

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

PROJECT DESCRIPTION

Name:	FLORIDA POWER & LIGHT UNIT 7 PLAT	Number:	007-MP-18
Applicant:	Florida Power & Light	Comm. Dist.:	7
Agent:	Leigh Robinson Kerr & Associates, Inc.	Sec/Twp/Rng:	30/50/42
Location:	North of Dania Cut-Off Canal and East of S.W. 42 Ave	Platted Area:	2.38 Acres
City:	Dania Beach	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	Electrical Generator Facility	Effective Plan:	Dania Beach
Proposed Use:	27,000 Sq. Ft. Office/Maintenance Ancillary to Utility Plant	Plan Designation:	Electrical Generation Facility. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Utility	North:	Electrical Generation Facility
South:	Dania Cutoff Canal, Utility,	South:	Utility and Low (5) Residential
East:	Utility	East:	Electrical Generation Facility
West:	Utility	West:	Electrical Generation Facility
Existing Zoning:	I-G	Proposed Zoning:	I-G

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 Ordinances.

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

Prepared: HWC
Reviewed:
Approved:

SERVICES

Wastewater Plant:	Hollywood (09/18)	Potable Water Plant:	Hollywood (02/18)
Design Capacity:	55.5000 MGD	Design Capacity:	37.500 MGD
12-Mo. Avg. Flow:	37.6000 MGD	Peak Flow:	26.200 MGD
Est. Project Flow:	0.0005 MGD	Est. Project Flow:	0.005 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

	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: Southeast	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-Res. Uses:	0	*	N/A
Total:	0	*	N/A

* See Staff Comment No. 4
See Finding No. 2
See General Recommendation No. 1

FLORIDA POWER & LIGHT UNIT 7 PLAT
007-MP-18

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 27,000 square feet of office/maintenance use ancillary to existing utility plant. This property is being platted because the plat boundaries are not specifically delineated on a recorded plat.
- 2) Trafficways approval is valid for 10 months. Approval was received on May 24, 2018.
- 3) This plat contains an electrical power plant, and the developer has applied for certification pursuant to the Florida Electrical Power Plant Siting Act ("PPSA"), Sections 403.501 – 403.518, Florida Statutes. Pursuant to the PPSA, the state of Florida has preempted regulation and certification of electrical power plant sites and electrical power plants where a certification application has been received, providing for application of Broward County and the City of Dania Beach nonprocedural requirements within the PPSA certification process, unless otherwise agreed to by the developer.
- 4) This plat is located within a Transportation Concurrency Management Area. The proposed use is an ancillary use to the utility facility. Therefore, no transportation concurrency fees will be assessed.
- 5) 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.
- 6) This plat is located in the City of Dania Beach. Any applicable aspect of Chapter 27, Article V of the Broward County Code ordinance, including surface water management and Wastewater Collection/Transmission System License is reviewed through the PPSA certification process.
- 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. Activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code are reviewed under the PPSA.
- 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. 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. Development of the site should comply with the Tree Preservation Regulations of the City of Dania Beach.
- 11) Any activities regulated under Article XI of the Natural Resource Protection Code which requires an Environmental Resource license shall be reviewed in a manner consistent with the PPSA.
- 12) Water discharge regulations shall be reviewed and approved in a manner consistent with the PPSA and the facility's FDEP Industrial Wastewater Facility Permit.
- 13) Demolition approval shall be processed in a manner consistent with the PPSA.
- 14) Industrial uses and changes shall be reviewed in a manner consistent with the PPSA.
- 15) 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 construction. Wastewater regulation is reviewed through the PPSA and are regulated by the facility's FDEP Industrial Wastewater Facility Permit.
- 16) This property is within 20,000 feet of the Fort Lauderdale-Hollywood International 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. See the attached Memo from Broward County Aviation Department to the City of Dania Beach.
- 17) 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 will not have an adverse effect on any known historical or archeological resources or areas of archeological or paleontological sensitivity.

Continued

- The subject property is located adjacent to previously recorded 8DB4153 (South New River Canal).
- The subject property is located approximately 0.5 miles from previously recorded 8BD3221 (Dania Canal) and the South Fork New River Archeological Zone.
- The subject property is located approximately 1 mile from previously recorded resource 8BD1447 (Alanco1), 8BD1448 (Alandco 2), and 8BD1449 (Alandco 3).

The archaeologist notes that this property is located in the City of Dania Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. However, historical and archaeological resource requirements are reviewed through the PPSA certification process.

- 18) This plat may be served by BC Transit Route 6 on SW 30 Avenue.
- 19) 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.
- 20) The attached comments regarding compliance with the effective Land Use Plan have been received from the Broward County Planning Council.
- 21) 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.
- 22) 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

POWER PLANT SITING ACT REVIEW

- 1) This plat is subject to the Power Plant Siting Act which preempts a substantial portion of the review requirements of by the platting process.

CONCURRENCY REVIEW

- 2) This plat is located within the Southeast Transportation Concurrency Management Area. The district which this plat lies meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.

- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

GENERAL RECOMMENDATIONS

- 1) Transportation Concurrency Fees will not be assessed for the proposed development because the proposed use is ancillary to the existing utility use.
- 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) Pursuant to State Statute 553.73(10)(f), structures or facilities of electric utilities, which are directly involved in the generation, transmission, or distribution of electricity are exempt from the Florida Building Code. Therefore, a finding of adequacy will not be required by Broward County because the site contains an electrical power plant which exempts it from the Florida Building Code.

- 4) Place a note on the face of the plat reading:

This plat is restricted to 27,000 square feet of office/maintenance use, ancillary to existing utility plant.

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 2B.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

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





AVIATION DEPARTMENT - Fort Lauderdale-Hollywood International Airport
2200 SW 45th Street, Suite 101 • Dania Beach, Florida 33312 • 954-359-6100

March 15, 2018

Marc LaFerrier, AICP
Planning Director
City of Dania Beach
100 West Dania Beach Blvd
Dania Beach, FL 33004

RE: Non-Residential Proposed Redevelopment
Florida Power & Light (FPL) Dania Beach Energy Center
3801 SW 43rd Court, Dania Beach FL 33312
Broward County Aviation Department (BCAD) Conditional Approval Letter

Dear Mr. LaFerrier:

The Broward County Aviation Department (BCAD) has reviewed the proposed FPL Dania Beach Energy Center project located west of Fort Lauderdale-Hollywood International Airport (FLL). Since the proposed project is within 20,000 feet of FLL, its development and operation is subject to Federal Aviation Regulation (FAR) Part 77, Florida Statutes Chapter 333 and/or the Broward County Airport Zoning Ordinance. **These standards seek to ensure that any proposed construction, use of high lift equipment, such as cranes, or other potential hazards will not negatively impact the safe and efficient use of the airport and surrounding airspace.** Taking into consideration the proximity of this project to FLL, BCAD is providing the following comments regarding the proposed development:

- Based on the location of the proposed project, FAR Part 77, Subpart B and Section 5-182(n)(2) of the Broward County Land Development Code, require the applicant to obtain a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration (FAA). The receipt of a favorable determination is required for all critical building points and temporary construction cranes and must be received prior to any construction activity. If you have not already done so, please use the following web address to initiate the Federal Review (FAA 7460-1) process: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
- Following the receipt of a favorable FAA determination, the applicant may also need to obtain "airspace obstruction permits" from the Florida Department of Transportation (FDOT). This documentation is necessary to determine if the project will adversely affect public health or safety. If required, these permits must be obtained prior to the commencement of any construction. The following

web address can be used to acquire additional information pertaining to the FAA and FDOT airspace obstruction review and permitting process: <http://www.dot.state.fl.us/aviation/obstructions.shtm>

- No building, structure or vegetation on the site may exceed the maximum height of 160 feet AMSL as shown on the FAA Determination Letter 2017-ASO-22597-OE (dated on 12/15/2017), unless submitted to BCAD for additional review.
- No building, structure or vegetation on the site may exceed the maximum heights addressed in the FLORIDA POWER & LIGHT Dania Beach Energy Center – Unit 7 Site Plan and Elevation Map (dated on 02/27/2018), unless submitted to BCAD for additional review.
- The proposed development must not generate light, glare, smoke or other emissions that could be disorienting to pilots operating in the vicinity of the airfield.
- This letter acknowledges the email submitted to BCAD from the applicant on 03/14/2018, indicating the output from the proposed Heat Recovery Steam Generators stacks will have “roughly the same opacity as the current day”.

Adherence to these conditions is required for BCAD’s approval of the proposed FPL Dania Beach Energy Center project, and is based on the Elevation Map/Site Plan Documents and FAA Determination Letter, prepared by BLACK & VEATCH Engineering, Florida Power & Light, and the Federal Aviation Administration. If the proposed plans or the FAA Determination Letter are revised substantially from those submitted for this review, BCAD requests that the revised development plans be submitted for an additional review.

This letter also serves as notice of potential aircraft overflight and noise impacts on this property due to its proximity to FLL. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations. Individuals sensitive to such events should satisfy themselves before purchasing/developing this property that such exposure to aircraft overflights and the noise associated therewith will not adversely affect their enjoyment of the property.

Please do not hesitate to contact me if you have questions or require additional information at 954.359.2291

Sincerely,



William Castillo
BCAD Aviation Planning Manager

cc: Jacquelyn Kingston (Jacquelyn.Kingston@fpl.com)
Michael P. Pacitto, P.G., Director Planning and Environmental



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
Florida Power & Light Unit 7 (007-MP-18)

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

ACCESS REQUIREMENTS

- 1) Prior to plat recordation, the cul-de-sac located on Southwest 42 Avenue and at the southern access to this parcel shall be properly stripped with thermoplastic pavement markings and additional signage installed to discourage vehicular traffic. A stop sign shall be installed at the parcel egress along with appropriate "DO NOT ENTER" type signage. Pavement markings and signs shall be designed, fabricated, and installed in accordance with Traffic Engineering Division standards and shall be reviewed by the Paving and Drainage Section of the Highway Construction and 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:

2) 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. The bearing on the east line of the SW 1/4 of Section 30-50-42 as shown on the plat drawing differs from the call for that line in the description.
- B) 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.
- C) In Surveyor's Note #6 indicate that the bearings shown on the plat are based on an assumed or grid meridian. If they are based on a grid meridian, cite the source of the datum and show any monumented control points with their identification and ties to the plat boundary.
- D) Revise the label for the quarter-section line 520' +/- north of the plat to read: NORTH LINE OF SW 1/4 OF SECTION 30-50-42 to be consistent with the quarter-section line east of the plat.
- E) Full dimensioning and square footage shall be shown on all dedicated right-of-way, if applicable.
- F) Two land ties to two independent land corners or one land corner and one other recorded corner shall be shown. Show found monumentation at both corners.
- G) 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 following website:

<http://www.broward.org/Publicworks/BCEngineering/Pages/PlatSectionForms.aspx>

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

3) 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. Verify the spelling of the owner of the parcel to be platted and revise the Dedication block as necessary.

The title must be updated for review of any agreements and 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 & Engineering Division or by visiting our web site:

<http://www.broward.org/Publicworks/BCEngineering/Pages/PlatSectionForms.aspx>

4) DRAFTING AND MISCELLANEOUS DATA

- A) Address any undefined abbreviations or symbols used on the plat or added during revision. 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) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated.
- C) The Planning and Development Management Division file number "007-MP-18" shall be shown inside the border in the lower right-hand corner on each page.

5) SIGNATURE BLOCKS

- A) The Surveyor's Certification must be signed and the plat sealed by 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 FS Chapter 177. Remove the reference to PART 1 of Chapter 177 of the Florida Statutes from the Surveyor's Certification.
- B) Space for the County Administrator's signature is no longer required on

- plats in Broward County. Revise the signature block for the Broward County Finance and Administrative Services Department, County Records Division – Minutes Section signature block as necessary.
- C) Remove the signature block for the Broward County Finance and Administrative Services Department, County Records Division – Recording Section, based on the above comment.
 - D) The plat must include proper dates for signatures.
 - E) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by a copy of the City of Dania Beach conditions of approval. (Agenda Report or Resolution listing all of the conditions of municipal plat approval.)
- 6) HIGHWAY CONSTRUCTION & ENGINEERING DIVISION INTERNAL PROCEDURES (These items are required for plat recordation but are completed by County staff)
- A) The following items are required for plat recordation but are completed by County staff:
 - 1) Planning Council Executive Director Signature.
 - 2) Completion of POSSE Inputs; Impact Fee and Security reports printed.
 - 3) County Surveyor sign-off.
 - 4) P.R.M.s verified.
 - 5) Development Order, Planning and Development Management Director Signature.
 - 6) Highway Construction and Engineering Director Signature.
 - 7) City / District – Transmit scanned copy of mylar for review.

NOTE: 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

- 7) 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.
- 8) 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.

All standard forms are available for downloading from the Highway Construction and Engineering Division's website:


<http://www.broward.org/Publicworks/BCEngineering/Pages/Default.aspx>.

- 9) 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.

dgm



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

FROM: Barbara Blake Boy, Executive Director 

RE: Florida Power & Light Unit 7 Plat (007-MP-18)
City of Dania Beach

DATE: November 8, 2018

This memorandum updates our previous comments regarding the referenced plat dated March 27, 2018.

The Future Land Use Element of the City of Dania Beach Comprehensive Plan is the effective land use plan for the City of Dania Beach. That plan designates the area covered by this plat for the uses permitted in the "Electrical Generation Facility" land use category. This plat is generally located on the north side of the Dania Cutoff Canal, between State Road 7/US 441 and Southwest 30 Avenue.

The proposed office and maintenance use ancillary to the electrical generation facility use is in compliance with the permitted uses of the effective land use plan.

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

North: Electrical Generation Facility
South: Utility and Low (5) Residential
East: Electrical Generation Facility
West: Electrical Generation Facility

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:DBT

cc: Robert Baldwin, City Manager
City of Dania Beach

Marc LaFerrier, AICP, Director, Community Development Department
City of Dania Beach