 38 feet south of the north plat limit and continuing south for 265 feet with continuous storage through the 50-foot opening.

Design is subject to review by the Service and Capital Planning Section of the Transit Division, the Paving and Drainage Section of the Highway Construction and Engineering Division, and the Permits Section of the Florida Department of Transportation.

SIDEWALK REQUIREMENTS (Secure and Construct)

- 17) Along Cypress Creek Road (North West 62 Street) adjacent to this plat.
- 18) Along Powerline Road (SR 845) adjacent to this plat.

SIDEWALK FOR BUS LANDING PAD (Secure and Construct)

- 19) An 8-foot wide x 40-foot long expanded sidewalk for the bus landing pad (design must extend to the face of curb and gutter) on Powerline Road (SR 845) commencing 88 feet south of the north plat limit and continuing south for 40 feet. The design is subject to review by the Service and Capital Planning Section of the Transit Division, the Paving and Drainage Section of the Highway Construction and Engineering Division and the Permits Section of the Florida Department of Transportation.

COMMUNICATION CONDUIT/INTERCONNECT (Secure and Construct)

- 20) The developer shall be responsible for replacement of communication conduit/interconnect that is damaged by construction of the required improvements. The security amount for communication conduit/interconnect along Cypress Creek Road (NW 62nd Street) and Powerline Road (SR 845) shall be determined by the Traffic Engineering Division.

PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

- 21) 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

- 22) Section 5-184(d)(2) of the Broward County Land Development Code requires a recordable agreement for the 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 plat. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to the issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction and Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.
- 23) The Installation of Required Improvements Agreement (CAF#450) 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 plat recordation and/or the 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 and Engineering Division's web page at:
<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

- 24) The construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to the 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 a field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.

- 25) Communication Conduit/Interconnect plans (3 sets and a cost estimate) shall be submitted to the Traffic Engineering Division. Any easements necessary for the relocation and maintenance of the conduit must be provided and shown on the submitted plans. No security shall be released without a field inspection and final approval of all materials, installations and locations by the Traffic Engineering Division.

FLORIDA STATUTES CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

26) SURVEY DATA

- A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description.
- 1) Revise the bearings on the plat drawing to run all in a clockwise or counterclockwise direction and to follow the description.
 - 2) Due to some of the text being hand drafted, there is an issue with the spacing and formatting of the text in the legal description on the plat mylar. Review and revise.
- B) Two land ties to two independent land corners or one land corner and one other recorded corner must be shown. Show found monumentation at both corners.
- C) There are two lines labeled as the basis of bearings on the drawing. Review and revise.
- D) Verify the identification on and the location of the found monument on the west boundary of this plat, 78.54' north of the southwest corner. A site inspection by Broward County Highway Construction and Engineering Division staff on January 6, 2016 found a monument that differs from what is shown on the plat. Review and revise as necessary.
- E) The platting surveyor must submit Certified Corner Records for section corners used in preparation of the plat to both the State and Broward County. County staff will confirm submittal to the State prior to plat recordation. For section corners which have Certified Corner Records on file, the surveyor must submit an affidavit confirming that the Section corner was found to be substantially as described in the most recently available certified corner record. Standard affidavit forms are available from the County Surveyor's Office.
- F) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

27) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Address any easements, rights-of-way, or specific purpose parcels to be created by this plat in the Dedication language.
- B) Depict the entire right-of-way width of Cypress Creek Road and Powerline Road adjacent to the plat. Label the rights-of-way shown with all recorded instruments which establish public rights-of-way adjacent to this plat. Refer to the Adjacent Right-of-Way Report. Contact the Florida Department of Transportation to obtain a copy of a Final Judgement identified as LP 68-4261. This instrument applies to a portion of the right-of-way for N.W. 62ND Street in Section 10-49-42.
- C) Obtain and provide copy of the latest FDOT Right-of-Way map for Cypress Creek Road and Powerline Road adjacent to the plat. Add labels for same indicating the State road designation, roadway section number, sheet number, and the latest date of revision. Verify the sheet numbers on the FDOT map for Powerline Road that show the area where this plat is located. Sheet 2 shows the general relationship of the right-of-way to land lines. It does not indicate the location and dimensions of parcels created by the map. Refer to Sheet numbers 5 and 6 and revise as necessary.
- D) Explain the depiction of the centerline of a right-of-way corridor with a variable width. Review and revise as necessary.
- E) Depict and label with type, width, and recording information for any applicable existing easements within the plat as identified in the title work or provide evidence of their release/vacation.

28) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS

- A) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by an original title certificate or an attorney's opinion of title which shall:
 - 1) be based upon a legal description that matches the plat.
 - 2) be based upon a search of the public records within forty-five (45) days of submittal.
 - 3) contain the names of all owners of record.
 - 4) contain the names of all mortgage holders of record and if there are no mortgages, it shall so state.
 - 5) contain a listing of all easements and rights-of-ways of record lying within the plat boundaries.

- 6) contain a listing of all easements and rights-of-ways which abut the plat boundaries and are necessary for legal access to the plat, and if there are none it shall so state.

The title must be updated for the review of any agreements and for the recordation process. Standard format for "Title Certificates," "Opinions of Title," the "Adjacent Right-of-Way Report," and a "Guide to Search Limits of Easements and Right-of-Way" may be obtained by contacting the Highway Construction and Engineering Division or by visiting the Division's web site: <http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>

- B) The Dedication on the original mylar must be executed by all record owners with original signatures. For property owned by an individual (or by individuals), the plat must be executed in the presence of two witnesses for each signature. Property owned by corporations must be executed by at least one of the following officers: the President, Vice President, or Chief Executive Officer together with either (i) two witnesses or (ii) the Corporate Seal. A plat which has been executed by any officer other than the President, Vice President, or Chief Executive Officer must also provide documentation authorizing the individual(s) who executed the plat. The officers executing a plat must be verified through the Florida Department of State, or by the applicant providing corporate documentation. Persons executing plats owned by a partnership or a trust must provide documentation clearly demonstrating their authority to execute on behalf of the partnership or trust.
- C) In the Dedication and Acknowledgement block the name of the managing member of Cypress Creek Powerline LLC, is illegible. Review and revise plat mylar.
- D) All mortgagees must execute the plat with original signatures, seals, and witnesses.
- E) Acknowledgments and seals are required for each signature.

29) DRAFTING AND MISCELLANEOUS DATA

- A) Address any undefined abbreviations or symbols used on the plat or added during revisions. Remove any abbreviations and symbols from the Legend that do not appear on the plat. Add any missing abbreviations and symbols to the Legend that appear on the plat or are added during revisions.
- B) Add TRACT "A" to the label for Madigan Plat, P.B. 126, PG. 13, B.C.R.
- C) Increase the scale of the 1/4 Section Corner 'symbol' at the NE Corner of the SE 1/4 of Section 9-49-42.
- D) Show a P.R.M. symbol at the angle points on the east plat boundary.
- E) No text on the plat drawing should be obstructed or overlapped by lines or other text.

- F) The plat borders must be 1/2-inch on three sides with a 3-inch margin on the left side.
- G) The plat original must be drawn with black permanent drawing ink or nonadhered scaled print on a stable base film.
- H) The sheet size must be 24 inches by 36 inches.

30) SIGNATURE BLOCKS

- A) The Surveyor's Certification must be signed and the plat sealed by a professional surveyor and mapper, and state that the plat was prepared under his or her direction and supervision, and complies with all of the survey requirements of Florida Statutes Chapter 177.
- B) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by a copy of the City conditions of approval. (Agenda Report or Resolution listing all of the conditions of municipal plat approval.)

31) HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION INTERNAL PROCEDURES

The following items are required for plat recordation but are completed by County staff:

- A) Planning Council Executive Director Signature.
- B) Completion of POSSE Inputs; Impact Fee and Security reports printed.
- C) County Surveyor sign-off.
- D) P.R.M.s verified.
- E) Development Order, Planning and Development Management Director Signature.
- F) Highway Construction and Engineering Director Signature.
- G) City of Fort Lauderdale – Transmit scanned copy of mylar for review:
Anthony Fajardo afajardo@fortlauderdale.gov 954-828-5984

NOTES:

- a) The applicant may request a copy of the FS 177 check print by calling Luis Gaslonde at 954-577-4598.
- b) Additional changes made to the original plat mylar (beyond this list of corrections) may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

- 32) Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.
- 33) 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, construction, studies, etc., shall conform to the applicable sections of the following:
 - A) United States Department of Transportation: "Manual on Uniform Traffic Control Devices" (MUTCD).
 - B) State of Florida Department of Transportation:
 - 1) "Roadway and Traffic Design Standards."
 - 2) "Standard Specifications."
 - 3) "FDOT Transit Facilities Guidelines."
 - C) Broward County: "Minimum Construction Standards for Roadways Under Broward County Jurisdiction" (Exhibit 25A of Section 25.1, Broward County Administrative Code).

In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above.

- 34) Applicant must pay transportation concurrency fees during the review of construction plans submitted for County environmental review approval by the Development and Environmental Review Section of the Planning and Development Management Division, in accordance with the fee schedule specified in the Land Development Code.
- 35) This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as required by Florida Statutes Chapter 197.192. The applicant must submit a current tax letter from the Revenue Collection Division providing proof of payment.
- 36) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due.

37) Place a note on the face of the plat reading:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **March 20, 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 **March 20, 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.

38) Place a note on the face of the plat reading:

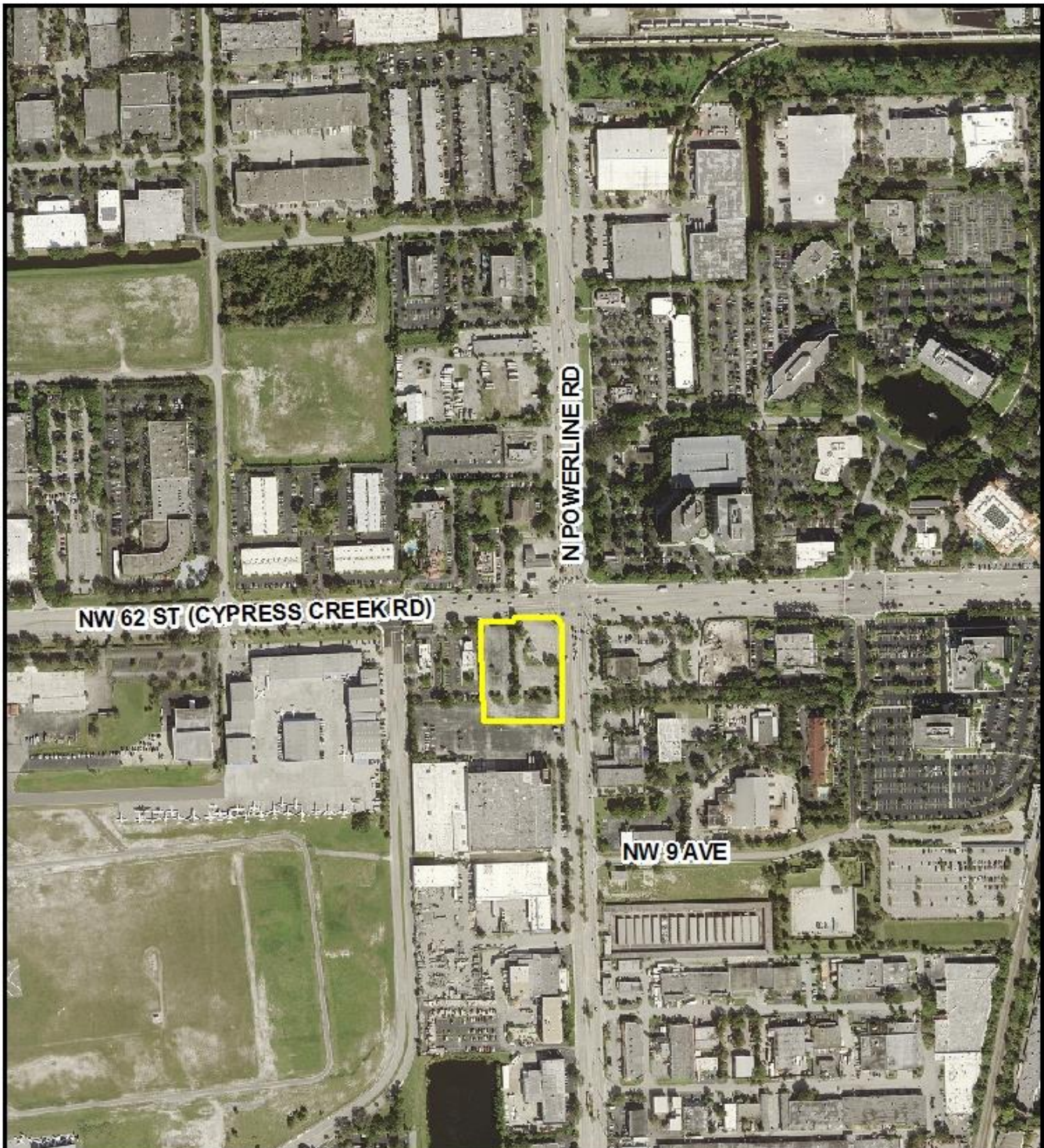
This plat is restricted to a convenience store/service station with 18 fueling positions and 4,200 square feet of commercial use.

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.

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.

39) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Continued



Commission District No. 9
Municipality: Fort Lauderdale
S/T/R: 09/49/42



043-MP-15
BW Cypress & Powerline



0 250 500 1,000 Feet

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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

MIKE DEW
SECRETARY

February 28, 2018

THIS PRE-APPLICATION LETTER IS **EXTENDED** UNTIL – February 28, 2019
THIS LETTER IS NOT A PERMIT APPROVAL

George Balaban
Bohler Engineering
2255 Glades Road, Suite 305
Boca Raton, FL 33431

Dear George Balaban:

RE: **February 28, 2018** - Pre-application Extension for **Category E Driveway**, Date of Pre-Application Meeting: **April 28, 2016**
Broward County - City of Ft. Lauderdale, Urban; SR 845; Sec. # 86065; MP 4.550
Access Class - 05; Posted Speed - 45 mph; SIS - N
Request: Right-in/right-out driveway on SR 845/Powerline Road approximately 325 feet south of West Cypress Creek Road.

SITE SPECIFIC INFORMATION

Project Name & Address: - 6191 & 6001 N. Powerline Road, Fort Lauderdale
Applicant/Property Owner: BW Cypress Creek Powerline, LLC & Hess Retail Stores LLC. Parcel Size: 2.57 Acres
Max. Sq.ft./Proposed LU: 18 F.P Gas Station with 7,000 S.F. C. Store and 4,000 S.F. Fast Food Restaurant with Drive-Thru

WE APPROVE YOUR REQUEST

This decision is based on your presentation of the facts, site plan and survey - please see the **conditions** and **comments** below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

Conditions:

- A minimum driveway length of 25 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided.
- A right turn lane is required and must meet FDOT design standards and include space for bicycle lane.
- Cross access agreement with adjacent property to the west/south shall be recorded and provided at the time of Permit.

Comments:

- 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 for more than one acre of "disturbed area" as defined by the Florida Department of Environmental Protection (FDEP).
- The applicant shall donate the right-of-way to the Department if right-of-way dedication is required to implement the improvements.
- All driveways not approved in this letter must be fully removed and the area restored.
- Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit 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. **Note, 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. 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

Please contact Geysa Sosa, P.E. at the District Permits Office with any questions regarding permits – Tel. # 954-777-4377, Fax # 954-677-7893 or e-mail: geysa.sosa@dot.state.fl.us.

Sincerely,


Aidin Massahi, Ph.D.
District Traffic Access Manager

GS/nyh

cc: Roger Lemieux



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

FROM: Barbara Blake Boy, Executive Director 

RE: BW Cypress & Powerline
(043-MP-15) City of Fort Lauderdale

DATE: October 23, 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 "Employment Center" land use category. This plat is generally located on the southwest corner of Cypress Creek Road and Powerline Road.

Planning Council staff has received written documentation that the City of Fort Lauderdale allocated the "20% Employment Center-to-Commercial" flexibility rule to this plat on June 6, 2017, through Ordinance Number C-17-11. Therefore, the proposed convenience store and service station with 16 fueling positions and commercial uses are in compliance with the permitted uses of the effective land use plan.

Planning Council staff notes that this allocation of "flexibility" is not subject to Policy 2.10.1 of the Broward County Land Use Plan as the subject parcel is not located 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 located adjacent to another municipality.

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

North:	Employment Center
South:	Employment Center
East:	Employment Center
West:	Employment Center

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:PMS

cc: Lee Feldman, City Manager
City of Fort Lauderdale

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

RESOLUTION NO. 17-120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT ENTITLED "BW CYPRESS & POWERLINE" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, BW Cypress Creek Powerline, LLC, submitted an application for review of a plat entitled "BW CYPRESS & POWERLINE"; and

WHEREAS, the City Commission considered the application and the record and recommendations forwarded by the Development Review Committee, the Department of Sustainable Development and the Planning and Zoning Board; and

WHEREAS, at its public meeting on June 6, 2017, the City Commission heard public comment on the application and determined that the proposed plat satisfies the provisions of Section 47-24.5. of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR") and other applicable land development regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the plat entitled "BW CYPRESS & POWERLINE", as recommended for approval by the Planning and Zoning Board of the City of Fort Lauderdale, Florida on March 15, 2017, is hereby approved by the City Commission of the City of Fort Lauderdale, Florida as presented.

SECTION 2. That the approval of this plat is subject to the final technical approval of the City Engineer as set forth in Section 47-24.5.B.6 of the ULDR of the City of Fort Lauderdale, Florida.

SECTION 3. That said plat to be effective must be recorded in the Public Records of Broward County, Florida, within the time limit provided in the ULDR of the City of Fort Lauderdale, Florida.

SECTION 4. 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 fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.


RESOLUTION NO. 17-120

PAGE 2

SECTION 5. That this approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development and the application of the commercial flexibility rule permitting commercial uses within the subject plat.

SECTION 6. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 6th day of June, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI