

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

PROJECT DESCRIPTION

| | | | |
|------------|---|---------------|-------------|
| Name: | OAKLAND COMMERCE CENTER | Number: | 039-MP-17 |
| Applicant: | Ken Golden – Oakland Commerce Center, LLC | Comm. Dist.: | 4 |
| Agent: | Keith and Associates | Sec/Twp/Rng: | 21-49-42 |
| Location: | South Side of Northwest 35 Court, Between Northwest 9 Avenue (Powerline Road) and Northwest 10 Avenue | Platted Area: | 1.891 Acres |
| City: | Oakland Park | Gross Area: | N/A |
| Replat: | N/A | | |

LAND USE

| | | | |
|------------------|---|-----------------------------|--------------|
| Existing Use: | Vacant | Effective Plan: | Oakland Park |
| Proposed Use: | 20,000 Sq. Ft. Commercial & 20,000 Sq. Ft. Office | Plan Designation: | Industrial |
| Adjacent Uses: | | Adjacent Plan Designations: | |
| North: | Industrial | North: | Industrial |
| South: | Commercial | South: | Commercial |
| East: | Industrial | East: | Industrial |
| West: | Single Family Residential | West: | Industrial |
| Existing Zoning: | I-1 | Proposed Zoning: | PRZ |

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinance

Meeting Date: 01/08/19
Action Deadline: 02/12/19
Deferral Dates:

Prepared: HWC
Reviewed:
Approved:

SERVICES

| | | | |
|--------------------|-----------------------|----------------------|-------------------------|
| Wastewater Plant: | G.T. Lohmeyer (09/18) | Potable Water Plant: | Fort Lauderdale (11/17) |
| Design Capacity: | 48.0000 MGD | Design Capacity: | 90.000 MGD |
| 12-Mo. Avg. Flow: | 39.9700 MGD | Peak Flow: | 48.300 MGD |
| Est. Project Flow: | 0.0060 MGD | Est. Project Flow: | 0.006 MGD |

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

PARKS

| SCHOOLS | | | Land Dedication | Impact Fee | Admin. Fee |
|----------------|------------|-----------|---|------------|------------|
| Dwelling Units | Impact Fee | Local: | County conducts no local review within municipalities | N/A | N/A |
| N/A | N/A | Regional: | N/A | N/A | N/A |

TRANSPORTATION

| Concurrency Zone: | Trips/Peak Hr | Transit Concurrency Fee | Road/Admin. Fee |
|-------------------|---------------|-------------------------|-----------------|
| Central | | | |
| Res. Uses: | N/A | N/A | N/A |
| Non-Res. Uses: | 274 | * | N/A |
| Total: | 274 | * | N/A |

* See Staff Comment No. 3
See Finding No. 1
See General Recommendation No. 1

OAKLAND COMMERCE CENTER
039-MP-17

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 20,000 square feet of commercial and 20,000 square feet of office. This property is being platted because it is not specifically delineated.
- 2) Trafficways approval is valid for 10 months. Approval was received on March 22, 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. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance, including canopies and overhangs for drive-thru facilities and for outdoor restaurant seating. In addition, in cases where a building floor may have both commercial and office uses, the entire floor will be assessed as commercial use.
- 4) This plat is not located in a Wellfield Zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 5) This plat is located in the City of Oakland Park and is under the jurisdiction of the Water and Environmental Licensing Section of Broward County Environmental Engineering and Permitting Division. Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. 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.
- 6) 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. As part of the licensing process, adequate capacity will need to be demonstrated for the receiving off-site sanitary sewer conveyance system. For additional information, contact the Water and Environmental Licensing Section at 954-519-1483.
- 7) 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

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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.

- 8) 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.
- 9) 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>
- 10) 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 Oakland Park. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 11) 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.
- 12) 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.
- 13) The subject plat is in the vicinity of known contaminated sites and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, the Environmental Engineering and Permitting Division's approval of an application for a building permit or approval to construct or alter shall not be granted until the Environmental Assessment and Remediation Section of the Environmental Engineering and Permitting Division is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on

site [Section 27-66(h) Broward County Code of Ordinances]. It should also be noted that the Environmental Assessment and Remediation must approve any dewatering activities at this site.

- 14) 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.
- 15) This property is within 20,000 feet of the Fort Lauderdale Executive 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.
- 16) 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 Oakland Park and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Oakland Park's Historic Preservation, Engineering and Community Development Department at 954-457-1375 to seek project review for compliance with the municipal historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.
- 17) This site is currently serviced by BC Transit Routes 10 on Powerline Road and stop ID# 1188. Note the Broward County Transportation Department is requesting an 80 foot wide X 40 foot long expanded sidewalk with a maximum slope of 2% for bus landing pad on Powerline Road. This request will be processed during permitting with the City of Oakland Park.
- 18) The attached memorandum from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division indicates that they have reviewed the plat application and have determined that the comments and recommendations are required with respect to the safe and adequate access

standards of the Broward County Land Development Code. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.

- 19) The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designation is industrial. The proposed office use is in compliance with the permitted uses of the effective land use plan. With regards to the proposed commercial use, Planning Council staff has received written documentation that the City of Oakland Park has allocated the “20% Industrial-Commercial” flexibility rule (Ordinance # O-2018-010) making the proposed commercial use in compliance with the permitted uses of the effective land use plan.

Planning Council staff further notes that this allocation of “flexibility” is not subject to Policy 2.10.1 of the Broward County Land Use as the plat is not located within 500 feet of a Broward County regional park, or an Environmentally Sensitive Land as defined by the Broward County Comprehensive Plan, and is not located adjacent to another municipality.

- 20) The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- 21) Specific questions regarding any of the above comments may be directed to each review agency contact person. A complete list of agency contact information can be accessed on the Planning and Development Management Division’s web page at: www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf

FINDINGS

CONCURRENCY REVIEW

- 1) This plat is located within the Central Transportation Concurrency Management Area. This application meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

GENERAL RECOMMENDATIONS

- 1) 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.

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2) 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.

3) 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.

4) 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 **January 8, 2024**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **January 8, 2024**, 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.

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

This plat is restricted to 20,000 square feet of commercial use and 20,000 square feet of office 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.

Continued

Any structure within this plat must comply with Section 2B.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

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



Commission District No. 4
Municipality: Oakland Park
S/T/R: 21/49/42



039-MP-17
Oakland Commerce
Center



0 125 250 500 Feet

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



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: November 13, 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: Letter to Proceed
Oakland Commerce Center (039-MP-17)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the letter to proceed request from the applicant and offers the following modifications to the Development Review Report for the subject plat. Pursuant to the request by the applicant, staff reviewed the information contained in the request, 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 the DRR may be amended address the applicant's specific request and that new or 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 request subject to the following:

STAFF RECOMMENDATIONS

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:

1) 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) Confirm the status of the 22' Right-of-Way Easement as described in the instrument recorded in O.R.B. 4069, PG. 195, B.C.R. It appears to be included in the description, but it is not within the limits of the plat depicted on the drawing. Review and revise the plat drawing and/or the description as necessary.

If reconciliation of comment number 2 above requires a revision to the description, call out a Point of Commencement to eliminate having two Points of Beginning in the metes and bounds portion of the description.

- B) Provide a survey that matches the plat, after reconciliation of comment number A)2) above.
- C) Show radial bearings where lines intersect non-tangent curves.
- D) P.R.M.s must be labeled "Found" or "Set". (This can be addressed in the Legend)
- E) 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.
- F) The north – south tie from the plat to the S.E. Corner of Section 21-49-42 appears to be incorrect. Review and revise as necessary. Show any monumentation at the corner.
- G) The bearing reference line must be a well-established and monumented line. Depict said line with its monumentation and tie to the plat boundary. Insufficient monumentation is shown for the line called out. Review and revise as necessary.
- H) Review the label for the line of PARCEL "A" per P.B. 123, PG. 14, B.C.R. which coincides with the south plat boundary line of this plat and revise as necessary.
- I) 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 at the following website:
<http://www.broward.org/Publicworks/BCEngineering/Pages/PlatSectionForms.aspx>.

- J) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

2) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Existing right-of-way adjacent to the plat must be identified and verified by instrument. If the right-of-way corridor for Powerline Road is shown on the plat, show the entire width and label the right-of-way shown with all recorded instruments which establish the right-of-way adjacent to this plat.
- B) 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://bcegov2.broward.org/bcengineering/index.asp>

3) 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.

4) 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.

NOTE:


- 1) The applicant may request a copy of the FS 177 check print by calling Jason Espinosa at 954-577-4593 or D.G. McGuire at 954- 577-4602.
- 2) Additional changes made to the original plat mylar beyond the above list of corrections may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

- 5) 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.
- 6) 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.
- 7) 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.
- 8) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.



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

FROM: Barbara Blake Boy, Executive Director 

RE: Oakland Commerce Center
(039-MP-17) City of Oakland Park

DATE: November 8, 2018

This memorandum updates our previous comments regarding the referenced plat dated January 25, 2018.

The Future Land Use Element of the City of Oakland Park Comprehensive Plan is the effective land use plan for the City of Oakland Park. That plan designates the area covered by this plat for the uses permitted in the "Industrial" land use category. This plat is generally located on the south side of Northwest 35 Court, between Northwest 10 Avenue and Powerline Road.

The proposed office use is in compliance with the permitted uses of the effective land use plan.

Regarding the proposed retail use, Planning Council staff has received written documentation that the City of Oakland Park allocated the "20% Industrial-to-Commercial" flexibility rule to this plat on July 18, 2018, through Ordinance Number O-2018-010. Therefore, the proposed retail use is 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: Industrial
South: Commercial
East: Industrial
West: Industrial

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.

Oakland Commerce Center
November 8, 2018
Page Two

BBB:DBT

cc: David Hebert, City Manager
City of Oakland Park

Jennifer Frastai, Director, Engineering and Community Development Department
City of Oakland Park

