

STAFF REPORT
BMW Sunrise Plat
011-MP-08

A request to amend a platted non-vehicular access line (“NVAL”) has been filed with the Planning and Development Management Division. This plat was approved by the Broward County Board of County Commissioners (“Board”) on September 22, 2009. The property is located on the south side of Sunrise Boulevard, between Northeast 7 Avenue and Northeast 10 Avenue, in the City of Fort Lauderdale. This plat was recorded on March 10, 2014 (Plat Book 181, Page 42).

A companion item to amend the plat note has also been filed and is scheduled for County Commission consideration on October 23, 2018.

The applicant is requesting to amend the NVAL along Northeast 10 Avenue to delete the south 313.92 feet. The existing NVAL was created in conjunction with a parking easement on the subject site for overflow parking for King Motor and Holiday Park, which has recently been vacated by the owner and City of Fort Lauderdale. This vacation is associated with proposed site conditions and changes to the access openings along Northeast 10 Avenue. Northeast 10 Avenue is not a county roadway; therefore an NVAL is not required along this portion of the plat.

The attached letter from the City of Fort Lauderdale indicates no objection to this request.

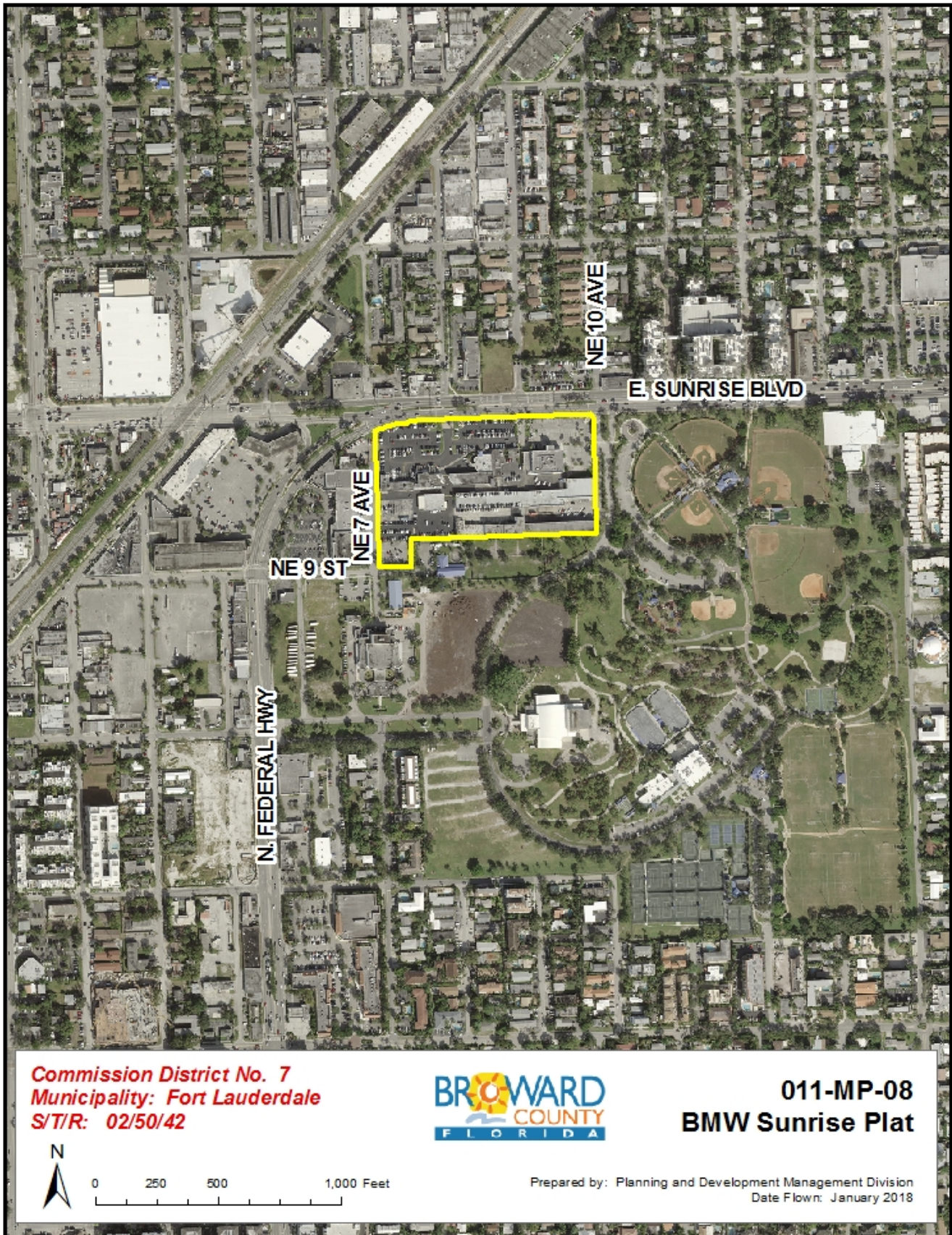
The attached pre-application letter from the Florida Department of Transportation (FDOT) indicates approval of the proposed modifications the site subject to the conditions and comments contained therein. The applicant is advised to contact Djemcy Limage, FDOT Access Management, at 954-777-4363 or djemcy.limage@dot.state.fl.us.

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 and shall meet the standards of the Broward County Development Code at the time of permit.

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.

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.

JWP





September 7, 2018

Ms. Thuy Turner, AICP
Environmental Protection and Growth Management Department
Planning and Development Management Division
One North University Drive, Suite 102-A
Plantation, Florida 33324

RE: Letter of No Objection to Non-Vehicular Access Line (NVAL) Amendment – "BMW SUNRISE PLAT" – CASE – A17057

Dear Ms. Turner:

The City of Fort Lauderdale is in receipt of a request for a non-vehicular access line (NVAL) amendment to the BMW SUNRISE PLAT, approved on July 16, 2008 by the City of Fort Lauderdale (Resolution Number 08-183) and currently awaiting approval by Broward County, Florida.

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

The specific NVAL request is as follows:

From:

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:

DESCRIPTION: ACCESS AND PARKING EASEMENT (PER O.R. BOOK 44859, PAGE 1549 BCR)

A PORTION OF PARCEL "A", RE-SUBDIVISION OF BLOCKS 220 AND 221 "PROGRESSO" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 60, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND LOTS 15 AND 16 "PROGRESSO". ACCORDING TO THE PLAT THEROF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID PARCEL "A" AND THE EAST LINE OF SAID LOTS 15 AND 16, A DISTANCE OF 313.92 FEET; THENCE WESTERLY ALONG A LINE PERPENDICULAR WITH THE LAST DESCRIBED LINE A DISTANCE OF 5.00 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH AND 5.00 FEET WESTERLY OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID PARCEL "A", A DISTANCE OF 313.92 FEET, TO THE SOUTH LINE OF SAID PARCEL "A"; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL "A" A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA CONTAINING 1570 SQUARE FEET MORE OR LESS.

DESCRIPTION: INGRESS/EGRESS AREAS

THE SOUTH 12.00 FEET OF THE NORTH 176.8 FEET, TOGETHER WITH THE NORTH 24.00 FEET OF THE SOUTH 74.4 FEET OF THE ABOVE DESCRIBED ACCESS AND PARKING EASEMENT.

ALSO SHOWN ON THE "BMW SUNRISE PLAT" AS RECORDED IN PLAT BOOK 181, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, LOCATED ALONG THE EAST LINE OF TRACT "A" AS SHOWN ON THE "BMW SUNRISE PLAT" AS RECORDED IN PLAT BOOK 181, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA.

To:

IT IS THE EXPRESS INTENT TO DELETE THE EXISTING NON-VEHICULAR ACCESS LINE DESCRIBED BELOW:

DESCRIPTION:

A VEHICULAR ACCESS LINE LYING WITHIN TRACT A OF THE BMW SUNRISE PLAT AS RECORDED IN PLAT BOOK 181 AT PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID BWM SUNRISE PLAT RUN WEST FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION THENCE RUN NORTH 00°01'00" FOR A DISTANCE OF 313.92 FEET TO THE TERMINUS OF THIS LINE.

SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Pursuant to Section 47-24.5 of the City of Fort Lauderdale Unified Land Development Regulations, the City has reviewed the proposed deletion of 313.92 feet of the NVAL line located in the southeast corner of the BMW plat and has no objections to the note change.

If you have any questions or require additional information, please feel free to contact Tyler Laforme, Planner I at 954-828-5633 or via email at Tlaforme@fortlauderdale.gov.

Sincerely,



Christopher Cooper, Deputy Director, Department of Sustainable Development
Department of Sustainable Development

Cc via email: Christopher Lagerbloom, Assistant City Manager
Anthony Greg Fajardo, Director, Department of Sustainable Development
Ella Parker, Urban Design and Planning, Department of Sustainable Development
Steven Wherry, Greenspoon Marder



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

**MIKE DEW
SECRETARY**

September 24, 2018***

THIS PRE-APPLICATION LETTER IS VALID UNTIL – July 26, 2019
THIS LETTER IS NOT A PERMIT APPROVAL

*** Letter revised on September 24, 2018 to modify the development size.

Grant S. Besing
Winningham & Fradley, Inc.
111 NE 44th Street
Oakland Park, FL 33334

Dear Grant S. Besing:

RE: **September 24, 2018** - Pre-application Meeting for **Category E Driveway**
Broward County - City of Fort Lauderdale, Urban; SR 5; Sec. # 86020; MP: 1.200
Access Class - 05; Posted Speed - 35 mph; SIS - Influence Area; Ref. Project: FM 441759.1

- Request: Maintain existing access along connections along SR 5/SR 838:**
- **Driveway 1: Right-in/right-out located approximately 290 feet West of NE 10th Ave.**
 - **Driveway 2: Right-in/right-out/left-in (median opening) at NE 10th Ave Public ROW connection.**
 - **Add right turn lane for driveway 1.**

SITE SPECIFIC INFORMATION
Project Name & Address: Holman Bentley & Aston Martin - 900 E. Sunrise Blvd., Fort Lauderdale, FL 33304
Applicant/Property Owner: Holman Automotive Inc.
Parcel Size: 9.89 Acres Development Size: 198,000 SF/ Auto Retail to 207,400 SF/ Auto Retail

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 75 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided. If a gate is installed a minimum driveway length of 75 feet is required.**
- **A right turn lane must meet FDOT design standards and include space for bicycle lane.**

Comments:

- **Coordination with the Planning & Environmental Management Office will be required at the time of Permit for an existing count station on SR 5/SR 838.**

Coordination with the Planning & Environmental Management Office's Sunrise Corridor Study is required. The Study proposes closure of the existing directional median opening at Driveway 1.

- **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, or e-mail: geysa.sosa@dot.state.fl.us.

Sincerely,

Ashok Sampath
District Access Management Manager

cc: Roger Lemieux

File: S:\Transportation Operations\Traffic Operations\Access Management\1. Pre-Apps and Variance\2018-07-26\3. 86020 MP 1.200 SR 5_Holman Bentley & Aston Martin\86020 MP 1.200 SR 5_Holman Bentley & Aston Martin.docx



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: September 27, 2018

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
(Amendment to Non-Vehicular Access Line)
BMW Sunrise Plat (011-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 NE 10th Avenue 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.

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

NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

1. The property owners of BMW Sunrise (Folio Number 504202570010) must fully execute the Amendment to Nonvehicular 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 the deletion of the southern 313.92 feet of the non-vehicular access line along NE 10th Avenue adjacent to the plat.

GENERAL REQUIREMENTS

6. 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.
7. 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

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

BROWARD COUNTY
**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 BMW Sunrise Plat

Plat/Site Plan Number 11-MP-08 Plat Book - Page 181/42 (If recorded)

Owner/Applicant Holman Automotive, Inc. Phone c/o 954-557-4204

Address c/o 200 E. Broward Blvd. Suite 1800 City Ft. Laud. State FL Zip Code 33301

Owner's E-mail Address c/o marla.neufeld@qmlaw.com Fax # _____

Agent Greenspoon Marder, PA Phone 954-761-2929

Contact Person Steven Wherry and Marla Neufeld

Address 200 E. Broward Blvd. Suite 1800 City Ft. Laud. State FL Zip Code 33301

Agent's E-mail Address marla.neufeld@qmlaw.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) _____

Land Development Code citation(s) _____

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

If yes, indicate name(s), department and date _____

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

See attached narrative for amendment to NVAL

**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.
- 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 about 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 [Signature]

Sworn and subscribed to before me this 25 day of July, 2018
by Marla Newfeld

He/she is personally known to me or

Has presented _____ as identification.

Signature of Notary Public [Signature]

Type or Print Name Susan A. Kindig



Susan Kindig
Commission # GG203343
Expires: July 23, 2021
Broward County Assn Notary

FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time 2:35 PM Application Date 8/3/18 Acceptance Date 8/6/2018
 Comments Due 8/20/2018 C.C. Mtg. Date 9/25/2018 Fee \$ 2410.00
 Report Due 8/27/2018 Adjacent City N/A
 Plats Site Plans/Drawings City Letter FDOT Letter
 Other (Describe) SURVEY (EX./PROP.)
 Title of Request NVAL MOD. FOR BMW SUNRISE
 Distribute to: Engineering Traffic Engineering Mass Transit
 Other FDOT Other _____
 Comments REQUESTED A REVISED NARRATIVE.
 Received by [Signature] JEAN-PAUL PEREZ 8/6/18



Marla Neufeld, Esq.
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Phone: 954.491.1120
Fax: 954.771.9264
Direct Phone: 954.761.2929
Direct Fax: 954.333.4129
Email: marla.neufeld@gmlaw.com

NVAL Amendment Narrative

The Applicant submits this application for an amendment to the NVAL on the BMW Sunrise Plat following a recent vacation of a Parking Easement Agreement between the City of Ft. Lauderdale ("City") and King Motor Company, its successors and assigns as recorded in Public Records of Broward County in Official Record Book 44859 at Page 1538. The parking easement which was recently vacated by the City on July 10, 2018 provided overflow parking within NE 10th Avenue Right of way for the benefit of King Motor and Holiday Park and described two (2) access points from the King Motor Company Property into NE 10th Avenue. The two (2) ingress/egress points being modified and removed from the NVAL based on the vacation of the parking easement and the removal of the existing NVAL is depicted on the proposed NVAL sketch and legal.

The parking easement is no longer needed for a public purpose as the parking for the property has being relocated and improved on the City's adjacent park property to the east of the current parking easement. The existing parking easement was to serve overflow parking however due to the new parking on the City's park site, the parking easement is no longer needed.

Based on the above, the existing NVAL is pursuant to **Exhibit A**, attached hereto, and the proposed NVAL is pursuant to **Exhibit B**, attached hereto.

EXHIBIT B - Proposed

