

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

PROJECT DESCRIPTION

Name:	DEERFIELD NO. 1 PLAT	Number:	065-MP-01
Applicant:	JM Family Enterprise, Inc.	Comm. Dist.:	2
Agent:	Ackerman LLP	Sec/Twp/Rng:	36-47-42
Location:	South Side of the Hillsboro Canal, Between I-95 and CSK Railroad	Platted Area:	8.37 Acres
City:	Deerfield Beach	Gross Area:	N/A
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 172, Pages 75-76)		

LAND USE

Existing Use:	48,310 Sq. Ft. Office	Effective Plan:	Deerfield Beach
Proposed Use:	218,000 Sq. Ft Office (Southern 7.44 Acres) and No Development (Northern 0.92 Acre)	Plan Designation:	Industrial (Southern 7.44 Acres) and Recreation Open Space (Northern 0.92 Acre)
Adjacent Uses:		Adjacent Plan Designations:	
North:	Hillsboro Canal	North:	Water
South:	Office, Warehouse	South:	Industrial
East:	Transportation (I-95), Canal	East:	Transportation
West:	CSX Railroad, Mobile Homes	West:	Transportation
Existing Zoning:	PID	Proposed Zoning:	N/A

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: 06/11/19  
Action Deadline: 08/13/19  
Deferral Dates:

Prepared: HWC  
Reviewed:  
Approved:

SERVICES

Wastewater Plant:	BCUD 4 (12/18)	Potable Water Plant:	Deerfield Beach (04/18)
Design Capacity:	95.0000 MGD	Design Capacity:	16.800 MGD
12-Mo. Avg. Flow:	69.0100 MGD	Peak Flow:	10.698 MGD
Est. Project Flow:	0.0436 MGD	Est. Project Flow:	0.044 MGD

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

PARKS

SCHOOLS

Dwelling Units	Impact Fee
N/A	N/A

Local:  
Regional:

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

TRANSPORTATION

Concurrency Zone: Northeast	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	323	*	N/A
Total:	323	*	N/A

\* See Staff Comment No. 5, 6, 7

See Finding No. 1

See General Recommendation No. 1

DEERFIELD NO. 1 PLAT  
065-MP-01

STAFF COMMENTS

- 1) This plat was approved by the Broward County Commission on June 4, 2002, for 218,000 square feet of office use, with a requirement that either a building permit be issued or infrastructure be installed by June 4, 2007. Neither a building permit was issued nor infrastructure installed; therefore, in accordance with Section 5-181(0) of the Land Development Code, the County's finding of adequacy have expired.

A new findings of adequacy was approved by the County Commission on September 9, 2008, for the southern 7.44 acres of the plat to be restricted to 218,000 square of office use with no development permitted within the northern 0.92 acres designated as recreational and open space on the effective Land Use Plan. Neither was a building permit issue nor infrastructure installed by September 9, 2013, therefore the County's findings of adequacy remained expired

- 2) **Staff findings and recommendations pertaining to this application for a new findings of adequacy are based on the use being the southern 7.44 acres of this plat is restricted to 218,000 square of office use. No development is permitted within the northern 0.92 acres designated as recreational and open space on the effective Land Use Plan.**
- 3) The review of this application for a new finding 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 September 9, 2008.
- 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 property is located within a transit concurrency district. In accordance with Land Development Code amendments adopted April 26, 2005, transit concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance and prior to environmental review approval of construction plans. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, any request for credit for transit concurrency fees must be accompanied by the appropriate documentation regarding the gross square footage of the warehouse use either demolished or to be demolished. No credit will be granted for demolition occurring more than eighteen (18) months prior to environmental review approval of construction plans.
- 6) Road impact and administrative fees in the amount of **\$13,176.00** were paid prior to plat recordation. This payment will be credited towards future transit concurrency fee assessments.

Continued

- 7) This plat was approved on June 4, 2002 with a Traffic Concurrency Agreement, recorded at O.R. Book 33419 Pages 470-480, that required the payment of **\$25,000.00** for the installation of video detection equipment at the intersection of Hillsboro Boulevard and Military Trail, prior to plat recordation. This payment also will be credited towards future transit concurrency fee assessments.
- 8) 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.
- 9) This plat is located in the City of Deerfield Beach and is in a dependent water control district under the jurisdiction of the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division. Surface water management plans must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of the Water Control District No. 02. A surface water management license from the Water and Environmental Licensing Section 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.
- 10) 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.
- 11) This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.
- 12) The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division encourages 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 to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material 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.

- 13) 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 Deerfield 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.
- 14) 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>
- 15) 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.
- 16) The subject plat is in the vicinity of known contaminated sites and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, 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.
- 17) 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.
- 18) The Broward County Aviation Department has no objections to this plat. However, the information submitted with this plat application does not indicate the height of any proposed buildings. The applicant is advised by staff of the Aviation Department

that any proposed construction on this property with a height exceeding 200 feet, or the 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 to this development. Based on the location of the proposed project, the FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

- 19) A 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 not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. Although no archaeological sites have been reported within the plat area, this plat is adjacent to archaeological Master Site File Sites FMSF 8BD3229 (Hillsboro Canal) and FMSF 8BD3042 (Hillsboro Bridge). It is not anticipated that the proposed project will negatively impact these resources.

The archaeologist noted that this property is located in the City of Deerfield Beach. Archaeological resources within the City of Deerfield Beach fall under the jurisdiction of Broward County's historic preservation ordinance (B.C. Ord. 2014-32). Pursuant to B.C. Ord. 2014-32, Section 5-536(g), if "in the event that archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery shall be discontinued," and the property owner must notify the County Historic Preservation Officer, Richard (Rick) Ferrer, of the Planning and Development Management Division at 954-357-9731 or [referrer@broward.org](mailto:referrer@broward.org). Historical resources located within the City of Deerfield Beach are outside the jurisdiction of the Broward County Preservation Ordinance 2014-32. Therefore, the property owner/agent is advised to contact the City of Deerfield Beach's Planning and Development Services 954-480-4200 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](mailto:med_exam_trauma@broward.org).

- 20) Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and the Transit Division staff have reviewed this request and recommend **APPROVAL** subject to the conditions contained in the attached memorandum.
- 21) The attached memorandum from the Broward County Planning Council indicates that the proposed office use on that portion of the plat designated "Industrial" is in compliance with the permitted uses of the effective land use plan.
- 22) The attached letter dated February 1, 2019, from the City of Deerfield Beach confirms that the City has no objections to a new findings of adequacy.

- 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](http://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) 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) The southern 7.44 acres of this plat is restricted to 218,000 square of office use. No development is permitted within the northern 0.92 acres designated as recreational and open space on the effective Land Use Plan.
  - B) 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.
  - C) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **June 11, 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
- D) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **June 11, 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.



Continued





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

## MEMORANDUM

DATE: March 19, 2019

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: Letter to Proceed  
Deerfield No. 1 plat (065-MP-01)

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.

As a result of our review, staff has determined that no 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 has the following comments, findings, and recommendations:


**A. 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 172, Page 75 adequately complies with the original conditions of plat.
2. The right-of-way illustrated on the plat as recorded in Plat Book 172, Page 75 adequately complies with the original conditions of plat.
3. The easements illustrated on the plat as recorded in Plat Book 172, Page 75 adequately complies with the original conditions of plat.

**B. 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: Deerfield No. 1 Plat (Findings of Adequacy)  
(065-MP-01) City of Deerfield Beach

DATE: March 11, 2019

The Future Land Use Element of the City of Deerfield Beach Comprehensive Plan is the effective land use plan for the City of Deerfield Beach. That plan designates this plat for the uses permitted in the "Industrial" (i.e. southern 7.44 acres) and "Recreation Open Space" (i.e. northern 0.92 acres) land use categories. This plat is generally located on the south side of the Hillsboro Canal, between Interstate 95 and the CSX Railroad.

The proposed office use on that portion of the plat designated "Industrial" 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: Water  
South: Industrial  
East: Transportation  
West: Transportation

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:KJW

Burgess Hanson, City Manager  
City of Deerfield Beach

Eric M. Power, AICP, Director, Planning & Development Services  
City of Deerfield Beach

**akerman**

Benjamin Hedrick

Akerman LLP  
Three Brickell City Centre  
98 SE 7th Street, Suite 1100  
Miami, FL 33131  
T: 305 982 5664  
[benjamin.hedrick@akerman.com](mailto:benjamin.hedrick@akerman.com)

February 4, 2019

**VIA HAND DELIVERY**

Planning & Development Management Division,  
Broward County Environmental Protection  
and Growth Management Dept.  
1 N. University Drive  
Plantation, FL 33324

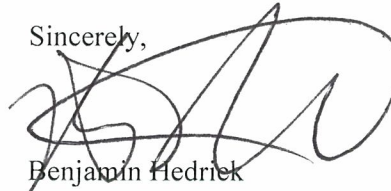
**Re: Application for Renewal of Findings of Adequacy for Deerfield No. 1 Plat  
(700 Jim Moran Blvd., Deerfield Beach)**

To Whom It May Concern:

Enclosed please find a full set of application materials for a renewal of findings of adequacy for the Deerfield No. 1 Plat (covering 700 Jim Moran Blvd. in Deerfield Beach), Plat No./Clerk's File No. 065-MP-01. The findings of adequacy expired in September 2013, and the applicant property owner is seeking their renewal under the same plat note as most recently approved, limiting the site to the development of 218,000 square feet of office use on the southern 7.44 acres of the plat, as explained in detail in the enclosed application materials.

Please contact me at 305-982-5664 or [benjamin.hedrick@akerman.com](mailto:benjamin.hedrick@akerman.com) with any questions regarding this application.

Sincerely,



Benjamin Hedrick

Enclosures



February 1, 2019

Benjamin Hedrick  
Akerman LLP  
98 SE 7<sup>th</sup> Street, Suite 1100  
Miami, FL 33131

**RE: RENEWAL OF BROWARD COUNTY FINDINGS OF ADEQUACY —  
DEERFIELD NO. 1 PLAT (700 JIM MORAN BLVD., CITY OF DEERFIELD BEACH,  
FLORIDA. FOLIO #474236170010)**

Mr. Hedrick,

The above referenced property was granted plat approval by City Commission on November 6, 2001, and was recorded in the Public Records of Broward County on March 3, 2003, at Plat Book 172, Page 75. On September 9, 2008, the Broward County Commission approved an amendment to the plat note on this plat, which was recorded in the Public Records of Broward County on February 12, 2009, at Official Records Book 45981, Page 1010.

This letter is to certify that the current plat note is restricted as follows: “The southern 7.44 acres on this plat is restricted to 218,000 square feet of office use. No development is permitted within the northern 0.92 acres designated Recreation and Open Space on the effective Land Use Plan. Banks and commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.”

The subject property is not located within a Development of Regional Impact. There are no changes to the non-vehicular access line proposed at this time. The City of Deerfield Beach has no objection to the Applicant's request to renew the Broward County findings of adequacy in this plat for the approved development capacity under the above plat note, and the above plat note shall remain the same as currently approved.

Sincerely,



for: Eric M. Power, AICP, LIAF  
Director, Planning and Development Services  
EP/TJ