Call to Order

1. **AMENDMENT PCT 19-9**
   Public Hearing on Text Amendment to the Broward County Land Use Plan Policies regarding resiliency standards for tidal flood protection that incorporate regionally consistent top elevations for seawalls, banks, berms and other appurtenant coastal infrastructure.

   **RECOMMENDATION**

   *See Item PH 3 for report.*

2. **AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN – SOUTHWEST 39 STREET – PCTW 19-3**
   Public Hearing to Amend the Southwest 39 Street Trafficway from 80 feet to 62 feet, between Davie Road and College Avenue, in the Town of Davie.

   **RECOMMENDATION**

   *See Item PH 4 for report.*

3. **AMENDMENT PCNRM 19-1**
   First Public Hearing on Amendment to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan Natural Resource Map Series

   **RECOMMENDATION**
   Planning Council Staff Transmittal Recommendation of August 13, 2019: Planning Council staff does not support the proposed amendment.

   *See Item PH 5 for report.*

4. Other Business

5. Adjournment
Call to Order

Pledge of Allegiance

Roll Call

**NOTED RECOMMENDATIONS**

PH 1 is recommended for approval, recognizing additional modifications.

PH 5 is not supported by Planning Council staff.

******************************************************************************

**CONSENT AGENDA**

******************************************************************************

C 1 APPROVAL OF FINAL AGENDA FOR AUGUST 22, 2019

C 2 AUGUST 2019 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

Recommendation
Planning Council Staff Recommendation: Approval.

C 3 APPROVAL OF SUMMARY MINUTES OF JUNE 27, 2019

Recommendation
Planning Council Staff Recommendation: Approval.

C 4 EXCUSED ABSENCE REQUESTS

• Email correspondence from Mayor Daniel J. Stermer dated August 7, 2019
REGULAR AGENDA

COUNSEL’S REPORT

EXECUTIVE DIRECTOR’S REPORT

CORRESPONDENCE

PUBLIC HEARING AGENDA

AMENDMENT PCT 19-2

Second Public Hearing on Text Amendment to the Broward County Land Use Plan regarding residential uses in the “Commerce” land use category.

Recommendations
Planning Council Staff Transmittal Recommendation of February 19, 2019: Approval.

Planning Council Land Use/Trafficways Committee Recommendation of February 28, 2019: Approval per Planning Council staff transmittal recommendation.


County Commission Transmittal Recommendation of April 16, 2019: Approval per Planning Council transmittal recommendation.

State of Florida Review Agency Comments of May 22, 2019: The State of Florida Review Agencies issued no comments or objections.

Planning Council Staff Final Recommendation of August 13, 2019: Approval, including modification of the transit requirement and hurricane evacuation zone. Further, it is recommended that staff pursue an examination of expanding the availability of the affordable housing incentive beyond areas of transit influence and the transit requirements of the affordable housing bonus density formula.
PH 2  AMENDMENT PC 19-6
Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Lighthouse Point

Application
From Commercial Recreation to Irregular (6) Residential.

Location
Approximately 3.7 acres; generally located on the north side of Northeast 42 Street, between Northeast 27 Avenue and Northeast 30 Terrace.

Recommendation
Planning Council Staff Recommendation of August 13, 2019: Approval, recognizing the applicant’s confirmation to comply with all necessary Environmental Resource License requirements and develop a hurricane evacuation and reentry plan in coordination with the City. Further, Planning Council staff does not recommend a second Planning Council public hearing be required. Additionally, if the County Commission approves the amendment, this action by the Planning Council shall serve as the “conditional” recertification of the municipal plan.

PH 3  AMENDMENT PCT 19-9
Public Hearing on Text Amendment to the Broward County Land Use Plan Policies regarding resiliency standards for tidal flood protection that incorporate regionally consistent top elevations for seawalls, banks, berms and other appurtenant coastal infrastructure.

Recommendations

Planning Council Land Use/Trafficways Committee Recommendation: To be presented at the Planning Council meeting.

PH 4  AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN – SOUTHWEST 39 STREET – PCTW 19-3
Public Hearing to Amend the Southwest 39 Street Trafficway from 80 feet to 62 feet, between Davie Road and College Avenue, in the Town of Davie.

Recommendations
Planning Council Staff Recommendation of August 13, 2019: Approval.

Planning Council Land Use/Trafficways Committee Recommendation: To be presented at the Planning Council meeting.
AMENDMENT PCNRM 19-1
First Public Hearing on Amendment to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan Natural Resource Map Series

Recommendation
Planning Council Staff Transmittal Recommendation of August 13, 2019: Planning Council staff does not support the proposed amendment. See page I-1 of the amendment report for the full recommendation.

**********************
OTHER BUSINESS
**********************

Planning Council Member Comments

Next Regular Scheduled Planning Council Meeting – September 26, 2019, at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

At the hearing, any citizen, property owner, public official or local governmental representative shall be entitled to be heard for or against the subject of these hearings, in person or by letter addressed to the Planning Council. In accordance with Section 3.08 of the Broward County Planning Council Rules of Procedure, all persons are hereby advised that any presentation to the Broward County Planning Council should be as concise as possible and the Chair may limit the time of each individual to allow maximum participation by the public at large. In addition, by a majority vote, Planning Council members may limit the length of a meeting or of any agenda item or set a time for adjournment.

Information relative to these hearings may be obtained at the Planning Council’s office: Room 307, Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, FL; Telephone: (954) 357-6695. A copy of the Broward County Land Use Plan text and map are on file at the Broward County Planning Council. If auxiliary aids for communication are needed, please call the phone number above so that arrangements can be made. The Broward County Planning Council will provide reasonable accommodations for disabled individuals requesting assistance in order to attend or participate in this meeting, provided, however, that a request for such assistance is made to the Planning Council office at the above listed number, at least three (3) calendar days prior to the scheduled meeting.

If a person decides to appeal any decision made by the Broward County Planning Council, a record of the proceedings shall be necessary and the appealing party will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.
C1

FINAL AGENDA TO BE DISTRIBUTED AT THE MEETING
<table>
<thead>
<tr>
<th>PLAT NUMBER</th>
<th>PLAT NAME</th>
<th>LOCATION</th>
<th>TRAFFICWAYS AFFECTED</th>
<th>PLAN REQUIREMENT</th>
<th>EXISTING</th>
<th>ADDITIONAL DEDICATION BY PLAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>018-MP-19</td>
<td>The Promenade at Davie Pillar Consultants</td>
<td>Davie Commission District 7 27-50-41 Southwest corner of Southwest 39 Street and Davie Road</td>
<td>Southwest 39 Street Davie Road</td>
<td>80' 80'</td>
<td>25' Half 53' Half</td>
<td>15' Dedication Required No Dedication Required</td>
</tr>
<tr>
<td>016-MP-19</td>
<td>Nat Jack McLaughlin Engineering Company</td>
<td>Pompano Beach Commission District 2 33-48-42 North side of Martin Luther King Boulevard, between Northwest 24 Avenue and Powerline Road</td>
<td>Martin Luther King Boulevard</td>
<td>80'</td>
<td>50' Half</td>
<td>No Dedication Required</td>
</tr>
<tr>
<td>019-MP-19</td>
<td>Aviara East Pompano Keith &amp; Associates</td>
<td>Pompano Beach Commission District 4 11-49-42 Southwest corner of McNab Road and Dixie Highway</td>
<td>McNab Road Dixie Highway</td>
<td>106' 80'</td>
<td>53' Half 50' 87.5' Half</td>
<td>No Dedication Required No Dedication Required</td>
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<tr>
<td>020-MP-19</td>
<td>Vista Gardens Ballroom Deni Land Surveyors</td>
<td>Coconut Creek Commission District 2 06-48-42 North side of Hillsboro Boulevard, between Lyons Road and Northwest 51 Terrace</td>
<td>Hillsboro Boulevard</td>
<td>120'</td>
<td>64' Half</td>
<td>No Dedication Required</td>
</tr>
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</table>
# BROWARD COUNTY PLANNING COUNCIL PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

**COUNCIL MEETING: August 22, 2019**

<table>
<thead>
<tr>
<th>PLAT NUMBER</th>
<th>PLAT NAME</th>
<th>LOCATION</th>
<th>TRAFFICWAYS AFFECTED</th>
<th>PLAN REQUIREMENT</th>
<th>EXISTING</th>
<th>ADDITIONAL DEDICATION BY PLAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>014-MP-19</td>
<td>Cypress of Sunrise J. Hernandez and Associates, Inc.</td>
<td>Sunrise Commission District 1 20-49-41 South side of Northwest 38 Street, between Northwest 90 Terrace and Northwest 91 Avenue</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>No Dedication Required</td>
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<tr>
<td>021-MP-19</td>
<td>Paramount Park Pulice Land Surveyors</td>
<td>Pompano Beach Commission District 2 27-48-42 Northwest corner of Northwest 15 Avenue and Northwest 18 Street</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>No Dedication Required</td>
</tr>
</tbody>
</table>
SUMMARY MINUTES
BROWARD COUNTY PLANNING COUNCIL
JUNE 27, 2019

MEMBERS
Present: Mayor Daniel J. Stermer, Chair
School Board Member Patricia Good, Secretary
Robert Breslau
Commissioner Felicia Brunson
Commissioner Angelo Castillo
Mayor Michelle J. Gomez
Mary D. Graham
Richard Grosso
Mayor Rex Hardin
Commissioner Bernie Parness
Jackie Railey
Commissioner Nan H. Rich
David Rosenof
Mayor Michael J. Ryan

Members
Absent: Brion Blackwelder
Commissioner Richard Blattner
Thomas H. DiGiorgio, Jr., Vice Chair
Commissioner Beverly Williams

Also
Present: Barbara Boy, Executive Director
Andy Maurodis, Legal Counsel
Darby Delsalle, Assistant Director, Broward County Planning and Development Management Division
Tracy Jackson, Director, Broward County Regional Emergency Services
Gaebriel Fleites, The Laws Group

A meeting of the Broward County Planning Council was held at 10:00 a.m., on Thursday, June 27, 2019, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida.

CALL TO ORDER
The Chair called the meeting to order.

PLEDGE OF ALLEGIANCE
Director Tracy Jackson led everyone in reciting the Pledge of Allegiance.
ROLL CALL
Following Roll Call by the Real time Reporter, the Chair declared a quorum present.

CONSENT AGENDA

C 1 APPROVAL OF FINAL AGENDA FOR JUNE 27, 2019

C 2 JUNE 2019 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

C 3 APPROVAL OF MINUTES OF MAY 23, 2019

C 4 EXCUSED ABSENCE REQUESTS
- Commissioner Richard Blattner
- Mr. Brion Blackwelder
- Commissioner Beverly Williams
- Mr. Thomas DiGiorgio

On motion of School Board Member Good, seconded by Mayor Gomez and carried unanimously, the Planning Council approved the Consent Agenda, C1 through C4.

REGULAR AGENDA

R 1 Local Planning Agency Review: Proposed Revisions to the Broward County Code of Ordinances, Chapter 5, Article XVII, “Preservation of Historical Cultural Resource Sites”

Barbara Blake Boy, Planning Council Executive Director, provided a follow-up to the Board as it relates to the discussion at April’s Planning Council meeting regarding the ordinance to require that local governments enter into their own certified local government within two (2) years for historical sites or they would be subject to the County’s review.

The Planning Council chose to defer the item at April’s meeting and asked the County staff to redistribute the proposed ordinance to all elected officials in Broward County, managers, attorneys, and planners of municipalities; request clarification of the ordinance regarding owner’s consent; and whether or not School Board sites could be subject to the preservation ordinance.

Ms. Boy explained that the County staff worked with the League of Cities to get the ordinance distributed to managers, mayors, and planners. There were no substantive comments received after the distribution. An updated memo from the Broward County Housing Planning and Development management Division was submitted. In that memo, clarification that owner consent is not required. The ordinance offers an appeal process if an owner objects to the designation of a historic site. In response to
whether or not School Board sites could be subject to historic designation, Ms. Boy expressed they could.

Ms. Boy called James White to speak on behalf of Lauderdale-by-the-Sea (Mr. White spoke in opposition to the proposed ordinance), followed by Sheldon McCartney of the Broward County Historic Preservation Board (Mr. McCartney spoke in favor of the proposed ordinance) and advised the Board that Darby Delsalle of the County planning staff was available to answer any questions.

Following discussion, on motion of Commissioner Castillo, seconded by Mayor Gomez and carried by a majority vote (Commissioner Parness voted no), the Planning Council approved to find the proposed revisions to be generally consistent with the policies of the BrowardNext - Broward County Land Use Plan and transmit the same to the Broward County Board of County Commissioners.

R 2  COUNSEL’S REPORT

(No report given.)

R 3  EXECUTIVE DIRECTOR’S REPORT

Ms. Boy discussed the meeting schedule for the remainder of 2019. Amendments are coming in and the schedule for the end of the year appears to remain with August, September, October, combined November/December meetings.

Ms. Boy stated there were no speakers for PH 1 through PH 4 but there were speakers on Public Hearing Item 5. The quasi-judicial was waived by the applicant for PH 1 for the recertification of its map.

R 4  CORRESPONDENCE

Ms. Boy stated that the memo from Broward County Housing Finance and Community Redevelopment Division to Broward County Board of County Commissioners regarding Affordable Housing Linkage Fees Studies and Policy Options dated June 6, 2019 was provided to the Board, for informational purposes.

Commissioner Rich expressed that the County Commission did take a position on House Bill 7103 and sent a resolution letter to the Governor asking him to veto it.

Mr. Grosso expressed gratitude for sending the correspondence. He also expressed that the bill was presented to the Governor and that the 15-day veto period had begun.
Following the Chair’s request for a motion, on motion of School Board Member Good, seconded by Mayor Hardin and carried unanimously, the Planning Council approved PH 1, PH 2, PH 3 and PH 4.

**PH 1**  **RECERTIFICATION PCR 19-4**

Public Hearing on Recertification of the Broward Municipal Services District Future Land Use Element – Map Amendments

(Previously approved.)

**PH 2**  **RECERTIFICATION PCR 19-5**

Public Hearing on Recertification of the Broward Municipal Services District Future Land Use Element – Text Amendment

(Previously approved.)

**PH 3**  **WAIVER TO THE BROWARD COUNTY TRAFFICWAYS PLAN – UNIVERSITY DRIVE PCTW 19-1W**

Waive a twelve (12) foot partial right-of-way dedication for approximately 600 feet along the west side of University Drive, between Northwest 32 Street and Sample Road, on the “Broward County Trafficways Plan;” located in the City of Coral Springs.

(Previously approved.)

**PH 4**  **AMENDMENT PC 19-5**

Public Hearing on Amendment to the Broward County Land Use Plan – City of Parkland

(Previously approved.)

**PH 5**  **A. AMENDMENT PC 19-1**

Second Public Hearing on Amendment to the Broward County Land Use Plan – City of Hollywood

**B. AMENDMENT PCT 19-1**

Second Public Hearing on Amendment to the Broward County Land Use Plan Text – City of Hollywood

Ms. Boy gave a brief overview of the proposed amendment, stating that this was the second Planning Council public hearing and at the first Planning Council public hearing there was an extensive discussion related to hurricane shelter staffing and the relationship to this amendment as it is proposing a permanent residential component.
with an addition of 350 dwelling units. Subsequent to the first public hearing, the amendments had been transmitted to the State of Florida review agencies by the Broward County Commission and no comments were received.

Ms. Boy stated that the applicant had submitted an alternative hurricane shelter staffing proposal, committing to provide four (4) shelter staff. Planning Council staff had received a letter from the county staff generally supportive of the applicant’s proposal to provide four (4) additional workers for hurricane shelters during evacuation times. There is an alternative staffing proposal on the table that the property owner is going to provide that staffing at the same level that is required at the County, which is the Level 2 background check, which would be tied to a legally enforceable agreement. The amendment would not be effective until that was executed and recorded.

Mr. Tracy Jackson, Director, Regional Emergency Services, spoke on behalf of County staff regarding the proposed alternative staffing and stated that the ultimate decision to accept the commitment would be decided by the Board of County Commissioners.

Mr. Aston Henry, Director, Risk Management, The School Board of Broward County, was asked to come forward and provided additional information regarding the School Board’s commitment to provide between 16 and 18 employees per shelter. An extensive discussion amongst the Planning Council members took place regarding the Policy in question and shelter staffing solutions.

The Chair asked for the public speakers to be called:

• The agent for the applicant, Mr. Wilson Atkinson, gave an overview of the proposed voluntary commitment to provide four (4) shelter staff, as well as detailing discussions with County staff, in this regard.

• Mr. Jaime Hernandez, Emergency Management Director, City of Hollywood, restated the City’s position to not provide shelter staffing and to continue to work with the County, School Board and other cities to identify solutions.

• Mr. Bruce Wiles, representing the Diplomat, stated that he was there to answer any specific questions.

At the conclusion of the public speakers, the Council deliberated on the proposed amendment.

(Commissioner Brunson left the meeting.)

There was discussion regarding Policy 2.12.8 as it relates to hurricane shelter clearance times and/or emergency shelter capacities, the location on the barrier
island and the South Florida Compact and affordable housing Policy 2.16.2. At the conclusion of the discussion, the Chair asked if there was a motion.

A motion was made by Commissioner Castillo recommend approval of items 5.A. and 5.B and seconded by Mayor Hardin. The Chair called for a vote and as there were negative votes, the Chair asked those not in favor to raise their hands. The item passed 9 to 4 with the following votes:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Robert Breslau</td>
<td>Yes</td>
</tr>
<tr>
<td>Commissioner Felicia Brunson</td>
<td>Yes</td>
</tr>
<tr>
<td>Commissioner Angelo Castillo</td>
<td>Yes</td>
</tr>
<tr>
<td>School Board Member Patricia Good</td>
<td>No</td>
</tr>
<tr>
<td>Mayor Michelle J. Gomez</td>
<td>Yes</td>
</tr>
<tr>
<td>Mary D. Graham</td>
<td>Yes</td>
</tr>
<tr>
<td>Richard Grosso</td>
<td>No</td>
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<tr>
<td>Mayor Rex Hardin</td>
<td>Yes</td>
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<tr>
<td>Commissioner Bernie Parness</td>
<td>No</td>
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<tr>
<td>Jackie Railey</td>
<td>Yes</td>
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<tr>
<td>Commissioner Nan H. Rich</td>
<td>No</td>
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<tr>
<td>David Rosenof</td>
<td>Yes</td>
</tr>
<tr>
<td>Mayor Michael J. Ryan</td>
<td>Yes</td>
</tr>
</tbody>
</table>

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS

(None.)

NEXT REGULAR SCHEDULED PLANNING COUNCIL MEETING – AUGUST 22, 2019

The next Planning Council meeting is scheduled for August 22, 2019, at 10:00 am., in Room 422 of the Broward County Governmental Center. The July 25, 2019 meeting was previously cancelled by Council.

ADJOURNMENT

Without objection the Chair adjourned this day’s meeting at 12:08 pm.

(A copy of the audio recording of this meeting is available upon request by calling Document Control located in Room 336U, at (954) 357-7297.)
Yes Madam Executive Director - that is correct - I am requesting an excused absence from the August 22nd meeting as I will be out of state.

Thank you for your diligence and follow up...

Daniel J. Stermer
NO BACKUP AVAILABLE

FOR THIS ITEM
NO BACKUP AVAILABLE
FOR THIS ITEM
NO BACKUP AVAILABLE
FOR THIS ITEM
EXPLANATION OF TRANSPORTATION TERMINOLOGY

Year 2040: Long Range Regional Transportation Network

I.T.E.: Institute of Transportation Engineers Trip Generation Manual

Capacity: Capacity at Level of Service D in thousands of vehicles at p.m. peak hour

P.M. Peak Hour: Traffic in thousands of vehicles per peak hour (i.e. one hour measured between 4:00 and 6:00 p.m.)

Annual Average Daily Traffic (A.A.D.T.): The volume passing a point or segment of a roadway in both directions for one year divided by the number of days in the year.¹

Significance Threshold: Corresponding to additional p.m. peak hour trips at three-percent (3%) or more of such capacity of a regional transportation link at the long-range planning horizon per BrowardNext - Broward County Land Use Plan Policy 2.14.9.

LOS: Level of Service² (LOS D is a policy of the Broward County Board of County Commissioners)

A LOS A describes primarily free-flow operations at average travel speeds, usually about 90 percent of the free-flow speed for the given street class. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Control delay at signalized intersections is minimal.

B LOS B describes reasonable unimpeded operations at average travel speeds, usually about 70 percent of the free-flow speed for the street class. The ability to maneuver within the traffic stream is only slightly restricted, and control delays at signalized intersections are not significant.

C LOS C describes stable operations; however, ability to maneuver and change lanes in midblock locations may be more restricted than at LOS B, and longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the free-flow speed for the street class.

D LOS D borders on a range in which small increases in flow may cause substantial increases in delay and decreases in travel speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or a combination of these factors. Average travel speeds are about 40 percent of free-flow speed.

E LOS E is characterized by significant delays and average travel speeds of 33 percent or less of the free-flow speed. Such operations are caused by a combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.

F LOS F is characterized by urban street flow at extremely low speeds, typically one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalized locations, with high delays, high volumes, and extensive queuing.

¹ Definition provided by the Broward Metropolitan Planning Organization.

Updated: November 2017
Process for Adoption
Expedited State Review Process
“Regular” or “Development of Regional Impact”
Broward County Land Use Plan Amendments

Legend

<table>
<thead>
<tr>
<th>Planning Council Action</th>
<th>County Commission Action</th>
<th>State Agency Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source: Broward County Planning Council</td>
<td></td>
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</tr>
</tbody>
</table>

Municipal Process / Planning Council Staff Review

Planning Council holds public hearing on transmittal of plan amendment

County Commission holds first public hearing to transmit plan amendment

Planning Council Staff Transmits plan amendment To State of Florida review agencies

State agencies comment directly to Broward County 30 days after transmittal package received and complete

Planning Council holds second public hearing on plan amendment, If required by Administrative Rules Document: BrowardNEXT

County Commission holds second public hearing to adopt or adopt with changes within 180 days (except no time limitation for DRIs)

Mail to State Agencies within 10 days; Challenge must be filed by “affected persons” within 30 days of finding adoption package is complete

Plan amendment is effective 31 days after State determines package is complete
Process for Adoption
“Small Scale” Broward County Land Use Plan Amendment

Municipal Process

Planning Council holds first public hearing on plan amendment

Planning Council holds second public hearing on plan amendment, if required by Administrative Rules
Document: BrowardNEXT

County Commission holds public hearing regarding adoption

If adopted, state DEO receives amendment. Amendment effective in 31 days.

Legend
- County Commission Action
- Planning Council Action
- State Agency Action

Source: Broward County Planning Council
Process for Adoption
Broward County Trafficways Plan Amendment

Municipality, County Commission, or Florida Department of Transportation submits request

Planning Council holds public hearing on proposed plan amendment

Adopted or revised amendment effective
Not adopted

Legend
- County Commission Action
- Planning Council Action
- State Agency Action

Source: Broward County Planning Council
State of Florida

Review Agency Comments

PCT 19-2

(Corresponds to Item PH 1)
May 22, 2019

The Honorable Mark D. Bogen, Mayor
Broward County Board of County Commissioners
Broward County Governmental Center
115 South Andrews Avenue, Room 410
Fort Lauderdale, Florida 33301-1872

Dear Mayor Bogen:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Broward County (Amendment No. 19-02ESR) received on April 22, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.

- The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days of your receipt of agency comments or the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- The adopted amendment must be rendered to the Department. Under Section 163.3184(3)(c)2. and 4., F.S., the amendment effective date is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.
If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at matt.preston@deq.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mp

Enclosure(s): Procedures for Adoption

cc: Barbara Blake Boy, Executive Director, Broward County Planning Council
    Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council
At the May 20, 2019 Council Meeting, the South Florida Regional Planning Council approved the attached report, finding the proposed and adopted amendments to be generally consistent with the Strategic Regional Policy Plan for South Florida. Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 924-3653 or isabelc@sfrpc.com. Please notice our new Suite # is 250.

Broward County Commission SFRPC Agenda IV.C, #18-5, 19-2,3ESR;
Mayor CC
Mark D. Bogen  Henry Sniezek/Deanne D. Von Stetina/Jo Sesodia/Barbara Blake Boy/
mbogen@broward.org;  HNSIEZEK@broward.org; bblakeboy@broward.org;
dvonstetina@broward.org; JSESODIA@broward.org;

City of Hollywood SFRPC Agenda IV.C, #19-1ESR;
Mayor CC
Josh Levy  Leslie DelMonte
j levy@hollywoodfl.org;  LDelmonte@hollywoodfl.org;

City of Marathon SFRPC Agenda IV.C, #19-2ACSC;
Mayor CC
John Bartus  George Garrett
bartusi@ci.marathon.fl.us;  garrettg@ci.marathon.fl.us;

City of Miami SFRPC Agenda IV.C, #19-2ESR;
Mayor CC
Francis Suarez  Francisco Garcia/Sue Trone
fsuarez@miamigov.com;  fgarcia@miamigov.com; Strone@miamigov.com;

City of Miramar SFRPC Agenda IV.C, #18-2ESR;
Mayor CC
Wayne M. Messam Eric Silva
wmessam@miramarfl.gov;  ebsilva@miramarfl.gov;
DATE: MAY 20, 2019

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT CONSENT AGENDA

Pursuant to the 1974 Interlocal Agreement creating the South Florida Regional Planning Council (Council), the Council is directed by its member counties to “assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.”

In fulfillment of the Interlocal Agreement directive and its duties under State law, the Council reviews local government Comprehensive Plan amendments for consistency with the Strategic Regional Policy Plan for South Florida (SRPP). Pursuant to Section 163.3184, Florida Statutes as presently in effect, Council review of comprehensive plan amendments is limited to 1) adverse effects on regional resources and facilities identified in the SRPP and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region. The Council’s review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Economic Opportunity certifies its completeness.

A written report of Council’s evaluation pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the tables below generally consistent with the Strategic Regional Policy Plan for South Florida.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.
<table>
<thead>
<tr>
<th>Local Government and Plan Amendment Number</th>
<th>Proposed</th>
<th>Adopted</th>
<th>Council Review Date</th>
<th>Local Government Transmittal or Adoption Public Hearing and Meeting</th>
<th>Governing Body Adoption Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward County 19-2ESR (received 04-22-19)</td>
<td>V</td>
<td>N/A</td>
<td>05-20-19</td>
<td>04-16-19</td>
<td>9-0</td>
</tr>
</tbody>
</table>

1. The proposed amendment to the Broward County’s Comprehensive Plan seeks to amend the permitted uses of the “Commerce” land use designation to create further incentives for Affordable Dwelling Units (ADUs) at the very-low, low, and moderate affordability levels. The amendment maintains the allocations of flexibility and/or redevelopment units to a maximum of 10 unit/acre, on lands designated as “Commerce.” Of the six (6) parcels being affected, five (5) are owned Thayer Lodging Group LLC (Diplomat), one (1) is owned by the City of Hollywood, and in total 19.1 acres of land are affected by this change. Additionally, the amendment removes the requirement to allocate flexibility and/or redevelopment units for developments of any size that include an affordable housing component retracted for a period of at least 15 years.

2. This will affect any areas that are labeled as “Commerce” in the County’s Land Use Designation map.

3. This amendment does not create any adverse impact to state or regional resources/facilities.

| Broward County 19-3-ESR (received 05-10-19) | V        | N/A     | 05-20-19            | 05-07-19                                                      | 6-3                         |

1. The proposed amendment to the Broward County Comprehensive Plan seeks to amend the Broward County Land Use Plan (BCLUP) and Map permitted use of “Medium-High (25) Residential and Commerce” to “Activity Center.” The amendment will allow for an estimated 660 additional hotel rooms (840 hotel rooms are currently permitted), 350 dwelling units, 150,000 square feet of convention space, and the reduction of over 212,496 square feet of commercial/office use. Of the six (6) parcels being affected, five (5) are owned by Thayer Lodging Group LLC (Diplomat), one (1) is owned by the City of Hollywood, and in total 19.1 acres of land are affected by this change. This amendment is being transmitted concurrently with a City of Hollywood amendment, which serves a similar purpose.

2. The subject property is located on approximately 19 acres on both sides of State Road A1A, north of Hallandale Beach Boulevard.

3. This amendment does not create any adverse impact to state or regional resources/facilities.
I am writing to advise you that the Department will not be issuing formal comments for the proposed Broward County Land Use Plan amendment with DEO reference number 19-2ESR related to text changes regarding residential uses in the “Commerce” land use category.

We appreciate the outreach conducted by the Planning Council and the work performed to address comments received by the Department.

The Department requests one electronic copy, in Portable Document Format (PDF), of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Thank you.

Larry Hymowitz
Planning Specialist - Policy Planning & Growth Management
Planning & Environmental Management - FDOT District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Phone: (954) 777-4663; Fax: (954) 677-7892
larry.hymowitz@dot.state.fl.us
April 25, 2019

VIA EMAIL (dvonstetina@broward.org)

Ms. Deanne Von Stetina, AICP
Assistant Executive Director for the Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

Re: DACS Docket # -- 20190424-62
Broward County PCT 19-2
Submission dated April 23, 2019

Dear Ms. Stetina:

The Florida Department of Agriculture and Consumer Services (the “Department”) received the above-referenced proposed comprehensive plan amendment on April 24, 2019, and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county’s submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2282.

Sincerely,

Gail Lolley
Sr. Management Analyst II
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Broward County 19-2ESR)
Ms. Blake Boy:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

If you need any further assistance, please do not hesitate to contact our office by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Vicki Garcia at (561) 882-5711 or by email at Vicki.Garcia@MyFWC.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

Broward County 19-2ESR_38831_042919
To: Deanne Von Stetina, Assistant Executive Director  
Re: Broward County 19-2ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department’s jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.
**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN TEXT**  
**PROPOSED AMENDMENT PCT 19-2**  

“Commerce Permitted Uses”

<table>
<thead>
<tr>
<th>RECOMMENDATIONS/ACTIONS</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Planning Council Staff Transmittal Recommendation</td>
<td>February 19, 2019</td>
</tr>
<tr>
<td>It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.</td>
<td></td>
</tr>
<tr>
<td>This item is recommended for a second public hearing to ensure an additional comment period for interested parties.</td>
<td></td>
</tr>
<tr>
<td>This item will be presented to the Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee’s recommendation will be presented at the Planning Council meeting.</td>
<td></td>
</tr>
<tr>
<td>II. Planning Council Land Use/Trafficways Committee Recommendation</td>
<td>February 28, 2019</td>
</tr>
<tr>
<td>Approval per Planning Council staff transmittal recommendation.</td>
<td></td>
</tr>
<tr>
<td>III. Planning Council Transmittal Recommendation</td>
<td>February 28, 2019</td>
</tr>
<tr>
<td>Approval per Planning Council staff transmittal recommendation, including a second Planning Council public hearing. (Vote of the board; Unanimous: 13-0; Blackwelder, Blattner, Brunson, Castillo, Ganz, Gomez, Graham, Grosso, Hardin, Railey, Rich, Rosenof and Stermer)</td>
<td></td>
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<tr>
<td>IV. County Commission Transmittal Recommendation</td>
<td>April 16, 2019</td>
</tr>
<tr>
<td>Approval per Planning Council transmittal recommendation.</td>
<td></td>
</tr>
<tr>
<td>V. Summary of State of Florida Review Agency Comments</td>
<td>May 22, 2019</td>
</tr>
<tr>
<td>The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.</td>
<td></td>
</tr>
</tbody>
</table>
VI. **Planning Council Staff Final Recommendation**

August 13, 2019

It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved with the modification of the transit requirement. See Attachment 1.

Further, Planning Council staff recommends that it pursue an examination of expanding the availability of the affordable housing incentive beyond areas of transit influence, as well as a re-examination of the transit requirement for bonus density for affordable housing.
SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-2

BACKGROUND INFORMATION

At its March 22, 2018 meeting, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation. Subsequent to the Council’s initiation the Broward County Board of County Commissioners reiterated the initiation, including the promotion of mixed-income/affordable housing opportunities at an April 17 workshop.

PUBLIC OUTREACH

Planning Council staff held a workshop on June 25 to discuss the foundation of the proposal. Local governments and interested parties were in attendance. In addition, a presentation was made on July 16 to the Broward Planning Director’s Roundtable. Planning Council staff distributed the proposed amendment via email to all municipal mayors, managers and planners, as well as interested parties. See Attachment 2.

In an effort to encourage dialogue with municipalities and other interested parties, written comments have been and continue to be accepted regarding the proposed amendment. See Attachment 3 for all written comments received as of this writing. The comments and Planning Council staff responses can be found in the Planning Analysis Section of this report.

Update: August 13, 2019: Planning Council staff sent an additional request for comments subsequent to the review by the State of Florida review agencies. Additional comments were received and can be found in the Planning Analysis Section of this report.
PLANNING ANALYSIS AND SUMMARY

The proposed amendment to the permitted uses of the “Commerce” land use designation is intended to create further incentives for affordable dwelling units at the very-low (less than 50% of the area median income), low (less than 80% of the area median income) and moderate (less than 120% of the area median income) affordability levels. A map of the BrowardNext – Broward County Land Use Plan “Commerce” land use designations is included as Attachment 4.

The BrowardNext – Broward County Land Use Plan (BCLUP), as adopted in 2017:

- Created a new “Commerce” land use designation which was the result of streamlining and combining the non-residential business categories (i.e. Commercial, Industrial, Employment Center and Office Park) into a single land use designation; and
- Transitioned the allocation of “flexibility units” and/or “redevelopment units” from site-planning type regulations to a maximum of 10 acres on lands designated “Commerce” and up to 20 acres, if inclusive of an affordable housing component.

The proposed amendment can be summarized as follows:

- Maintains allocations of “flexibility units” and/or “redevelopment units” to a maximum of 10 acres on lands designated “Commerce”; and
- Removes the requirement to allocate “flexibility units” and/or “redevelopment units” for developments of any size that include an affordable housing component restricted for a period of at least 15 years (i.e. residential permitted by right subject to the affordable housing component).

See Attachment 1.

Planning Council staff received the following comments regarding the proposed amendment:

City of Miramar

Comment: Residential Uses in Commerce Category: No objection other than providing some locational criteria, such as proximity to major transit corridors for subpart (d). See Attachment 3.A.

Planning Council Staff Response: Staff concurs and has updated the proposed text amendment to reflect transit access and location requirements similar to those adopted in the BCLUP as part of the “bonus density” requirements. The proposed amendment has been modified to clarify that transit service is defined as projects located within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour. This clarification will focus these types of opportunities with direct access to transportation corridors such as State Road 7/U.S. 441, Federal Highway, University Drive, Broward Boulevard and Sunrise Boulevard. Planning Council staff will coordinate with Broward County Transit and will provide an updated map for the recommended second Planning Council public hearing.
PLANNING ANALYSIS AND SUMMARY (continued)

Broward County Planning and Development Management Division

Comment: This section of the Broward County Land Use Plan (LUP) includes uses allowed under each land use category. The amendment deletes the maximum amount of land allowed for residential use in the Commerce Use category, including the incentive if affordable housing is part of the allotment. The proposed amendment includes proximity to transit as a condition for residential uses. It then lists levels of affordable housing (15%, 10%, or 5%) allowed, but does not clarify whether these are requirements and what conditions they are associated with. In order to ensure predictable development decisions consistent with Policy 2.20.8, the PDMD staff recommends the policy state how to determine the amount of affordable housing that is required. See Attachment 3.B.

Planning Council Staff Response: Comment noted. Planning Council staff’s interpretation of the proposed amendment is that the set-asides are defined with a sliding scale of income ranges and include minimum amounts for the very-low and low income categories.

Comment: The Broward County Land Use Plan’s Affordable Housing Vision identifies the provision of affordable housing as a challenge due to numerous forces, including the built-out condition of Broward County and the prevalence of a service sector economy that provides lower wage jobs. These conditions are not expected to change in the foreseeable future. PDMD notes that the requirement that affordable housing remain affordable for 15 years is likely to offset affordable housing needs in the short-term but is not part of a long-term solution. See Attachment 3.B.

Planning Council Staff Response: Comment noted. The 15-year timeline is consistent with other adopted policies and uses in the BCLUP related to affordable housing, such as “bonus density.”

Broward County Housing Finance and Community Redevelopment Division

Comment: Need definition of contiguous to transit. Does the parcel literally need to touch a transit corridor? See Attachment 3.C.

Planning Council Staff Response: Staff concurs and has updated the proposed text amendment to reflect transit access and location requirements similar to those adopted in the BCLUP as part of the “bonus density” requirements. The proposed amendment has been modified to clarify that transit service is defined as projects located within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour. This clarification will focus these types of opportunities with direct access to transportation corridors such as State Road 7/U.S. 441, Federal Highway, University Drive, Broward Boulevard and Sunrise Boulevard. Planning Council staff will coordinate with Broward County Transit and will provide an updated map for the recommended second Planning Council public hearing.
PLANNING ANALYSIS AND SUMMARY (continued)

Comment: Even though this currently exists in some form, a requirement for some type of affordable or mixed income element should be introduced. There is not a single city the county that does not have one or more affordable income ranges that are under-served. See Attachment 3.C.

Planning Council Staff Response: Staff recognizes the affordability or mixed income element and is of the opinion that the proposed modification would create an incentive for affordable housing as the proposed language would permit residential by right if the affordable housing percentages are met, with no allocation of “flexibility units” and/or “redevelopment units” required.

City of Pompano Beach
Comment: Pompano’s comment on these new policies relates to the elimination of the ability of local governments to use flex units on commercial properties greater than 10 acres that are building market-rate units. It is our preference that 11.d be amended for the Commerce policy to eliminate the language “On parcels up to 10 acres” so that local governments can retain their current authority to allocate flex units on any size parcel with a commercial (Commerce) land use regardless of whether or not affordable housing is being provided. As you know, Pompano requires in our zoning code that all flex unit allocations include affordable housing unless the Applicant provides a buy-out of the affordable housing requirement for any project building market-rate flex units. The proposed policy would eliminate that right. See Attachment 3.D.

Planning Council Staff Response: BrowardNext – Broward County Land Use Plan was adopted in 2017 with a maximum acreage limitation of 10 acres for parcels that do not have a deed restricted affordable housing component. The proposed text amendment does not change that condition and staff modified the strike-through/underline format of the text amendment to more clearly reflect that the 10-acre limitation is not proposed but existing. Further, the proposed amendment does create two (2) incentives for affordable housing opportunities:

1) No acreage limitation for parcels with restricted affordable dwelling units; and
2) Permits residential as a right without local requirement to allocate “flexibility units” or “redevelopment units.”

Florida Department of Transportation
Comment: Paragraph “a.” allows Residential uses in the Commerce use if there is some affordable housing and it is on parcels located contiguous to transit service. Could contiguous also mean “served by” or “accessible to”? See Attachment 3.E.

Comment: What degree of transit service is sufficient? Should there be a premium transit service, certain minimum headways, access to more than one route? One route with marginal headways may not be sufficient to support affordable housing. See Attachment 3.E.
Planning Council Staff Response: Staff concurs and has updated the proposed text amendment to reflect transit access and location requirements similar to those adopted in the BCLUP as part of the “bonus density” requirements. The proposed amendment has been modified to clarify that transit service is defined as projects located within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour. This clarification will focus these types of opportunities with direct access to transportation corridors such as State Road 7/U.S. 441, Federal Highway, University Drive, Broward Boulevard and Sunrise Boulevard. Planning Council staff will coordinate with Broward County Transit and will provide an updated map for the recommended second Planning Council public hearing.

Update: August 13, 2019: Planning Council staff received the following comments regarding the proposed amendment:

City of Deerfield Beach
Comment: The City is strongly in favor of the proposed changes. See Attachment 5.A.

Planning Council Staff Response: Comment noted.

City of Miramar
Comment: The contiguous transit service requirement is difficult for some cities. Please consider removing it and increasing the affordability requirement to help with tax credit projects or other projects that cities support. See Attachment 5.B.

Planning Council Staff Response: Comment noted. Planning Council staff does not have an objection to considering other areas not as transit-centric with increased affordable housing percentages as a future amendment. However, the proposal requires additional review as the transportation and housing connection is vital to the success of housing opportunities.

During the further evaluation of the proposed transit language, it came to Planning Council staff’s attention that the requirement to be contiguous to transit service is defined as within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour, may be too restrictive to promote opportunities in specific areas where retail shopping centers and big box stores are underutilized and/or distressed. See Attachment 6.

Planning Council staff requested additional data from the Broward County Transit Division regarding bus service and stops. Based on the data provided, Planning Council staff is recommending that the transit requirement be updated to three (3) transit buses or similar transit vehicle passing by in one hour. See Attachment 7. Staff also proposes to expand transit service as within a ½ mile of a rail station (same standard adopted for “bonus density”). Neither similar transit vehicles nor rail stations are depicted on the map but may include municipal shuttle services that are coordinated with Broward County Transit, as well as Tri-Rail and Brightline stations. See Attachment 1 for the updated transit references.
PLANNING ANALYSIS AND SUMMARY (continued)

Update: August 13, 2019: (continued) Planning Council staff is recommending a further refinement that residential uses permitted by right in the Commerce category (i.e. permitted uses a. through c.) is the creation of new dwelling units beyond what is currently permitted by the BCLUP and that those uses should be prohibited within the defined hurricane evacuation zones and/or Priority Planning Areas. This recommendation is reinforced by BCLUP Policy 2.12.8 regarding impacts to clearance times and/or shelter capacities, as well as Policy 2.21.1 regarding discouraging development that would be at risk of flooding from sea level rise. See Attachment 1.

Conclusion
Planning Council staff recommends approval of the proposed amendment. See Attachment 1. Further, staff recommends a second Planning Council public hearing.

Update: August 13, 2019: Planning Council staff recommends approval of the revised Attachment 1. In addition, Planning Council staff suggests that the permitted use be evaluated in three (3) years (or sooner) from the effective date of the amendment to determine the success of the transit requirement and affordable housing percentages and if any modification is necessary.

Further, Planning Council staff recommends that it pursue an examination of expanding the availability of the affordable housing incentive beyond areas of transit influence, as well as a re-examination of the transit requirement for bonus density for affordable housing.
SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-2

ATTACHMENTS

1. Proposed Amendment PCT 19-2 (Updated: August 13, 2019)

2. Email Correspondence to all Municipal Mayors, Managers and Planners, as well as Interested Parties

3. A. Correspondence from the City of Miramar dated November 20, 2018
   B. Correspondence from the Broward County Planning and Development Management Division dated November 28, 2018
   C. Correspondence from the Broward County Housing Finance and Community Redevelopment Division dated December 5, 2018
   D. Correspondence from the City of Pompano Beach dated January 2, 2019
   E. Correspondence from the Florida Department of Transportation dated January 25, 2019

4. BrowardNext – Broward County Land Use Plan Map depicting “Commerce” land use designation

Update: August 13, 2019:

5. A. Correspondence from the City of Deerfield Beach dated July 2, 2019
   B. Correspondence from the City of Miramar dated July 5, 2019

6. Qualified Transit Areas Map – Five (5) Peak Buses Per Hour (Provided by Broward County Transit)

7. Qualified Transit Areas Map – Three (3) Peak Buses Per Hour (Provided by Broward County Transit)
ATTACHMENT 1

PROPOSED BROWARDNEXT – BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 19-2

COMMERCING USE (BCLUP PERMITTED USES)

11. Residential uses, as follows:

a. On parcels located contiguous to transit service that include a minimum of 15% affordable housing (consisting of at least 3% very-low income and 5% low income with remaining percentage at any affordable housing income level) restricted to such use for a minimum of 15 years; or,

b. On parcels located contiguous to transit service that include a minimum of 10% affordable housing (consisting of at least 4% very-low income, and 6% low income) restricted to such use for a minimum of 15 years; or,

c. On parcels located contiguous to transit service that include a minimum of 5% very-low income affordable housing restricted to such use for a minimum of 15 years; or,

d. On parcels up to 10 acres (up to 20 acres for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years), are permitted via local government allocation of “flexibility units” and/or “redevelopment units,” provided that total residential uses do not exceed 20% of the land area designated “Commerce” or equivalent land use designation within the municipality.

Areas east of the Intracoastal Waterway are limited to a maximum of 25 dwelling units per acre and are not permitted to utilize “redevelopment units.” Permitted uses a. through c. are prohibited in the defined hurricane evacuation zones (i.e. east of Federal Highway/US 1) and/or Priority Planning Areas. Compatibility with existing and planned uses shall be addressed by the local government.

Contiguous to transit service is defined as within a ¼ mile of limited transit stop defined as no fewer than three (3) buses or similar transit vehicle passing by in one hour or within ½ mile of a rail station.

Units of local government may utilize the above provisions regardless of whether such provisions are incorporated within their certified local land use elements.

Note: Proposed additions and deletions are presented in underline and strike-through format. Double-underlined words are additions based on stakeholder comments. Double-underlined, bold words are modifications proposed subsequent to comments and review of data.
Greetings--

At its March 22, 2018 meeting, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation. Subsequent to the Council’s initiation the Broward County Board of County Commissioners reiterated the initiation including the promotion of mixed-income/affordable housing opportunities at an April 17 workshop. The following proposed amendments are a result of that initiation and subsequent initiation at the October 25, 2018, Planning Council meeting:

**PCT 19-2:** Revision of Commerce land use designation permitted uses to include a mixed-income formula for parcels with direct access to transit corridors with frequent transit service (may be further refined to be similar to bonus density provisions definition of transit service as well as consideration of penny surtax plan).

**PCT 19-4:** Proposed land use designation to accommodate smaller mixed-use areas.

**PCT 19-5:** Revision of the Residential land use designation permitted uses to include “Accessory Dwelling Units,” for affordable units, as permitted by and consistent with Florida Statutes Chapter 163.

**PCT 19-6:** Revision of the Residential land use designation permitted uses and *Administrative Rules Document: BrowardNext*, Article 3.5(3), to expand mixed residential and retail sales or offices for densities greater than 25 dwelling units per acre.

The attached files are labeled by amendment reference.
Planning Council staff requests written comments be submitted by January 4, 2019, as a Planning Council public hearing is proposed for January 24, 2019. Thank you for your continued assistance and collaboration. Please feel free to contact me or Deanne Von Stetina (dvonstetina@broward.org or 954.357.6690) if you have any questions.

Wishing you all a happy and safe Thanksgiving holiday—

Barbara

Barbara Blake Boy, Executive Director
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6982 (direct) www.Broward.org/PlanningCouncil

Attached Files: PCT 19-2, PCT 19-4, PCT 19-5 and PCT 19-6
Good afternoon Barbara,

Following is a list of comments I would like to offer on the proposed BCLUP Amendments your office has shared with us.

1. Residential Uses in Commerce Category: No objection other than providing some locational criteria, such as proximity to major transit corridors for subpart (d).
2. Accessory Dwelling Units in all Residential Categories: No objections as that would help alleviate the affordability housing shortage and is in line with Sec. 163.3177, F.S.
3. Office and Retail Sales of Merchandises in Medium- and High-Density Residential Categories: I have some reserve on that amendment, as proposed, and, for that matter, subparagraph (9) altogether. The benefits of integration of uses in a single development from both a land use and sustainability standpoint are well documented in the literature. However, in cities like ours where affordable housing is an issue and where the amount of land available for medium- to high-density residential uses is relatively small, allowing commercial uses in such districts may well hinder our efforts to address the affordable housing crisis, as that may take away suitable land to create more housing units, raise the price of such land, and, ipso facto, drive up the cost of building affordable housing units. I can understand limiting accessory retail sales and services uses to the first floor in the forms of convenience stores, drop-off dry cleanings, and the likes, but, as written, the policy is too permissive.
4. Mixed-Use Village: I think this category shall be restricted to major thoroughfares and on sites of five (5) acres or more to provide for excellence in design and a functional integration of uses. Mixed Uses shall require three (3) uses, with residential development being a required one.

Warm regards,

Nixon Lebrun, AICP, MPA, CFM
Senior Planner | Community & Economic Development Department
City of Miramar | 2200 Civic Center Place, Miramar, FL 33025
O: 954.602.3281 | F: 954.602.3497 | nlebrun@miramarfl.gov
Hours: M – Th., 7am – 6pm, F – Closed | www.miramarfl.gov
It’s Right Here In Miramar... And So Are You!
MEMORANDUM

TO: Barbara Blake Boy, Executive Director
   Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
   Planning and Development Management Division

DATE: November 28, 2018

SUBJECT: Proposed PCT 19-2, 19-4, 19-5, 19-6

The Planning and Development Management Division (PDMD) staff have reviewed the above-referenced amendments and offer the following comments:

A. PC 19-2: Application of Residential Flex within the Commerce Future Land Use Designation

1. This section of the Broward County Land Use Plan (LUP) includes uses allowed under each land use category. The amendment deletes the maximum amount of land allowed for residential use in the Commerce Use category, including the incentive if affordable housing is part of the allotment. The proposed amendment includes proximity to transit as a condition for residential uses. It then lists levels of affordable housing (15%, 10%, or 5%) allowed, but does not clarify whether these are requirements and what conditions they are associated with. In order to ensure predictable development decisions consistent with Policy 2.20.8, the PDMD staff recommends the policy state how to determine the amount of affordable housing that is required.

2. The Broward County Land Use Plan’s Affordable Housing Vision identifies the provision of affordable housing as a challenge due to numerous forces, including the built-out condition of Broward County and the prevalence of a service sector economy that provides lower wage jobs. These conditions are not expected to change in the foreseeable future. PDMD notes that the requirement that affordable housing remain affordable for 15-years is likely to offset affordable housing needs in the short-term but is not part of a long-term solution.

B. PC 19-4: Mixed-Use Village

1. The proposed Mixed-Use Village future land use designation offers opportunities for redevelopment on a smaller scale than Activity Centers. Allowable uses include housing, retail, office, recreation, community facility, and “employment”. It is unclear what types of uses would be classified as employment and if industrial uses would be considered employment uses. PDMD recommends deleting “employment” since it is encapsulated in the terms that follow.

2. In an Activity Center future land use designation, it is generally accepted that short-term land use incompatibilities among adjacent properties may occur as the land use pattern within a large area evolves into a balanced and interconnected mix of uses. However, the Mixed-Use Village is specifically intended to be site-specific and apply to places such as aging shopping
centers and strip malls. These sites often are located adjacent to low density residential uses that may be exposed to potential “incompatibilities”. PDMD reviews future land use map applications for compatibility with the environs. PDMD recommends that compatibility be defined for Mixed-Use Village in relationship with surrounding uses.

3. The Mixed-Use Village requires uses to be mixed vertically or horizontally within the same building. PDMD recommends that horizontal mixed uses be allowed within separate buildings located on a property under single ownership, where the site design will promote pedestrian connectivity between uses, for example shared parking, building placement with direct pedestrian access, etc.

C. PC 19-5: Accessory Dwellings

The proposed amendment references that accessory dwellings are subject to the requirements of Chapter 163.31771, Florida Statutes. This statute requires an applicant to provide an affidavit with the building permit application that states the unit will be rented in an affordable category. Each accessory dwelling unit applies toward the affordable housing component of the local Housing Element. PDMD recommends that the Administrative Rules Document be amended to require municipalities to include these units in the required annual report to the Broward County Planning Council.

D. PC 19-6: Medium-High Density Residential

PDMD has no comments regarding this proposed amendment.

Please contact Sara Forelle, AICP, Planning Section Supervisor at sforelle@broward.org or 954-357-6635 should you have any questions.

CC:
Darby Delsalle, AICP, Assistant Director, Planning and Development Management Division
Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division
COMMERCIAL USE (BCLUP PERMITTED USES)

11. Residential uses, as follows: up to 10 acres (up to 20 acres for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years), are permitted via local government allocation of “flexibility units” and/or “redevelopment units,” provided that total residential uses do not exceed 20% of the land area designated “Commerce” or equivalent land use designation within the municipality.

a. On parcels located contiguous to transit service that include a minimum of 15% affordable housing (consisting of at least 3% very-low income and 5% low income with remaining percentage at any affordable housing income level) restricted to such use for a minimum of 15 years; or,

***NOTE: need definition of contiguous to transit. Does the parcel literally need to touch a transit corridor? Hopefully not.

b. On parcels located contiguous to transit service that include a minimum of 10% affordable housing (consisting of at least 4% very-low income, and 6% low income) restricted to such use for a minimum of 15 years; or,

c. On parcels located contiguous to transit service that include a minimum of 5% very-low income affordable housing restricted to such use for a minimum of 15 years; or,

d. On parcels up to 10 acres, via local government allocation of “flexibility units” and/or “redevelopment units,” provided that total residential uses do not exceed 20% of the land area designated “Commerce” or equivalent land use designation within the municipality.”

***NOTE: even though this currently exists in some form, a requirement for some type of affordable or mixed income element should be introduced. There is not a single city the county that does not have one or more affordable income ranges that are under served.

Areas east of the Intracoastal Waterway are limited to a maximum of 25 dwelling units per acre and are not permitted to utilize “redevelopment units.” Compatibility with existing and planned uses shall be addressed by the local government.

Units of local government may utilize the above provisions regardless of whether such provisions are incorporated within their certified local land use elements.

Note: Proposed additions and deletions are presented in underline and strike-through format.
Hi Barbara – Pompano’s comment on these new policies relates to the elimination of the ability of local governments to use flex units on commercial properties greater than 10-acres that are building market-rate units. It is our preference that 11.d be amended for the Commerce policy to eliminate the language “On parcels up to 10-acres” so that local governments can retain their current authority to allocate flex units on any size parcel with a commercial (Commerce) land use regardless of whether or not affordable housing is being provided. As you know, Pompano requires in our zoning code that all flex unit allocations include affordable housing unless the Applicant provides a buy-out of the affordable housing requirement for any project building market rate flex units. The proposed policy would eliminate that right.

Our suggested changes to the proposed policy is as follows:

11.d. On parcels up to 10 acres, via local government allocation of “flexibility units” and/or “redevelopment units”, provided that total residential uses do not exceed 20% of the land area designated “Commerce” or equivalent land use designation within the municipality.

Thanks,
Jean
Please accept the following comments for the proposed Broward County Land Use Plan amendments.

Thank you for the opportunity to review.

Mixed Use Village

1. The third paragraph indicates that a Transit Village must be served by neighborhood transit stations.
   a. It is not clear what it means to be “served”. Does it mean accessible? Should it be on site? Within a certain distance? Recommend meeting with BCT to discuss. FDOT (Planning and Office of Modal Development) can participate as requested.
   b. It is also not clear what constitutes a transit station. Is it more than a bus stop? Does it need to have certain features/functionality? Recommend meeting with BCT to discuss. FDOT (Planning and Office of Modal Development) can participate as requested.

2. The fourth paragraph indicates that the Mixed Use Village promotes integrated mixed use. The second bullet is confusing. It discusses having horizontal mixed use in the same building but attached. Is there a difference between vertical and horizontal mixed use if it is in the same building? Most horizontal mixed uses are discouraged in an urban form that’s representative of an urban infill area and a transit oriented context.

Commerce Use

3. Paragraph “a.” allows Residential uses in the Commerce use if there is some affordable housing and it is on parcels located contiguous to transit service. There is ambiguity similar to above for the Mixed Use Village.
   a. Could contiguous also mean “served by” or “accessible to”?
   b. What degree of transit service is sufficient? Should there be a premium transit service, certain minimum headways, access to more than one route? One route with marginal headways may not be sufficient to support affordable housing.

Residential Use

4. 9f on page 2 allows for up to 30% of the parcel area to be used for offices and/or retail uses where density is 25 d.u./acre or higher. There is no indication if these non-residential uses are integrated or are stand-alone. If there is an expectation or desire that these uses be integrated, it is suggested that clarification be provided.
Larry Hymowitz  
Planning Specialist - Policy Planning & Growth Management  
Planning & Environmental Management - FDOT District Four  
3400 West Commercial Boulevard  
Fort Lauderdale, Florida 33309-3421  
Phone: (954) 777-4663; Fax: (954) 677-7892  
larry.hymowitz@dot.state.fl.us
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
LANDS DESIGNATED COMMERCE
AMENDMENT PCT 19-2

ATTACHMENT 4
The City of Deerfield Beach is strongly in favor of the proposed changes.
Thanks,
Eric

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Greetings—
Proposed BrowardNext – Broward County Land Use Plan text amendment PCT 19-2 received no comments during the State of Florida review period.

During the review period, I have had a couple of conversations related to the following proposed text:
• Contiguous to transit service is defined as within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour.

Discussion Points for Clarification:
  • Should proposed text be clarified to include publicly operated shuttle and/or circulator services as a similar transit vehicle (would not include private community shuttles)?
  • Should proposed text be clarified to be inclusive of all directions?

• Units of local government may utilize the above provisions regardless of whether such provisions are incorporated within their certified local land use elements.

Discussion Point for Clarification:
  • This language is interpreted that local governments can use the referenced provisions without the requirement to amend its own plan. No additional text required.

Please provide any additional comments no later than July 31, 2019, for consideration at the August 22, 2019, Planning Council public hearing. Please feel free to contact me if you would like to discuss.

Thank you for your consideration.
Barbara

Barbara Blake Boy, Executive Director
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6982 (direct) www.Broward.org/PlanningCouncil

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.
Hi Barbara,

The contiguous to transit service requirement is difficult for some cities. How about removing it and increasing the affordability requirement? It would help tax credit projects or others that cities support.

Eric

---

From: Blake Boy, Barbara <BBLAKEBOY@broward.org>
Sent: Tuesday, July 2, 2019 3:11 PM
Subject: Final Request for Comments: PCT 19-2 - Affordable Housing as a Permitted Use in "Commerce" Category

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties)

Greetings—

Proposed BrowardNext – Broward County Land Use Plan text amendment PCT 19-2 received no comments during the State of Florida review period.

During the review period, I have had a couple of conversations related to the
Contiguous to transit service is defined as within a ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicle passing by in one hour.

Discussion Points for Clarification:
- Should proposed text be clarified to include publicly operated shuttle and/or circulator services as a similar transit vehicle (would not include private community shuttles)?
- Should proposed text be clarified to be inclusive of all directions?

Units of local government may utilize the above provisions regardless of whether such provisions are incorporated within their certified local land use elements.

Discussion Point for Clarification:
- This language is interpreted that local governments can use the referenced provisions without the requirement to amend its own plan. No additional text required.

Please provide any additional comments no later than July 31, 2019, for consideration at the August 22, 2019, Planning Council public hearing. Please feel free to contact me if you would like to discuss.

Thank you for your consideration.

Barbara

**Barbara Blake Boy, Executive Director**

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6982 (direct) [www.Broward.org/PlanningCouncil](http://www.Broward.org/PlanningCouncil)
This map is for conceptual purposes only and should not be used for legal boundary determination.
This map is for conceptual purposes only and should not be used for legal boundary determination.
Commercial Recreation

Approximately 3.7 acres

Current Land Use: Commercial Recreation

Gross Acres: Approximately 3.7 acres
Proposed Land Use: Irregular (6) Residential

Gross Acres: Approximately 3.7 acres
SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 19-6
(LIGHTHOUSE POINT)

RECOMMENDATIONS/ACTIONS

I. Planning Council Staff Recommendation August 13, 2019

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved.

Further, the applicant’s confirmation to 1) comply with all necessary Environmental Resource License requirements and 2) develop a hurricane evacuation and reentry plan in coordination with the City of Lighthouse Point is recognized. See Attachment 7.

As there are no outstanding policy concerns or issues, Planning Council staff does not recommend a second Planning Council public hearing be required consistent with Article 1.2 (A) of the Administrative Rules Document: BrowardNext.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the Administrative Rules Document: BrowardNext. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.
SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 19-6

INTRODUCTION AND APPLICANT’S RATIONALE

I. **Municipality:** Lighthouse Point

II. **County Commission District:** District 4

III. **Site Characteristics**

   A. **Size:** Approximately 3.7 acres

   B. **Location:** In Section 17, Township 48 South, Range 43 East; generally located on the north side of Northeast 42 Street, between Northeast 27 Avenue and Northeast 30 Terrace

   C. **Existing Uses:** Tennis courts and parking (accessory to private yacht club and marina)

IV. **Broward County Land Use Plan (BCLUP) Designations**

   A. **Current Designation:** Commercial Recreation

   B. **Proposed Designation:** Irregular (6) Residential

   C. **Estimated Net Effect:** Addition of 22 dwelling units

V. **Existing Uses and BCLUP Designations Adjacent to the Amendment Site**

   A. **Existing Uses:**

      - **North:** Yacht club and marina
      - **East:** Single-family residential
      - **South:** Single-family residential
      - **West:** Single-family residential

   B. **Planned Uses:**

      - **North:** Commercial Recreation
      - **East:** Low (3) Residential
      - **South:** Low (3) Residential and Low (5) Residential
      - **West:** Low (3) Residential
INTRODUCTION AND APPLICANT’S RATIONALE (continued)

VI. **Applicant/Petitioner**

A. **Applicant:** Lighthouse Point Yacht Club Investments, LLC  
   
B. **Agent:** Stephanie J. Toothaker, Esq.  
   
C. **Property Owner:** Lighthouse Point Yacht Club Investments, LLC  

VII. **Recommendation of Local Governing Body:**  
The City of Lighthouse Point recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in December of 2019.  

VIII. **Applicant’s Rationale**  
The applicant states: “Lighthouse Point Yacht Club Investments, LLC (“Applicant”) is requesting an amendment to the future land use designation of 2701 Northeast 42 Street, Lighthouse Point, Florida 33064 (“Property”). Specifically, Applicant is requesting an amendment to the approximate 3.6856 gross acre portion of the property from Commercial Recreation to a Low-Medium Residential (up to 6 du/ac) in the City of Lighthouse Point Land Use Plan and BrowardNext – Broward County Land Use Plan.  

Lighthouse Point Yacht Club is currently comprised of a private clubhouse and marina which has provided social and recreational experiences to members and guests since 1961. After nearly six decades, the clubhouse has weathered beyond a point of simple restoration. Applicant proposes redeveloping the site with a new state-of-the-art private yacht club and a residential community that complement the waterfront lifestyle. The private yacht club and marina will retain their Commercial Recreation designation. The amendment area comprises the proposed residential units lining the waterfront.”
SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PC 19-6

REVIEW OF PUBLIC FACILITIES AND SERVICES

I. Potable Water/Sanitary Sewer/Solid Waste/Drainage/Parks & Open Space

Adequate potable water facility capacity and supply, sanitary sewer facility capacity, drainage and solid waste services, and park and open space acreage will be available to serve the proposed land use. See Attachment 1.

Regarding the long-range planning horizon for potable water supply, it is noted that the City of Lighthouse Point adopted its 10-year Water Supply Facilities Work Plan on April 14, 2015.

II. Transportation & Mobility

The proposed amendment from the Commercial Recreation land use category to the Irregular (6) Residential land use category is projected to decrease the number of p.m. peak hour vehicle trips on the regional transportation network at the long-term planning horizon by approximately 47 p.m. peak hour trips. See Attachment 2. As such, the proposed amendment is not anticipated to impact the operating conditions of the regional transportation network.

Planning Council staff notes the following roadway levels of service for informational purposes only:

- **Northeast 39 Street**, east of Federal Highway is currently operating at and projected to continue operating at level of service (LOS) “D,” with or without the subject amendment.
- **Federal Highway**, between Sample Road and Southwest 10 Street, is currently operating at and projected to continue operating at a LOS “C,” with or without the subject amendment.

The Broward County Transit Division (BCT) report states that there is no current or proposed fixed-route county bus service provided within a quarter mile of the proposed amendment site. See Attachment 3.

The Broward County Planning and Development Management Division (PDMD) report notes that the primary corridor providing east-west connectivity is Northeast 39 Street. The PDMD report indicates that existing pedestrian and bicycle infrastructure adjacent to the amendment site could be improved. The report also recommends that future development be designed to include safe and convenient connections between the development and the surrounding transportation network. See Attachment 4.
II. Transportation & Mobility (continued)

To further enhance the pedestrian and bicycle quality of service, amenities such as pedestrian-scale lighting, shade trees, bicycle racks/lockers, and bicycle repair stations should be considered. The provision of electric vehicle charging stations should also be considered. See Attachment 4.

III. Public Schools

The School Board of Broward County staff report states that the proposed amendment would generate 10 additional students into Broward County Public Schools, consisting of 5 elementary school students, 2 middle school students and 3 high school students. The report further states that Norcrest Elementary, Deerfield Beach Middle, and Deerfield Beach High schools are all under-enrolled in the 2018-2019 school year and are anticipated to operate below the adopted level of service (LOS) of the higher of 100% of gross capacity or 110% of permanent capacity through the 2020-2021 school year. In addition, the School Board report indicates that there are three (3) charter schools located within a two-mile radius of the proposed amendment site. See Attachment 5.

The School Board report indicates that there are no planned improvements for the affected elementary, middle and high schools in the currently adopted 5-year or 10-year School Board District Educational Facilities Plans. See Attachment 5.

Based on the School District’s Seven Long Range Planning Areas, the proposed amendment is located within School District Planning Area “B,” which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. The residential dwelling units will be subject to a public school concurrency review at the plat or site plan phase of development review, whichever comes first. See Attachment 5.
REVIEW OF NATURAL RESOURCES

I. Designated Protected/Regulated Areas

The Broward County Environmental Protection and Growth Management Department (EPGMD) report indicates that the proposed amendment site does not contain Natural Resource Areas, Local Areas of Particular Concern, Urban Wilderness Inventory sites, or Protected Natural Lands within its boundaries. See Attachment 6.

II. Wetlands

The EPGMD report indicates that the proposed amendment site does not contain wetlands within its boundaries. Therefore, the proposed land use designation is not expected to have a negative impact on wetland resources. The report notes that any in-water dock work, including additional boat slips, will require an Environmental Resource License and a modification to the existing Marine Facility Operating License. See Attachment 6. The applicant has provided correspondence indicating that they will comply with the Environmental Resource License requirements, if any modification is required. See Attachment 7.

III. Sea Level Rise

The EPGMD report indicates that the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. See Attachment 6.

IV. Other Natural Resources

The EPGMD report states that the subject area contains mature tree canopy. Development of any site must comply with the Broward County Tree Preservation and Abuse Ordinance if trees are to be removed or relocated. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use designation is not expected to have a negative impact on upland resources. It is further noted that development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. See Attachment 6.
**REVIEW OF NATURAL RESOURCES (continued)**

V. *Historical/Cultural Resources*

The Broward County Planning and Development Management Division (PDMD) report states that the proposed amendment will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. See Attachment 4.

VI. *Emergency Management*

The Broward County Emergency Management Division (EMD) report indicates that the proposed amendment site is located within the designated mandatory Broward County Hurricane Evacuation Zone for a Category 3 or higher storm. However, EMD does not anticipate that the proposed amendment will significantly impact hurricane evacuation clearance times or the evacuation shelter capacity. The EMD staff strongly recommends that the applicant consult the City of Lighthouse Point public safety officials to develop a suitable hurricane evacuation and reentry plan for the possible residents, guests and boat slip occupants. See Attachment 8. The applicant has provided correspondence stating that a hurricane evacuation and reentry plan will be developed in coordination with the City. See Attachment 7.
SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PC 19-6

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. Affordable Housing

The subject land use plan amendment proposes an additional 22 residential units to be permitted by the Broward County Land Use Plan (BCLUP), and as such is not subject to BCLUP Policy 2.16.2. See Attachment 4.

II. BrowardNext - Broward County Land Use Plan Policies

The proposed amendment is found to be generally consistent with the policies of BrowardNext - Broward County Land Use Plan.

III. Other Pertinent Information

This is a small scale amendment pursuant to Chapter 163.3187, Florida Statutes. Therefore, the amendment review process includes up to two (2) Planning Council public hearings and only one subsequent County Commission adoption hearing. The small scale amendment is not subject to Florida Department of Economic Opportunity (DEO) review; therefore, no report will be issued by the DEO, or other State review agencies. Planning Council staff does not recommend a second Planning Council public hearing be required consistent with Article 1.2 (A) of the Administrative Rules Document: BrowardNext.

Regarding public notification, Broward County Planning Council staff sent approximately 79 courtesy notices to all property owners within the land use plan amendment boundaries, as well as within 300 feet of the boundaries.
SECTION VI
AMENDMENT REPORT
PROPOSED AMENDMENT PC 19-6

PLANNING ANALYSIS

Planning Council staff analysis finds that the proposed land use designation of Irregular (6) Residential would be generally compatible with the surrounding existing land uses, including the private yacht club and marina, single-family residential, and navigable waterways.

Planning Council staff’s analysis also finds that adequate potable water plant capacity and supply, sanitary sewer, drainage, solid waste capacity and park acreage will be available to serve the proposed land use. In addition, our analysis finds that the proposed amendment is not projected to impact the operating condition of the regional transportation network. See Attachment 2. Further, no adverse impacts to historical or cultural resources were identified.

Concerning impacts to public schools, the Broward County School Board staff report states that the proposed amendment would generate 10 additional students into Broward County Public Schools, consisting of 5 elementary school students, 2 middle school students and 3 high school students. Based on the School District’s Seven Long Range Planning Areas, the amendment is located within School District Planning Area “B,” which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. See Attachment 5.

Regarding impacts to natural resources, the EPGMD report indicates that in-water dock work, including additional boat slips, will require an Environmental Resource License and a modification to the existing Marine Facility Operating License. See Attachment 6. The applicant has provided correspondence indicating that they will comply with the Environmental Resource License requirements, if any modification is required. See Attachment 7.

Concerning hurricane evacuation sheltering space and capacity, the Broward County Emergency Management Division (EMD) report indicates that the proposed amendment site is in a designated Broward County Hurricane Evacuation Zone for a Category 3 or higher storm. Although, EMD does not anticipate that the proposed amendment will significantly impact hurricane evacuation clearance times or the evacuation shelter capacity, they strongly recommend that the applicant consult the City of Lighthouse Point public safety officials to develop a suitable hurricane evacuation and reentry plan for the possible residents, guests and boat slip occupants. The applicant has provided correspondence stating that a hurricane evacuation and reentry plan will be developed in coordination with the City. See Attachment 7.

Regarding affordable housing, the proposed land use plan amendment is not subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, as it proposes 22 additional residential units to be permitted by the BCLUP.
PLANNING ANALYSIS (continued)

In conclusion, Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved.
SECTION VII
AMENDMENT REPORT
PROPOSED AMENDMENT PC 19-6

ATTACHMENTS

2. Broward County Planning Council Traffic Analysis of May 22, 2019
3. Broward County Transit Division Report of May 23, 2019
4. Broward County Planning and Development Management Division Report of June 19, 2019
5. School Board of Broward County Consistency Review Report of April 5, 2019, revised May 24, 2019
6. Broward County Environmental Protection and Growth Management Department Report of June 25, 2019
7. Correspondence from Terence Paterson, Owner, Lighthouse Point Yacht Club, to Leny Huaman, Planner, Broward County Planning Council, dated July 22, 2019
9. Broward County Water Management Division Report of May 23, 2019
ATTACHMENT 1
BROWARD COUNTY PLANNING COUNCIL
SUPPLEMENTAL REPORT
PUBLIC SERVICES AND FACILITIES

BROWARD COUNTY LAND USE PLAN AMENDMENT NUMBER PC 19-6

Prepared: June 2019

POTABLE WATER
The proposed amendment site will be served by the Broward County District 2 Water Treatment Plant, which has a current capacity of 30.0 million gallons per day (mgd). The current and committed demand is 18.08 mgd, with 11.92 mgd available. The wellfields serving the amendment site have a permitted withdrawal of 22.06 mgd, with 3.98 mgd available, which expires on March 13, 2028. Planning Council staff utilized level of service of 170 gallons per day (gpd) per capita (2.11 persons per household (pph)) for residential uses and 0.1 gpd per square foot for commercial recreation uses. The proposed amendment will result in a net increase of 0.004 mgd on the projected demand for potable water. Sufficient potable water supply and treatment capacity will be available to serve the proposed amendment site.

SANITARY SEWER
The proposed amendment site will be served by the Broward County North Regional Wastewater Treatment Facility, which has a current capacity of 95.0 mgd. The current and committed demand on the treatment plant is 70.2 mgd, with 24.8 mgd available. Planning Council staff utilized level of service of 150 gpd per capita (2.11 pph) for residential uses and 0.1 gpd per square foot for commercial recreation uses. The proposed amendment will result in a net increase of 0.003 mgd on the projected demand for sanitary sewer. Sufficient sanitary sewer capacity will be available to serve the proposed amendment site.

SOLID WASTE
The proposed amendment site will be served by Waste Management, Inc., a private hauler that collects and transports the solid waste to the Wheelabrator facility, which has a current capacity of 831,000 tons per year and a current and committed demand of 725,000 tons per year, with 106,000 tons per year available. Planning Council staff utilized level of service of 5 pounds per capita (2.11 pph) for residential uses and 1 pound per 100 square feet for commercial recreation uses. The proposed amendment will result in a net decrease of 138 pounds per day on the projected demand for solid waste. Sufficient solid waste capacity will be available to serve the proposed amendment site.

DRAINAGE
The proposed amendment site is located within the jurisdiction of the Broward County Environmental Protection and Growth Management Department (EPGMD). A surface water management license from EPGMD will be required prior to any construction.

PARKS AND OPEN SPACE
The City of Lighthouse Point has 40.17 acres in its parks and open space inventory. The 2045 projected population (10,281) requires approximately 30.8 acres to meet the community parks acreage requirement of 3 acres per one thousand persons population. The proposed amendment will result in a net increase of 0.14 acres on the projected demand for local parks. The City of Lighthouse Point continues to meet the community parks acreage requirement of the Broward County Land Use Plan of 3 acres per one thousand persons population.
ATTACHMENT 2

TRAFFIC ANALYSIS - Peak
PC 19-6

Prepared: May 22, 2019

INTRODUCTORY INFORMATION

Jurisdiction: City of Lighthouse Point
Size: Approximately 3.7 acres

TRIPS ANALYSIS

Potential Trips - Current Land Use Designation

Current Designation: Commercial Recreation
Potential Development: 37,000 square feet of commercial recreation use
Trip Generation Rate: “ITE Equation (491) Racquet/Tennis Club”*
Total P.M. Peak Hour Trips: 73 peak hour trips

Potential Trips - Proposed Land Use Designation

Proposed Designation: Irregular (6) Residential
Potential Development: 22 single-family dwelling units
Trip Generation Rate: “ITE Equation (210) Single Family Detached Housing”
Total P.M. Peak Hour Trips: 26 peak hour trips

Net P.M. Peak Hour Trips: - 47 peak hour trips

PLANNING COMMENTS

The proposed amendment is projected to decrease traffic on the regional roadway network by approximately 47 p.m. peak hour trips at the long-range planning horizon.

*Institute of Transportation Engineers (ITE) traffic generation equations from “Trip Generation - Tenth Edition,” the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.
VIA EMAIL

May 23, 2019

Garrett Mcallister
Planner
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

RE: Transit Verification of PC 19-6 LUPA

Dear Mr. Mcallister:

Broward County Transit (BCT) has reviewed your correspondence dated May 22, 2019, regarding the proposed Land Use Plan Amendment (LUPA) to PC 19-6 located in the City of Lighthouse Point for current and planned transit service. Within a quarter mile of the amendment site, no current transit service is provided by BCT, and no future transit service is planned in the BC Transit Development Plan.

Please feel free to call me at 954-357-8554 or email me at rhatch@broward.org if you require any additional information or clarification on this matter.

Sincerely,

Ryan Hatch
Ryan Hatch, Service Planner, Service and Capital Planning
The Broward County Planning and Development Management Division staff has reviewed proposed amendment PC 19-6. The subject site is located in Lighthouse Point involving approximately 3.7 acres. The amendment proposes:

**Current Designations:** Commercial Recreation

**Proposed Designation:** Irregular (6.0) Residential

**Estimated Net Effect:**
- Addition of 22 dwelling units
- Reduction of 3.7 acres of commercial recreation use

**Item 7 – Analysis of Natural and Historic Resources**

A. Based on the available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), it is determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

B. Comments and recommendations pertaining to this land use plan amendment for historic/archaeological resources:

1. The subject property is located within the City of Lighthouse Point. Historical resources are outside jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner / agent is advised to contact the municipality to seek project review for compliance with municipal historic preservation regulations.

   **Contact:** Attn: City Clerk
   City of Lighthouse Point
   Lighthouse Point, Florida
   Telephone: (954) 943-6500

2. The subject property is located within City of Lighthouse Point, archaeological resources within the subject parcel are located within the jurisdictional boundaries of Broward County’s historic preservation ordinance (BC. Ord. 2014-32). If archaeological resources are discovered, then all activity in vicinity of the find should cease immediately and the County Historic Preservation Officer notified to coordinate the discover.
3. If unmarked burials are discovered, then, pursuant to Florida State Statutes, 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.”

Contact: Broward County Medical Examiner
5301 S.W. 31st Avenue
Fort Lauderdale, Florida 33312
Telephone: (954) 357-5200
Fax: (954) 327-6580
Email: Med_Exam_Trauma@broward.org
Website: http://www.broward.org/MedicalExaminer

Item 8 - Affordable Housing
Amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan (BCLUP) are subject to the requirements of BCLUP Policy 2.16.2. Policy 2.16.2 requires the involved municipality to provide those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality. The net effect of the amendment will be an addition of 22 residential units; thus, Policy 2.16.2 does not apply.

Item 11 – Redevelopment Analysis
The amendment site is not located within a Community Redevelopment Area.

Item 12 – Intergovernmental Coordination
The proposed amendment site is not adjacent to or in close proximity to any Broward County Unincorporated Area lands or County-owned facilities/property. The closest municipality is the City Hillsboro Beach, located approximately 800 feet east of the proposed amendment site and separated from the City of Lighthouse Point by the Intracoastal Waterway.

Complete Streets
Broward County strongly supports Complete Streets and the expansion of bicycle, pedestrian and greenway networks. The amendment site is served by Broward County Transit (BCT) Routes 10 and 34, as well as the City of Lighthouse Point Community Shuttle. The 2019-2028 Vision Plan component of the BCT Transit Development Plan includes Rapid Bus, service span, and headway improvements to these routes.

The amendment site is located within a single-family neighborhood. The primary corridor providing east-west connectivity Federal Highway (US1) is NE 39th Street. Existing pedestrian and bicycle infrastructure adjacent to the amendment site could be improved. Sidewalks have not been installed along NE 27th Terrace to provide pedestrian connectivity to NE 39th Street. Consider adding sidewalks along NE 27th Terrace and adding sharrows along NE 39th Street.
Staff recommends the site be designed to include safe and convenient connections between the development and the surrounding transportation network. To further enhance the pedestrian and bicycle quality of service, consider including amenities, such as pedestrian-scale lighting, shade trees, bicycle racks/lockers, and bicycle repair stations within and around the development. For the convenience of future residents, visitors, or community staff who wish to reduce their carbon footprint, consider providing electric vehicle charging stations.

If you have any questions, please contact Sara Forelle at sforelle@broward.org or 954-357-6635.

cc: Henry Sniezek, Director, Environmental Protection and Growth Management Department
    Ralph Stone, Director, Housing Finance and Community Redevelopment Division
    Darby DelSalle, AICP, Assistant Director, Planning and Development Management Division
    Sara Forelle, AICP, Planning Section Supervisor, Planning and Development Management Division
    Susanne Carrano, Senior Planner, Planning and Development Management Division
    Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division
    Rick Ferrer, Broward County Historic Preservation Officer
    Nick Sofoul, AICP, Senior Planner-Transportation, Planning and Development Management Division

JS/slf/hec
The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT

LAND USE
SBBC-2470-2018
County No: PC 19-6
Lighthouse Point Yacht Club

April 5, 2019

Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com
## SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

### PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Date:</th>
<th>April 5, 2019</th>
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<tbody>
<tr>
<td>Name:</td>
<td>Lighthouse Point Yacht Club</td>
</tr>
<tr>
<td>SBBC Project Number:</td>
<td>SBBC-2470-2018</td>
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<tr>
<td>County Project Number:</td>
<td>PC 19-6</td>
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<tr>
<td>Municipality Project Number:</td>
<td></td>
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<tr>
<td>Owner/Developer:</td>
<td>Lighthouse Point Yacht Club LLC</td>
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<td>Jurisdiction:</td>
<td>Lighthouse Point</td>
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### IMPACT OF PROPOSED CHANGE

<table>
<thead>
<tr>
<th>Units</th>
<th>Units</th>
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<tbody>
<tr>
<td>Permitted</td>
<td>Proposed</td>
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<td>0</td>
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**NET CHANGE (UNITS):** 22

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<thead>
<tr>
<th>Students</th>
<th>Permitted</th>
<th>Proposed</th>
<th>NET CHANGE</th>
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</thead>
<tbody>
<tr>
<td>Elem</td>
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<td>5</td>
<td>5</td>
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<tr>
<td>Mid</td>
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<td>2</td>
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<td>High</td>
<td>0</td>
<td>3</td>
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</tr>
<tr>
<td>Total</td>
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### PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Existing Land Use:</th>
<th>Commercial Recreation</th>
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<tbody>
<tr>
<td>Proposed Land Use:</td>
<td>Low-Med. Resid  (S)</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>B-2A</td>
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<tr>
<td>Proposed Zoning:</td>
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<tr>
<td>Section:</td>
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<tr>
<td>Township:</td>
<td>48</td>
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<tr>
<td>Range:</td>
<td>43</td>
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## SHORT RANGE - 5-YEAR IMPACT

### Currently Assigned Schools

<table>
<thead>
<tr>
<th>School</th>
<th>Gross Capacity</th>
<th>LOS Capacity</th>
<th>Benchmark Enrollment</th>
<th>Over/Under LOS</th>
<th>Classroom Equivalent Needed to Meet LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norcrest Elementary</td>
<td>921</td>
<td>1,013</td>
<td>778</td>
<td>-235</td>
<td>-13</td>
</tr>
<tr>
<td>Deerfield Beach Middle</td>
<td>1,482</td>
<td>1,543</td>
<td>1,175</td>
<td>-368</td>
<td>-16</td>
</tr>
<tr>
<td>Deerfield Beach High</td>
<td>2,848</td>
<td>2,848</td>
<td>2,453</td>
<td>-395</td>
<td>-15</td>
</tr>
</tbody>
</table>

### % of LOS Capacity

- Norcrest Elementary: 76.8%
- Deerfield Beach Middle: 76.2%
- Deerfield Beach High: 86.1%

### Projected Enrollment

<table>
<thead>
<tr>
<th>School</th>
<th>Adjusted Benchmark</th>
<th>Over/Under LOS-Adj Benchmark Enrollment</th>
<th>% LOS Capacity Adjusted Benchmark</th>
<th>Projected Enrollment</th>
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</thead>
<tbody>
<tr>
<td>Norcrest Elementary</td>
<td>778</td>
<td>-235</td>
<td>76.8%</td>
<td>19/20 20/21 21/22 22/23 23/24</td>
</tr>
<tr>
<td>Deerfield Beach Middle</td>
<td>1,175</td>
<td>-368</td>
<td>76.2%</td>
<td>1,185 1,160 1,155 1,148 1,141</td>
</tr>
<tr>
<td>Deerfield Beach High</td>
<td>2,453</td>
<td>-395</td>
<td>86.1%</td>
<td>2,430 2,498 2,467 2,435 2,404</td>
</tr>
</tbody>
</table>

---

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code.

A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: [http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml](http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml). The annual benchmark enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

*The first Monday following Labor Day*

INFORMATION CONTAINED HEREBIN IS CURRENT AS OF THE DATE OF REVIEW

School Consistency Review Report - Prepared by the Facility Planning and Real Estate Department - The School Board of Broward County, Florida
# Long Range - Ten-Year Impact

<table>
<thead>
<tr>
<th>Impacted Planning Area</th>
<th>School District's Planning Area Data</th>
<th>Aggregate Projected Enrollment</th>
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</thead>
<tbody>
<tr>
<td>Area B - Elementary</td>
<td>20,187</td>
<td>16,141</td>
</tr>
<tr>
<td>Area B - Middle</td>
<td>8,637</td>
<td>7,550</td>
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<tr>
<td>Area B - High</td>
<td>12,673</td>
<td>10,378</td>
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# Charter School Information

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Somerset Academy Key Middle</td>
<td>495</td>
<td>380</td>
<td>-115</td>
<td>380</td>
</tr>
<tr>
<td>Somerset Key High School</td>
<td>800</td>
<td>169</td>
<td>-631</td>
<td>169</td>
</tr>
<tr>
<td>Somerset Pines Academy</td>
<td>500</td>
<td>417</td>
<td>-83</td>
<td>417</td>
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</table>

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level District-wide. For more information: [http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml](http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml). The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

*The first Monday following Labor Day

INFORMATION CONTAINED HEREBIN IS CURRENT AS OF THE DATE OF REVIEW
## PLANNED AND FUNDED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN

(Years 1 - 5)

<table>
<thead>
<tr>
<th>School(s)</th>
<th>Description of Capacity Additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norcrest Elementary</td>
<td>There are no classroom additions scheduled in the ADEFP that will increase the reflected FISH capacity.</td>
</tr>
<tr>
<td>Deerfield Beach Middle</td>
<td>There are no classroom additions scheduled in the ADEFP that will increase the reflected FISH capacity.</td>
</tr>
<tr>
<td>Deerfield Beach High</td>
<td>There are no classroom additions scheduled in the ADEFP that will increase the reflected FISH capacity.</td>
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</tbody>
</table>

## PLANNED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN

(Years 6 - 10)

<table>
<thead>
<tr>
<th>Capacity Additions for Planning Area B</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>School Level</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>None</td>
</tr>
<tr>
<td>Middle</td>
<td>None</td>
</tr>
<tr>
<td>High</td>
<td>None</td>
</tr>
</tbody>
</table>

*The first Monday following Labor Day
INFORMATION CONTAINED HEREBIN IS CURRENT AS OF THE DATE OF REVIEW*
Comments

Information contained in the application indicates that the approximately 3.6856-acre site is generally located north of NE 42nd Street between San Marco Canal and Rialto Canal in the City of Lighthouse Point. The current land use designation for the site is Commercial Recreation. The current designation allows no residential units. The applicant proposes to change the land use designation to Low-Medium Residential (6) within dashed-line to allow 22 (all four or more bedroom) single-family units, which are anticipated to generate 10 additional students (5 elementary, 2 middle, and 3 high) into Broward County Public Schools.

This application was reviewed based on its location in the School District’s Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan (DEFP). However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.

Schools serving the amendment site in the 2018-19 school year are Norcrest Elementary, Deerfield Beach Middle, and Deerfield Beach High. Based on the District’s Public School Concurrency Planning Document, all the schools are operating below the adopted LOS of the higher of 100% gross capacity or 110% permanent capacities in the 2018-19 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2018-19 – 2020-21), all the schools are expected to operate below the adopted LOS of the higher of 100% gross capacity or 110% permanent capacities through the 2019-20 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP, FY 2018-19 – 2022-23. Also, to ensure maximum utilization of the impacted Concurrency Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter schools located within a two-mile radius of the subject site in the 2018-19 school year are depicted above.

Capital Improvements scheduled in the long-range section (2023-24 to 2027-28) of the currently Adopted DEFP Fiscal Years 2018-19 – 2022-23 regarding pertinent impacted schools are depicted above. Based on the School District’s Seven Long Range Planning Areas, the amendment site is located within School District Planning Area “B” and the elementary, middle, and high schools currently serving Planning Area “B” and their cumulative student enrollments. Cumulative capacities, and pertinent student enrollment projections are depicted herein.

Therefore, Planning Area “B” is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Areas.

Also, be advised that if approved, the units from this project will be subject to a public school concurrency review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.

*The first Monday following Labor Day
INFORMATION CONTAINED HEREAFTER IS CURRENT AS OF THE DATE OF REVIEW
ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT
REVIEW AND COMMENTS ON
PROPOSED BROWARD COUNTY LAND USE PLAN MAP AMENDMENT

For: Broward County Planning Council
Applicant: Lighthouse Point Yacht Club Investments, LLC
Amendment No.: PC 19 – 6
Jurisdiction: Lighthouse Point
Size: Approximately 3.7 acres
Existing Use: Private clubhouse and marina
Current Land Use Designation: Commercial Recreation
Proposed Land Use Designation: Irregular (6) Residential
Location: In Section 17, Township 48 South, Range 43 East; generally located on the north side of Northeast 42 Street, between Northeast 27 Avenue and Northeast 30 Terrace

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

ANALYSIS AND FINDINGS:

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION

Wetlands - [CP Policies C6.12, C7.4, C8.1, C8.2, C8.3, C8.5, C8.6, C8.7, C8.9, C8.10, C8.11, C8.12, C7.4, CM1.1; BCLUP Policies 2.22.01, 2.22.2]
There are no wetlands on this site. The Lighthouse Point Yacht Club currently has a Marine Facility Operating License which authorizes 77 slips at the facility. If any in-water work (dock, seawall, new slips, etc.) is proposed for this site, an Environmental Resource License and a modification of the Marine Facility Operating License may be required.

Upland Resources (including Tree Preservation and Greenways) - [CP Policies C6.1, C6.7, C6.10, C6.11, C7.2; BCLUP Policies 2.20.17]
Review of aerial photographs indicates that the subject site contains mature tree canopy.
Development of the site must comply with the Broward County Tree Preservation and Abuse Ordinance (Chapter 27, Article XIV, Broward County Code of Ordinances). A Broward County Tree Removal License will be required for any proposed tree removal or relocation. As part of the licensing process the applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources.

**Air Quality** - [CP Policy C2.4, C2.6, C2.10; BCLUP Policy 2.25.1]
The preliminary traffic analysis indicates that the proposed amendment would result in a decrease by 47 PM peak hour trips per day compared to trips associated with the current designation. Based upon the trips generated and the projected levels of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have a minimal impact on air quality. There are no air permitted facilities within half a mile of this area, therefore, there are no existing or potential odor or noise concerns. (MO 6/6/2019)

**Contaminated Sites** - [CP Policies C2.5, C2.7, 13.2.1, 13.2.6, 13.2.7; BCLUP Policies]
The list of known contaminated sites (from EPGMD’s GIS Database of Contaminated Locations in Broward County) has been reviewed. Twenty-one listed contaminated sites were found within one mile of the proposed amendment location. See attached map and database for further information as it relates to the land use amendment site. (MO 06/06/2019)

**Solid Waste** - [CP Policies 6.1.2, 6.1.3, 13.2.7; BCLUP Policies 3.4.2, 3.4.3, 2.11.8]
There are no active solid waste facilities located within one mile of the amendment site. There are no inactive solid waste facilities located within one mile of the site. See attached map and database for further information as it relates to the land use amendment site. (MO 06/06/2019)

**ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION**

**Wellfield Protection** - [CP Policies WM3.4, WM3.5, WM3.6, WM3.7; BCLUP Policies 2.26.2, 2.26.3, 2.11.5]
The proposed amendment site is not currently within a wellfield zone of influence. No special restrictions apply under Broward County's Wellfield Protection regulations.

**SARA TITLE III (Community Right to Know)** - [CP Policy 13.2.7.; BCLUP Policies] There are no SARA Title III Facilities on or adjacent to the proposed amendment site.

**Hazardous Material Facilities** - [CP Policies C2.7; BCLUP Policies]
There are three (3) active Hazardous Material Facility on, adjacent or within ¼ mile to the proposed amendment
ENVIRONMENTAL PLANNING & COMMUNITY RESILIENCE DIVISION:

Specially Designated Areas - [CP policies C6.1, C6.2, C6.3, C6.4, C6.9; BCLUP Policies 2.23.1, 2.23.2, 2.23.3, 3.3.9, 3.3.10]
County specially designated areas, e.g. Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, Urban Wilderness Inventory sites, do not exist within the boundaries of the proposed amendment site.

Protected Natural Lands – The project site is not included in the Protected Natural Lands Inventory and 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 provides information regarding the ownership and management for each of the Protected Natural Lands and may be accessed at: http://www.broward.org/NaturalResources/LandStewardship/Pages/NaturalLands.aspx

Marine and Riverine Resources - [CP Policies CM1.1, CM1.4, CM 1.6, C6.6, C7.4, C7.6, C7.7, C9.6, C9.7, C9.8, C9.10, C911, C9.12,C10.1; BCLUP Policies 3.3.4, 2.11.6, 2.27.1, 2.27.2, 2.27.3, 2.11.7, 3.3.12, 2.27.4, 2.24.2] The proposed land use designation is not expected to have an impact on marine or riverine resources. Impacts to resources require review and licensing under Article XI of Chapter 27, Broward County Code of Ordinances.

Priority Planning Areas for Sea Level Rise – [CP Policies CM2.6, CC1.7, CC2.1, CC2.7, CC2.9, CC2.11, CC2.12, CC2.14, CC2.15; BCLUP Policies 2.21.1, 2.21.2, 2.21.3, 2.21.5] The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2060. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.

The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city’s local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

While the County encourages applicants to consider these and other impacts from climate change during the site planning process, the proposed amendment site does not contain, fall within, or
overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, Policy 2.21.1 and portions of policy 2.21.5 do not apply to the review of this project.

**NatureScape Program** – [CP Policies 4.4.8, C6.8, CM 2.4, WM4.17, WM3.33; BCLUP 2.20.14]
NatureScape is about creating Florida-friendly landscapes that conserve water, protect water quality, and create wildlife habitat. Development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. Information regarding Naturescape can be accessed at: [http://www.broward.org/NatureScape/Pages/Default.aspx](http://www.broward.org/NatureScape/Pages/Default.aspx)

**Surface Water Management** - [CP Policies CM6.1, C8.2, WM2.10, WM3.6, WM 2.2; BCLUP Policies 2.24.1, 2.24.2, 2.21.5]

The proposed amendment site is located within the jurisdiction of the Broward County and South Florida Water Management District. Development within the site will be required to meet the drainage standards of Broward County and the South Florida Water Management District. Successful compliance with the criteria established should result in reducing the potential danger from flooding and maintaining the quality of surface waters. A surface water management permit will be required.

Tracts within the proposed amendment site are located within the Federal Emergency Management Agency (FEMA) flood insurance zone X.

**Water Recharge** - [CP Policies WM3.6, WM3.7, WM3.31, WM3.9, WM2.2; BCLUP Policies 2.26.1]

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation would result in a net increase in the volume of water available for recharge. The change in recharge capacity resulting from development under the proposed designation would be insignificant.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

See attached Water Recharge Questionnaire.
BROWARD COUNTY PLANNING COUNCIL

WATER RECHARGE QUESTIONNAIRE

as completed by

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

I. Introductory Information

A. Amendment No.: PC 19-6

B. Municipality: Lighthouse Point

C. Applicant: Lighthouse Point Yacht Club Investments, LLC

II. Site Characteristics

A. Size: Approximately 3.7 acres

B. Location: Lighthouse Point

C. Existing Use: Private Clubhouse and Marina

III. Broward County Land Use Plan Designation

Current Land Use Designation: Commercial Recreation

Proposed Land Use Designation: Irregular (6) Residential

IV. Water Recharge Review

A. Describe the general impacts of the current land use designation on water recharge:

The current land use designation is Commercial Recreation.

A typical value for an impervious area produced by this type of development is approximately 85 percent.
B. Describe the general impacts of the proposed land use designation on water recharge:

The proposed land use designation is Irregular (6) Residential. A typical value for an impervious area produced by this type of development is approximately 32 percent.

V. Impact of Change in Land Use Designation
The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation would result in a net increase in the volume of water available for recharge. The change in recharge capacity resulting from development under the proposed designation would be insignificant.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

VI. Comments

By: _____________________________

Date ______ 6/19/2019

Maena Angelotti
Environmental Planning and Community Resilience Division
BROWARD COUNTY PLANNING COUNCIL

WETLAND RESOURCE QUESTIONNAIRE
as completed by the
ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

I. Introductory Information

A. Amendment No.: PC 19-6

B. Municipality: Lighthouse Point

C. Project Name: Lighthouse Point Yacht Club

II. Site Characteristics

A. Size: Approximately 3.7 acres

B. Location: Lighthouse Point

C. Existing Use: Private clubhouse and marina

III. Broward County Land Use Plan Designation

A. Current Designation: Commercial Recreation

B. Proposed Designation: Irregular (6) Residential

IV. Wetland Review

A. Are wetlands present on subject property? No.

B. Describe extent (i.e. percent) of wetlands present on subject property.

C. Describe the characteristics and quality of wetlands present on subject property.

D. Is the property under review for an Environmental Resource License? No.

E. Has the applicant demonstrated that should the proposed Land Use designation be approved, the proposed project will be consistent with the requirements of Article XI, Chapter 27 of the Broward County Code of Ordinances? Unknown at this time if in-water work will occur.
V. **Comments:**

The Lighthouse Point Yacht Club currently has a Marine Facility Operating License which authorizes 77 slips at the facility. If any in-water work (dock, seawall, new slips, etc.) is proposed for this site, an Environmental Resource License and a modification of the Marine Facility Operating License may be required.

**Completed by:** Linda Sunderland, NRS  
Natural Resources Manager
## Contaminated Sites

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Facility Name</th>
<th>Street Address</th>
<th>City</th>
<th>Zip Code</th>
<th>Pollutant</th>
<th>Facility Type</th>
<th>DEP Facility Number</th>
<th>Active</th>
</tr>
</thead>
<tbody>
<tr>
<td>OT-3619</td>
<td>ROBERTS CLEANERS &amp; TAILOR</td>
<td>5030 N FEDERAL HWY</td>
<td>Lighthouse Point</td>
<td>33064</td>
<td>Chlorinated</td>
<td>Dry Cleaner</td>
<td>69502180</td>
<td>Y</td>
</tr>
<tr>
<td>OT-3566</td>
<td>BETTY BRITE CLEANERS</td>
<td>2041 NE 36TH ST</td>
<td>Lighthouse Point</td>
<td>33064</td>
<td>Chlorinated</td>
<td>Dry Cleaner</td>
<td>69500604</td>
<td>Y</td>
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<tr>
<td>SF-0088</td>
<td>CHEVRON</td>
<td>3900 N FEDERAL HWY</td>
<td>Lighthouse Point</td>
<td>33064</td>
<td>Gasoline</td>
<td>Gas Station</td>
<td>68502854</td>
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<td>OT-2518A</td>
<td>FLASH CLEANERS</td>
<td>4131 N FEDERAL HWY</td>
<td>Pompano Beach</td>
<td>33064</td>
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Legend
- One Mile Buffer
- Quarter Mile Buffer
- Proposed Site
- Air State Permitted Facilities
- Contaminated Sites

Generated for location purposes only.
Marker Size is a visual aid and neither represents exact location nor area of designated facility.
Prepared by: MOSPINA - June 2019
Environmental Engineering and Permitting Division
July 22, 2019

Leny Huaman, Planner
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

Re: City of Lighthouse Point Land Use Plan Amendment Application – Yacht Club – PC 19-6

Dear Ms. Huaman:

The following is in response to your e-mail dated July 11, 2019, which detailed the comments from Broward County review agencies.

**Emergency Management Division (EMD) Comment:**
Will a Hurricane Contingency Plan be developed and incorporated at the time of building occupancy?

**Applicant’s Response to EMD Comment:**
The applicant agrees to meet and consult with the City of Lighthouse Point’s public safety officials to develop a suitable hurricane evacuation and reentry plan for the residents, guests and boat slip occupants.

**Environmental Protection and Growth Management (EPGM) Comment:**
Will the applicant require an Environmental Resource License and a Marine Facility Operating License for any in-water dock work, including boat slips, as noted in the application details?

**Applicant’s Response to EPGM Comment:** Should any in-water work (dock, seawall, new slips, etc.) be proposed for the site, an Environmental Resource License and a modification of the Marine Facility Operating License will be required.

Sincerely,

Terence Paterson
Owner, Lighthouse Point Yacht Club

cc: Deanne Von Stetina via e-mail: DVONSTETINA@broward.org
June 26, 2019

Ms. Barbara Blake Boy, Executive Director
Broward County Planning Council
115 S. Andrews Ave., Room 307
Fort Lauderdale, FL 33301

RE: PC 19-6 Lighthouse Point Yacht Club

Dear Ms. Blake Boy:

We are in receipt of the proposal for the Lighthouse Point Yacht Club property in the City of Lighthouse Point. It is our understanding that the proposal would include renovation of the private clubhouse marina with commercial recreation land use designation with a net effect of 22 additional dwelling units.

Hurricane Evacuation Analysis

Policy 2.12.8 of the BCLUP states that “Broward County shall discourage land use plan amendments which negatively impact hurricane evacuation clearance times and/or emergency shelter capacities”.

The proposed Project is in a designated Broward County Hurricane Evacuation Zone for a Category 3 or higher storm. However, we do not anticipate that the proposed project will significantly impact hurricane evacuation clearance times or the evacuation shelter capacity, due to its relatively modest scale.

Notwithstanding this, we strongly recommend that the applicant consult the City of Lighthouse Point public safety officials to develop a suitable hurricane evacuation and reentry plan for the possible residents, guests and boat slip occupants.

Sincerely,

Tracy L. Jackson
Director, Regional Emergency Services and Communications
MEMORANDUM

May 23, 2019

TO: Barbara Blake Boy
Executive Director Broward County Planning Council

FROM: Joe Heilman
Broward County Water Management Division

SUBJECT: LAND USE PLAN AMENDMENT
PC 19-6

I have reviewed the information in the package for the referenced Land Use Plan Amendment. The drainage information in the package is essentially correct.

• PC 19-6

Our office has no objections or comments to this amendment.

Respectfully,

Joe Heilman
Construction Project Manager
Broward County Water Management Division
2555 W. Copans Road, Pompano Beach, FL 33069
Office:(954)-831-0764
E-mail: JHeilman@Broward.org
Good morning Leny,

The Broward County Parks and Recreation Division has no objections to the PC 19-6 Lighthouse Point Yacht Club Land Use Amendment. However, regional park impact fees will be required for the 22 new residential units proposed for construction on this site.

Thank you,

Linda Briggs Thompson, Environmental Program Manager
Parks and Recreation, Planning and Development Group
950 NW 38th St., Oakland Park, FL 33309
Office: 954 357-8120 Cell: 954 809-8437
www.broward.org/parks • www.facebook.com/browardcountyparks

Good morning,

This is another friendly reminder to please submit your comments to our office for the Broward County Land Use Plan Amendment PC 19-6 Lighthouse Point Yacht Club in the City of Lighthouse Point as soon as possible. It was due on June 28, 2019.

The proposed amendment is anticipated for first public hearing before the Broward County Planning Council on August 22, 2019.

Should you have any questions, please contact me.

Kind regards,
SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 19-9

“Resiliency Standards for Tidal Flood Protection”

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It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.

As the proposed Policy furthers the County’s commitment to support community resilience and climate adaptation, including coordination with other entities to foster resilient design as part of all local and regional projects and there are no outstanding issues, Planning Council staff does not recommend a second Planning Council public hearing be required consistent with Article 1.2 (A) of the Administrative Rules Document: BrowardNext.

This item will be presented to the Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee’s recommendation will be presented at the Planning Council meeting.
BACKGROUND INFORMATION

On November 13, 2018, the Broward County Board of County Commissioners approved a motion to initiate an amendment to the BrowardNext - Broward County Land Use Plan (BCLUP) to establish a consistent seawall and top-of-bank elevation for tidally-influenced waterways in Broward County, in accordance with sea level rise predicted through 2070. See Attachment 1.

The initiation resulted from the launch of a July 2016 Study in which the Jacksonville District of the U.S. Army Corps of Engineers (USACE) partnered with Broward County for a Flood Risk Management (FRM) Study for tidally influenced coastal areas (not direct oceanfront) located within Broward County, Florida to address flooding problems experienced in these areas. Through analysis of current and future flooding frequency and evaluation of the risks of storm surge flooding and economic impacts, the justification for a regional resilience standard for seawall top elevations and coastal infrastructure adaptation was developed.

PUBLIC OUTREACH

Planning Council staff distributed the proposed BCLUP amendment to add Policy 2.21.7 via email to all municipal mayors, managers and planners, as well as interested parties.

Staff from Broward County Environmental Planning and Community Resilience Division has undertaken extensive public outreach in vetting the proposed seawall top elevation standard of 5 feet NAVD 88 by 2050, with an allowance of 4 feet NAVD 88 until 2035 if designed and constructed to accommodate a minimum elevation of 5 feet NAVD 88 by January 1, 2050. Presentations have included municipal workshops, community presentations, and stakeholder meetings with engineers, marine industry and the real estate community. See Attachment 2.

On September 10, 2018, results from the study were shared with stakeholders, announcing a proposal for a minimum seawall height standard of 4 feet NAVD 88 by 2035 and 5 feet NAVD 88 by 2050 assuming redevelopment to FEMA flood standards and increased active drainage infrastructure occurs concurrently. The regional standard serves as a planning foundation for municipal adoption and a basis for resilience investments across the community. The USACE-Broward Study Final Stakeholder Meeting facilitated discussion and solicited feedback from Broward Cities and stakeholders through Kahoot interactive website. An online survey was also made available through September 18, 2018. Survey results from both methods indicated a high level of support for the proposed standard.
The corresponding proposed amendment to Chapter 39 of the Broward County Code of Ordinances is on a parallel track for adoption by the Board of County Commissioners and will incorporate the same standard for Unincorporated Broward County (Broward Municipal Services District), serving as a model ordinance for tidally-influenced municipalities. See Attachment 3. Public comment was open on the proposed amendment from April 2, 2019 through May 31, 2019, as well as included in the distribution by Planning Council staff. Feedback has been positive and reinforcing of the proposed approach, with a general understanding that municipal adoption be required within two (2) years of Board approval. The proposed BCLUP amendment supports and coincides with the proposed Chapter 39 Code changes.

A response document has been provided by Broward County Environmental Planning and Community Resilience Division addressing comments received during public outreach. See Attachment 4.
PLANNING ANALYSIS AND SUMMARY

Proposed amendment PCT 19-9 amends the “Climate Resiliency, Adaptation Action Areas and Priority Planning Areas” policy section of the BrowardNext – Broward County Land Use Plan to add Policy 2.21.7 to address resiliency planning.

Currently, BrowardNext - Broward County Land Use Plan (BCLUP) Policy 2.21.1 provides that when reviewing land use plan amendments within the Priority Planning Areas for Sea Level Rise, the County shall consider sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations, as well as flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.

While this policy provides a vital foundation for evaluating climate resilience as part of land use planning, there remains an absence of regional guidance and regulations establishing elevations necessary for coastal flood barriers to provide resilience under conditions of future sea level rise. This is problematic as sea level rise is currently increasing the frequency, depth, and spatial extent of tidal flooding across Broward communities.

This flooding has prompted both public and private investment in seawall improvements that are unable to deliver necessary flood protection benefits as adjacent and nearby seawall and top-of-bank elevations continue to allow the trespass of water. In the absence of regulatory requirements and a timeline for uniformly implementing minimum elevations, these flood disruptions and community impacts will continue. More importantly, absent adequate direction, public and private investments in these coastal flood protection measures will likely require premature reinvestment to replace failed infrastructure at a significant expense to the property owner and the community at large.

The proposed regional standard was formulated by the technical work undertaken with the support and expertise of the U.S. Army Corps of Engineers (USACE) as part of the joint Broward County/USACE Flood Risk Management Study for Tidally Influenced Coastal Areas authorized under the Planning Assistance for States Program. The proposed amendment would amend the BCLUP to include a standard minimum seawall and top-of-bank elevation for new construction and substantial repairs of shoreline structures to address observed tidal flooding. Furthermore, the amendment would require local governments to adopt a local ordinance implementing this regional standard.

A variety of comments have been received throughout the process. Many of the comments were incorporated into the version of the text amendment that was distributed by Planning Council staff on July 2 or were comments regarding the proposed Chapter 39 text (applicable Code of Ordinance language effective for Unincorporated Broward County only, but to serve as model ordinance). The interested party comments and responses are included in Attachment 4.
PLANNING ANALYSIS AND SUMMARY (continued)

The following comments received subsequent to the July 2 distribution of the proposed Policy by the Planning Council staff have been included in the proposed text amendment:

- The definition for “tidally-influenced” is proposed to be included in the BCLUP to clarify the local governments that would be subject to the Policy. See Attachment 1. The following local governments have tidally influenced waterways within its municipal boundaries: Deerfield Beach, Hillsboro Beach, Lighthouse Point, Pompano Beach, Sea Ranch Lakes, Lauderdale-by-the-Sea, Oakland Park, Lauderdale Lakes, Lauderhill, Wilton Manors, Lazy Lake, Unincorporated Broward County (Broward Municipal Services District), Plantation, Fort Lauderdale, Davie, Dania Beach, Hollywood and Hallandale Beach. See Attachment 5; and

- Clarification of the 24-month period for local government adoption from the effective date of the Policy. See Attachment 1.

Planning Council staff finds that the proposed text amendment promotes community resilience and climate adaptation strategies on a regional level; therefore, staff recommends approval. See Attachment 1.
ATTACHMENTS

1. Proposed Amendment PCT 19-9

2. Public Outreach (Provided by Broward County Environmental Planning and Community Resilience Division)

3. Draft Chapter 39, Article XXV, of the Broward County Code of Ordinances

4. Response Document (Provided by Broward County Environmental Planning and Community Resilience Division)

5. Broward County Municipalities with Tidally-Influenced Waterways (Provided by Broward County Environmental Planning and Community Resilience Division)
CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

POLICY 2.21.1 Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.

POLICY 2.21.2 Broward County shall, in coordination with its local municipalities and other affected agencies, designate Adaptation Action Areas (AAAs), per Florida State Law, in order to: a. Identify areas of regional significance that are vulnerable to the impacts of rising sea level; b. Identify and implement adaptation policies to increase community resilience; and c. Enhance the funding potential of infrastructure adaptation projects.

POLICY 2.21.3 Broward County shall update climate related policies and maps, including the Priority Planning Areas for Sea Level Rise Map, in the Land Use Plan with best available data, every 5 years or as available, including findings of the Broward County and USGS Joint Climate Change Inundation Modeling effort, which seeks to achieve a better understanding of the impacts of climate change and rising sea level on the County’s water supplies, drainage and flood control systems.

POLICY 2.21.4 Broward County shall work cooperatively with local governments and transportation agencies to identify and evaluate transportation infrastructure at risk and help coordinate adaptation efforts for infrastructure immediately landward of coastal high hazard areas, in order to ensure functional access to emergency evacuation routes for coastal populations.

POLICY 2.21.5 Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.

POLICY 2.21.6 Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners.

POLICY 2.21.7 In order to ensure coordination, consistency and maximum effectiveness of coastal improvements necessary to mitigate high tide flooding associated with realized and additional sea level rise through the year 2070, coastal tidally-influenced municipalities shall adopt within 24-months of the effective date of this Policy (placeholder for date), regionally consistent top elevations for seawalls, banks and berms, and other appurtenant coastal infrastructure (e.g., boat ramps) consistent with the findings and recommendations of the United States Army Corps of Engineers/Broward County Flood Risk Management Study for Tidally Influenced Coastal Areas. These standards shall be consistent with Chapter 39, Article XXV – Resiliency Standards for Flood Protection - of the Broward County Code of Ordinances, which shall serve as the model ordinance.
Definitions Section:

TIDALLY-INFLUENCED AREAS - means a waterway with water level changes in response to the daily tide.

Note: Underlined words are proposed additions as submitted by the Broward County Environmental Planning and Community Resilience Division on June 27, 2019, and initially distributed for review.

Struck-through words are proposed deletions and double-underlined, bold words are proposed additions submitted by the Broward County Environmental Planning and Community Resilience Division and Broward County Planning Council staff to address comments received after July 2, 2019, distribution to local governments and interested parties.
ATTACHMENT 2
Public Outreach
Broward County Environmental Planning and Community Resilience Division

November 9, 2016  USACE Study Initial Stakeholder Meeting: Ft Lauderdale (52 participants)
November 9, 2016  USACE Study Initial Stakeholder Meeting: Hollywood (25 participants)
September 4, 2018  Climate Change Task Force Briefing
September 10, 2018  USACE Study Final Stakeholder Meeting (16 participants and available on Broward Video Central)
October 12, 2018  Feature Article in EPCRD’s Climate Resilience Newsletter
November 9, 2018  Water Advisory Board Briefing
November 9, 2018  Broward Commercial Realtors Midyear Conference
November 10, 2018  Presentation Materials for Pompano Beach Marine Advisory Group
November 16, 2018  Municipal Workshop
November 27, 2018  Feature Article in EPCRD’s Climate Resilience Newsletter
December 3, 2018  Local Mitigation Strategy Quarterly Meeting with Municipalities
January 11, 2019  Water Advisory Board Discussion
February 5, 2019  CREW Fort Lauderdale Chapter (Commercial Real Estate)
February 12, 2019  Tower Club Real Estate Luncheon
February 28, 2019  Hollywood Community Meeting
March 3, 2019  Draft Policy Email to Municipal Resilience Contacts and Industry with Survey
March 21, 2019  Industry Workshop
March 29, 2019  Water Advisory Board Presentation
April 2, 2019  Opening of 60-Day Draft Policy Public Comment Period on Broward.org/climate
April 5, 2019  Twitter and Facebook Posts
April 25, 2019  Twitter and Facebook Posts
May 30, 2019  Twitter and Facebook Posts
ATTACHMENT 3

PROPOSED:

ARTICLE XXV. - RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION

Sec. 39-404 – Purpose and intent.

The purpose of this article is to establish a consistent minimum elevation for tidal flood barriers that will:

(a) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides and high frequency storm surge through the year 2070; and,

(b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers with application of consistent standards that account for future tidal flood conditions and coastal water levels predicted with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners.

Section 39-405 – Applicability. This article applies to all new tidal flood barriers, substantial improvements to shorelines and shoreline structures and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures).

Sec. 39-406 - Definitions. For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

*Berm* means an earthen mound designed with impermeability to resist the flow of tidal waters through to an adjacent property or public rights-of-way.

*Canal bank or berm* is the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

*Tidal flood barrier* means any structure or shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, mooring structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights-of-way, located within or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

*Green-grey infrastructure or materials* is a combination of engineered and natural features that provide environmental qualities and ecosystem value.
**Mooring structure** means a boat dock, slip, boat davit, hoist, boat lift, floating vessel platform, personal water craft / jet ski platform, mooring pile or a similar structure attached to land or a seawall, to which a vessel can be moored.

North American Vertical Datum (NAVD88 or NAVD) means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. NAVD88 replaced the previously used datum, National Geodetic Vertical Datum (NGVD29).

**Public nuisance** means injurious to the safety or health of the entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any public right-of-way.

**Rip-rap** means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

**Seawall** means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control.

**Seawall cap** means the concrete box structure (usually reinforced) which connects seawall panels, piles and anchoring system (if present) together at the top.

Shoreline means the tidally influenced area where land meets water.

**Substantial repair or rehabilitation** means:

a. Any modification to shoreline or shoreline structures along more than fifty percent (50%) of the length of the property's shoreline;

b. Any modifications, alterations or installation of appurtenant structures (such as mooring structures) which exceed 50% of the cost of a tidal flood barrier along the property's shoreline.

**Tidally-influenced areas** means a waterway with water level changes in response to the daily tide.

Sec. 39-407 - Minimum Elevations for Coastal Infrastructure within Tidally-Influence Areas.

(a) All new or substantially rehabilitated seawalls, seawall caps, canal banks or berms shall perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of 5.0 feet NAVD88. Applications for new or substantially rehabilitated tidal flood barriers submitted prior to January 1st 2035 may be permitted a minimum elevation of 4.0 feet NAVD88 if designed and constructed to accommodate a minimum elevation of 5.0 feet NAVD88 by January 1, 2050.

(b) All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and on to adjacent property or public rights-of-way. Failure to maintain flood mitigation infrastructure shall be a citable offense. The owner of the tidal flood barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days of receiving notification and complete repairs within three hundred sixty-five days (365) of receipt of the citation. If the required repair meets the substantial repair threshold, the property owner shall design, obtain permits, and cause to be constructed seawall improvements that meet
the minimum elevation and design requirements within three hundred sixty-five (365) days of receipt of the citation.

(c) Tidal flood barriers below a minimum 5 feet NAVD88 elevation shall be improved, designed and constructed so as to prevent tidal waters from impacting adjacent properties or public rights-of-way. Causing, suffering or allowing the trespass of tidal waters onto adjacent property (public or private) shall be declared a public nuisance, a citable offense, and require abatement. The owner shall demonstrate progress toward addressing the cited concern within sixty (60) days of receipt of notification and complete the construction of an approved remedy within three hundred sixty-five (365) days of citation.

(d) Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier while still allowing for the release of upland hydrostatic pressure.

(e) To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.

(f) A tidal flood barrier along the property’s entire shoreline shall be constructed as part of substantial repairs or rehabilitation.

(g) All tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure.

(h) Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features and the use of hybrid green-grey materials, and the use of biological forms, where practicable.

(i) This section shall not be construed to require the installation of a seawall where other flood protection measures serve as an equally effective tidal flood barrier.

(j) Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible. Automation cannot require daily human intervention.
(Prepared by the Broward County Environmental Protection and Growth Management Department, Environmental Planning and Community Resilience Division, in coordination with the Broward County Planning Council staff.)

BROWARD COUNTY LAND USE PLAN

I. Comments from the City of Pompano Beach, Sustainability Subcommittee and Marine Advisory Board. Submitted by Jean Dolan, City Sustainability Coordinator

A. Schematic Sections for Design Scenarios - Finished Floor Elevations of existing adjacent structures may be below the mandated minimum seawall height. Much of the area south of Atlantic Boulevard between S. Cypress Road and the Intracoastal and between US 1 and the Intracoastal north of Atlantic Boulevard are in an AE 5’ NAVD flood zone. The existing homes and buildings built prior to the 1 foot of freeboard requirement in the South Florida Building Code may be built at or possibly below 5 NAVD. Pompano’s current requirements for backfilling (151.07) to the height of the seawall could cause existing buildings to flood at the County’s mandated height. Fort Lauderdale has set minimum and maximum seawall heights subject to FEMA Base Flood Elevations to ensure regulations do not cause structures to flood. The County’s design options for grading landward of the elevated seawall provided in the presentation (“Proposed Minimum Seawall Height Policy Presentation”) may result in water quality issues in the receiving water body; stagnant water landward behind the seawall; excess drainage onto adjacent properties and/or flooding of adjacent buildings with lower FFE. It would be helpful if the County thought out the design scenarios that would be acceptable from both a flooding and water quality perspective when FFE may be below 5’ NAVD.

Response:
Exempting lowest lying properties will compound flood conditions and subject neighboring properties to flood trespassing. Barriers permitted before 2035 can be 4 feet NAVD. Homes below 5 feet NAVD will flood tidally in 2070 without flood barriers, superseding issue of rainfall flooding. FEMA base flood elevations are anticipated to change with sea level rise before 2070 and will likely be above 5 feet NAVD. Section 39-407(d) requires drainage to be considered (hydrostatic pressure). Water quality is addressed by other existing policies. This policy is intended to address future tidal flooding. Municipal code should be updated to prevent tidal flooding while maintaining other desired objectives.
B. Implementation - Timing of one-year for replacement post citation may not be realistic if one seasonal-extreme tidal event results in many properties being cited and seawall construction contractors are not available to meet the need within the established time frame. It is assumed that the Special Magistrate in the Code Compliance case can provide for continuances. In addition, the environmental permitting time associated with building a new seawall or other tidal flood barrier where one did not previously exist is not considered in the one-year time frame.

This issue leads to the “real” problem of how these regulations can be logically implemented. Implementation on a lot-by-lot basis does not appear reasonable. If the properties are not identified and cited until flooding is occurring, properties that have already complied with the regulations will be damaged from adjacent property flooding for what could be years. It is equally likely that due to design issues per comment #1, properties that have complied could also be contributing to flooding on properties that have not complied or that are at a lower elevation. Connecting the seawalls together seamlessly is less likely when done on a lot-by-lot basis so the ability to meet the flood reduction purpose of the regulations is questionable with the lot-by-lot approach.

It seems logical that a comprehensive capital improvements program for seawall improvements should be developed by the County that addresses entire canal frontages on a priority basis using elevation and likelihood of flooding to determine the sequence of improvements. The specific program would include design considerations related to existing finished floor elevations and provide for environmental mitigation and permitting. The program must include a funding mechanism, such as a special taxing district for affected properties, to make this effort reasonable and effective.

Response:
One-year compliance period selected to avoid repeated impacts of tidal flooding.
Code enforcement has discretion in citation and enforcement process issues of non-compliance due to extenuating circumstances that might affect homeowners’ ability to comply.

The current condition has resulted in years of unaddressed tidal flooding, the proposed standard will ensure such conditions are not allowed to persist, requiring resolution of what is deemed a public nuisance. Seawall is not required for compliance. Upland tidal flood barriers are permissible and would not require state or federal permit.

A countywide capital project or fund is not currently under consideration. The County is working to provide a map of priority areas based on shoreline and structure elevations for municipal use to aid in earlier identification of targeted areas for improvement and prioritized outreach. Tax assessments might very well be a locally pursued option for
assisting property owners with low to no-cost form of longer-term financing and payment. A countywide standard will not drive improvements that would ultimately have to be performed. The standard just ensures uniformity, but the improvement would be required in any event, as tidal flooding would otherwise overtake the property.

C. Terminology - Tidal Flood Barrier vs. Erosion Control Structure. The County’s model code should be much more consistent in using “seawall”, “tidal flood barrier” and “bulkhead as interchangeable terms when they have different definitions. The Applicability Section 39-406 states that the code only applies to “tidal flood barriers” when most existing seawalls do not function as “tidal flood barriers” but are only for erosion control purposes. The seawall ordinance in Pompano Beach (Section 151.05(B), for example, specifically defines seawalls as structures “…protecting and stabilizing the shore against erosion and wave action”. It could be argued that the model ordinance, as drafted by the County, is only applicable to “tidal flood barriers” and does not apply to seawalls constructed for erosion control purposes. It is assumed that the County’s intended applicability is to all seawalls regardless of their function. Fort Lauderdale’s code only uses the word “seawall” and does not introduce functionality into the regulations. The County should consider using similar, consistent language.

Response:
Section edited for consistent use in terminology of tidal flood barriers. Note that seawalls and maintained shorelines are now expected to serve as tidal flood barriers not just erosion control structures. If there is an upland barrier meeting design standard (e.g. stem wall between building or road that prevents flood trespassing to adjacent property) erosion control structures could be lower than standard, and owner would be in compliance.

D. 39-407(f) requires natural limerock rip-rap, or other approved habitat enhancement at the waterward face of the bulkhead or seawall in front of new seawalls where one did not previously exist. The equity of this requirement should be considered. The property owner should not be penalized because they did not previously have a seawall while all owners with an existing seawall do not have to provide habitat enhancement. Suggest that 39-407(f) be stricken and the “encourage habitat enhancement” language in 39-407(g) be applied to all seawalls whether new or replacements.

Habitat enhancement and environmental quality could be “built-in” to a comprehensive capital improvement program to implement these regulations as described in #2 above. This would result in far better outcomes than expecting individual lot owners to be able to navigate the environmental design and permitting process while also having a seawall designed and built to control tidal flooding after receiving a code violation with a one-year deadline for compliance.
Response:
Amended to include all tidal flood barriers. All seawalls require a local permit which evaluates environmental impacts. Rip rap and living shoreline components can be exempt from state and federal permitting (assuming no impacts to seagrass). Maintenance of existing seagrass or sandy shoreline would be an approved habitat enhancement.

E. Cost estimates of seawall replacement range from $450 - $2,150 per linear foot of shoreline. This equates to a low of $27,000 to a high of $129,000 for a typical 60-foot wide residential lot. Since Pompano’s seawalls were not built as tidal flood barriers but as erosion control structures, the higher end of the estimate is probably more accurate and this is likely true of most cities in Broward County. Some consideration should be given to establish a special taxing district or similar program where waterfront properties that will need to have seawalls built as tidal flood barriers can start paying into a fund which will support a County-wide infrastructure improvement program to build these new seawalls for entire canal frontages with specific designs to accommodate existing conditions (landside and waterside) to ensure the tidal flood mitigation purpose of the regulations is achieved and the natural environment and habitat is enhanced to the maximum practical extent.

Response:
Costs shared in USACE presentations were based on new seawalls compliant with code, variability was due to construction materials and methods.

A countywide infrastructure program or fund is not currently under consideration. Tax assessments might very well be a locally pursued option for assisting property owners with low to no-cost form of longer-term financing and payment. A countywide standard will not drive improvements that would ultimately have to be performed. The standard just ensures uniformity, but the improvement would be required in any event, as tidal flooding would otherwise overtake the property.

II. Comments from Matthew Harold, Port Everglades

A. Sec. 39-407 (b) regarding notification of property owners of seawalls needing repair: This implies inspections will be performed, most early evidence of seawall issues will probably present on land side (iguana holes, etc.) – will inspectors enter back yards?

Response:
Inspections will be prompted by reports of tidal flood trespassing (likely observed from front of property or reported as impacts to adjacent properties) and will follow current protocol for property inspections.
B. Sec. 39-407 (d) regarding the design and construction of tidal flood barriers: Feasible for a culvert with a flap gate – but the barrier itself?

Response:
Flap gates, tidal valves, in wall drainage technology and exfiltration trench-pipe connections could be used to allow relief of upland waters and would be considered components of the tidal flood barrier.

C. Sec. 39-407 (e) regarding proximity of tidal flood barriers to each other to close gaps: Property right issues? Can it be written that barriers can extend up to 1’ to meet adjacent structures in adjacent properties – legalities.

Response:
Existing seawall codes typically allow 1-foot overlap, additional clarification should be addressed in municipal code, as needed.

D. Sec. 39-407 (f) regarding use of green infrastructure where no previous seawall existed: Could this cause navigability issues in narrow bodies? Submerged land lease required for Rip-rap areas?

Response:
Rip rap placed with 10 feet of seawall qualifies for state and federal permit exemptions (assuming no seagrass present). Local permit confirms impacts to navigation avoided and project is within authorized footprint.

III. Comments from Vernal Sibble, City of Hollywood

A. Sec. 39-404 – Purpose and intent:
State that policy does not address seepage. Clarify substantial repair definition. Provide for adjustable mechanical seawall temporary minimum elevations.

Response:
Recommendations incorporated in final draft.

B. Section 39-405 regarding the application and length of the property:
To the perimeter of the property, except for the portion that fronts ingress/egress to the access to the public ROW/roads.

Response:
Text edited to refer to shoreline portion of property’s perimeter where tidal waters ingress. Tidal barriers along upland sides of property are not required assuming no flow past shoreline barrier.
C.  **Sec. 39-406 - Offering additional text to definition of “Substantial repair or rehabilitation”:**

And to any property that abuts a non-compliant barrier (tidal flood, etc., ) that proposes substantial on-site improvements, as defined by the City’s Building Department, to its building/structures and/or land (for such properties the tidal flood barriers, the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures) shall conform standard to this code...

**Response:**
Municipalities can insert in their code as needed.

D.  **Sec. 39-407 - Minimum Elevations for Coastal Infrastructure within Tidally-Influence (h):**

Provide options for barrier to be capable of adjusting its minimum elevation, i.e., it may through mechanically and/or hydraulic functions, raise it minimum elevation (lowering below 4.00 or 5.00, depending on when permitted, would not be an option.)

**Response:**
Recommendation incorporated.

IV.  **Comments from Linda Sunderland, Broward EEPD**

A.  **Sec. 39-406 - Definitions. Minor edits offered.**

**Response:**
Recommendation incorporated.

B.  **Sec. 39-407 - Minimum Elevations for Coastal Infrastructure within Tidally-Influence Areas. (b) and (c):**

Who is responsible for inspections, compliance, enforcement, etc.

**Response:**
Code enforcement will be responsible. Not inspecting seawalls. Citations are based on water trespass.

V.  **Comments from Alec Bogdanoff, Ph.D., Co-Founder of Brizaga, Inc.**

A.  **Sec. 39-404 – Purpose and intent: Both "life expectancy" and 2070 are used - which standard is desired to be used?**

**Response:**
The standard is 2070. “Life expectancy” deleted from text.
B. Section 39-405 – Applicability: Is there a desire to have this apply to upland structures? The way we read this is that if an upland structure is substantially modified that if the coastal protection is not touch, this may not apply? This comment also applies to the substantial repair section.

Response:
Policy does not apply to buildings. Definition of tidal flood barrier edited to include upland stem walls. Upland repairs or rehabilitation would not require tidal flood barrier to be constructed.

C. Sec. 39-406 - Definitions: Instead of tidal flood barriers, we suggest "shoreline protection structures."

Response:
Shoreline protection structures represent the erosion control properties of the structures. The focus of this policy is flood mitigation and is not inclusive of berms and other shoreline types. Recommendation not incorporated.

D. There is a direct contradiction that you define tidal flood barrier as a berm, but then state that the definition does not include earth mounds, which are used to define berms. So mounds and riprap would not be subject to minimum elevation?

Response:
Tidal flood barriers include impermeable berms and earthen mounds but do not include permeable earthen mounds.

E. Section 39-407 Minimum Elevations for Coastal Infrastructure within Tidally-Influence Areas (c): What is the compliance mechanism for the 5 feet elevation. Is it immediate?

Response:
The 5 feet NAVD minimum is required by 2070, 4 feet is required by 2035. If the owner is responding to a cited concern, they can install a tidal flood barrier of 4 feet or higher before January 1, 2035 or 5 feet NAVD or higher after, at the discretion of the municipality. Ignored citations and notifications will be addressed per existing rules.

VI. Comment from Dane Hancock, P.E

A. Sec. 39-407 - Minimum Elevations for Coastal Infrastructure within Tidally-Influence Areas: Raising the heights of the seawalls is a lesson in futility at a huge cost to landowners and taxpayers. The problem is with South Florida geology and the soils not being impervious. Tidal changes affect the waterways and also the ground water table adjacent the waterways. The normal tide rises and falls at a rate of 6”/hour. For most of our soils
being sandy in nature the percolation rate, if compacted, is from 2”/hour to 8”/hour. If the soils were 6”/hr the ground water behind the seawalls rises at drops at the same rate as the water level in front of the seawall. I have done percolation tests on my property off Las Olas and it is 9”/hr. Therefore raising of the walls is doing nothing to attenuate flooding behind the walls. The toe of the existing seawalls are only a few feet below the waterway mud-line which only prevents the land- side soil from flowing into the waterway. The recent addition of check valves in the storm catch basins was also a waste of the taxpayers money. To be successful check valves must operate in a clean medium and with the dead vegetation that falls into them they become a moot point. Also the ground water will rise around the catch basins with the tides even if the check valves do work.

Response:
Tidal flood barriers are intended to impede sheet flow over shorelines across properties to shared infrastructure and accessways not address groundwater rise or seepage under structures. Upland drainage along shorelines will need to remain functional through improvement as necessary. Additional sea level rise mitigation strategies will be needed to address impacts as they evolve.

VII. Comment from Michael Morrison, President Morrison Contractors Inc.

A. General comment: feels input will not be part of decision making; hopes city complies with rule; notes financial burden on citizens.

Response:
Comment received in response to outreach and recorded. Municipal implementation and enforcement of ordinance is critical. Solutions vary in cost. Affordable options are available. Tidal flood barriers are essential for protecting property values and accessways and preventing damage costs to adjacent properties.

Comments Received After Planning Council’s July 2, 2019 Distribution of Proposed Policy to Cities and Stakeholders

VIII. Comments from Michele Mellgren, AICP, The Mellgren Planning Group, Inc., on behalf of the City of Lighthouse Point

A. Lighthouse Point is not coastal but obviously tidally influenced. The language for the Policy seems to address only coastal communities even though the study addressed tidally influenced.
Response:
The policy is intended to be utilized by all tidally-influenced cities in Broward. Broward Counties cities with tidally-influenced waterways include: Dania Beach, Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hillsboro Beach, Hollywood, Lauderdale by the Sea, Lauderdale Lakes, Lauderhill, Lazy Lake, Lighthouse Point, Oakland Park, Plantation, Pompano Beach, Sea Ranch Lakes, and Wilton Manors. Some County facilities and Unincorporated areas are also tidally-influenced. A map will be included in the proposal packet.

IX. Comments from Tyler Chappell, Vice President, Chappell Group, Inc. for the Proposed Amendment PCT 19-9

A. In general, it is the intent of this amendment to update data every 5 years or when best available data is available to incorporate in the maps and policies that are being implemented. However, the County in no way should implement policies or impose requirements beyond available data or perhaps the 5 years that is being stated in Policy 2.21.3. This will open the County to future legal ramifications for imposing undue burdens that do not exist or are not supported by applicable and recent data. I propose language in Policy 2.21.3 that simply states in no way these policies intend on implementing or imposing requirements beyond available data or perhaps the 5 years that is being stated in Policy 2.21.3.

Response:
Policy 2.21.3 is an existing policy and not part of the amendment under consideration. The amendment proposes the addition of Policy 2.21.7 to the existing CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS Section of the Land Use Plan. Similarly, Chapter 39 is part of the Broward County Code of Ordinances. The proposed amendment to Chapter 39 Article XXV - Resiliency Standards for Flood Protection, is for consideration by the Broward County Broward of County Commissioners. The code amendment is included in the LUP Package as supporting material to Policy 2.21.7, under review.

Available data may include short and long range projections of sea level rise at time intervals relevant to policy implementation.

X. Comments from Tyler Chappell, Vice President, Chappell Group, Inc. for Chapter 39 Article XXV

B. Comment No. 2: Section 39-405 - Applicability. This article applies to all new tidal flood barriers, substantial improvements to shorelines and shoreline structures and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures).
It is my recommendation that mooring structures such as dock, floating docks, and floating boat lifts, etc. should not be included in this policy as this is a broad statement and many mooring structures are not going to be built at elevations the same as seawalls to facilitate access to vessels and their general purpose to provide access to water. In addition, mooring structures are not designed or to be used as tidal flood barriers.

Response:
The regional resilience standard includes mooring structures to support continued accessibility and functionality of infrastructure as sea level rises. Mooring structures are not interpreted to serve as tidal flood barriers. Connections to mooring structures shall continue to be designed as necessary and shall be approved during the municipal permitting process.

C. Comment No. 3: Section 39-406 - Tidal flood barrier means any structure or shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, mooring structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights-of-way, located within or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

It is my recommendation that mooring structures should not be classified as tidal flood barriers as they are not designed or required to be as such. They are designed for access to vessel and providing docking for vessel that resides in or on top of water.

Response:
As noted previously, mooring structures shall be adapted to be above the projected sea level to remain functional.

D. Comment No. 4: Section 39-406 Mooring structure means a boat dock, slip, boat davit, hoist, boat lift, floating vessel platform, personal water craft / jet ski platform, mooring pile or a similar structure attached to land or a seawall, to which a vessel can be moored. This section should be removed as none of these structures will meet the provisions of 39-407 or act as a tidal flood barrier.

Response:
Mooring structures are not interpreted to serve as tidal flood barriers and should remain functional as sea level rises.

E. Comment No. 5: Section 39-406 Seawall means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control including footer.
I recommend including footer in this definition as this is an integral part of the seawall in Broward County.

Response:
This definition serves to describe the location and position of the infrastructure. None of the specific structural elements are listed.

F. Comment No. 6: Section 39-407 (b) All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and on to adjacent property or public rights-of-way. Failure to maintain flood mitigation infrastructure shall be a citable offense. The owner of the tidal flood barrier shall demonstrate reasonable progress towards repairing the cited defect within sixty (60) days of receiving notification and complete repairs within three hundred sixty-five days (365) of receipt of the citation or demonstrate reasonable progress. If the required repair meets the substantial repair threshold, the property owner shall design, obtain permits, and cause to be constructed seawall improvements that meet...

This change will allow for flexibility when regulatory agencies may take longer than a year to issue a permit for a seawall and associated structures.

Response:
The Code will serve as a Model Ordinance. Each city will decide how to best implement the policy once adopted. “Reasonable” is a relative term, not often used in policy because of the difficulty it creates in achieving consistent implementation.

G. Comment No. 7: Section 39-407 (c) Tidal flood barriers below a minimum 5 feet NAVD88 elevation shall be improved, designed and constructed so as to prevent tidal waters from impacting adjacent properties or public rights-of-way. Causing, suffering or allowing the trespass of tidal waters onto adjacent property (public or private) shall be declared a public nuisance, a citable offense, and require abatement. The owner shall demonstrate reasonable progress toward addressing the cited concern within sixty (60) days of receipt of notification and complete the construction of an approved remedy within three hundred sixty-five (365) days of citation or demonstrate reasonable progress.

This change will allow for flexibility when regulatory agencies may take longer than a year to issue a permit for a seawall and associated structures.

Response:
The Code will serve as a Model Ordinance. Each city will decide how to best implement the policy once adopted. See response above.
H. Comment No. 8: Section 39-407 (g) All new tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure where applicable and feasible. This does not include existing tidal flood barriers (i.e. existing seawalls) that are being repaired or replaced.

If an existing seawall is repaired with a new cap or a new seawall is installed in front or in place of an existing seawall rip rap should not be required or this cost and burden placed on the resident or owner. This requirement has historically been required by the County for unconsolidated shorelines only and does not provide any further protection from sea level rise or climate change to land in addition to a seawall in inland waterways.

Response:
This requirement is consistent with Broward County Code of Ordinances Section 27-337, requiring rip rap or other approved habitat enhancement for new seawalls and the Coastal Management Element of the Comprehensive Plan, Policies 10.3.1 and 10.4.4.

I. Comment No. 9: Section 39-407 (h) Property owners are encouraged, but not required to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features and the use of hybrid green-grey materials, and the use of biological forms, where practicable.

This code section needs to be clear that this is an option to owners but this additional cost and enhancement is not a requirement for County regulatory approval of the tidal flood barrier. If not clarified, this provision could lead to the delay of permitting and construction of the tidal flood barrier which is the ultimate goal of this chapter.

Response:
The policy is intended to serve as a regional resilience standard. Improving natural and man-made infrastructure to increase its resilience aligns with the intent.

XI. Comments from Peter Schwarz, AICP, Assistant Director, Engineering and Community Development Department, City of Oakland Park

A. Although Tidally-influenced areas are well-defined in Chapter 39, Article XXV, references in said chapter and the proposed BrowardNext policy to “coastal municipalities” are ambiguous. Many municipalities, including the City of Oakland Park, will be subject to the policy despite not being located along the coast, as their waterways are tidally-influenced. Oakland Park staff recommends that references to coastal municipalities be changed to municipalities with tidally-influenced areas.
Response:
The policy is intended to be utilized by all tidally-influenced cities in Broward. Broward Counties cities with tidally-influenced waterways includes: Dania Beach, Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hillsboro Beach, Hollywood, Lauderdale by the Sea, Lauderdale Lakes, Lauderhill, Lazy Lake, Lighthouse Point, Oakland Park, Plantation, Pompano Beach, Sea Ranch Lakes, and Wilton Manors. Some County facilities and Unincorporated areas are also tidally-influenced. A map will be included in the proposal packet.

B. The reference to the requirement to adopt within 24-months should be clarified to be within 24-months of the policy's effective date.

Response:
Noted and clarification included in proposed text.

XII. Comments from Frank Pelly, Pompano Beach Marine Advisory Board regarding Chapter 39

A. Suggested amendment to Substantial Repair or Rehabilitation. While Municipalities can insert their code as needed, we would like to run by some minor changes being recommended by city staff to better clarify substantial repair or rehabilitation.

Substantial repair or rehabilitation means:
Any modifications, alterations or installation of appurtenant structures (such as mooring structures) which exceed 50% of the cost of a tidal flood barrier along the property’s shoreline. of improvements necessary for the associated tidal flood barrier to be in conformity with all current applicable seawall height regulations.”

B. Will there be a county wide standard of costs, to calculate if any modifications to appurtenant structures exceed 50%? We agree with the provision, however, this opens the door to litigation given the added potential significant cost burden to the property owner of raising a seawall cap or replacing a complete seawall.

C. Any modification to shoreline or shoreline structures along more than fifty percent (50%) of the length of the property’s shoreline; there is no definition for “shoreline” or “shoreline structures”. Should this read Tidal Flood Barrier or shoreline or shoreline structures should be defined.

D. All tidal flood barriers shall be constructed with natural limerock rip---rap, or other approved habitat enhancement, at the waterward face of the structure. Are there any recommendations in terms of size, angle of repose etc for this? How would an inspector review this for compliance?
E. 39-404 (b) states; “Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers with application of consistent standards that account for future tidal flood conditions and coastal water levels predicted with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners.”

Question; are there any provisions within the proposed standards that would require an existing Tidal Flood Barrier to be raised, that is not in need of Substantial Repair or Rehabilitation (39-406), or disrepair as outlined in 39-407 (b) or the provisions of 39-407 (c)?

F. 39-407 (c) states; Tidal flood barriers below a minimum 5 feet NAVD88 elevation shall be improved, designed and constructed so as to prevent tidal waters from impacting adjacent properties or public rights-of-way.

Question; For example, as the result of Substantial Repair or Rehabilitation a Tidal Flood Barrier is raised to 4 feet (prior to 2035). As a result of either a severe king tide or storm surge tidal waters flow unimpeded over the barrier and on to adjacent property or public rights-of-way. Will the City be able to successfully cite (and litigate) the property owner and require the Tidal Flood Barrier to be raised another 1 Foot to 5 feet prior to 2036 even if this now requires a new Tidal Flood Barrier or significant repairs to be constructed to support the additional 1 foot?

G. When issuing and distributing amendments to the draft provisions, it would be very helpful if the revisions were blacklined.

Response to Comments A-G:
The comments are related to the corresponding Chapter 39, Article XXV, Broward County Code of Ordinances, model ordinance, and have been forward to the Broward County Environmental Planning and Community Resilience Division for consideration.
MAP 1
BROWARD COUNTY TRAFFICWAYS PLAN AMENDMENT
SOUTHWEST 39 STREET
LOCATION MAP WITH TRAFFICWAYS DESIGNATIONS
PCTW 19-3

Trafficway Designation

80'

Subject Site

SW 39 STREET

DAVIE
### RECOMMENDATIONS/ACTIONS

| I. Planning Council Staff Recommendation | August 13, 2019 |

Planning Council staff recommends that the Southwest 39 Street Trafficways Plan dedication requirement, between College Avenue and Davie Road, be amended to 62 feet.

This item will be presented to the Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee’s recommendation will be presented at the Planning Council meeting.
INTRODUCTION AND APPLICANT'S RATIONALE

I. Location and Limits

Southwest 39 Street, between College Avenue and Davie Road, in the Town of Davie

Approximately 0.5 miles (See Map 1)

II. Existing Trafficways Plan Requirement

The subject Trafficway is designated at 80 feet

III. Proposed Revision

Reduce the right-of-way from 80 feet to 62 feet

IV. Initial Applicant

Town of Davie

V. Affected Local Government’s Recommendation

The Town of Davie initially proposed to delete the subject Southwest 39 Street segment from the Trafficways Plan. See Attachment 1. However, based on comments and input received from the Trafficways Review Group meeting, the Town revised its application to reduce the subject segment of the Trafficway from 80 feet to 62 feet.

VI. Applicant’s Rationale for the Amendment

Summary of Applicant’s Rationale: “The Broward County Trafficways Plan requires that Southwest 39 Street have 80 feet of right-of-way between College Avenue and Davie Road. This amendment would reduce the right-of-way from 80 feet to 62 feet. The existing right-of-way is between 50 feet and 80 feet wide, has two travel lanes and a sidewalk along the south side but does not have a median or bicycle lanes. There is no sidewalk along the north side of Southwest 39 Street.
INTRODUCTION AND APPLICANT’S RATIONALE (continued)

VI. Applicant’s Rationale for the Amendment (continued)

The Broward County School Board is the only property owner along the north side of Southwest 39 Street for this particular segment. The School Board property includes two elementary schools, a middle school and a high school. Since the School Board property is fully developed, the prospect for obtaining additional right-of-way is uncertain. As a result, the property owners along the south side of Southwest 39 Street are unfairly burdened with dedicating the whole 30 feet of right-of-way to meet the Trafficways Plan requirement.

There are several properties along the south side of Southwest 39 Street that have not dedicated the required 30 feet of right-of-way, yet have structures located within the dedication area. These structures include part of a parking lot for an apartment building, three townhomes and some accessory structures. The location of these structures makes it difficult to achieve the full dedication required by the Trafficways Plan. If the right-of-way was reduced to 62 feet, there would not be any structures in the dedication area.

The whole length of Southwest 39 Street between Davie Road and University Drive was previously on the Trafficways Plan. In 1989, the Trafficways Plan was amended to remove Southwest 39 Street between University Drive and College Avenue.

Southwest 39 Street is located within the Town’s Regional Activity Center and the Community Redevelopment Area. The intersection of Southwest 39 Street and Davie Road is the entryway to Downtown Davie and a focal point for redevelopment. In 2008, the Town of Davie adopted the Regional Activity Center (RAC) Master Plan. The plan stated that Southwest 39 Street would have a large amount of pedestrian traffic, particularly in the mornings and afternoons and there was high potential for pedestrians to come in conflict with automobile traffic. To address this the plan recommended that the sidewalks be made continuous on both sides and crosswalks be installed at all school locations. The plan specified that Southwest 39 Street should have a 60-foot right-of-way with two travel lanes, a planted median, 5-foot sidewalks and 4-foot bike lanes. The Town of Davie is proposing that Southwest 39 Street have a right-of-way of 62 feet that will include all the elements from the Master Plan.

Given the above-described challenges of obtaining additional right-of-way, reducing the Southwest 39 Street right-of-way from 80 feet to 62 feet will permit a more reasonable dedication requirement from the properties on the south side of the street while allowing sufficient room for the necessary vehicle travel lanes, bicycle/pedestrian facilities, utilities and drainage.”
PLANNING CONSIDERATIONS

I. Existing Adjacent Land Uses

Public and private educational facilities, multi-family residential and retail (See Map 2)

II. Future Adjacent Land Use Designations

Activity Center (See Map 3)

III. Existing Corridor Information

Existing Facility: Two-lane undivided with dedicated and shared turn lanes and a sidewalk on the south side of the roadway

Existing Right-of-Way: Varies between 50 and 80 feet

Existing Functional Classification: City Major Collector

IV. Broward County Year 2040 Transportation Plan & Mobility Advancement Program

The Broward Metropolitan Planning Organization (MPO) Year 2040 Long Range Transportation Plan (LRTP) shows the subject segment of Southwest 39 Street Trafficway as a two (2) lane roadway.

It is noted that there are no short-range (i.e., MPO 5-year Transportation Improvement Program) or long-range (i.e., MPO LRTP and Broward County Mobility Advancement Program (MAP) (f/k/a Transportation Surtax Plan)) plans to widen the existing corridor. Further, there are no planned transit, bicycle or pedestrian improvements indicated for the subject portion of the Trafficway in the MPO LRTP or in the Broward County MAP.
TRANSPORTATION ANALYSIS

I. Review Agency Comments

The initial application for deletion of the subject Trafficway was discussed at the May 2, 2019, Trafficways Review Group meeting and was generally not supported by the review agencies. As a result, a revised application to maintain and reduce the Trafficway was submitted for consideration by the Trafficways Review Group. Comments regarding the proposed amendment as revised have been received from review agencies as follows:

The Broward County Planning and Development Management Division (PDMD) has no objection to the proposed amendment to reduce the described portion of the Southwest 39 Street Trafficway from 80 feet to 62 feet. PDMD notes that the proposed amendment provides consistent right-of-way for multi-modal transportation uses while reducing impacts to existing properties and allowing for mixed-use development that is consistent with the Town’s vision for the area. See Attachment 2.

The Broward County Highway Construction and Engineering Division (HCED) has no objection to the proposed Southwest 39 Street Trafficways amendment, noting that the segment to the west was previously removed from the Trafficways Plan. See Attachment 3.

The Broward County Traffic Engineering Division (TED) has no objection to the proposed Southwest 39 Street Trafficways amendment. See Attachment 4.

The Broward County Transit Division (BCT) has no comment to the proposed Southwest 39 Street Trafficways amendment. See Attachment 5.

The Broward Metropolitan Planning Organization (MPO) has no objection regarding the proposed Southwest 39 Street Trafficways amendment and suggests the Town consider providing bicycle lanes that are wider than 4 feet along the corridor. See Attachment 6.

The Florida Department of Transportation (FDOT) recommends that the western segment of Southwest 39 Street, between University Drive and College Avenue, that was previously deleted from the Trafficways Plan, be re-established on the Trafficways Plan with a reasonable ultimate right-of-way to bolster the network connectivity, to preserve needed right-of-way, to protect existing rights-of-way from encroachment, and to ensure that future development and re-development occurs in a manner and context consistent with the functional purpose/characteristics of the roadway. See Attachment 7.
TRANSPORTATION ANALYSIS (continued)

I. Review Agency Comments (continued)

The Town of Davie does not support re-establishing the adjacent western segment of Southwest 39 Street on the Trafficways Plan. Said segment runs through a stable single-family residential neighborhood and as such was removed from the Trafficways Plan in 1989. Since that time, the Town has coordinated several roadway network improvements in the vicinity, including two (2) additional roadways that have been constructed to increase east/west connectivity between University Drive and College Avenue. See Attachment 8.

FDOT also notes that it is preparing an arterial connectivity study along the I-595 corridor and that Southwest 39 Street is likely in the project’s influence area. Retaining roadway connectivity is an important objective of this project. See Attachment 7. The Town provided correspondence stating that this segment of Southwest 39 Street is being retained as a 62-foot corridor which will be enhanced with bicycle lanes, sidewalk connectivity, and turn lanes where needed. See Attachment 8.

The School Board of Broward County (SBBC) Environmental Health & Safety Department was notified of the requested amendment since the SBBC has existing educational facilities adjacent to the subject segment of the Trafficways Plan. The SBBC has no comment regarding the proposed Southwest 39 Street Trafficways amendment. In addition, it is the understanding of Planning Council staff that the Town of Davie maintains open and continuous dialogue with the SBBC regarding development in proximity to its educational facilities. See Attachment 9.

II. Transportation Rational Nexus Analysis

Regarding the Southwest 39 Street Trafficway, Planning Council staff notes that the current Trafficways Plan designation reflects a two-lane collector facility. There are no programmed transit, bicycle or pedestrian improvements indicated for the subject portion of the Trafficway in the Broward County Mobility Advancement Program (f/k/a Transportation Surtax Plan), the MPO Transportation Improvement Program or the MPO Long Range Transportation Plan.

Planning Council staff notes that the proposal to amend the subject Southwest 39 Street Trafficway to 62 feet is not projected to impact the transportation network, as Broward County has indicated that 62 feet is acceptable to provide for multi-modal transportation uses.
TRANSPORTATION ANALYSIS (continued)

II. Transportation Rational Nexus Analysis

Generally, Planning Council staff would request that the MPO staff prepare an analysis of the 2040 Long Range Transportation Plan (LRTP) Model to reflect a proposed change of right-of-way width or deletion of a subject segment from the roadway network to determine the effect of the proposed amendment. However, in this case, no change to the LRTP Model regarding the number of travel lanes, or change in capacity of the roadway is contemplated, making a potential model run unnecessary, as the before and after scenarios would have the same outcome.

For informational purposes, Southwest 39 Street, east of University Drive, is projected to operate at an acceptable level of service (LOS) “D,” with or without the proposed Trafficways Plan amendment.
SECTION V
TRAFFICWAYS PLAN AMENDMENT REPORT
PROPOSED AMENDMENT PCTW 19-3

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. Other Pertinent Information

The subject Southwest 39 Street Trafficway is classified as a City Major Collector, which means that it will continue to be maintained by the Town of Davie, not by Broward County or the Florida Department of Transportation.

For historical background purposes, in 1989 the Town of Davie and Broward County agreed to delete the western segment of Southwest 39 Street, between University Drive and College Avenue, from the Trafficways Plan. As such, the Town’s initial proposal for the current amendment was to delete the remaining portion of Southwest 39 Street, between College Avenue and Davie Road, from the Trafficways Plan. However, based on input received from the Trafficways Review Group, the Town revised its application to maintain the Trafficway and to reduce the right-of-way preservation requirement of the subject segment of the Trafficway from 80 feet to 62 feet.
PLANNING ANALYSIS

The subject Southwest 39 Street Trafficway from College Avenue to Davie Road is designated as an 80-foot facility. Our analysis of the development pattern adjacent to the subject segment finds the predominant uses are multi-family residential developments and public and private educational facilities, as well as retail uses. It is noted that the subject roadway segment is within the Town of Davie’s Regional Activity Center (RAC). The Town’s RAC Master Plan identifies the intersection of Southwest 39 Street and Davie Road as the entryway to Downtown Davie and a focal point for redevelopment. Said plan envisions the entire Southwest 39 Street roadway to primarily accommodate pedestrians and bicyclists. The proposal by the Town of Davie is to amend the segment to a 62-foot right-of-way, which will maintain the two (2) existing vehicle travel lanes, as well as accommodate multi-modal uses such as bicycle, pedestrian and/or transit improvements.

There are no short-range (i.e., MPO 5-year Transportation Improvement Program) or long-range (i.e., MPO LRTP and Broward County Mobility Advancement Program (MAP) (f/k/a Transportation Surtax Plan)) plans to widen the existing corridor. Further, there are no planned transit, bicycle or pedestrian improvements indicated for the subject portion of the Trafficway in the MPO LRTP or in the Broward County MAP.

Planning Council staff notes that there are no review agency objections to the proposed Trafficways amendment.

Considering the above planning analysis, review agency comments, and the fact that a 62-foot facility will accommodate multi-modal uses, Planning Council staff recommends approval of an amendment to the Trafficways Plan to reduce the right-of-way preservation requirement of Southwest 39 Street, between College Avenue and Davie Road, from 80 feet to 62 feet.
SECTION VII
TRAFFICWAY PLAN AMENDMENT REPORT
PROPOSED AMENDMENT PCTW 19-3

ATTACHMENTS

1. Town of Davie Resolution No. 2019-030 (Note: Application Amended)
2. Broward County Planning and Development Management Division Report of June 20, 2019
4. Broward County Traffic Engineering Division Report of July 11, 2019
5. Broward County Transit Division Report of July 16, 2019
7. Florida Department of Transportation Report of June 18, 2019
8. Correspondence from Richard J. Lemack, Town Administrator, Town of Davie, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated August 2, 2019
9. School Board of Broward County Report of July 18, 2019
ATTACHMENT 1

RESOLUTION NO. R 2019-030

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECOMMENDING TO THE BROWARD COUNTY PLANNING COUNCIL THE REMOVAL OF SW 39TH STREET BETWEEN DAVIE ROAD AND COLLEGE AVENUE FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SW 39th Street is a Collector Road with a 80 foot right-of-way requirement from Davie Road to College Avenue;

WHEREAS, the existing right-of-way is between 50 and 80 feet wide;

WHEREAS, the Broward County School Board is the only property owner along the north side of SW 39th Street and the prospect for obtaining additional right-of-way along the north side is uncertain;

WHEREAS, the property owners along the south side of SW 39th Street are unfairly being burdened with dedicating the whole 30' of right-of-way to meet the Trafficways Plan requirement of 80 feet;

WHEREAS, there are several properties along the south of SW 39th Street that have existing structures located within the required 30 feet of right-of-way, making it difficult to achieve the full 30 foot dedication;

WHEREAS, removal of SW 39th Street from the Trafficways plan would allow a more reasonable right-of-way dedication requirement for the properties on the south side of SW 39th Street;

WHEREAS, SW 39th Street is located with the Town's Regional Activity Center and Community Redevelopment Area; and

WHEREAS, the Town and the Davie Community Redevelopment Agency (CRA) will provide necessary vehicle travel lanes, bicycle/pedestrian facilities, utilities and drainage in a 62 foot right of way.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:
SECTION 1. The Town Council of the Town of Davie does hereby recommend to the Broward County Planning Council that SW 39th Street be removed from the Trafficways Plan of Broward County.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 23rd DAY OF JANUARY, 2019.

Judy Paul
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 23rd DAY OF JANUARY, 2019.

Approved as to Form and Legality:

TOWN ATTORNEY
DATE: June 20, 2019

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division

SUBJECT: PCTW 19-3, Town of Davie SW 39th Street

Per the Trafficways Review Group meeting on Thursday, May 2, 2019, the Broward County Planning and Development Management Division (PDMD) has reviewed the waiver application (PCTW 19-3) for the SW 39th Street Trafficway located in the Town of Davie. The application, as originally submitted, proposed to delete the trafficway from the Trafficways Plan. PDMD and other agencies in the Trafficways Review Group expressed concerns with the deletion, including impacts to public transit, bike/ped facilities, and consistency with projects proposed in the Mobility Advancement Program (fka Transportation Surtax Plan). As a result of the Trafficways Review Group comments, the Town of Davie agreed to revise the application. The revised application proposes reducing the SW 39th Street Trafficway from 80-feet to 62-feet.

The revised application presents an acceptable solution to ensure consistent right-of-way for multimodal transportation uses while reducing impacts to existing properties and allowing for mixed-use development that is consistent with the Town’s vision. Planning and Development Management Division supports Trafficways Waiver 19-3, as revised.

Should you have any further questions or comments please contact Nicholas Sofoul, Senior Transportation Planner at 954-357-6644 or nsofoul@broward.org.

cc Darby Delsalle, AICP, Assistant Director, Planning and Development Management Division
Nicholas Sofoul, AICP, Senior Transportation Planner, Planning and Development Management Division
DATE: June 28, 2019

TO: Barbara Blake Boy, Executive Director
    Broward County Planning Council

FROM: Richard Tornese, Director
      Highway Construction and Engineering Division

SUBJECT: PCTW 3, Trafficways Width Reduction for SW 39th Street, Town of Davie

Request

The revised application requests a reduction of the required right-of-way width on SW 39th Street from 80 feet to 62 feet in width.

Broward County Trafficways Plan Requirements

This remaining segment of SW 39th Street is indicated as an 80-foot collector on the Broward County Trafficways Plan. The portion of SW 39th Street between University Drive and College Avenue was previously removed from the Trafficways Plan.

Existing Conditions

Approximately one-half of the existing frontage of SW 39th Street has been developed with residential units within the required dedication area necessary for obtaining the full 80-foot width.

Issues

As the full width will likely never be obtained, the Town of Davie initially requested the elimination of SW 39th Street from the plan (consistent with the portion west of College Avenue). After the initial meeting with the Trafficways Review Group, the applicant revised the request to be a reduction of the required width to 62 feet.

Conclusion

The Highway Construction and Engineering Division does not object to the request to reduce SW 39th Street from an 80-foot to a 62-foot Trafficway Collector.
Good Morning Dawn,

Please note that the Broward County Traffic Engineering Division does not object to the request for reduction of the SW 39th Street Trafficway Collector from 80 feet to 62 feet.

Thank you,
Andrew

Andrew G. Sebo, P.E., PTOE, Interim Director
Broward County Traffic Engineering Division
2300 West Commercial Boulevard, Fort Lauderdale, FL 33309
Office Tel. No.: 954.847.2600, Facsimile Transmittal No.: 954.847.2700
asebo@broward.org    www.broward.org
proposal, and in lieu of deletion, is now requesting a reduction from an 80-foot right-of-way dedication to a 62-foot right-of-way dedication. The updated application is attached for your review.

Please provide any comments for said item by the close of business **Friday, June 28, 2019**. If your agency has no comments and/or objections, kindly reply as such.

The item is tentatively scheduled for the Planning Council’s August 2019 meeting.

Thank you,
Garrett

**Garrett McAllister**, Planner
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6691 (direct) [www.Broward.org/PlanningCouncil](http://www.Broward.org/PlanningCouncil)
ATTACHMENT 5

Teetsel, Dawn

Subject: RE: BCPC Trafficways Review Group - Southwest 39th Street, Davie - REVISED

From: Mccoy, Barney <BAMCCOY@broward.org>
Sent: Tuesday, July 16, 2019 12:01 PM
To: Teetsel, Dawn <DTEETSEL@broward.org>; Crawford, Tara <tacrawford@broward.org>; Carson, Miranda <mcarson@broward.org>; Garling, Tim <TGARLING@broward.org>
Subject: RE: BCPC Trafficways Review Group - Southwest 39th Street, Davie - REVISED

Good morning Dawn,

I apologize for the delay in responding, but BCT has no comments on the proposed amendment as we don’t now nor have plans to have service on this corridor. Do you need something formal from us on BCT letterhead?

Respectfully,
Barney

---

From: Mcallister, Garrett
Sent: Wednesday, May 29, 2019 12:00 PM
To: Sofoul, Nicholas <NSOFOUL@broward.org>; Crawford, Tara <tacrawford@broward.org>; Sebo, Andrew <ASEBO@broward.org>; McGuire, David <DMCGUIRE@broward.org>; Terrier, Brad <BTERRIER@broward.org>; 'trang.phan@dot.state.fl.us' <trang.phan@dot.state.fl.us>; 'larry.hymowitz@dot.state.fl.us' <larry.hymowitz@dot.state.fl.us>; 'christine.fasiska@dot.state.fl.us' <christine.fasiska@dot.state.fl.us>; 'cmiskis@sfrpc.com' <cmiskis@sfrpc.com>; 'sandersb@browardmpo.org' <sandersb@browardmpo.org>; David Quigley <David_Quigley@davie-fl.gov>; 'Matthew Coyle' <Matthew_Coyle@davie-fl.gov>
Cc: Pognon, Monica <MPOGNON@broward.org>; Tornese, Richard <RTORNESE@broward.org>; Guiliano, Frank <FGUILIANO@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Walton, Chris <CWALTON@broward.org>; Martinez, Denise <dmartinez@BROWARD.ORG>; Garling, Tim <TGARLING@broward.org>; 'cromarj@browardmpo.org' <cromarj@browardmpo.org>; 'steve.braun@dot.state.fl.us' <steve.braun@dot.state.fl.us>; 'isabelc@sfrpc.com' <isabelc@sfrpc.com>; 'chon.wong@dot.state.fl.us' <chon.wong@dot.state.fl.us>
Subject: BCPC Trafficways Review Group - Southwest 39th Street, Davie - REVISED

Greetings,

A Trafficways Review Group (TRG) meeting was held Thursday, May 2nd to discuss proposed Trafficways amendment PCTW 19-3 (Southwest 39 Street, Davie). Based on the discussion at said TRG meeting, the Town has revised the proposal, and in lieu of deletion, is now requesting a reduction from an 80-foot right-of-way dedication to a 62-foot right-of-way dedication. The updated application is attached for your review.

Please provide any comments for said item by the close of business Friday, June 28, 2019. If your agency has no comments and/or objections, kindly reply as such.

The item is tentatively scheduled for the Planning Council’s August 2019 meeting.

Thank you,
Garrett

Garrett McAllister, Planner
115 South Andrews Avenue, Room 307 Fort Lauderdale, Florida 33301
54.357.6691 (direct)
www.Broward.org/PlanningCouncil
Teetsel, Dawn

Subject: FW: BCPC Trafficways Review Group - Southwest 39th Street, Davie - REVISED

From: Buffy Sanders <sandersb@browardmpo.org>
Sent: Friday, June 28, 2019 11:27 AM
To: Teetsel, Dawn <DTEETSEL@broward.org>
Cc: James Cromar <cromarj@browardmpo.org>
Subject: BCPC Trafficways Review Group - Southwest 39th Street, Davie - REVISED

Dawn,

The Broward MPO has no objection to Southwest 39th Street, Davie- REVISED trafficway request. The Broward MPO would encourage the Town of Davie to look into provide wider than 4 ft bike lanes along the corridor.

Buffy C. Sanders II
Strategic Initiatives
Principal Planner

For more information on activities and projects of the Broward MPO, please visit: BrowardMPO.org and while you’re there, follow us on Social Media.

To subscribe to our e-Blasts, click here.

For complaints, questions or concerns about civil rights or nondiscrimination; or for special requests under the Americans with Disabilities Act, please contact: Christopher Ryan, Public Information Officer/Title VI Coordinator at (954) 876-0036 or ryan@browardmpo.org Please Note: Florida has a very broad public records law. Most written communications to or from Broward MPO officials and/or employees regarding Broward MPO business are public records, and are available to the public and media upon request. Your e-mail communications, including your email address, may therefore be subject to public disclosure. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from public disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the Broward MPO immediately by telephone (954) 876-0033 or by return e-mail and delete the message, along with any attachments.
Greetings Garrett. Sorry to hear you are leaving.

I’m not clear what the revisions are other than the change from an 80-foot right-of-way dedication to a 62-foot right-of-way dedication. Are there any other changes?

If this is the only change, then the Department would retain the following comments previously sent to the Planning Council on May 1st for your consideration.

- We recommend to the Planning Council that the western segment, from University Drive to College Avenue, be re-established on the Trafficways Map to University Drive with a reasonable ultimate right of way to bolster the network connectivity, to preserve right of way needed, to protect existing rights of way from encroachment, and to ensure that future development and re-development occurs in a manner and context consistent with the functional purpose/characteristics of the roadway.

- For your information, we are currently embarking on an arterial connectivity study along the I-595 corridor. SW 39th Street is likely in the project’s influence area. Retaining roadway connectivity is an important objective of this project.

Thank you.

Larry Hymowitz
Planning Specialist – Policy Planning & Growth Management
Planning & Environmental Management - FDOT District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Phone: (954) 777-4663; Fax: (954) 677-7892
larry.hymowitz@dot.state.fl.us

From: Mcallister, Garrett
Sent: Wednesday, May 29, 2019 12:00 PM
To: Sofoul, Nicholas <NSOFOUL@broward.org>; Crawford, Tara <tacrawford@broward.org>; Sebo, Andrew <ASEBO@broward.org>; Mcguire, David <DMCGUIRE@broward.org>; Terrier, Brad <BTERRIER@broward.org>; 'trang.phan@dot.state.fl.us' <trang.phan@dot.state.fl.us>; 'larry.hymowitz@dot.state.fl.us' <larry.hymowitz@dot.state.fl.us>; 'christine.fasiska@dot.state.fl.us' <christine.fasiska@dot.state.fl.us>; 'cmiskis@sfrpc.com' <cmiskis@sfrpc.com>; 'sandersb@browardmpo.org' <sandersb@browardmpo.org>; David Quigley <David_Quigley@davie-fl.gov>; 'Matthew Coyle' <Matthew_Coyle@davie-fl.gov>
Cc: Pognon, Monica <MP                                                 OGNON@broward.org>; Torinese, Richard <RTORNESE@broward.org>; Guiliano, Frank <FGUILLIANO@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Walton, Chris <CWALTON@broward.org>; Martinez, Denise <dmartinez@BROWARD.ORG>; Garling, Tim <TGA RLING@broward.org>; 'cromaj@browardmpo.org'
Greetings,

A Trafficways Review Group (TRG) meeting was held Thursday, May 2nd to discuss proposed Trafficways amendment PCTW 19-3 (Southwest 39 Street, Davie). Based on the discussion at said TRG meeting, the Town has revised the proposal, and in lieu of deletion, is now requesting a reduction from an 80-foot right-of-way dedication to a 62-foot right-of-way dedication. The updated application is attached for your review.

Please provide any comments for said item by the close of business Friday, June 28, 2019. If your agency has no comments and/or objections, kindly reply as such.

The item is tentatively scheduled for the Planning Council’s August 2019 meeting.

Thank you,
Garrett

Garrett McAllister, Planner
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6691 (direct) www.Broward.org/PlanningCouncil

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.
August 2, 2019

Broward County Planning Council
Barbara Blake Boy
115 S. Andrews Ave. Room 307
Fort Lauderdale, FL 33301

RE: Florida Department of Transportation (FDOT) Comments on Trafficways Amendment for SW 39th Street

Dear Ms. Blake Boy:

The Town of Davie submitted an application to remove SW 39th Street from the Broward County Trafficways plan on April 9, 2019. After receiving feedback from the Broward County Planning Council Trafficways Review Group, the Town amended its application and resubmitted it on May 28, 2019. The revised application would keep SW 39th Street on the Trafficways plan but would reduce the right-of-way requirement from 80 feet to 62 feet.

On June 18, 2019, FDOT made the following comments on the revised application (Town of Davie response provided below):

1. We recommend to the Planning Council that the western segment, from University Drive to College Avenue, be re-established on the Trafficways Map to University Drive with a reasonable ultimate right of way to bolster the network connectivity, to preserve right of way needed, to protect existing rights of way from encroachment, and to ensure that future development and re-development occurs in a manner and context consistent with the functional purpose/characteristics of the roadway.

2. For your information, we are currently embarking on an arterial connectivity study along the I-595 corridor. SW 39th Street is likely in the project’s influence area. Retaining roadway connectivity is an important objective of this project.

This segment of SW 39th Street lying west of College Avenue was removed from the Broward County Trafficways Plan in 1989. Since then, two additional roadways (SW 36th Street and SW 30th Street) have been constructed that connect east/west between University Drive and College Avenue. The Town has made progress on improving the overall street network in the area around SW 39th Street (see Figure 1). SW 36th Street was reconfigured and reconstructed as a public road with 75 feet of right-of-way. Nova Drive is another major east/west connector and is being widened and improved. SW 67th Court was constructed and provides a new north-south connection between Orange Drive and SW 39th Street. Oakes Road is currently under construction between 61st Avenue and Davie Road which will improve north-south connectivity west of Davie Road. This segment of SW 39th Street also runs through a stable single family residential neighborhood. For these reasons, the Town is not in favor of putting this segment back in the Trafficways plan.

In response to the FDOT concern regarding the arterial connectivity study along the I-595 corridor, the Town amended its application so that Southwest 39th Street will remain on the
Broward County Trafficways Plan. While the Town recognizes the importance of east/west connectivity, Southwest 39th Street is not an ideal corridor for moving a large amount of traffic. Southwest 39th Street is located within the Town’s Regional Activity Center and the intersection of Southwest 39th Street and Davie Road is the entryway to Downtown Davie and a focal point for redevelopment. The Town’s Regional Activity Center Master Plan identified Southwest 39th Street as having a large amount of pedestrian traffic with a high potential for automobile/pedestrian conflicts. The Regional Activity Center Master Plan specified that Southwest 39th Street should have a 60 foot right-of-way. The Town intends to enhance the safety of pedestrians, cyclists and automobiles on this corridor by providing bicycle lanes and facilities, sidewalk connectivity and turn lanes where needed.

![Figure 1: Roadway Improvements](image)

Thank you,

Richard J. Lemack
Town Administrator

C: Phillip R. Holste, Assistant Town Administrator
Jonathan Vogt, Town Engineer
David Quigley, Planning and Zoning Manager
Matthew Coyle, Planner II

AD-2019-28
Ms. Teetsel - As per your request, Broward County Public Schools have no comment on the amendment initiated by Town of Davie to a roadway segment on the Broward County Trafficways Plan. It is our understanding that Southwest 39 Street, between College Avenue and Davie Road will have the current right-of-way requirement reduced from 80 feet to 62 feet. The present/actual physical roadways and intersections will not be changed in anyway. Please let me know if there are any questions or additional information needed. Thanks, Roger Riddlemoser.

Both Sheldon and I have reviewed the proposed amendment. Consistent with the Facility Planning and Real Estate (FP&RE) review criteria, it was determined that the amendment as proposed is not impacting School Board owned properties located in the project area. FP&RE staff recommends consulting with District Transportation and Safety Department for their input as appropriate.

Thank you,
Please note: Due to the implementation of the mandatory 2019 Summer 4-Day Work Week, all schools and administrative offices are closed each Friday during the summer beginning the week of June 10, 2019 through August 2, 2019.

Dedicated to results, we want to hear from you. Please click on link below for our customer survey:

https://docs.google.com/forms/d/155roCamU0KTeNtstWfRXQvsAEuO3awYdCY1uS6XWxg/viewform

Under Florida law, e-mail addresses, and all forms of communications, including e-mail communications, made or received in connection with the transaction of School Board business are public records, which must be retained as required by law and must be disclosed upon receipt of a public records request, except as may be excluded by federal or state laws. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone.

The School Board of Broward County, Florida expressly prohibits bullying, including cyberbullying, by or towards any student or employee. See Policy 5.9: Anti-Bullying for additional information.

From: Sheldon V. Riles <sheldon.riles@browardschools.com>
Sent: Thursday, July 18, 2019 8:24 AM
To: Mohammed Rasheduzzaman <mohammed.rasheduzzaman@browardschools.com>
Subject: Fw: Your Input Needed: SBBC EH&S Input - Nova School Campus - Proposed Broward County Trafficways Plan Amendment

Mohammed,

See email below and respond accordingly.
Thank you,

Sheldon

SHELDON V. RILES, SENIOR PROPERTY COORDINATOR
Facility Planning and Real Estate Department
REAL ESTATE AND ENVIRONMENTAL PLANNING SECTION
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, FL 33301
Office: 754‐321‐1942
Email: sheldon.riles@browardschools.com

Please note: Due to the implementation of the mandatory 2019 Summer 4‐Day Work Week, all schools and administrative offices are closed each Friday during the summer beginning the week of June 10, 2019 through August 2, 2019.

Dedicated to results, we want to hear from you. Please click on link below for our customer survey.
https://docs.google.com/forms/d/155roCamUOKTfeNtstWfrXQvsAEuO3awYdCYz0S6XWx/viewform

Under Florida law, e‐mail addresses, and all forms of communications, including e‐mail communications, made or received in connection with the transaction of School Board business are public records, which must be retained as required by law and must be disclosed upon receipt of a public records request, except as may be excluded by federal or state laws. If you do not want your e‐mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone.

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From: Roger P. Riddlemoser <roger.riddlemoser@browardschools.com>
Sent: Monday, July 15, 2019 12:44 PM
To: Christopher O. Akagbosu <chris.akagbosu@browardschools.com>; Sheldon V. Riles <sheldon.riles@browardschools.com>; Shanika L. Jackson <shanika.hunter@browardschools.com>
Cc: Bailley R. Mcdonald <bailley.mcdonald@browardschools.com>; Sandra Kanner <sandra.kanner@browardschools.com>; Carol A. Cascio <ccascio@browardschools.com>
Subject: Your Input Needed: SBBC EH&S Input - Nova School Campus - Proposed Broward County Trafficways Plan Amendment

Chris, Sheldon & Nikki - I did not see you on the distribution listing and wanted to keep you in the loop. O would like to respond to them by this Thursday, July 18, 2019 if possible. Please review and let me know your thoughts and comments. Thanks, Roger.

From: Teetsel, Dawn <DTEETSEL@broward.org>
Sent: Monday, July 15, 2019 12:03 PM
To: Roger P. Riddlemoser
Cc: Von Stetina, Deanne
Subject: SBBC EH&S Input - Nova School Campus - Proposed Broward County Trafficways Plan Amendment
Good afternoon Mr. Riddlemoser,

The Town of Davie initiated an amendment to a roadway segment on the Broward County Trafficways Plan, specifically Southwest 39 Street, between College Avenue and Davie Road. The effect of amendment would reduce the current right-of-way requirement from 80 feet to 62 feet.

As this portion of the Southwest 39 Street Trafficway is adjacent to Nova Elementary, Middle and High Schools, Planning Council staff is sending the application and the agency comments previously received for your review. Any comments should be returned by Monday, July 29, 2019. My apologies for the short turn-around time.

Please feel free to contact me at 954.357.7571 or dteetsel@broward.org if you have any questions; in my absence, please contact Deanne Von Stetina (copied).

Kind regards,
Dawn

Dawn B. Teetsel, Director of Planning
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.7571 (direct) www.Broward.org/PlanningCouncil

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.
Broward County Land Use Plan: Environmentally Sensitive Lands

Legend

- Designated lands
- Protected lands
- Section Township Range
- Municipal Boundaries

See Table A for individual site name and designation

Designated lands are publicly or privately owned but not managed for preservation.

Protected lands are publicly owned and managed for preservation, or privately owned and restricted by conservation easement or plat note.

Policies 2.23.1 through 2.23.3 (Formally Objective 9.01.00 and its policies) ensure the protection of these designated Environmentally Sensitive Lands (ESL's) and its policies. Designated lands are publicly or privately owned.

Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern (LAPC's) are contained within the Broward County Land Use Plan Implementation Requirements and Procedures.
PORTION OF ESL SITE PROPOSED TO BE REMOVED
Approximately 2.35 Acres

PORTION OF ESL SITE TO REMAIN
Approximately 8.65 Acres
I. Planning Council Staff Transmittal Recommendation  

August 13, 2019

Due to concerns regarding climate resiliency and protection of natural resources, including wetlands and environmentally sensitive lands consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policies 2.21.5, 2.22.2, 2.23.1, 2.23.2, 2.23.3 and 2.23.4, Planning Council staff is unable to support the proposed amendment.

The requirement of a second Planning Council public hearing is at the pleasure of the Planning Council.
SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

INTRODUCTORY INFORMATION

Pursuant to Policy 2.23.1 of the BrowardNext - Broward County Land Use Plan (BCLUP), Broward County maintains the Environmentally Sensitive Lands (ESL) Map that identifies natural resources, including Local Areas of Particular Concern (LAPC), that have been found to comply with the definitions and criteria established within the Implementation Requirements and Procedures Section of the BCLUP. The ESL Map is adopted within the BCLUP Natural Resource Map Series. This ESL Map amendment proposes to remove a portion of one (1) LAPC resource site in eastern Broward County. See Maps 1, 2 and 3.

The proposed amendment would remove an approximately 2.35 acre portion of an 11 acre LAPC site identified as “Map Label 82 / Site 93,” which is located at 851 Eller Drive, in the City of Dania Beach, from the BCLUP Natural Resource Map Series: Environmentally Sensitive Lands Map. See Maps 1, 2 and 3. The proposed amendment to remove the subject area was submitted by the property owner and initiated by the Broward County Commission at its September 13, 2018, meeting. See Attachment 1. The item was requested for initiation by the Broward County Commission subsequent to the Planning Council declining to initiate the amendment at its June 28, 2018, meeting.
Environmentally Sensitive Land (ESL) “means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the Plan Implementation Requirements section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.”

ESL sites are depicted on the Environmentally Sensitive Lands Map (Map) of the Broward Next – Broward County Land Use Plan (BCLUP) Natural Resource Map Series. The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP following the public hearing process.

The 2.35 acre portion of the 11.0 acre Map Label 82 / Site 93 proposed to be removed from the Map is a “designated land” which means that it is privately owned but not managed for preservation. Designated sites on the Map are subject to the provisions of the Broward County Land Development Code per BCLUP Policy 2.23.2. The parcel has a land use designation of Transportation for the Port Everglades area, which generally permits “shipping, warehousing and, with the exception of residential uses, all other uses which may be permitted by the Broward County Board of County Commissioners which are consistent with tourism, international trade, and maritime commerce.”

The applicant’s rationale for the proposed amendment is that the existing environmental response equipment, materials and storage yard uses need to be expanded to meet the growing demands of Port Everglades and related marine industries as regulated by federal and state requirements to have an emergency response contractor that is approved to deploy spill containment and recovery response, including equipment, materials and personnel within specific timeframes. In addition to providing this essential expertise, local, state and federal agencies rely on the existing business operation to ensure its licensed fleet is maintained on the property to meet certain environmental permit requirements and respond to emergency or unexpected situations. The demands of this specialized environmental services operation require expansion of the existing 8.1 acre industrial site to include the 2.35 acres of LAPC that is the subject of this amendment.

Based on information provided by the applicant, the 2.35 acre portion of the site proposed to be removed from the ESL Map consists of mangrove, surface water, uplands and stormwater retention areas. The stormwater retention area will remain intact and the higher quality mangroves will be mitigated via offsite mitigation at the Everglades Mitigation Bank.
PLANNING ANALYSIS (continued)

In addition, the applicant states that the mangrove area of the proposed 2.35 acre portion of the site was previously conditioned and preserved to satisfy earlier mitigation requirements for the development of the southern 8.1 acres. See Attachment 2 for the detailed rationale and mitigation plan.

The proposed amendment to remove approximately 2.35 acres of the existing 11.0 acre Label 82 / Site 93 from the Environmentally Sensitive Lands Map was distributed to County and municipal agencies for comments and input. The following comments have been received:

The Broward County Planning and Development Management Division (PDMD) recognizes that the County does not currently have specific criteria to evaluate removal of a designated ESL site. In lieu of such, PDMD staff evaluated the site based on upon BCLUP Policies 2.23.1, 2.23.2, 2.23.3 and 2.23.4 and also recommends using BCLUP Policy 2.21.5, which states, “Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.” Policy 2.21.5 would require adequate storm water management and drainage facilities be provided to mitigate potential impacts on surrounding ESLs, particularly because the site is designated on the ESL Map, as well as being depicted as 1) a flood prone area on the Floodplains, Flood Prone Areas and Coastal Storm Area Map, 2) a priority planning area on the Priority Planning Areas Map, 3) a salt water marsh adjacent to a water body and a mitigation parcel on the Wetlands Map, and 4) is located between two (2) low lying areas to the east and west. See Attachment 3.

The Broward County Environmental Planning and Community Resilience Division (EPCRD) does not recommend removal of Site 93 from the ESL Map. The EPCRD report identifies that development of the amendment site could impact storm water management, contribute to flooding of the surrounding area and adversely affect ESLs. These findings are based on the following site characteristics:

- Dense native vegetation including mangroves, oaks and understory plants were documented onsite. Maintenance of urban tree canopy and habitat diversity is supported by the County's comprehensive and climate action policy. Since the site is contiguous to other environmentally sensitive lands within a completely developed portion of the urban area, it is preferential for preservation to allow migration of species as environmental conditions change. The proposal of mitigation outside of the county does not serve to increase local community resilience.
The site appears valuable for water storage and recharge given its condition as an existing wetland and the lack of permeable surfaces surrounding the site. Policy supports discouraging amendments which would place adjacent development at risk of flooding from sea level rise. Given the site’s projection for inundation by sea level rise on the Priority Planning Areas Map and a future wet season water table elevation of 2.5 feet NAVD, the implementation of insufficient drainage onsite as part of development would impact adjacent properties.

In addition, EPCRD staff supports implementation of BCLUP Policy 2.23.4 that states, “by 2019, Broward County shall work with Broward’s municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.” See Attachment 4.

The Broward County Environmental Engineering and Permitting Division (EEPD) report summarizes various environmental licenses and permits associated with the property and ESL Site 93 from 1988 through present. It is noted in the EEPD report that the LAPC acreage that is the subject of the proposed amendment includes the wetland mitigation area that was required by prior licenses for the initial development of the site. In addition, the EEPD report identifies that mangrove habitat is a limited resource in Broward County with some areas under threat from development, and that there is a cumulative impact to the overall mangrove resource from projects proposing “small” impacts to mangroves. See Attachment 5.

The Broward County Environmental and Consumer Protection Division (ECPD) has no comment regarding the proposed amendment. See Attachment 6.

The City of Dania Beach has no opposition to the proposed amendment. See Attachment 7.

The relevant BCLUP Policies that are cited by the review agencies and Planning Council staff are provided in Attachment 8, for ease of reference.

The applicant provided additional information in response to review agency concerns. The response includes:

- Restating the existing company’s essential role as a licensed environmental services provider for Port Everglades and associated marine industries and the importance of the proposed expansion to continue to meet the regulatory demands for the Port and associated marine industries;
- Recognizing that the Broward County Commission initiated this proposed ESL Map Amendment at its September 13, 2018, meeting and that the City of Dania Beach has no objection to the proposed amendment;
- Identifying provisions of the Deepwater Port Component of the Broward County Comprehensive Plan that support the proposed amendment;
PLANNING ANALYSIS (continued)

- Reconfirming that the impacts of the LAPC amendment will be fully offset through offsite mitigation at an approved mitigation bank;
- Clarifying that the existing wetlands are permitted outside of the developed site and do not currently provide any water storage for the permitted site; however, the proposed expansion may incorporate the existing wetland area, including planned drainage improvements; and
- Clarifying that this proposal is exempt from the future wet season water table elevation of 2.5 feet, as the project was submitted prior to the new requirement going into effect on July 1, 2017, and is a modification to a previously approved permit designed with an established water table elevation of 0.5 feet. See Attachment 9.

The additional information was distributed to the review agencies for consideration. Responses have been received from review agencies as follows:

Neither the Broward County Environmental Planning and Community Resilience Division nor the (EPCRD) Broward County Environmental Engineering and Permitting Division (EEPD) has any further comment. See Attachments 10 and 11.A.

The Broward County Planning and Development Management Division (PDMD) identified several objectives and policies of the Broward County Deepwater Port Component that may be considered in evaluating the proposed LAPC site removal, in addition to stating that the recommendations provided in its initial comments continue to be applicable. See Attachment 11.B.

The applicant has provided correspondence confirming that all the required permitting and licensing necessary for development of the property will be obtained and stating its commitment to mitigate environmental impacts to the extent feasible, as well as the enhancement of the existing drainage pond via supplemental wetland plantings beyond the licensing requirements. See Attachment 12.
PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION

As previously noted, this site is depicted on the Environmentally Sensitive Lands Map (Map) of the BrowardNext – Broward County Land Use Plan (BCLUP) Natural Resource Map Series. The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP following the public hearing process. The Map has never been amended or evaluated since its initial adoption.

Planning Council staff analysis of the BCLUP Highlighted Regional Issues, Climate Change Resilience Vision and World-Class Natural Resource Protection and Enhancement Vision sets the foundation for the recognition of the unique natural resources found in Broward County. The following Strategies should be considered in the planning analysis:

- **Strategy CCR-2**: Increase the resilience of our community to the effects of climate change.
  - Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.
- **Strategy EP-3**: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.
  - Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

In addition to the referenced Strategies, Planning Council staff finds that although the property is privately held and controlled, the Policies and Recommended Practices included in Attachment 8 are applicable and should be considered in the examination of the proposed amendment.

Additional information that is offered for contemplation includes:

- A portion of the site proposed for deletion was previously licensed and utilized for mangrove mitigation;
- Although there have been two (2) publicly funded bond programs that acquired properties for conservation and/or open space in 1989 and 2000, this property was not acquired; and
- BCLUP Policies 2.23.3 and 2.23.4 to implement strategies for the protection of ESLs and to incentivize the protection of privately held properties have not been formally implemented by Broward County.
Based on the aforementioned review agency comments and due to concerns regarding climate resiliency and protection of natural resources, including wetlands and environmentally sensitive lands consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policies 2.21.5, 2.22.2, 2.23.1, 2.23.2, 2.23.3 and 2.23.4, as provided in Attachment 8, Planning Council staff is unable to support the deletion of the 2.35 acre portion of Map Label 82 / Site 93, as depicted on Map 2.
SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

ATTACHMENTS

1. Broward County Commission Initiation of Environmentally Sensitive Lands Map Amendment

2. Applicant’s Rationale with Project and Preliminary Environmental Assessment Summaries

3. Broward County Planning and Development Management Division Report of November 14, 2018

4. Broward County Environmental Planning and Community Resilience Division Report of November 26, 2018

5. Broward County Environmental Engineering and Permitting Division Report of November 16, 2018

6. Email correspondence from Jeff Halsey, Director, Broward County Environmental and Consumer Protection Division, to Sermin Turegun, Director, Broward County Environmental Engineering and Permitting Division, dated November 6, 2018

7. Email correspondence from Corinne Lajoie, Planning and Zoning Manager, City of Dania Beach, to Dawn Teetsel, Assistant to the Executive Director, Broward County Planning Council, dated December 11, 2018

8. BrowardNext - Broward County Land Use Plan Strategies, Policies and Recommended Practices Relevant to Proposed Amendment

9. Correspondence from Edwin J. Stacker, Esq., Shutts and Bowen, LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated July 1, 2019

10. Email correspondence from Dr. Jennifer Jurado, Director, Broward County Environmental Planning and Community Resilience Division, to Dawn Teetsel, Director of Planning, Broward County Planning Council, dated July 24, 2019
ATTACHMENTS (continued)

11. A. Email correspondence from Sermin Turegun, Director, Environmental Engineering and Permitting Division, to Dawn Teetsel, Director of Planning, Broward County Planning Council, dated July 31, 2019

    B. Updated Broward County Planning and Development Management Division Report of July 30, 2019

12. Email correspondence from Edwin J. Stacker, Esq., Shutts and Bowen, LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated August 7, 2019
MOTION TO INITIATE amendment to the Broward County Land Use Plan Natural Resource Map Series - Environmentally Sensitive Lands Map; Local Areas of Particular Concern (LAPC), on behalf of a private property owner to remove the current LAPC designation on an approximate 2.4 acre parcel located at 851 Eller Drive, city of Dania Beach. (Commission District 7)

ACTION: (T-1:46 PM) Approved.

VOTE: 9-0.

Why Action is Necessary
Amendments to the Broward County Land Use Plan Map Series may only be initiated by one of the following: 1) Broward County Commission, 2) Broward County Planning Council, or 3) municipality having jurisdiction over the subject property.

What Action Accomplishes
Initiation of the amendment would permit the Broward County Planning Council and Broward County staff to review the proposal and prepare a staff report and recommendation, hold a Broward County Planning Council public hearing, receive a Broward County Planning Council recommendation, and hold a Broward County Board of County Commission public hearing to allow the Board to adopt, deny, or modify the proposed amendment.

Is this Action Goal Related

Previous Action Taken
No previous action.

Summary Explanation/Background
THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

Staff has received a request from Mr. Leigh Kerr, Leigh Robinson Kerr & Associates, Inc, on behalf of the property owner of 851 Eller Drive, Dania Beach, to initiate an amendment to the Broward County Land Use Plan Natural Resource Map Series - Environmentally Sensitive Lands Map; Local Areas of Particular Concern (LAPC), to remove the current LAPC designation on an approximate 2.4 acre parcel located at 851 Eller Drive. Please Exhibit 1.

The property owner is requesting the Board to initiate the amendment since amendments to the Broward County Land Use Plan Map Series may only be initiated by one of the following: 1) Broward County Board of County Commissioners, 2) Broward County Planning Council, or 3) municipality having jurisdiction over the subject property. The Broward County Planning Council considered initiating the amendment at their meeting of June 28, 2018, but declined to initiate.

County staff is bringing the request forward, in consultation with the County Attorney's Office, with a recommendation that the Board approve the requested initiation to permit the Broward County Planning Council and Broward County staff to review the proposal and prepare a staff report and recommendation, hold a Broward County Planning Council public hearing, receive a Broward County Planning Council recommendation, and bring the item back to the Board as a public hearing item to allow the Board to adopt, deny, or modify the proposed amendment. As of this writing, Broward County Planning Council and Broward County staff have not analyzed the requested amendment, and do not have a recommendation as to whether to approve, deny, or modify the subject request to remove the current LAPC designation.
Fiscal Impact

Fiscal Impact/Cost Summary:
No fiscal impact. It is noted that amendments to the Broward County Land Use Plan Natural Resources Map Series are not subject to a Broward County Planning Council application fee.

Attachments

Exhibit 1 - Cliff Berry Properties (CBI Plat)
August 6, 2018

Henry A. Sniezek, Director
Broward County Environmental Protection & Growth Management
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Re: Cliff Berry Property (CBI Plat) - LAPC No. 93 Amendment

Dear Mr. Sniezek,

Pursuant to correspondence from Broward County Environmental Engineering and Protection Division, we are respectfully requesting an amendment to the Comprehensive Plan for the above referenced Local Area of Particular Concern (see attached).

It is our understanding that because the amendment to the Comprehensive Plan is not a land use amendment, it must be initiated by the Broward County Commission. Accordingly, we are requesting that the Broward County Commission initiate an amendment for consideration by the review agencies to amend the Natural Resource Map Series – Environmentally Sensitive Lands Map: Local Area of Particular Concern for the property depicted on the attached aerial photograph. At the appropriate time, we would be happy to supply additional information as may be necessary for the County’s review and consideration of this matter.

We appreciate your attention to this matter and we look forward to the scheduling of this item on an available Broward County Commission meeting.

Sincerely,

Leigh R. Kerr, AICP
President

Cc: Tyler Chappell, The Chappell Group
February 2, 2018 (Revised)

Flynn Engineering Services, P.A.
Attention: Dennis R. Shultz, P.E.
241 Commercial Blvd
Lauderdale by the Sea, FL 33308

Subject: CBI Fort Lauderdale S23/T50S/R42E
Surface Water Management License Application No. L2015-008
Environmental Resource License Application No. DF15-1007
SFWMD Application No. Pending

Dear Mr. Shultz:

Pursuant to your written correspondence dated August 10th, 2017, you have waived the request for additional information limitations set forth in 125.022 F.S. The staff has completed a review of the subject project, based on the materials received January 17, 2018. In accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant’s Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.) and Section 27-200(b)(3), satisfactory answers to the following comments/questions must be provided to complete the application and provide reasonable assurances for permit issuance.

1. On page 2 of the drainage report, the proposed total acreage is 8.12 acres, while the existing total acreage is 7.95 acres. The pre-development and post development calculations need to be consistent in the drainage report.
   a. Since the pre-development area does not match the post-development area, how is the post-development meeting the pre-development with respect to water quantity for the 25-year, 3-day and 100-year, 3-day peak storm events?
   b. It appears that the original SWM2002-028-0 license included property that has not been modeled in the post development near SE 9th Avenue. Please submit pre-development and post-development calculations for the 25-year, 3-day and 100-year, 3-day peak storm events for the entire site including the wetland area and area being modeled by SE 9th Avenue. In addition, there are paved areas within or adjacent to SE 9th Avenue that were not approved in the original license, or any other license. Please address.


3. The dry retention area being replaced with proposed exfiltration trench appears to be wet and not functioning as originally designed. Please provide documentation justifying the wet season water table is 0.50' NAVD or revise the calculations as appropriate.
4. On the C.B.I. Plat No. 2, there is a designated “Mangrove Preservation Area”. Prior to any impacts to that area, the Plat must be amended and approved by the County Commissioners to remove this designation. Please contact Thuy Turner of the Planning and Development Management Division at ttturner@broward.org or (954) 357-6623 for additional information regarding this process.

5. There is also a designation of a “Local Area of Particular Concern” (LAPC No. 93) which includes a portion of the C.B.I. Plat 2 and a portion of the proposed project area. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact Peter Schwarz of the Broward County Planning Council at Pschwarz@broward.org or 954-357-6688 for additional information regarding this process.

Please submit responses to this letter electronically on the County’s ePermits website (https://webapps.broward.org/EPermits/) to expedite administrative processing of the application and to save paper. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to the Environmental Licensing and Building Permitting Division.

In accordance with Section 5.5.3.5 of AH I and Paragraph 40E-1.603(1)(d) F.A.C. and Sec. 27-200(b)(3)(c) of the Code, "Request for additional information", if the requested information is not received within sixty (60) days from the date of this letter, this application may be processed for denial if not withdrawn by the applicant. If additional time is needed, please request an extension before the 60 day period ends.

It is recommended that a meeting be held to attempt to resolve the outstanding issues prior to submitting a response. Please contact George Serbanescu at 954-357-4955 or gserbanescu@broward.org to schedule a meeting at your earliest convenience.

Issued by:

George Serbanescu, E.I.
Surface Water Management Program
PROJECT SUMMARY
CBI, INC. PROPOSAL TO AMEND BROWARD COUNTY NATURAL RESOURCE MAP SERIES – ENVIRONMENTALLY SENSITIVE LANDS MAP: LOCAL AREA OF PARTICULAR CONCERN

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI’s OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI’s licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.
ATTACHMENT 2

CBI
PROJECT SUMMARY AND JUSTIFICATION FOR REMOVAL
FROM LOCAL AREA OF PARTICULAR CONCERN (LAPC) MAP

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI’s OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI’s licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The
The proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.

The below response to criteria demonstrates that the subject area no longer meets the criteria for a LAPC and may be removed from the Broward County Map.

- **BROWARDNEXT IMPLEMENTATION REGULATIONS AND PROCEDURES**

7. **CRITERIA AND PROCEDURES FOR ENVIRONMENTALLY SENSITIVE LANDS AND LOCAL AREAS OF PARTICULAR CONCERN**

Broward County will conduct a review of all Natural Resources as defined in the text and depicted on the Natural Resource Map Series of the Broward County Land Use Plan. The review will determine whether such lands are environmentally sensitive and shall provide the basis for the regulation of those lands found to be environmentally sensitive as is required by Section 163.3202, Florida Statutes.

The Broward County Commission shall conduct a review of the following maps and, utilizing the criteria enumerated herein or utilizing additional alternative criteria review and approved by the County Commission, make a determination as to whether the designation and regulation of additional Environmentally Sensitive Lands is appropriate:

- **g. Local Areas of Particular Concern**

Local Areas of Particular Concern (LAPCs) may be designated in six categories according to the types of resources present. Unless otherwise indicated, LAPCs must have one or more of the characteristics for the respective category.

1. **Marine Resource Category**

Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

**Response:** The site does not have resources that are unique, scarce, fragile or vulnerable. The 2.4 acres site contains a mix of black and white mangroves along with an exotic plant, Brazilian pepper. The black mangroves observed on site were stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence. The site is isolated.
and surrounded by industrial parcels. Thus, it does not provide recreational value or flood plain recharge.

2. Natural Landforms and Features Category

A geological, hydrological, or physiographical feature confined to a small area of Broward County and considered quite rare locally or regionally, or; a representative natural ecosystem and/or its units existing in a few isolated locations, but extirpated from most of the county.

Response: No geological, hydrological, or physiological features are present on site. Overall, the majority of existing mangrove wetlands within Broward County are located east of US-1 within the center of the County, primarily within Broward County’s West Lake Park and John U. Lloyd State Park. Additional smaller contiguous areas of existing mangroves are located within Port Everglades, Broward County’s Deerfield Island Park, the Bonnet House, Hugh Taylor Birch State Park and the City of Hollywood’s Holland Park. Remaining areas of mangroves consist primarily of small mangrove fringes present along existing canals and channelized waterways, including those within South Florida Water Management District right-of-way. These mangrove areas are typically under various forms of site protection, either as conservation easements or within designated park boundaries. Thus, the site is not considered rare locally or regionally. The loss of this low quality, isolated, degraded wetland would result in an insignificant loss of wetland function to Broward County.

3. Native Vegetative Communities Category

(a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:

i. Uniqueness - The site contains a significant sample of rare or endangered species, or, the site is among a small number of sites in Broward County representing a particular ecological community.
ii. Diversity - A significant sample of two or more ecological communities are contained within the site.

iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

iv. Potential for Protection - Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

v. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

Response: While mangroves are present within the site, the mangroves observed appeared stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence in the area. In addition, exotic Brazilian pepper are present which make this a low-quality mangrove wetland.

The site was surveyed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature. The site is not a highly productive coastal tideland as a low amount of tidal inundation occurs. The site is not used for scientific study or research on wildlife.

Only one ecological community is present, a mangrove wetland. Thus, the site is not considered diverse. Brazilian pepper is scattered within the site and cannot be easily maintained. Currently 2/3 of the site is being utilized for private commercial use. The site and the surrounding area is not likely to be protected in the future due to continuing development.

Commercial/industrial development exists adjacent to the north and east of the site. In addition, Port Everglades is located in the immediate surrounding area.

4. Wildlife Category

Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities,
highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

Response: The site was surveyed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature.

5. Economic Resource Category

Existing ports, marinas, piers, energy resources, and artificial reefs, or; areas noted for specific study and research concerning economic development.

Response: Port Everglades is present in immediate vicinity of the subject site. No known specific study or research is being conducted concerning the site and economic development.

6. Cultural Resource Category

Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area’s past.

Response: No cultural resources are present. The site is not designated on the National Register of Historic Places or on the Florida Master Site File. The Department of Historical Resources reviewed the site as part of the U.S. Army Corps. permit process and approved the project.
The project site consists of an ±8.1-acre industrial lot located at 851 Eller Dive in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±1.4-acre mangrove mitigation area and ±0.95-acre drainage easement associated with Environmental Resource License DF90-1063. The subject area is located on the northern portion of the property and consists of ±1.4 acres of mangrove wetland, ±0.02 acres of other surface waters, ±0.48 acres of uplands, and a ±0.45 acre stormwater retention pond. The mangrove wetland area consists of a canopy of native and non-native species. Observed canopy species included white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia germinans*), and Brazilian pepper (*Schinus terebinthifolius*). The proposed project includes the filling of ±1.4 acres of existing wetlands and surface waters, and the development of an associated stormwater management system.

This summary serves as a narrative on the avoidance and minimization of impacts as reviewed. It was determined that the onsite preservation was not sufficient due to limited size, location of the wetland in a predominantly industrial area, and lack of connectivity to surrounding wetlands. The subject site contains ±1.4 acres of mangrove wetland. It is bordered by developed industrial yards to the north, south and east. There is a utility road along the western boundary, which disconnects the subject site and the undeveloped parcel to the west. Therefore, existing wetlands onsite are isolated, and their preservation or enhancement is not the best option. In order to expand the facility to accommodate the increased need for storage and associated drainage, any additional avoidance and minimization would further reduce and isolate an already small and isolated wetland onsite that provides little to no habitat or function for wildlife or aquatic species. In addition to the limited and isolated conditions onsite, the surrounding area consists of low quality wetlands. This area is not able to support greater amounts of wildlife as a result of the preservation of onsite conditions. Mitigation for the proposed wetland and surface water impacts is suggested to be conducted through a credit purchase at the Everglades Mitigation Bank.

The purchase of mangrove credits through the Everglades Mitigation Bank (EMB) was determined to be the most feasible option due to its ecological value, connectivity to multiple habitat types, its cost effectiveness and its extensive size. The EMB is a 13,249-acre site in South Florida and contains mangrove and freshwater marsh ecosystems. It is located between two national parks, the Everglades National Park and Biscayne National Park, which provides connectivity for many species and communities within and between the parks and bank. Many birds, mammals, reptiles and fish, including threatened and endangered species, migrate to and forage in the EMB.
The proposed mitigation plan includes the purchase of 0.95 saltwater credits at the Everglades Mitigation Bank. Please see the attached WATER scores for the evaluation for credit purchase at the Everglades Mitigation Bank. A summary table is included below.

**WATER Scores**

<table>
<thead>
<tr>
<th>Impact W-1 (1.4 ac)</th>
</tr>
</thead>
</table>
| Cumulative Score    | 32  
| Maximum Possible Score | 48  
| WATER = Cumulative Score/Maximum Possible Score | 0.67  
| Credit Determination SSE (1.02) x WATER x Impact Acreage | 0.952  
| **Total Credits**    |      

Appendix A

Site Photographs
Photo 1: Aerial of mitigation area.

Photo 2: Aerial of mitigation area.
Photo 3: Northwest corner of the property, facing east. Note fringing Brazilian pepper (*Schinus terebinthifolius*).

Photo 4: Central portion of the mangrove mitigation area, facing west.
Photo 5: Central portion of the mangrove mitigation area, facing north.

Photo 6: Northeast portion of the property, facing north.
1.0 INTRODUCTION

The subject site is a ±2.4-acre undeveloped portion of an existing industrial environmental cleanup yard located at 851 Eller Drive in Section 23, Township 50, Range 42, in the City of Dania Beach, Broward County, Florida (See Appendix A).

The purpose of this report is to provide information on the location of any jurisdictional wetlands and other surface waters on the property. The report includes additional vegetation descriptions and soil analysis, as well as the identification of any listed endangered or threatened species and/or potential listed species habitat observed onsite.

2.0 METHOD

Two (2) qualified biologists from The Chappell Group, Inc. (TCG) conducted an onsite visual investigation of the site on June 6, 2016 for the presence of potential jurisdictional wetlands and wildlife resources that may exist on the property. The onsite visual inspection consisted of traversing the perimeter and interior of the site utilizing meandering transects to provide an overlapping field of review. In addition to the visual observation of the site and existing conditions, several soil pits were excavated for a physical assessment of existing soils for potential evidence of hydrologic conditions.

3.0 DISCUSSION

Prior to the site investigation, historical aerials were reviewed to become familiar with the location, vegetation and past use(s) of the subject site. A review of historical aerials revealed that the site has been undeveloped and vacant as far back as 1994.

The site is bordered by a commercial boatyard to the south, an undeveloped parcel to the west, and by oil tank storage to the north and east. While no topographic survey data was available, elevations on-site were below the surrounding developments and roadways. An aerial exhibit is included as Appendix C, which depicts the location of any wetlands, surface waters or listed species found at the site during inspection.

4.0 FINDINGS

Observed vegetation on-site consisted primarily of a mixture of native and non-native canopy species and scattered shrubs common to disturbed coastal wetlands and transitional habitats. The dominant canopy species on site were white mangrove (Laguncularia racemosa), black mangrove (Avicennia...
germinans) and Brazilian pepper (Schinus terebinthifolius). Other species observed included giant leather fern (Achrostichum danaefolium), common reed (Arundo donax) and bishopwood (Bischoppia javanica). The eastern portion of the survey area consists of a wet and dry storm water retention area. The western portion of the survey area consists of a primarily black and white mangrove wetland, with Brazilian pepper scattered throughout. The black mangroves were observed to be stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence. The site is hydrologically connected to an adjacent drainage canal and existing culvert pipe. This connection allows for tidal inundation of the northern extents of the site at most high tides.

In addition to the site assessment, the Broward County Soil Survey was reviewed to determine the soil characteristics of the subject parcel. The survey revealed the subject parcel historically consisted of Pennsuco silty clay loam (Appendix C). These soils consist of nearly level, poorly drained and very poorly drained soils on coastal lowlands and in tidal swamps. Soils onsite were observed at various locations and were found to be primarily consistent with mapped units.

Along with the observations of soils, vegetation and surface waters on or adjacent to the site, the subject property was reviewed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature. Animal species observed onsite were limited to brown basilisk (Basiliscus vittatus), eastern gray squirrel (Sciurus carolinensis) and long tailed vervet monkey (Chlorocebus pygerythrus).

5.0 CONCLUSION

Given the presence of hydric soils, vegetation, and evidence of hydrology, jurisdictional wetlands, as defined by Chapter 62-340 F.A.C., exist on the subject property. Proposed re-development of the site, including drainage, excavation of surface waters from uplands or any alterations onsite would be regulated by the Broward County Environmental Protection and Growth Management Department (EPGMD), South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (USACOE). A regulatory review for wetland and surface water jurisdiction may be necessary with any proposed re-development of the site.
This report is and the information contained herein is based on the existing site conditions observed at the time of the survey inspection. The findings are based on reasonable scientific judgment. The formal determination of wetland jurisdiction and associated jurisdictional wetland boundaries and/or surface waters is subject to review and approval by the applicable local, State and Federal regulatory agencies. Should you have any questions or comments regarding the report or the information contained herein, please do not hesitate to contact the undersigned at your convenience.

Sincerely,

THE CHAPPELL GROUP INC.

Kathryn Borgarzene
Senior Project Biologist

Sarah Chappell
President
APPENDIX A

LOCATION MAP
APPENDIX B

SURVEY AERIAL EXHIBIT
LEGEND

- SUBJECT SITE (±2.4 ac)
- FLUCCS 612, MANGROVE SWAMP (±2.4 ac)
APPENDIX C

SOILS MAP
NOTE: SOIL SURVEY INFORMATION PROVIDED BY THE USDA NATURAL RESOURCES CONSERVATION SERVICE.
1. Central portion of the survey area, facing east. Note existing retention area.

2. Southeast corner of the subject area, facing northwest.
3. Northeast corner of the property, facing west.

4. Northwest corner of the property, facing south.
5. Northwest corner of the property, facing east.

6. Central portion of the survey area, facing north. Note standing water.
7. Central portion of the survey area, facing east. Note stressed and dead black mangroves (*Avicennia germinans*).

8. Central portion of the survey area, facing south.
9. Central portion of the survey area, facing west.

10. Western portion of the property, facing east. Note existing drainage pipe.
November 29, 2017

Cliff Berry Family Limited Partnership
851 Eller Drive
Fort Lauderdale, FL 33316
Attn: Mr. Cliff Berry

Re:  Everglades Mitigation Bank Credit Reservation: REVISED
      U. S. Army Corps of Engineers Permit Number SAJ-1988-01204
      Broward County Environmental Protection and Growth Management
      Department Permit Number DF15-1007

Please be advised that the Everglades Mitigation Bank (the “EMB”) has reserved
0.96 Saltwater mitigation credits necessary to offset the unavoidable wetland
impact for the above referenced project. Phase II of the EMB has a signed
Mitigation Banking Instrument acknowledged by both FDEP and USACE and
sufficient credits are currently available on the EMB ledger to offset the proposed
impacts. The EMB acknowledges receiving payment in full for the above
referenced credits.

Please contact me at 561-694-6388 for any additional information or questions
regarding this matter.

Regards,

[Signature]

Joseph R. Sicbaldi
Everglades Mitigation Bank
EXISTING CONDITIONS SECTION B-B (TYP.)

PROPOSED CONDITIONS SECTION B-B (TYP.)

LEGEND

- EXISTING SUBSTRATE
- WETLAND IMPACT-FILL (±11,521 yds³)
- UPLAND IMPACT - FILL (±3,121 yds³)
- OTHER SURFACE WATER IMPACT-FILL (±200 yds³)

THE DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, Duplicated, REVEALED, OR USED FOR ANY PURPOSE OTHER THAN WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

714 East Michigan Road
Pontiac, Michigan 48340
Tel: 586/782.1500
Fax: 586/782.1108
www.thechappellgroup.com

CBI STORAGE YARD
PREPARED FOR:
CLIFF BERRY FAMILY LIMITED PARTNERSHIP

THE CHAPPELL GROUP INC.

3
3

3/13/2017
16-0027
MEMORANDUM

TO: Sermin Turegun, Director
   Environmental Engineering and Permitting Division

FROM: Josie P. Sesodia, AICP, Director
       Planning and Development Management Division

DATE: November 14, 2018

SUBJECT: ESL Map Amendment PCNRM 19-1

The Planning and Development Management Division (PDMD) has reviewed the above-referenced request to remove Local Area of Particular Concern (LAPC) Site Number 93 from the Broward County Natural Resource Map Series to expand the existing maintenance and storage yard on the site in order to meet the growing demands of Port Everglades and the increased regulatory requirements upon the petroleum and cruise line industries. The Environmentally Sensitive Lands Map site also designates the site as a Natural Resource Area in accordance with Broward County Code of Ordinances, Chapter 5, Article II.

The Broward County Code of Ordinances, Chapter 5, Section 281 provides criteria to evaluate when a site is being considered for inclusion on the Environmentally Sensitive Lands Map, however no criteria is provided to consider the removal of a designated a site. In a letter dated October 30, 2018, the applicant states that the site no longer meets the criteria that warranted the site’s designation as an LAPC.

The PDMD staff evaluated the site based upon adopted comprehensive plan policies. The Broward County Land Use Plan Policies that address Local Areas of Particular Concern include Policy 2.23.1, 2.23.2, 2.23.3, and 2.23.4. Additionally, Policy 2.21.5 of the LUP states: “Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.”

While this is not a plan amendment request, if the site is being considered for removal from Natural Resource Map Series we recommend using Policy 2.21.5 as guidance in this matter. This would require that adequate storm water management and drainage facilities be
provided to mitigate potential impacts on surrounding environmentally lands, particularly for the following reasons:

- The site is part of an Environmentally Sensitive Land designated at #82 on the Broward County Land Use Plan (LUP): Environmentally Sensitive Lands map;
- It is depicted in the “flood prone area” on the Floodplains, Flood Prone Areas and Coastal Storm Area map;
- It is depicted as a “priority planning area” on the LUP Priority Planning Areas 2015 map;
- It is depicted as a Salt Water Marsh adjacent to a water body and a mitigation parcel on the LUP Wetland map, (square number 235042); and
- The site is located between two low lying areas to the east and west.

Furthermore, this site is part of C.B.I. Plat No. 2 Plat and restricted to 50,000 square feet of Industrial use and 4,900 square feet of Office use (image below). The plat restricts the subject site for mangrove preservation area and a drainage easement. Prior to development of the site, the restriction must be modified, and an easement vacation must be approved. The modify conditions of plat approval will need to be submitted to PDMD, as well as a request to vacate the easement.

If you have any questions, please contact Sara Forelle at sforelle@broward.org or 954-357-6635.

cc: Henry Sniezek, Director, Environmental Protection and Growth Management Department
Memorandum

November 14, 2018
Page 3 of 3

Jennifer Jurado, Director, Environmental Planning and Community Resilience Division
Sara Forelle, AICP, Planning Section Supervisor, Planning and Development Management Division
Thuy Turner, AICP, Planning Section Supervisor, Planning and Development Management Division
Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division
ATTACHMENT 4

MEMORANDUM

TO: Sermin Turegun, Director
    Environmental Engineering and Permitting Division

FROM: Dr. Jennifer Jurado, Director
       Environmental Planning and Community Resilience Division

DATE: November 26, 2018

SUBJECT: ESL Map Amendment PCNRM 19-1

The Environmental Planning and Community Resilience Division has reviewed the above referenced request to remove Local Area of Particular Concern Site Number 93 from the Broward County Natural Resource Map Series and does not recommend removal.

EPCRD would support implementation of Policy 2.23.4 to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled. The following site characteristics suggest that development of the site could impact stormwater management, contribute to flooding of the surrounding area and adversely affect environmentally sensitive lands.

- Dense native vegetation including mangroves, oaks and understory plants were documented onsite. Maintenance of urban tree canopy and habitat diversity is supported by the County’s comprehensive and climate action policy. Since the site is contiguous to other environmentally sensitive lands within a completely developed portion of the urban area, it is preferential for preservation to allow migration of species as environmental conditions change. The proposal of mitigation outside of the county does not serve to increase local community resilience.

- The site appears valuable for water storage and recharge given its condition as an existing wetland and the lack of permeable surfaces surrounding the site.

- Policy supports discouraging amendments which would place adjacent development at risk of flooding from sea level rise. Given the site’s projection for inundation by sea level rise on the Priority Planning Area Map and a future wet season water table elevation of 2.5 feet NAVD, the implementation of insufficient drainage onsite as part of development would impact adjacent properties.

Broward County Board of County Commissioners
Mark Bogen • Beam Furr • Steve Geller • Dale V.C. Holness • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine
www.broward.org
Please contact me at jiurado@broward.org or 954-519-1466 with any questions.

cc: Henry Sniezek, Director, Environmental Protection and Growth Management Department
     Josie Sesodia, Director, Planning and Development Management Division
MEMORANDUM

TO: Sermin Turegun, Director
   Environmental Engineering and Permitting Division (EEPD)

THROUGH: Carlos Adorisio, Engineering Unit Supervisor, EEPD

FROM: Linda Sunderland, Natural Resources Manager, EEPD

DATE: November 16, 2018

SUBJECT: CBI Plat – Environmentally Sensitive Lands Map Amendment for Local Area of Particular Concern #93

The Environmental Engineering and Permitting Division (EEPD) has been asked to provide comments for the above referenced request to amend the boundaries of a Local Area of Particular Concern (LAPC). The applicant is requesting release of 2.4 acres of an approximate 11 acre LAPC to allow the expansion of an existing industrial facility located directly south of this portion of the LAPC.

The Cliff Berry, Inc., facility located at 851 Eller Drive (Folio # 504223260010) in Dania Beach has received numerous licenses and permits over the years. In 1988, the Florida Department of Environmental Protection issued Environmental Resource Permit (ERP) # 06-0725146 to fill portions of an existing lake and plant mangroves. In 1990, the US Army Corp of Engineers issued permit SAJ-1988-01204 (SP-KDS) to fill 5.37 acre of wetlands and open water. Mitigation required was to create a 0.13 acre off-site mangrove planter and enhance 1.4 acres of on-site mangrove wetland.

Also in 1990, the County issued Environmental Resource License (ERL) (DF90-1063) to impact 5.37 acres of mangrove wetlands in order to construct an industrial facility and associated surface water management area. Mitigation for those wetland impacts required enhancement of 1.4 acres of mangroves on-site (see diagram below) and the off-site creation of a 0.13 acre mangrove planter in Port Everglades. The County ERL did not require a conservation easement (CE) at the time. The County only started requiring CE’s after 1992. ERL # DF90-1063 expired on June 15, 1995.
The 1996 Mangrove Trimming and Preservation Act (Act) (403.9322 F.S.) states: “The Legislature finds that mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support. The mangrove forest is a tropical ecosystem that provides nursery support to the sports and commercial fisheries. Through a combination of functions, mangroves contribute to the economies of many coastal counties in the state.” Section 403.9323 (1) states: “It is the intent of the Legislature to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation and destruction.” The Act was delegated to Broward County on February 13, 1996, for the regulation of mangroves, review of projects proposing impacts, enforcement of violations and determining mitigation requirements.

In 1997, ERL # DF97-1001 was issued to Cliff Berry for the construction of the 0.13 acre mangrove planter which was not completed as required under DF90-1063 and required enhancement of 3.51 acres of mangroves in Port Everglades by the removal of a berm and old haul road to improve hydrology in a mangrove wetland area. A modification of this license was also issued to include unavoidable impacts to mangroves to access a haul road and to conduct dredging operations for mitigation construction area. Work was completed, monitored and in compliance as of May 26, 2004. ERL # DF97-1001 expired on February 27, 2002.
On April 15, 2015, the EEPD received an ERL application (DF15-1007) requesting authorization to fill the 1.9 acres of mangrove wetlands and stormwater management (SWM) area on-site for expansion of the industrial development. The application remains open pending finalization of SWM items, SWM fees due, the LAPC designation and Plat notes referencing the “Mangrove Preservation Area”. Mitigation proposed is purchase of 0.96 credits at Everglades Mitigation Bank in Homestead. No mitigation is proposed to remain in Broward County.

On October 30, 2018, the Broward County Planning Council received a request from Leigh Robinson Kerr & Associates, Inc., on behalf of Cliff Berry, to remove the LAPC #93 designation from a significant portion (2.4 acres) of the approximate 11 acre LAPC. The 2.4 acres includes the wetland mitigation which was required by prior licenses which authorized impacts to mangroves for the initial development of this site. The request (Page 2, Paragraph 7.g.1) indicates that the mangroves on-site are “stressed”; the site is “isolated” and “surrounded by industrial parcels”. The request (Page 3, Paragraph 7.g.2) also describes the site as “low quality”, “isolated”, “degraded wetland” and impacts would be an “insignificant loss” to the County.

On December 14, 2016, and as part of the review of the ERL application (DF15-1007), EEPD staff conducted a site inspection with staff from The Chappell Group, Inc. During this site inspection, the site was scored using the Wetland Assessment Technique for Environmental Reviews (WATER) to determine the amount of mitigation which would be required if the license is issued. The mangroves appeared healthy and the hydrology was adequate. The LAPC is tidally connected through ditches, culverts and channels to the Intracoastal Waterway. Spring and king tide flushing allows the site to maintain hydrologic conditions required by Black, White, and Red Mangroves. The area serves as a nursery for small fish and crustaceans and potential foraging habitat for other species. Small mammals, birds, aquatic macroinvertebrates, fish, amphibians, and reptiles currently use the site. Over story canopy consisted of desirable native species and exotic vegetation was less than 1%. Water depth was greater the 6”, there were no visible indicators of poor water quality, and the topography appeared to be unaltered. Using the WATER methodology, the site scored 32 points from a possible score of 48 points. The calculated score indicates 0.952 credits would be required from the Everglades Mitigation Bank in Homestead. On November 16, 2018, EEPD staff performed another site inspection and observed essentially the same that conditions were observed during the December 14, 2016, site inspection.

Mangrove habitat is a limited resource in Broward County with some of the areas under threat from development. There is a cumulative impact to the overall mangrove resource from projects proposing “small” impacts to mangroves.
ECPD has no comments.

Good morning,

Please review the attached and provide any comments you or your staff may have to Sermin.

Sermin, please coordinate for submission to the Planning Council.

Thanks,

LLV

Hi Lenny,
As you may recall on September 13, 2018, the Broward County Commission initiated an amendment to the Environmentally Sensitive Lands Map on behalf of a private property owner, located in the City of Dania Beach. Attached please find the application package for said amendment, PCNRM 19-1, as well as the Commission Agenda Item for same and BCPC maps for your reference.

The proposed amendment is anticipated for first public hearing before the Broward County Planning Council for its January 2019 meeting.

We are requesting that comments be digitally submitted to our office by December 5, 2018, to allow adequate time for consideration, discussion and incorporation into the Planning Council’s amendment report.

Due to the site’s proximity to Port Everglades, would you please consider coordinating their review, if not, please let us know and we will forward to them directly.

Please note that since the ESL site is located within the City of Dania Beach, we are transmitting the amendment application to the City for comment as well.

Please feel free to contact me if you have any questions.

Regards,

Dawn Teetsel

Dawn B. Teetsel, Assistant to the Executive Director
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.7571 (direct) www.Broward.org/PlanningCouncil
ATTACHMENT 7

Teetsel, Dawn

Subject: FW: ESL Map Amendment (PCNRM 19-1)

From: Lajoie, Corinne <clajoie@daniabeachfl.gov>
Sent: Tuesday, December 11, 2018 10:41 AM
To: Teetsel, Dawn <DTEETSEL@broward.org>
Subject: RE: ESL Map Amendment (PCNRM 19-1)

The City of Dania Beach has no opposition to this request.

---

Corinne Lajoie  
Planning & Zoning Manager | City of Dania Beach  
clajoie@daniabeachfl.gov | daniabeachfl.gov  
100 W Dania Beach Blvd. | Dania Beach, FL 33004  
Phone: 954-924-6805 ext. 3704 | Fax: 954-922-2687

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From: Teetsel, Dawn [mailto:DTEETSEL@broward.org]
Sent: Tuesday, December 11, 2018 9:04 AM
To: Baldwin, Robert
Cc: LaFerrier, Marc; Lajoie, Corinne
Subject: RE: ESL Map Amendment (PCNRM 19-1)

Good morning Mr. Baldwin,

This is a friendly reminder that the Broward County Planning Council staff is requesting comments from the City regarding the attached application to amend the Environmentally Sensitive Lands (ESL) Map: PCNRM 19-1, which is located in the City of Dania Beach. It would be much appreciated if, at a minimum, the City could respond with its support or opposition to the proposed amendment.

The amendment application and associated backup materials are attached your reference.

We kindly extend the deadline to submit digital comments by Monday, December 17.

Please feel free to contact me if you have any questions.

Regards,
Dawn Teetsel
Greetings Mr. Baldwin,

The Broward County Planning Council (BCPC) staff is currently processing an application to amend the Environmentally Sensitive Lands (ESL) Map: PCNRM 19-1, located in the City of Dania Beach. It is noted that the Broward County Commission initiated said amendment to the ESL Map on behalf of a private property owner on September 13, 2018, and it has been transmitted to the appropriate County agencies for review. Since the site is located within Dania Beach, BCPC staff is affording the City an opportunity to review the proposed ESL amendment.

The amendment application and associated backup materials are attached your review.

The proposed amendment is anticipated for first public hearing before the Broward County Planning Council for its January 2019 meeting.

We are requesting that comments be digitally submitted to our office by December 5, 2018, to allow adequate time for consideration, discussion and incorporation into the Planning Council’s amendment report.

Please feel free to contact me if you have any questions.

Regards,

Dawn Teetsel
BCLUP SECTION 1: HIGHLIGHTED REGIONAL ISSUES

CLIMATE CHANGE RESILIENCE VISION

Strategy CCR-2: Increase the resilience of our community to the effects of climate change.

Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.

WORLD-CLASS NATURAL RESOURCE PROTECTION & ENHANCEMENT VISION

Strategy EP-3: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.

Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

BCLUP SECTION 2: POLICIES

CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

POLICY 2.21.1 Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.
POLICY 2.21.5 Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.

POLICY 2.21.6 Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners.

WETLANDS

POLICY 2.22.1 The Broward County Environmental Protection and Growth Management Department shall protect the functional values of wetlands within Broward County through mechanisms such as its Environmental Resource License requirements.

POLICY 2.22.2 Broward County and its local governments shall consider the impacts of land use plan amendments on wetland resources and minimize those impacts to the maximum extent practicable.

ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.1 Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series.

POLICY 2.23.2 Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands.

POLICY 2.23.3 Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.

POLICY 2.23.4 By 2019, Broward County shall work with Broward’s municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.
BCLUP SECTION 3: RECOMMENDED PRACTICES

ENVIRONMENTAL

POLICY 3.3.6 Promote the acquisition, retention and management of unique natural areas in order to preserve their environmental, recreational and other public benefits.

POLICY 3.3.9 Discourage activities in the vicinity of Local Areas of Particular Concern which would have a detrimental impact upon such areas.

POLICY 3.3.10 Encourage local governments to protect natural resources through the implementation of land development regulations and procedures that promote the acquisition, retention and management of such areas.
July 1, 2019

VIA HAND DELIVERY

Barbara Blake-Boy, Executive Director
Broward County Planning Council
115 So. Andrews Avenue, Rm. 307
Fort Lauderdale, FL 33301

Re: CBI PLAT NO. 2
ESL MAP AMENDMENT PCNRM 19-1

Dear Barbara:

As you are aware, our law firm represents the Cliff Berry Family Limited Partnership, owner of the above-referenced plat, located at 3400 SE 9th Avenue, in Dania Beach, Florida ("CBI Plat"). The CBI Plat consists of approximately 8.11 acres and is located off the north side of Eller Drive within the Port Jurisdictional Area ("PJA"), the northernmost 2.4 acres of which remains undeveloped and is included within an overall approx. 11 acre LAPC (Map Label #82, Site #93).

Cliff Berry, Inc. ("CBI"), the preeminent comprehensive environmental services provider to the Port is headquartered at this general location and has been utilizing the bulk of the CBI Plat as its operational and storage facility for years (a detailed description of CBI's operations is attached for convenience to this letter as Attachment 1). In need of expanding its existing facilities, several years ago, CBI initiated modifications to its existing environmental permits in order to expand their operations to utilize the northern 2.4 acres. Having undergone extensive reviews from the County and the Army Corps, the permitting process was subsequently delayed when the County Staff focused upon the existence of the LAPC designation on the property and advised that the LAPC designation needs to be deleted through the map amendment process.

As you are also aware, an initial request for the Planning Council to initiate the LAPC amendment was denied, without prejudice, last June, but the Broward County Commission voted to initiate ESL Map Amendment PCNRM 19-1 at its meeting on September 13, 2018. Our Client’s application support documentation was submitted to the Planning Council Staff on or about October 30, 2018, and agency comments were solicited and received during the month of November. Subsequent to receipt of all Staff comments, CBI and its consultants have been reviewing procedural alternatives and have been engaged in periodic conversations with Staff in an effort to mutually-resolve the situation.
In reviewing the comments provided to the Planning Council Staff, our consultants are confident that with favorable action in removing the LAPC designation from the 2.4 acres, there will be no other impediments to concluding the permitting process. Moreover, the City of Dania Beach has expressed in writing that the City has no objection to the requested action. Thus, the only new correspondence from our consultants addressing Staff comments, is the attached response from Flynn Engineering to a Memorandum dated November 26, 2018, from Dr. Jennifer Jurado, Director of EPCSD (Attachment 2).

In evaluating this request, however, we strongly suggest that in addition to the review and discussion regarding environmental concerns, there is a “balancing of interests” analysis which government should undergo at this time. That is, to assess whether the continued designation of this 2.4 acres as a LAPC is outweighed by the overall community benefit in assuring that CBI can continue to enhance and provide much-needed emergency service to the County and region-at-large, and, specifically, in recognizing the extensive growth that Port Everglades has seen and will continue to see over the coming years. That is to say, that the benefit to the County by granting CBI the ability to expand at this location far outweighs the need to continue to have this property designated as an LAPC, particularly when potential environmental impacts are being otherwise adequately addressed in the permitting process.

In furthere of this “balancing of interests” test, we have reviewed the Deepwater Port Component of the Broward County Comprehensive Plan and have identified numerous provisions set out in the Goals, Objectives & Policies which we believe recognize the importance of CBI’s operations at this location, and are supportive of a recommendation to remove the LAPC designation under the circumstances (see Attachment 3).

In summary, we look forward to the upcoming Planning Council meeting, and ask that you review and consider that there are compelling reasons to remove the LAPC designation at this time to enable the expansion of CBI’s operations.

Sincerely,

Shutts & Bowen LLP

Edwin J. Stacker

EJS/MS5
Enclosures
cc: Kelly Brandenburg, Esq.
    Dennis Shultz, P.E.
    Nick Zweber, P.E.
    Tyler Chappell, P.E.
ATTACHMENT 1

PROJECT SUMMARY
CBI, INC. PROPOSAL TO AMEND BROWARD COUNTY NATURAL RESOURCE MAP SERIES – ENVIRONMENTALLY SENSITIVE LANDS MAP: LOCAL AREA OF PARTICULAR CONCERN

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI’s OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI’s licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.
June 28, 2019

Barbara Blake-Boy
Executive Director
BROWARD COUNTY PLANNING COUNCIL
115 S. Andrews Avenue, Room 307
P.O. Lauderdale, FL 33301

Re: CBI FORT LAUDERDALE
ESL Map Amendment PCNRM 19-1
FES #16-1527.01
Response to Review Memo

Dear Ms. Blake-Boy:

In anticipation of the upcoming Planning Council consideration of the above-referenced Amendment, the following is an itemized response to the review comments provided by Dr. Jennifer Jurado, in her Memorandum dated November 26, 2018:

1. The removal of the existing mangroves and canopy on site will not impact the overall urban tree canopy and habitat diversity of the surrounding area. A cumulative impact analysis was prepared and accepted by the environmental agencies which demonstrates that a cumulative impact to the New River Basin (Broward County) would not occur; and thus, a mitigation credit purchase from Everglades Mitigation Bank would fully offset the impacts of the proposed project. In addition, the migration of species as environmental conditions change will not be altered as the surrounding parcels such as the conservation easement at Port Everglades to the south, West Lake Park to the south, and Snyder Park to the west provide a larger area for nesting and foraging of migratory species.

2. The existing wetland is currently permitted outside of the developed site which is currently bermed to contain the 100yr-3day storm event on site. Therefore this wetland is not providing any current water storage for the permitted site. As part of the modification submitted under DF15-1007 and SWM L2015-008 this project is proposing to incorporate this wetland area into the project area with added exfiltration trench connected to the existing drainage system and contained within the 100yr-3day berm which will be modified to enclose this area.

3. We understand the County policy for the future wet season water table elevation of 2.5 feet NAVD. This issue was discussed as part of the permitting process of SWM L2015-008. Because this project was submitted December 21, 2016 prior to this policy and because this project is a modification to a previous permit with an already established water table elevation of 0.50, the current County policy does not require the implementation of the future water table elevation. This project meets the County requirements and will be licensed as currently designed. Since the new criteria are not applicable to this project, we believe that a recommendation to deny removal of the LAPC designation is inappropriate.

Please call if you have any questions or require additional information.

Sincerely,

[Signature]
Donnie Shultz, P.E.

cc: Dr. Jennifer Jurado, BCFPCRD
    Mr. Ed Stacker, Shultz
ATTACHMENT 3

BROWARD COUNTY COMPREHENSIVE PLAN
DEEPWATER PORT COMPONENT

GOALS, OBJECTIVES & POLICIES

Policy P1.1.4
PED shall continue to develop the Port in a manner that achieves a pattern of land uses characterized by the concentration and interconnection of related compatible land.

Policy P1.2.3
PED shall encourage private port-related businesses to construct and utilize appropriate facilities within the PJA.

Policy P1.3.1
PED shall ensure that land uses are consistent with future land use designations of the Broward County Land Use Plan (BCLUP) and the land use patterns in the Port Everglades Master/Vision Plan and that they maximize the use of Port property.

OBJECTIVE P2.4 – HAZARDOUS MATERIALS

PED, working with appropriate public safety, governmental, and private agencies, shall maintain procedures to respond to and mitigate hazardous material spills within the PJA.

POLICY P2.4.1
PED shall comply with appropriate federal, State, regional, and local regulations and procedures for the safe and expedient cleanup of hazardous spills and shall continue to implement the hazardous material-handling and cleanup provisions of the effective Port Tariff.

POLICY P2.4.2
PED shall continue to comply with applicable federal, State, and local oil spill contingency planning requirements within the PJA and the protocol for reporting, cleaning, and disposal of toxic spill or emission incidents, which may include oil spills, gas leaks, and leaks of unknown substances.

POLICY P2.4.3
PED shall cooperate with governmental agencies to provide complete and timely information to the public in the event of a hazardous material spill.

OBJECTIVE P2.5 – SAFE OPERATING ENVIRONMENT
PED shall reduce the potential of harm from manmade disasters by implementing safety and security programs for Port employees, tenants, users, and visitors.
POLICY P2.5.1
PED shall implement required safety and health measures and ensure that operations are conducted to the maximum extent possible in accordance with those measures.

POLICY P2.5.2
PED shall ensure its operations comply with applicable health and safety standards.

OBJECTIVE P2.7 – EMERGENCY MANAGEMENT
PED shall endeavor to protect Port employees, tenants, users, and the public, as well as the facilities at the Port and the surrounding areas in various emergencies.

POLICY P2.7.1
PED shall maintain an Emergency Management Plan to respond to emergencies at the Port and shall ensure that Port staff and tenants are familiar with its provisions.

POLICY P2.7.2
PED shall coordinate with State, regional, and local emergency management agencies to maintain and update emergency management procedures.

POLICY P2.7.3
PED shall provide safe and efficient vehicular movement, off-street parking, and adequate access for service and emergency vehicles within the PJA through the implementation of adopted land development codes in accordance with the Interlocal Agreement.

OBJECTIVE P2.8 POST-DISASTER REDEVELOPMENT
PED shall work with the EMD in the ongoing initiative to develop a Broward County Recovery Framework, a long-term strategic framework for post-disaster redevelopment in compliance with State guidelines.

POLICY P2.8.1
PED shall identify appropriate post-disaster redevelopment procedures to reduce or eliminate exposure of human life and property to hazardous conditions, restore Port services, and reconstruct Port facilities in the aftermath of a disaster.

POLICY P2.8.2
Following a disaster, the Port Director or his designee shall give first priority to removal of hazardous conditions necessary to protect the public health and safety, second priority to restoring essential Port services, and third priority to long-term repair and redevelopment activities.
Hi Dawn,

Our Department has no further information to submit at this time.

Thank you.

Jennifer

---

Hi Lenny,

The applicant for ESL Map Amendment PCNRM 19-1 has submitted additional information to address the County staff comments received during the application review period, as well as the March 1, 2019 meeting with County staff and the applicant. The additional information is attached for review and comment – in an effort to assist with the distribution of said information, the agencies that originally provided comments are copied on this email. However, it would be greatly appreciated if you could share this with anyone that may have been inadvertently omitted. We are requesting that comments be digitally submitted to our office by July 31, 2019, to allow adequate time for consideration, discussion and incorporation into the Planning Council’s amendment report.

Please feel free to contact me if you have any questions.

Regards,
Dawn Teetsel
Hi Dawn,

Please find attached Planning and Development Management Division’s comments on the new information provided by the applicant. At this time Environmental Engineering and Permitting Division has no further comments. Thanks.

SERMIN TUREGUN, DIRECTOR
Environmental Protection and Growth Management Department
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION
1 North University Drive, Mailbox 201, Plantation, FL 33324-2038
Office: (954) 519-1460 Fax: (954) 519-1412

Broward.org/Environment

We value your feedback as a customer. You can comment on the quality of service you received by completing our Customer Satisfaction Survey.

Thank you!

Hi Lenny,

The applicant for ESL Map Amendment PCNRM 19-1 has submitted additional information to address the County staff comments received during the application review period, as well as the March 1, 2019 meeting with County staff and the applicant. The additional information is attached for review and comment – in an effort to assist with the distribution of said information, the agencies that originally provided comments are copied on this email. However, it would be greatly appreciated if you could share this with anyone that may have been inadvertently omitted. We are requesting that comments be digitally submitted to our office by
July 31, 2019, to allow adequate time for consideration, discussion and incorporation into the Planning Council’s amendment report.

Please feel free to contact me if you have any questions.

Regards,
Dawn Teetsel

Dawn B. Teetsel, Director of Planning
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.7571 (direct) www.Broward.org/PlanningCouncil
MEMORANDUM

TO: Sermin Turegun, Director
   Environmental Engineering and Permitting Division

FROM: Josie P. Sesodia, AICP, Director
       Planning and Development Management Division

DATE: July 30, 2019

SUBJECT: ESL Map Amendment PCNRM 19-1 (LAPC Site Number 93)
Response to new applicant comments

Planning and Development Management Division (PDMD) staff have reviewed the updates provided by the applicant in their letter dated July 1, 2019. The recommendations provided by PDMD on November 14, 2018 still apply. Please note, property is added to the Environmentally Sensitive Lands (ESL) Map based on a determination by the Board of County Commissioners (Board) that it meets the criteria established in Section 5-281 of the Land Development Code. To remove a site from the ESL Map, there must be determination that the site no longer meets those criteria. As with designation, the determination is the authority of the Board.

The applicant included several Goals, Objectives and Policies (GOPs) from the Broward County Comprehensive Plan’s Deepwater Port Component in support of the proposed changes. The Deepwater Port Component GOP’s identified below were not included with the applicant’s response and may be worth consideration by the Board for their determination of consistency. (see Attachment A for additional details):

Objective P3.1 regarding Natural Resource Preservation and Protection, states that the Ports Everglades Department (PED) …shall work with federal, State, regional, and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations.

Policy P3.1.2 states, PED shall maintain a current inventory and map of unique and productive terrestrial and aquatic habitats that exist in the Port’s vicinity that could be adversely affected by Port activities and shall implement the environmental policies and statements in the Port Everglades Master/Vision Plan to manage Port facilities in a manner that will protect natural habitat.

Objective P4.1 states, PED shall be proactive in coordinating its development efforts with local, State, and federal permitting agencies and with private stakeholders to ensure development and operations are carried out in accordance with the public interest and regulatory requirements and promote environmental sustainability.
If you have any questions, please contact Darby Delsalle at ddelsalle@broward.org or 954-357-9792.

cc: Henry Sniezek, Director, EPGMD
    Jennifer Jurado, PhD, Director, EPCRD
    Darby Delsalle, AICP, Assistant Director, PDMD
    Sara Forelle, AICP, Planning Section Supervisor, PDMD
    Karina da Luz, Planning Section Supervisor, PDMD
    Heather Cunniff, AICP, Senior Planner, PDMD

JPS/dd
SELECT POLICIES FROM DEEPWATER PORT ELEMENT

OBJECTIVE P3.1 – NATURAL RESOURCE PRESERVATION AND PROTECTION PED shall conserve, protect, and, where possible, enhance environmental resources consistent with the Port Everglades Development District, the Broward County Land Development Code, and the Broward County Natural Resource Protection Code. In so doing, the Port shall work with federal, State, regional, and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations.

POLICY P3.1.1 - PED shall evaluate specific and cumulative impacts on coastal resources before undertaking maintenance and expansion activities and shall take measures to minimize or avoid negative impacts and to mitigate for damage that cannot be avoided.

POLICY P3.1.2 - PED shall maintain a current inventory and map of unique and productive terrestrial and aquatic habitats that exist in the Port’s vicinity that could be adversely affected by Port activities and shall implement the environmental policies and statements in the Port Everglades Master/Vision Plan to manage Port facilities in a manner that will protect natural habitat.

OBJECTIVE P4.1 – PLAN IMPLEMENTATION PED shall be proactive in coordinating its development efforts with local, State, and federal permitting agencies and with private stakeholders to ensure development and operations are carried out in accordance with the public interest and regulatory requirements and promote environmental sustainability.

POLICY P4.1.1 – PED shall continue to cooperate with local, regional, and other governmental agencies and stakeholders, including environmental interests, to ensure that environmental planning and management activities are coordinated. Among the requisite agencies and stakeholders are the FDEP, the SFWMD, and the EPGMD.

OBJECTIVE P4.2 – COORDINATION WITH OTHER BROWARD COUNTY DEPARTMENTS PED shall support the plans and programs of Broward County, including economic development initiatives that expand opportunities in trade, industry, and commerce, and shall coordinate its planning and development initiatives with the appropriate County departments.

POLICY P4.2.1 - Compatibility with Broward County's Comprehensive Plan. PED shall coordinate its planning and development efforts with the EPGMD to ensure that planned projects and land uses at the Port are compatible with and support the programs and policies contained in the Broward County Comprehensive Plan. The Port shall also evaluate proposed amendments to the Broward County Comprehensive Plan, particularly the Coastal Management Element, as to potential impacts on Port activities.

POLICY P4.2.3 - PED shall: [...

   d) Ensure that standards are consistent with the goals, objectives, and policies of the Broward County Comprehensive Plan and the Broward County Land Development Code; and [...]

ATTACHMENT A
POLICY P4.2.4 - PED shall see that future development within the PJA is consistent with the adopted local comprehensive plans and land development codes within Broward County and the Cities of Fort Lauderdale, Hollywood, and Dania Beach, in accordance with the Interlocal Agreement dated May 6, 1994, among the respective municipalities and Broward County.
Teetsel, Dawn

Subject: FW: CBI Plat No. 2 -- ESL MAP AMENDMENT PCNRM 19-1

From: Edwin J. Stacker <EStacker@shutts.com>
Sent: Wednesday, August 7, 2019 3:26 PM
To: Blake Boy, Barbara <BBLAKEBOY@broward.org>
Cc: Von Stetina, Deanne <DVONSTETINA@broward.org>; Teetsel, Dawn <DTEETSEL@broward.org>
Subject: CBI Plat No. 2 -- ESL MAP AMENDMENT PCNRM 19-1

Barbara, in reviewing our correspondence to you dated July 1st, I wanted to reiterate/clarify our position regarding compliance with applicable permitting requirements, as follows:

The Applicant agrees to comply with all current applicable Code provisions as required to complete Environmental Resource License Application DF15-1007, Surface Water Management License Application L2015-008, and the associated South Florida Water Management ERP Application.

In addition, CBI and its consultants have recently proposed, and will coordinate with County Staff when concluding the permitting process, the enhancement of the existing drainage pond which is approximately 0.45 acres, with a control water elevation of 0.5, by planting wetland plants such as pickerelweed, duck potato, spike rush and fire flag in the pond. Also, on the slopes they are proposing plantings of shrubs and ground covers of cocoplum, fakahatchee grass and firebush.

Thank you very much for your consideration of our request to remove this parcel from a Map designation that took place approximately thirty (30) years ago, and we trust you will concur that resolution of these issues can be, and should be, appropriately addressed through the permitting process as contemplated in the County Land Development Code, without compromising the integrity of certain environmental policies.

Thank you, again, and we look forward to working with the County in order to reach a mutually satisfactory resolution of this matter through the permitting process.

Ed

Shutts & Bowen LLP
200 East Broward Boulevard, Suite 2100 | Fort Lauderdale, FL 33301
Direct: (954) 847-3839 | Fax: (954) 527-7915 | Cell: (954) 980-8116
E-Mail | Biography | V-Card | Website

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