

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

PROJECT DESCRIPTION

Name:	KEVIN THOMAS - SCOTT GREVE PLAT	Number:	025-MP-03
Applicant:	X-Mail Corp.	Comm. Dist.:	2
Agent:	SMAX, LLC	Sec/Twp/Rng:	34-48-42
Location:	Southwest Corner of Martin Luther King Jr Boulevard and Northwest 12 Avenue	Platted Area:	0.75 Acres
City:	Pompano Beach	Gross Area:	NA
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 177, Pages 80)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Pompano Beach
Proposed Use:	14,000 Sq. Ft. Industrial	Plan Designation:	Industrial
Adjacent Uses:		Adjacent Plan Designations:	
North:	Commercial	North:	Industrial
South:	Industrial	South:	Industrial
East:	Industrial	East:	Industrial
West:	Industrial	West:	Industrial
Existing Zoning:	I-1	Proposed	I-1

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall ensure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances.
* Waiver of Right Turn Lane and Constructions Requirements pursuant to Sec. 5-182(c)(10). See Findings No. 2, and Highway Construction & Engineering Staff Recommendations No. 1, 2 & 3.

Meeting Date: 02/12/19
Action Deadline: 03/19/19
Deferral Dates:

Prepared: HWC
Reviewed:
Approved:

Continued

SERVICES

Wastewater Plant:	BCUD 4 (09/18)	Potable Water Plant:	Pompano Beach (02/18)
Design Capacity:	95.0000 MGD	Design Capacity:	50.0000 MGD
12-Mo. Avg. Flow:	71.7800 MGD	Peak Flow:	20.06000 MGD
Est. Project Flow:	0.0014 MGD	Est. Project Flow:	0.0028 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:	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Northeast			
Res. Uses:	N/A	N/A	N/A
Non-Res. Uses:	10	*	N/A
Total:	10	*	N/A

* See Staff Comment No. 5
See Finding No. 1
See General Recommendation No. 1

KEVIN THOMAS-SCOTT GREVE PLAT
025-MP-03

STAFF COMMENTS

- 1) This plat was approved by the Broward County Board of Commissioners on August 15, 2006, for 5,000 square feet of industrial use with a requirement that either a building permit be issued or the infrastructure for development be installed by August 15, 2011. Neither a building permit issued nor infrastructure were installed, and, in accordance with Section 5-181(o) of the Land Development Code, the findings of adequacy has expired.
- 2) Staff's findings and recommendations pertaining to this application for a new findings of adequacy are based on the use being 14,000 square feet of industrial use and to modify the conditions of plat approval to waive the right-of-way and construction requirements.

The industrial square footage on this plat may consist of either industrial uses, industrial/office uses, and/or industrial/showroom uses, upon satisfaction of appropriate transportation concurrency fees. Industrial uses may have a maximum thirty percent (30%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/office uses may have a maximum fifty percent (50%) ancillary office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant. Industrial/showroom uses may have a maximum thirty percent (30%) ancillary commercial or office use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings with more than one (1) tenant.

- 3) The review of this application for a new findings of adequacy included the information contained in the application, the property survey, the recorded plat and the Development Review Report approved by the County Commission on August 15, 2006. Review by the Highway Construction and Engineering Division and the Transit Division also included changes to the adjacent roadways and changes on the adjoining properties.
- 4) The comments, findings and recommendations contained in this report supersede all previous development review reports and delegation requests approved by the County Commission.
- 5) 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.
- 6) 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.

Continued

- 7) This plat is located in the City of Pompano Beach and is under the jurisdiction of the Water and Environmental Licensing Section of the 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. A surface water management license from the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division will be required prior to any construction. 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.
- 8) The applicant is 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. Wastewater receiving lift stations and force mains are critical components of the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483.
- 9) 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.
- 10) 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.
- 11) 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>

- 12) Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Pompano Beach if trees are to be removed or relocated. 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.
- 13) 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.
- 14) All future industrial uses must be approved by the Environmental Engineering and Permitting Division.
- 15) 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.
- 16) Approval of this new findings of adequacy 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.
- 17) This property is within 20,000 feet of the 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://oaaaa.faa.gov/oaaaa/external/portal.jsp>

- 18) A previous 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 indicated that the proposed development will have an adverse effect on previously recorded resource(s). The archaeologist noted that this property is located in the City of Pompano Beach and is outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. Therefore, the property owner/agent is advised to contact the City of Pompano Beach's Development Services Department at 954-786-7921 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.
- 19) This site is currently serviced on Hammondville Road (Martin Luther King, Jr. Boulevard) by BT Route 60.
- 20) Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and the Transit Division staff have reviewed this request and recommend **APPROVAL** and **WAIVER** of the Right Turn Lane and Construction Requirements subject to the conditions contained in the attached memorandum.
- 21) The attached memorandum from the Broward County Planning Council indicates that the industrial use is in compliance with the permitted uses and densities of the effective Land Use Plan.
- 22) The attached letter dated August 9, 2018 from the City of Pompano Beach confirms that the city has no objections to a new findings of adequacy, note amendment and the modifications of plat conditions.
- 23) 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.
- 24) 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

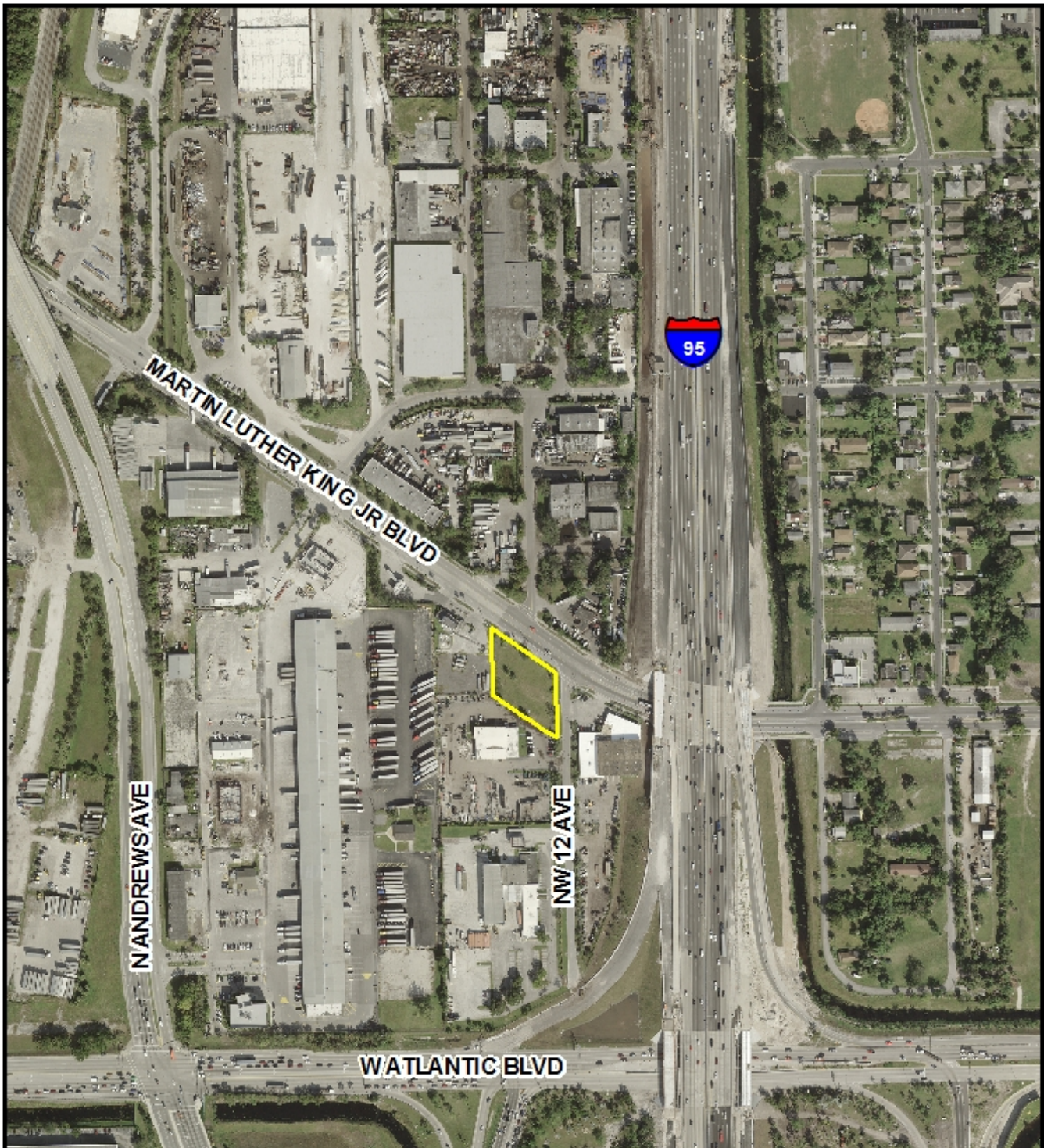
FINDINGS

- 1) This plat is located within the Northeast 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.
- 2) The applicant has submitted a traffic study for the development proposed for this plat. Staff of the Public Works Department have determined that the traffic study demonstrates that the absence of a right turn lane on Northwest 12 Avenue will not adversely affect traffic conditions. This determination provides the basis for the County Commission to waive the right turn lane right-of-way and construction requirements.
- 3) This application for a new findings of adequacy 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.
- 2) Within twelve (12) months of approval of this application for a new finding of adequacy, comply with all conditions of approval and record an agreement acceptable to the County Attorney's Office to amend the note on the plat as follows:
 - A) This plat is restricted to 14,000 square feet of industrial use.
 - B) 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.
 - C) 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.
 - D) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **February 12, 2024**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development

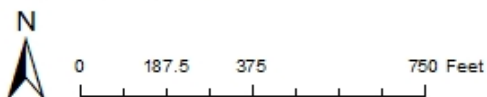
- Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
- E) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 12, 2024**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property 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.
- 3) 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. 2
Municipality: Pompano Beach
S/T/R: 34/48/42



025-MP-03
Kevin Thomas - Scot
Greve Plat



Prepared by: Planning and Development Management Division
Date Flown: January 2018



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 16, 2018

TO: Josie Sesodia, Director
Planning and Development Management Division

FROM: David (D.G.) McGuire, Construction Project Manager
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner
Transportation Department, Service Development

SUBJECT: Application for New Findings of Adequacy
Kevin Thomas – Scott Greve Plat (025-MP-03)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for a new Findings of Adequacy (FOA) for the subject 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.

Pursuant to the plat approval on August 15, 2006, certain right turn lane improvements were required for the intersection of Andrews Boulevard and NW 12th Street. Under the Land Development Code, construction of a right turn lane was warranted by the posted speed (35mph) on Andrews Boulevard. Nevertheless, Section 5-182(c)(10) of the Land Development Code allows the County Commission to waive the construction requirements where an applicant submits a traffic study that is acceptable to County staff and "...demonstrates that the absence of such turn lanes will not adversely affect traffic conditions..." The applicant has submitted a traffic study for the development proposed for this plat. Staff of the Public Works Department have determined that the traffic study demonstrates that the absence of a right turn lane on Andrews Boulevard at

the NW 12th Avenue will not adversely affect traffic conditions. This determination provides the basis for the County Commission to waive the right turn lane right-of-way and construction requirements.

Staff has the following comments, findings, and recommendations:

A. MODIFIED REQUIREMENTS RECOMMENDED AS CONDITIONS OF APPROVAL FOR THE NEW FINDING OF ADEQUACY

1. TURN LANE IMPROVEMENTS (Secure and Construct)

- 8) An eastbound right turn lane on Hammondville Road (Martin Luther King, Jr. Boulevard) at Northwest 12 Avenue with 130 feet of storage* and 75 feet of transition.

* The length of the storage lane is measured from the end of the taper to the point of curvature of the turning roadway or the beginning of the chord in the case of right of way.

“Recommended for waiver by the County Commission.”

2. SIDEWALK REQUIREMENTS (Secure and Construct)

- 9) Along Hammondville Road (Martin Luther King, Jr. Boulevard) adjacent to this plat, displaced by turn lane construction.

“Recommended for waiver by the County Commission.”

3. PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

- 11) A PAVEMENT MARKING AND SIGNING PLAN, three copies, including a COST ESTIMATE shall be provided to the Traffic Engineering Division. All pavement markings shall be THERMOPLASTIC. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. NO SECURITIES shall be released without a field inspection and final approval by the Division of all materials, installations and locations.

“Recommended for waiver by the County Commission.”

B. PLATTED ITEMS (NVAL, DEDICATIONS, EASEMENTS) DETERMINED TO BE ADEQUATE WITH NO CHANGES REQUIRED

1. The NVAL illustrated on the plat as recorded in Plat Book 177, Page 80 adequately complies with the original conditions of plat approval.

2. The right-of-way illustrated on the plat as recorded in Plat Book 177, Page 80 adequately complies with the original conditions of plat approval.
3. The easements illustrated on the plat as recorded in Plat Book 177, Page 80 adequately complies with the original conditions of plat approval.


C. IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS RELEASE

1. As previously noted, this FOA request includes a modification of three recommendations noted within the Development Review Report date August 15, 2006. At the time of plat recordation, the previous property owner entered into a Security/Lien Agreement for Required Improvements that was recorded in Instrument #107348777; and posted security in the amount of \$23,848.00 for construction of certain improvements. The property was not developed as anticipated and the improvements have not been completed. The recommended deletion of those improvements listed in this Development Review Report are intended to delete and supersede the previous plat requirements. Approval of this FOA should include authorization for Highway Construction and Engineering Division staff to process a release of those items from previous Agreement and security.

D. ALL GENERAL RECOMMENDATIONS HAVE BEEN DETERMINED TO BE ADEQUATE AND NO CHANGES ARE REQUIRED.



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

FROM: Barbara Blake Boy, Executive Director 

RE: Kevin Thomas – Scott Greve Plat (Findings of Adequacy)
(025-MP-03) City of Pompano Beach

DATE: October 23, 2018

The Future Land Use Element of the City of Pompano Beach’s Comprehensive Plan is the effective land use plan for the City of Pompano Beach. 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 southwest corner of Martin Luther King, Jr. Boulevard and Northwest 12 Avenue.

The proposed industrial and ancillary commercial/office uses are 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: Industrial
South: Industrial
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.

BBB:GSM

cc: Greg P. Harrison, City Manager
City of Pompano Beach

David Recor, Director, Development Services
City of Pompano Beach



August 9, 2018

Ms. Josie P. Sesodia, Director
Planning and Development Management Division
Environmental Protection and Growth Management Department
1 North University Drive, Box 102A
Plantation, FL 33324

RE: Plat Note Amendment, amending the use notation, Updating the of Findings of Adequacy and & An Amendment to An Agreement Involving the Property Included in the Kevin Thomas Scot Greve Plat – Letter of No Objection

Ms. Sesodia:

The City of Pompano Beach has no objection to amending the use notation, updating the of Findings of Adequacy and & An Amendment to An Agreement Involving the Property Included in the Kevin Thomas Scot Greve Plat. The change to the note is, as follows:

From:

This plat is restricted to 5,000 square feet of industrial use.

To:

This plat is restricted to 14,000 square feet of industrial use. Industrial uses may have up to 30%-50% ancillary office or up to 30% ancillary commercial/office use per bay or single tenant building upon satisfaction of transportation concurrency fees.

Also included in this Plat Note Amendment is a request for the modification of conditions of the Security/Lien Agreement Installation of Required Improvements OR Book 44555 Page 1-16 (see Attached Agreement), specifically the following is requested.

Via plat note amendment, approve of the deletion of items 8, 9 & 11 from “Exhibit B” contained in the conditions. This agreement is found in B-II Copies, PDF page 16-31, with Exhibit B being on page 31. The agreement is between Broward County and the “Developer” but Broward County is requesting that this is included in the note amendment. See below for requested deletions:

EXHIBIT "B"

LIST OF IMPROVEMENTS AND SCHEDULES

<u>Improvements</u>	<u>Completion Date</u>
7- The removal of all existing driveways in those locations not consistent with the 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.	Prior to C.O.
8- An eastbound right turn lane on Hammondville Road (Martin Luther King, Jr. Boulevard) at Northwest 12 Avenue with 100 feet of storage and 75 feet of transition.	Prior to C.O.
9- Sidewalk Along Hammondville Road (Martin Luther King, Jr. Boulevard) adjacent to this plot, displaced by turn lane construction.	
10- An 8-foot wide by 40-foot long expanded sidewalk for a bus landing pad (the design must extend to the face of curb and gutter) on Hammondville Road (Martin Luther King, Jr. Boulevard). This design is subject to review by the Mass Transit Division and the Paving and Drainage Section of the Highway Construction and Engineering Division.	Prior to C.O.
11- A PAVEMENT MARKING AND SIGNING PLAN, three copies, including a COST ESTIMATE shall be provided to the Traffic Engineering Division. All pavement markings shall be THERMOPLASTIC. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. NO SECURITIES shall be released without a field inspection and final approval by the Division of all materials, installations and locations.	Prior to C.O.

The City of Pompano Beach has no objection to these changes on the Plat, nor with the amendment to the agreement concerning the Plat.

If you have any questions, please contact Maggie Barszewski at 954-786-7921.

Regards,



Maggie Barszewski, AICP
Planner

Attachment