

Resilient Environment Department Local Planning Agency
 Public Hearing
 Government Center West – 2nd Floor Hearing Room
 1 North University Drive, Plantation, FL 33324
 August 16, 2022 – 1:00pm

Board Members Present

Sue Carrano, UPD	Howard Clarke, UPD	Janelle Guzman, AICP, UPD
Cyril Saiphoo, AICP, UPD		

Board Members Absent

Sara Forelle, UPD	School Board Member	

County Staff Present

Heather Cunniff, AICP, UPD	Darby Delsalle, AICP, UPD	Josie P. Sesodia, AICP, UPD
Maite Azcoitia, CAO		

Attendees Present In-person

See Attachment A.

1. Call to Order

Cyril Saiphoo, Chair, called the Broward County Resilient Environment Department Local Planning Agency (LPA) meeting to order at 1:03pm. Mr. Saiphoo advised that the meeting is open to the public and notice of the meeting was published in the Sun-Sentinel. Proof of notice is on file with the Broward County Resilient Environment Department Urban Planning Division (RED UPD). Mr. Saiphoo further advised attendees that the meeting is being recorded. The Local Planning Agency members and staff introduced themselves.

2. Approval of Minutes: July 22, 2022

Motion: Ms. Guzman noted that Attachment D indicates it is draft. Upon a motion by Howard Clarke, seconded by Janelle Guzman, and unanimously approved, the July 22, 2022, minutes were approved.

3. Rezoning 1-Z-22: Hillsboro Ranches

Mr. Saiphoo introduced the item and noted it was continued from July 22, 2022. He also advised the public that if they spoke on this item on July 22, 2022, their comments are part of the record.

Josie Sesodia, Director, Urban Planning Division reiterated that comments received have been incorporated into the record and will be transmitted to the Board of County Commissioners. Mr. Saiphoo requested the staff presentation.

Heather Cunniff introduced herself and gave a staff presentation. She noted that the staff presentation will be the same presentation made at the July 22, 2022, LPA meeting. She noted that due to an inadvertent error, the July 22, 2022, LPA meeting was not advertised correctly, and the LPA

continued the item until today. The applicant, 4211 SP, LLC, is requesting to rezone a site within the Broward Municipal Services District (BMSD) from A-1: Agricultural to PDD: Planned Development District. The rezoning site is an unincorporated enclave known as Hillsboro Ranches in an area near the City of Coconut Creek. The approximately 5.01 net acre site is located on the north side of NW 74 Street, between NW 44 Terrace and NW 39 Avenue. The rezoning would allow the development of fifteen (15) single-family dwelling units. The 15 dwelling units would include the five dwelling units currently allowed on the site plus 10 residential flexibility units.

Staff reviewed the proposed rezoning based upon the criteria included in the Broward County Zoning Code and made the following findings:

- The proposed rezoning is consistent with adjacent and nearby development patterns.
- The proposed rezoning will help meet the demand for new single-family houses.
- The proposed rezoning is consistent with the Broward County Comprehensive Plan and Broward County Land Use Plan.
- Due to the potential of the site to contain jurisdictional wetlands, the applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling.
- The area is predominantly planned for and developed with low density single-family dwellings. The proposed rezoning allows low density single-family residential uses.
- The proposed rezoning site is served by adequate public facilities; is suitable for single-family homes in terms of compatibility with surrounding existing and planned land uses; is suitable for single-family homes served by private passenger vehicles, since Broward County Transit does not provide or plan to provide public transit service; allows urban infill development that discourages urban sprawl and utilizes existing infrastructure; has a negligible impact on the need for affordable housing.
- Based on the available information, including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File, the county's archaeological consultant issued the following findings during review of the previously submitted and now withdrawn Broward Municipal Services District Future Land Use Map amendment:
 - The proposed project will not adversely affect any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.
 - The subject property is located within the Broward Municipal Services District and located within the jurisdictional boundaries of Broward County's historic preservation ordinance.
 - In the event that unmarked burials are discovered, Florida State Statutes, Chapter 872.05, requires "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."
- Any proposed development that requires the removal of trees will be required to obtain a Broward County Tree Removal License.
- A wetland determination, issued by the Environmental Permitting Division, was received earlier in the day. Ms. Cunniff noted this new information was presented to the LPA. It stated that no County jurisdictional wetlands are located on the site. However, a Broward County license may be required for other activities, such as the excavation of a new lake or canal. This letter was distributed to the LPA.
- The site is served by Tradewinds Elementary, Lyons Creek Middle, and Monarch High schools.
 - Monarch High School is expected to be below the level-of-service standards through the 2025/26 school year.

- Pursuant to the Third Amended and Restated Interlocal Agreement for Public School Facility Planning, public school concurrency review is conducted at the time a plat or site plan application is submitted. At that time, if permanent student capacity is not available at public schools to serve the proposed amendment site, the developer may be required by the School Board to mitigate impacts related to deficient capacity.
- The supply of local and regional parks is expected to be sufficient to meet the demand through at least 2045.
 - At the time of platting, regional park impact fees are required based on the number of units permitted on the site.
- The proposed rezoning is consistent with the densities, intensities, and general uses set forth on the Broward Municipal Services District Future Land Use Map, as well the Broward County Land Use Plan Future Land Use Map.
- Potential harm to environmentally critical areas and natural resources will be adequately addressed through Broward County's development review processes.
- Staff recommends that before issuance of the first Certificate of Occupancy, a homeowners association be established to maintain common areas and infrastructure, including the 0.70-acre dry retention area located on the southeast corner of the PDD and the access road.

Staff received written correspondence from numerous property owners opposing the proposed amendment. These were submitted to the LPA prior to the meeting.

Chair Saiphoo requested the applicant's presentation (Attachment B). Denis Mele, agent for the applicant, noted the staff recommendation included three requirements. The first one was to obtain a wetland determination, which has been done. The second one was to obtain a tree removal license for any tree removal. Mr. Mele stated they are working with county staff to ensure they can receive the license, which is done at the time of permitting, not at the time of rezoning. During review of the now withdrawn land use plan amendment, the school board indicated there was not a problem with capacity at public schools. Public school impacts will be reviewed again during the site plan review process.

Mr. Mele gave a slide presentation. He noted the developer is The Spear Group and provided some pictures of developments they have constructed. Mr. Mele showed how the lots would be laid out and compared the lots to other development within Coconut Creek. He identified eight subdivisions located in close proximity that have smaller lots than those being proposed. He noted the surrounding developments that have a future land use designation of three (3) dwelling units per acre, that they are zoned PUD and RS-4, and that they have smaller lot sizes than the proposed rezoning.

Mr. Mele showed the 1977 Broward County Land Use Plan Map and the 1989 Broward County Land Use Plan/Inclusion Map. He noted the increases in density made by the City of Coconut Creek, as properties were annexed into the City over the years. He stated that what they are proposing to build is consistent with what has been built in the area. Mr. Mele further noted that what they are proposing to build is consistent with what has been done before in the area.

Mr. Mele presented a letter that indicate water and sewer facility capacity is available and four letters that support the proposed amendment (Attachments C and D).

Chair Saiphoo requested public comments.

Brooke Gimler stated that the house was demolished without barriers to protect wetlands and trees. Ms. Gimler stated that Mr. Meles slide presentation does not make comparisons with their neighborhood and that their neighborhood has larger lots. She further stated that there are issues getting water and sewer that need to be resolved. She stated that the letters submitted by Denis Mele are not from property owners in their neighborhood.

Stuart Montague stated that the neighborhood includes woodlands with abundant wildlife that would be impacted. He further stated housing for millionaires is being proposed. He stated he could not find a demolition permit that has been filed.

Caleb Devore is opposed to the application. There are outstanding issues. He stated there are not changed or changing conditions, the proposed project is not low density, will not meet affordable housing objectives, and does not address excess traffic. He does not know how the proposed development will not impact adjacent natural reserve area.

Michael Sarron stated he opposes the project and believes it will generate traffic impacts and is not compatible with the neighborhood.

Joshua Rydell, Mayor, City of Coconut Creek, noted the letter the City of Coconut Creek sent objecting to the development. Mayor Rydell stated there are no other projects of the density proposed on a local road. He stated the use of flex for this type of project is not the intent of flex. Mayor Rydell stated the proposed project does meet the criteria of Broward County's Comprehensive in terms of neighboring projects and plats.

Scott Stoudemire, Director of Sustainable Development for the City of Coconut Creek, asked whether a formal compatibility review will be required. Heather Cunniff states that staff will look into the issue.

Chair Saiphoo closed the public hearing and asked Mr. Mele if the applicant had further comments to present to the LPA. Denis Mele stated the demolition of the house was completed with the proper permits, and cited permit number 22-00074. He stated a letter was issued by the City of Coconut Creek that confirms the City of Coconut Creek has capacity to provide water and sewer, but the applicant will have to provide a grinder station. In terms of criteria for rezoning, Mr. Mele stated the criteria was addressed well in the staff report. Mr. Mele noted that the rezoning site is not a Local Area of Particular Concern, Natural Resource Area, or Environmentally Sensitive Land. There are no wetlands on the site, and that the applicant comply with Broward County's Tree Ordinance.

Chair Saiphoo clarified the Local Planning Agency (LPA) role is limited to whether the request is consistent with the Broward County Comprehensive Plan. At the request of Chair Saiphoo, Ms. Cunniff read the portion of the letter from Broward County that stated there are no wetlands. At the request of Chair Saiphoo, Ms. Cunniff also listed the Broward County Comprehensive Plan goals, objectives and policies with which staff found the proposed rezoning to be consistent.

Motion: Upon a motion by Sue Carrano, seconded, by Howard Clarke, and unanimously approved, the LPA made a motion to find the proposed rezoning consistent with the Broward County Comprehensive Plan.

4. Public Comments: Non-agenda Items

No comments.

5. Adjourn

Ms. Sesodia stated the next steps in the process are that the Board of County Commissioners will set a date for the public hearing and then hold a quasi-judicial public hearing. She noted that all testimony provided at the public hearing must be sworn and is subject to cross-examination. The dates will be made available.

Motion: Upon a motion by Sue Carrano, seconded by Janelle Guzman, and unanimously approved, the LPA meeting adjourned at 2:02pm.

Attachments

Attachment A: Sign-in Sheet

Attachment B: Applicant's Presentation

Attachment C: Water and Sewer Capacity Letter

Attachment D: Letters Supporting the Rezoning

Attachment E: Wetland Determination

August 16, 2022 Environmental Protection and Growth Management Department Local Planning Agency

Attendee Sign-in Sheet

#	Name	Address	Phone Number	E-mail	Do you wish to speak
1	Commissioner Beedy Tooley	4800 W Copans Rd	954-557-9468	btooley@aol.com	N
2	DENNIS MELE	200 E. BROWARD BLVD. #1806	954-527-2409	DENNIS.MELE@GMLAW.COM	Y
3	Caleb DeVos	7241 NW 43 Ave	754-243-0620		X
4	THANH NGUYEN	7353 NW 39 th Ave	786-208-2775		N
5	Sara Montague	3990 NW 74 th St.	561-305-7566	SLHenick@gmail.com	N
6	Stewart Montague	3990 NW 74 th St.	954-657-3303	montaguestewart@gmail.com	✓
7	Matt Levinson	1333 S. Ocea Blvd #625, Pompano	954-593-7208	mlevinson@coandgpr.com	N
8	JOHN BRODIE	4800 W Copans Rd	954 591 3585	brodie@coconutcrack.net	N
9	Michael Sarron	4400 NW 74 th street	954 821 9749	Mike Sarron@gmail.com	✓
10	BROOKE Gimler	7455 NW 39 AVE.	954 592-2943	veg4fit@bellsouth.net	Y
11	Midelle Gridi	4300 NW 74 th St	954 254-0655	mgridi@aol.com	N
12	Paul & Dianna Holleran	4280 NW 74 th St	954-415-7624	dancingfan@gmail.com	N
13	Josh Rydell	4800 West Copans Road	954-856-8015	JRydell@coconutcrack.net	Yes
14	Scott Stouderman	4800 West Copans Rd	954-973-6756	ssstouderman@coconutcrack.net	Yes
15					
16					
17					

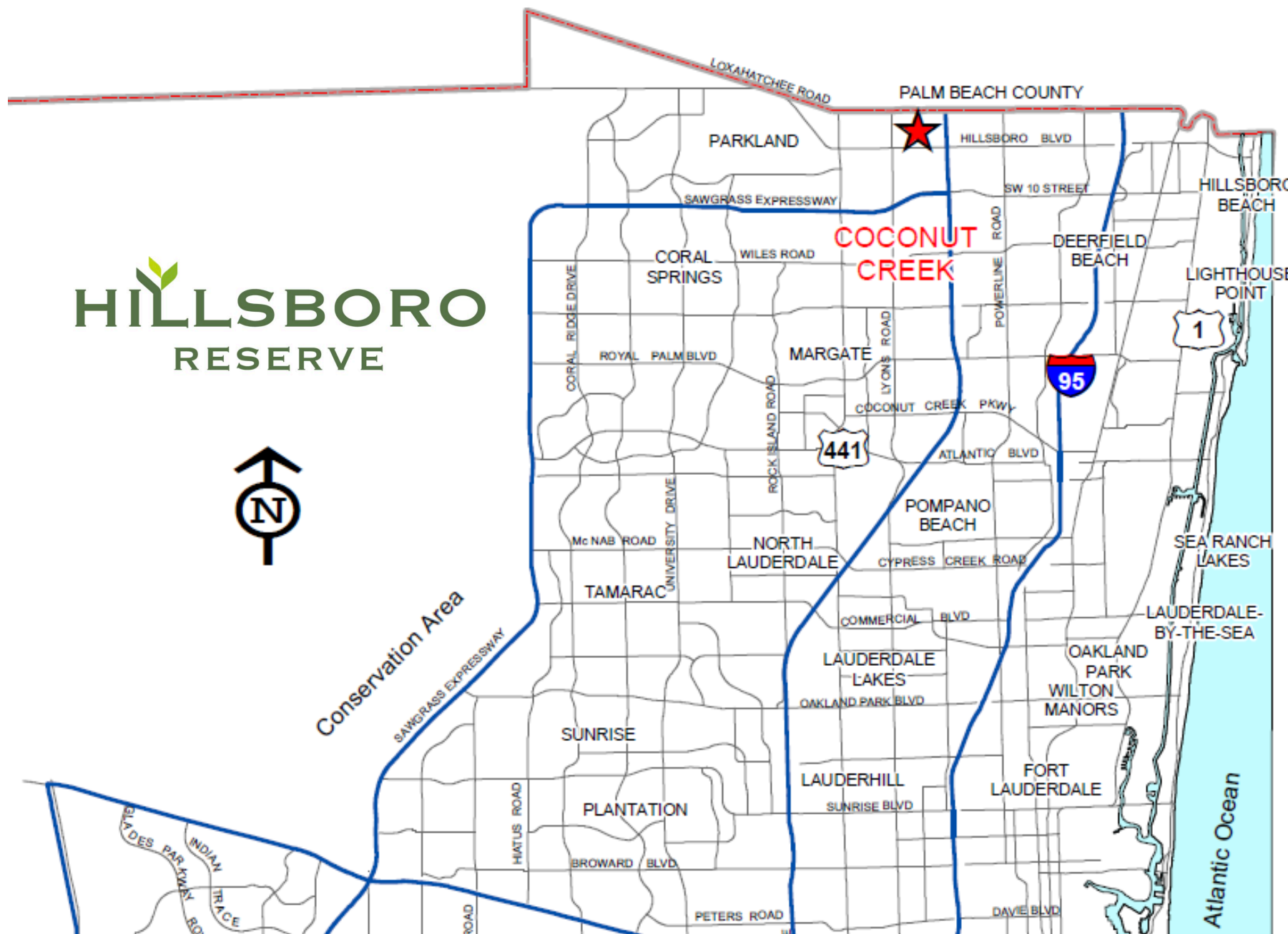


HILLSBORO
RESERVE

Presentation to Local Planning Agency

August 16, 2022

Overview Map





- Founded in 1966; developing in South Florida since 1976
- Based in Broward County
- Multigenerational, family-owned and operated
- Built 30+ residential communities and over 3,600 residences
- Jeff Spear twice named “Builder of the Year” by the Builders Association of South Florida

Project Portfolio

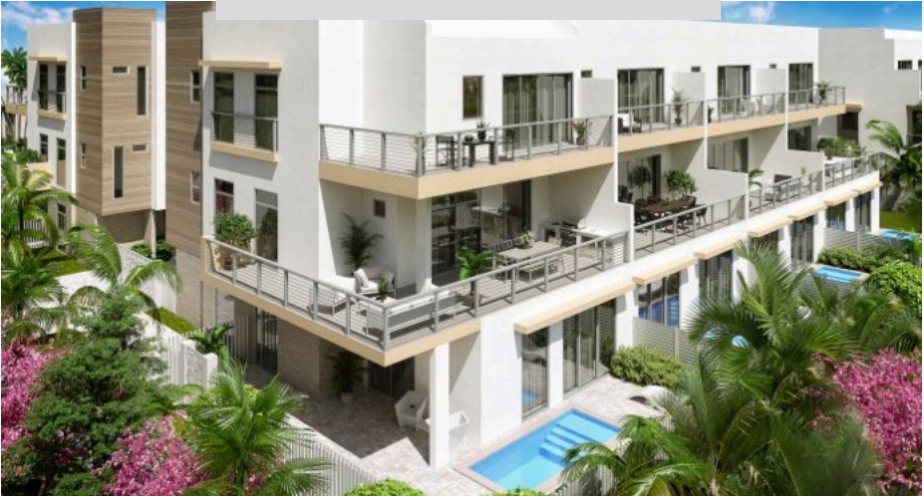
Delray Estates
Delray Estates, FL
15 Single-Family Homes



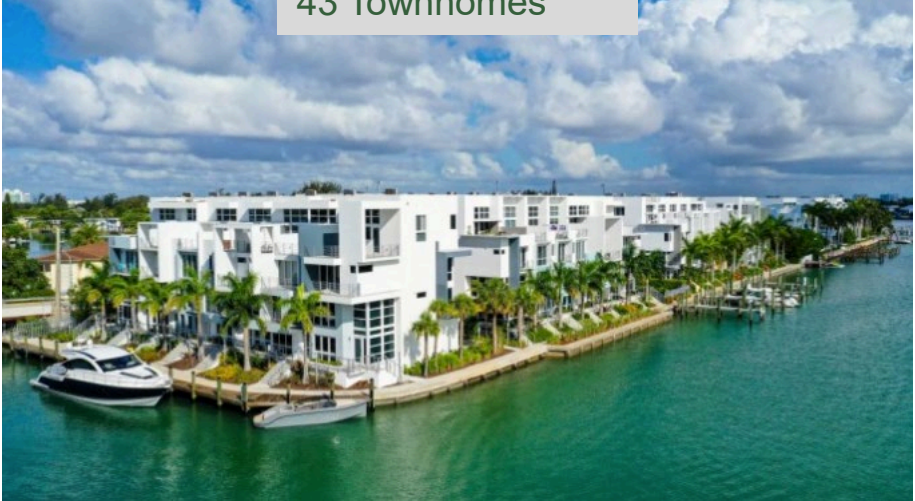
RESERVE AT THE RANCHES
Southwest Ranches, FL
Custom Single-Family Homes



THE BEVERLY LAS OLAS
Fort Lauderdale, FL
11 Townhomes



IRIS ON THE BAY
Miami Beach, FL
43 Townhomes



Location & Proposed Project

Address & Property

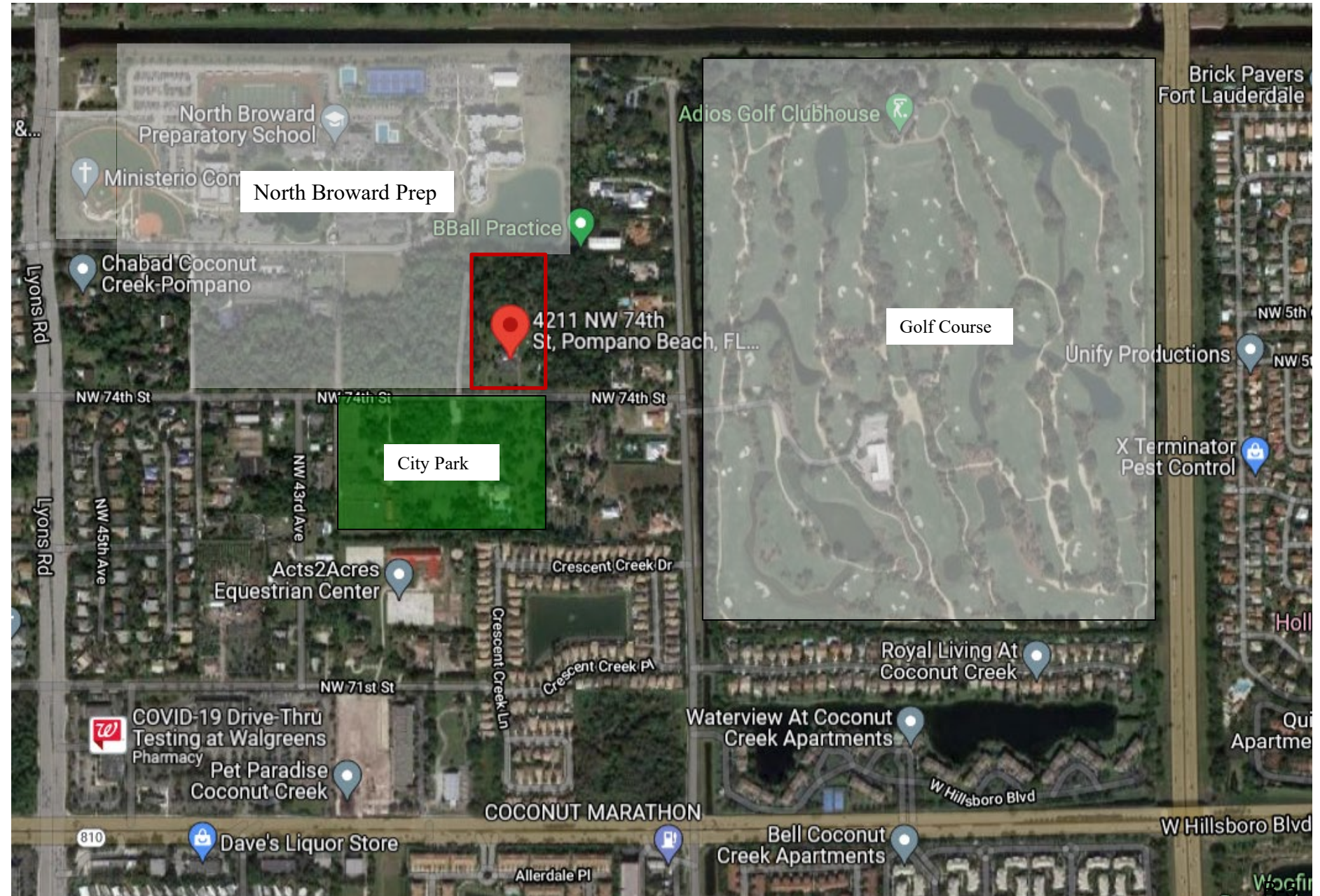
- 4211 NW 74th Street, Unincorporated Broward County, 33073
- 5-acre site

Proposed Project

- 15 luxury single family homes

Zoning & Land Use

- Current Zoning: A-1
- Proposed Zoning: PDD
- Current Future Land Use: Estate (1) Residential



Project Details

- Private enclave offering 15 home sites
- Architecturally elegant estate homes built using the latest design and luxury finishes
- Range from 3,500 to 4,800 square feet
- Exclusive community with prices starting at over \$1 million



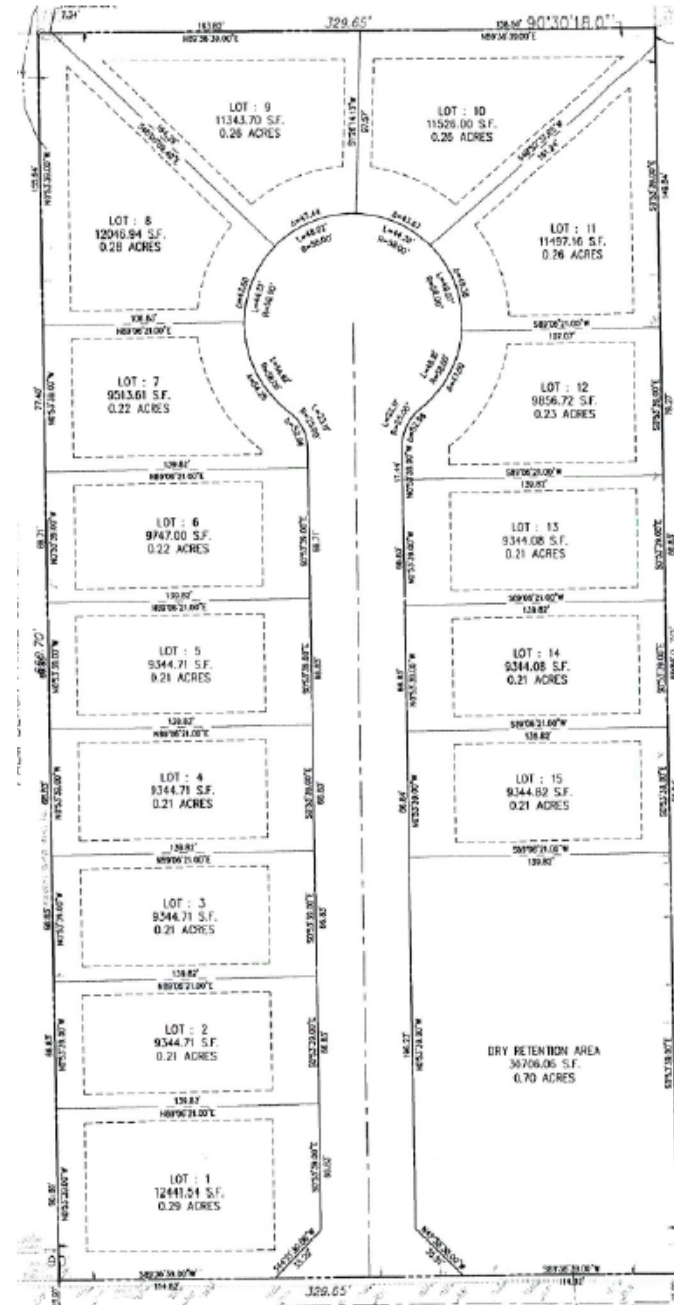
All pictures, photographs, and renderings included in this presentation are for illustrative purposes. Prices, site plan details, elevations, features, and designs are subject to change.

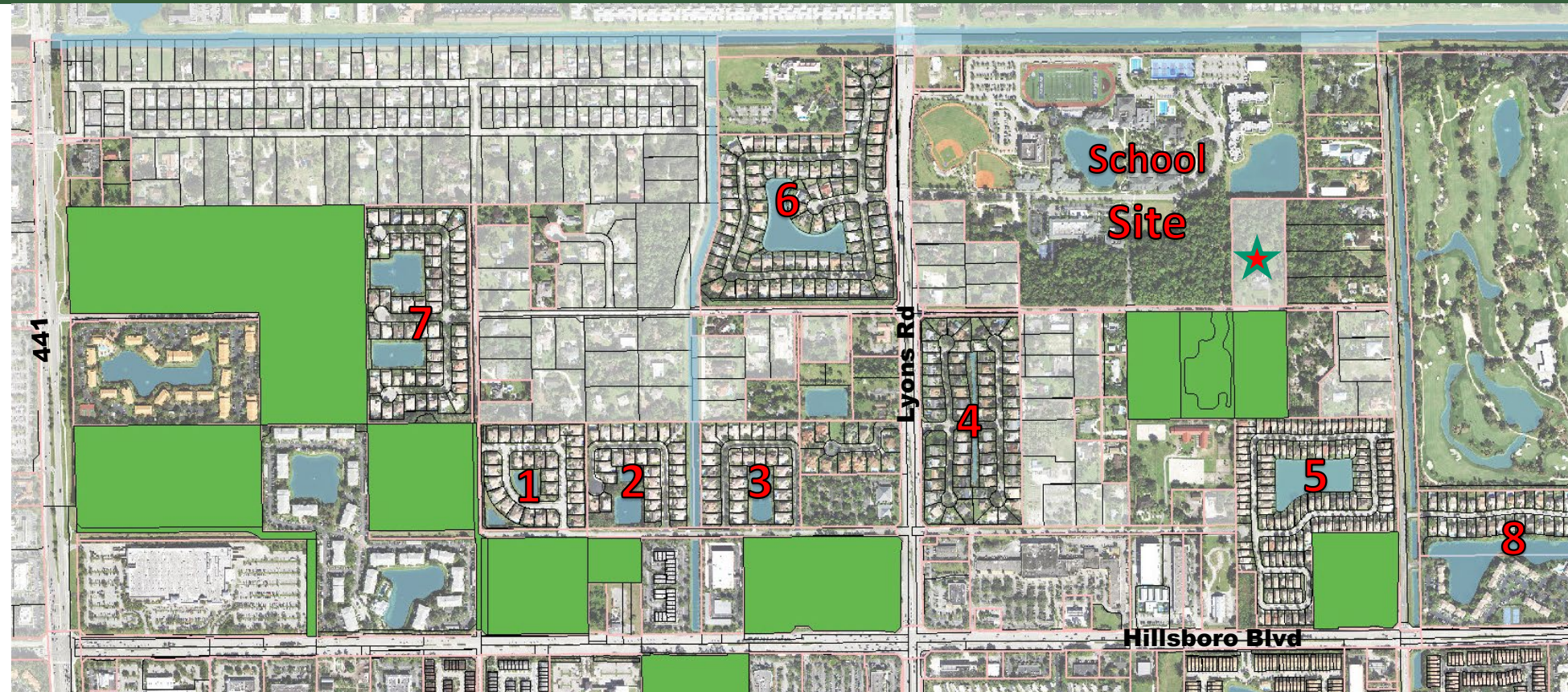
Project Benefits



- Provide much needed housing to Broward County
- More than \$500,000 in annual tax revenue for unincorporated Broward County
- Minimal traffic disruption (11 morning and 14 evening peak traffic trips)

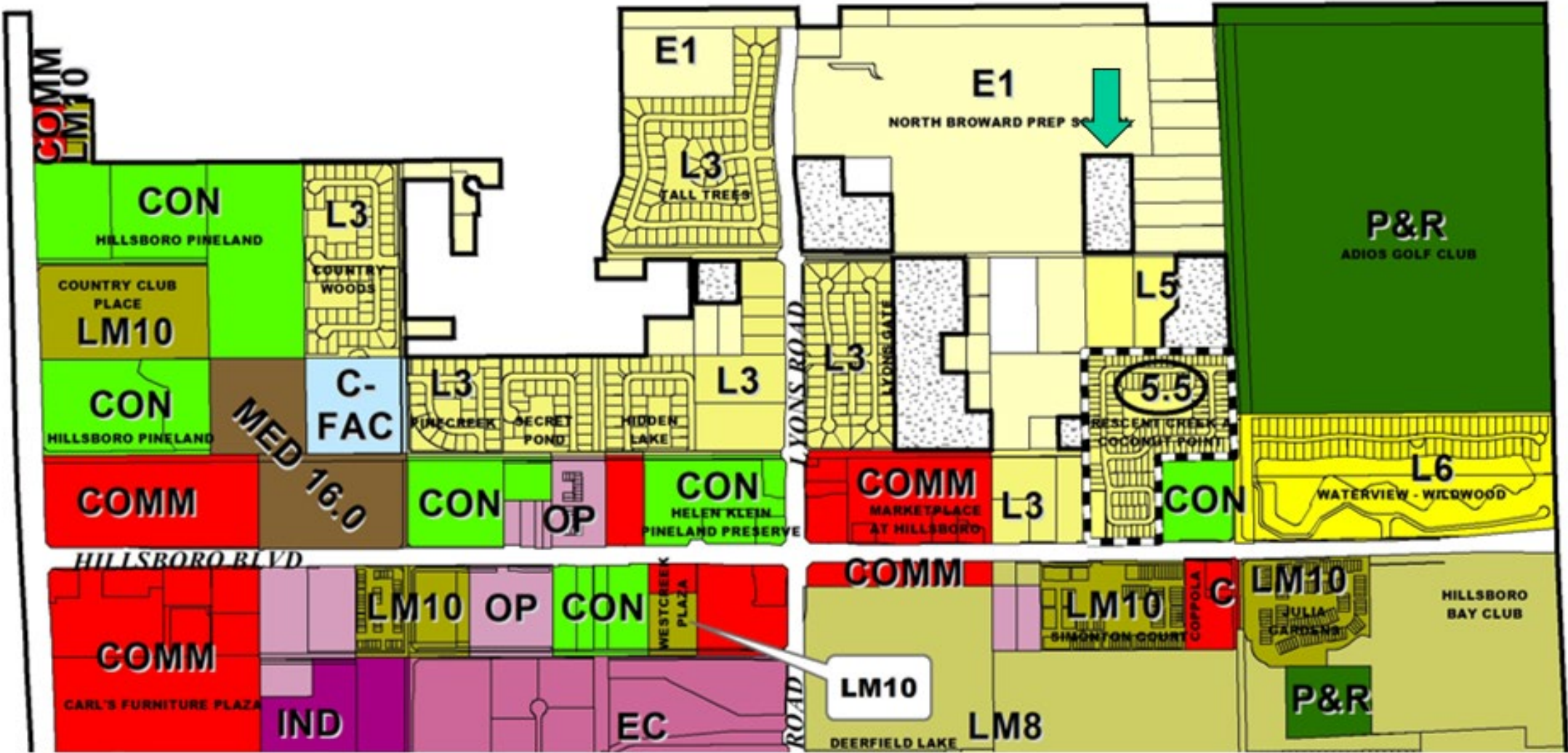
- 15 Single Family Homes and Dry Retention Area
- Lot sizes are 9,300 – 12,400 SF



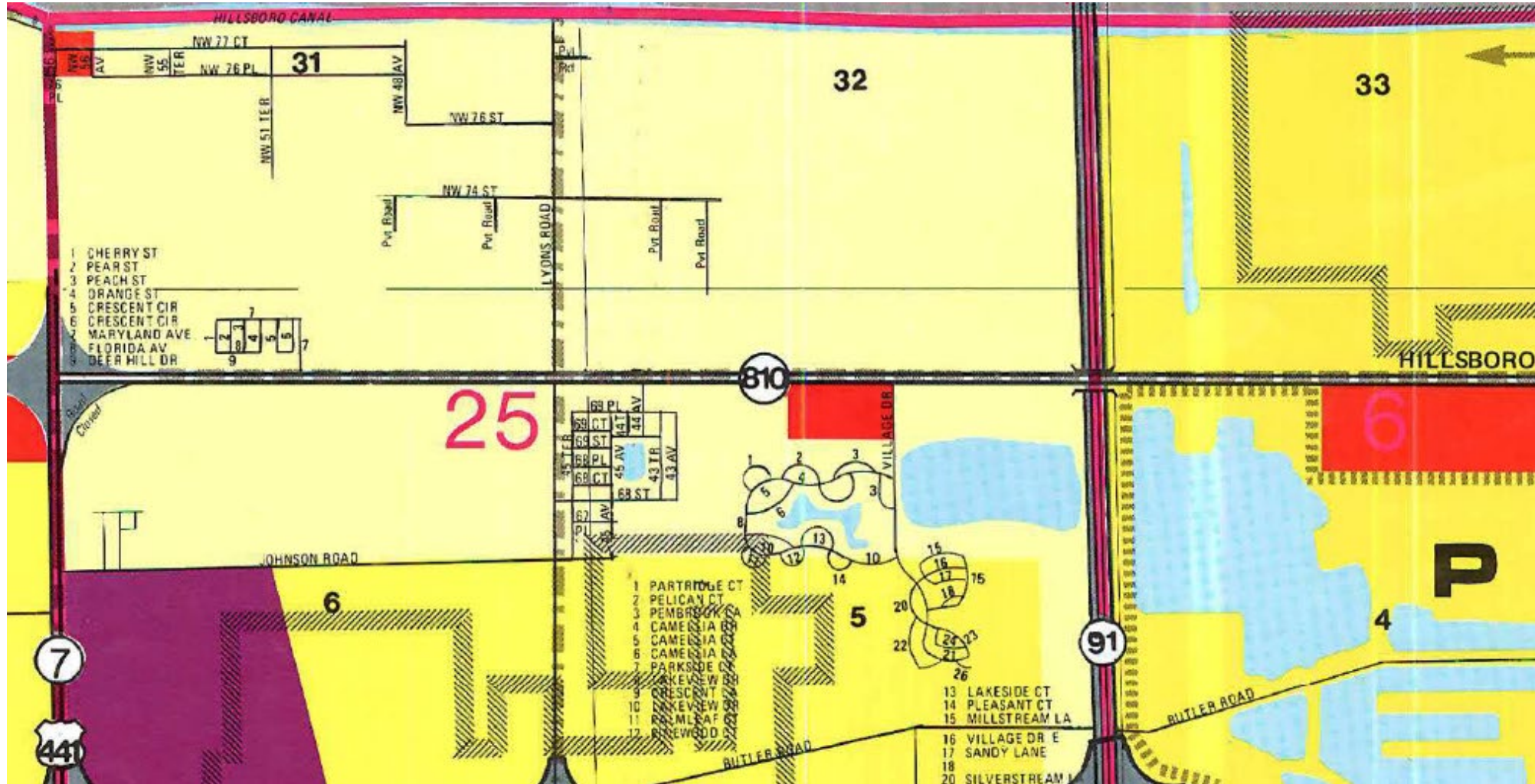


Community (Plat) Name	Jurisdiction	DUs	Acres	Density (du/ac)	Typical Lot Size (sq.ft.) ¹	BK/PG	Date Plat Approved
Subject Site (to be platted)	Uninc BC	15	5	3.0	9,300	TBD	TBD
1. Pine Creek	Coco Creek	30	10	3.0	7,700	174/177	9/9/04
2. Secret Pond	Coco Creek	29	10	2.9	7,500	170/70	12/14/20
3. Hidden Lake	Coco Creek	30	10	3.0	8,300	169/14	12/23/99
4. Lyons Gate (Sabal Pines)	Coco Creek	64	19	3.4	7,700	138/37	12/12/88
5. Crescent Creek (Coconut Point)	Coco Creek	136	22	6.2	4,000/6,600	164/27	1/25/96
6. Tall Trees (Estates of Lyons Gate)	Coco Creek	100	30.5	3.2	7,500	148/30	3/26/91
7. (Country Woods)	Coco Creek	61	20.4	3.0	7,500	168/5	3/25/99
8. Wildwood Estates (FL Residential Centers Plat)	Coco Creek	63 SF +192 GA = 255	39.5	6.45	SF: 7,200	125/38	9/26/85

¹ Some lot sizes are larger such as corner lots



1977 Broward County Land Use Plan



	ESTATE (Up to 1 dwelling unit per acre)	RESIDENTIAL DENSITIES		MEDIUM (10-16 dwelling units per acre)
	LOW (3) (1-3 dwelling units per acre)			MEDIUM HIGH (16-25 dwelling units per acre)
	LOW (5) (3-5 dwelling units per acre)			HIGH (25-50 dwelling units per acre)
	LOW MEDIUM (5-10 dwelling units per acre)			IRREGULAR (The number inside the circle indicates the maximum number of dwelling units per acre for the outlined development. Colors indicating another density range are approximate and not controlling.)
	COMMERCIAL			COMMERCIAL RECREATION
	INDUSTRIAL		CONSERVATION AREA	
	AGRICULTURE		COMMUNITY FACILITIES	
	PARKS AND RECREATION		UTILITIES	
	PROPOSED PARKS (These sites may be developed for the alternative use designated on the plan map if they are not acquired for park use within a reasonable time.)		TRANSPORTATION (Proposed Airport sites are designated by airplane symbols only.)	
			WATER	

1989 Broward County Land Use Plan/Inclusion Map



“As a resident of Coconut Creek for many years, I am in favor of this proposed development and am asking for your support. Broward County continues to evolve to meet the growing needs of so many- and I'd love to see our area be a viable option for homeowners. This project is not large. A mere 15 homes will not present any traffic hurdles to the neighborhood. Rather, I see this as a lovely new addition to our area that will help increase our property values - without any pressure on infrastructure or congestion.” – Local resident and business owner

“15 homes seem logical and doable. These homes will be architecturally appealing, attracting sophisticated consumers who are likely to keep their property well maintained so our area remains peaceful and eye-pleasing. This will help attract those who may be exploring Parkland or Boca to consider options here for million-dollar-plus homes, thereby increasing our tax revenue - and overall stature. I hope you will support it as well.”

– Local realtor serving Coconut Creek

“I’ve lived in Coconut Creek for over seven years and am excited to see this type of development come to our area. It’s no secret that Broward County is dealing with a significant housing shortage, so this is the exact type of project that makes sense to me – a small, upscale development that won’t negatively impact traffic. Yes, its only 15 homes, but every little bit counts.”

– Local resident

Thank you! | Questions?

W/S

lkerr808@bellsouth.net

From: Daniel Spear <Daniel@TheSpearGroup.com>
Sent: Wednesday, December 8, 2021 2:49 PM
To: Leigh Kerr
Cc: Partners
Subject: Fwd: 4211 NW 74th Street

FYI

Begin forwarded message:

From: Mike Gai <mgai@suntecheng.com>
Date: November 30, 2021 at 4:24:58 PM EST
To: Daniel Spear <Daniel@thespeargroup.com>
Subject: FW: 4211 NW 74th Street

FYI

Regards,



Mike Gai | Principal
(954)777-3123 ext. 310 - Office
(954)777-3114 - Fax
4577 N Nob Hill Rd, Suite 102
Sunrise, FL 33351-4712
mgai@suntecheng.com
www.suntecheng.com
27 years serving South Florida!

From: Albassam, Mohammed <MAlbassam@coconutcreek.net>
Sent: Tuesday, November 30, 2021 3:52 PM
To: Mike Gai <mgai@suntecheng.com>; 'Partners@thespeargroup.com'
<Partners@thespeargroup.com>
Cc: Cabrera, Eileen <ECabrera@coconutcreek.net>; Seegobin, Ganesh <gseegobin@coconutcreek.net>; Dupuis, Jean <JDupuis@coconutcreek.net>
Subject: RE: 4211 NW 74th Street

Good afternoon Mike,

Based on your request, City will allow the connection to the existing 8" DIP Water Main and 4" Forced Main (needs to provide a privately maintained grinder station). In addition, based on the Large User's Agreement between the City of Coconut Creek and Broward County, there is a sufficient water and wastewater capacity to accommodate the new proposed development.

Feel free to contact us for any questions,

Regards,

Mohammed Albassam.
Engineer I
City of Coconut Creek
Butterfly Capital of the World®
5295 Johnson Road
Coconut Creek, FL 33073
954-956-1531 - office
954-956-4146 - fax

Please note that City Hall is closed on Fridays. Hours of operation are Monday through Thursday 7:00 am to 6:00 pm.

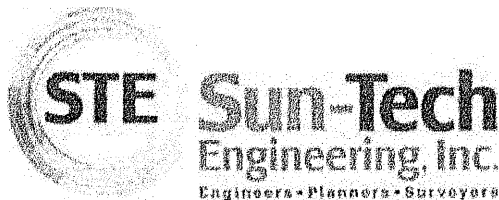


Please consider the environment before printing this email. Thank you.

From: Mike Gai <mgai@suntecheng.com>
Sent: Monday, November 29, 2021 11:20 AM
To: Albassam, Mohammed <MAlbassam@coconutcreek.net>
Subject: FW: 4211 NW 74th Street

Just following up to see if you had a chance to look at this yet

Regards,



Mike Gai | Principal
(954)777-3123 ext. 310 - Office
(954)777-3114 - Fax
4577 N Nob Hill Rd, Suite 102

Attachment D

Dear Broward County Board of Commissioners:

I am writing to advocate on behalf of myself, my wife and family for the approval of the proposed single-family home community at 4211 N.W. 74 Street.

As a long-time resident of North Broward for over 20 years, I am very familiar with the neighborhood and live and work here daily. Both my personal residence at 7530 Lyons Road and my commercial property where we work at 74th Place are located very close to the proposed development project.

I have reviewed the homebuilder's plans and renderings of 15 single-family homes on the site and I am writing to ask your support for this gorgeous community. Several years ago, the City of Coconut Creek and Broward County approved on former State Representative Jim Waldman's property on 74th street a change to five units per acre on a four-acre parcel, which would allow for 20 townhomes. While this townhome project was never built, now we can consider the proposed single-family development directly across the street. I welcome this new community which is a much more thoughtful and upgraded design compared to past proposals. Beautifully designed single-family homes at three units per acre is compatible with the neighborhood and surrounding communities.

I believe this new community will provide much-needed housing for residents to be able to live and work in the area. Without even having to drive, homeowners in this community could walk to the park, shops, and community centers like ours in the area. I welcome new families to our community and beautiful new homes will certainly be an upgrade to the neighborhood and benefit all of us. The proposed homes will be high-quality with a well-designed appearance, so both the quality and quantity proposed here is appropriate. The new homes will also improve public safety and property values.

For all of these reasons, I am strongly in favor of this project and hope you will vote to approve it.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. G. Gansburg', with a long horizontal flourish extending to the right.

Rabbi Yossi & Baila Gansburg

Dear Local Planning Agency & Broward County Board of Commissioners:

My name is Mark Sadek and I am the District Sales Manager for The Keyes Company Realtors serving Coconut Creek and the surrounding areas for the past 45 Years. We have been making the dreams of Homeownership for our customers and would love to see a new Custom Home Development built. The demand continues to rise, especially with high net worth buyers from Europe, South America and the Northeast. Our clients would enjoy living in Coconut Creek with easy access to the growing Promenade and other retails shopping and dining.

I am aware of the proposed single-family residential project up for approval on the north side of N.W. 74 Street, between 44 Terrace and N.W. 39th Avenue. As a realtor, it's assumed I would be in support of new development -- but rest assured -- that's not always the case. It's important to me that growth here be handled in a manner that is sensible and careful, so as not to negatively impact our beautiful, peaceful neighborhoods.

This proposed development makes sense to me for three main reasons:

- It's only 15 homes. We're not talking about building a master-planned community or adding a massive number of condo units. 15 homes seem logical and doable.
- These homes will be architecturally appealing, attracting sophisticated consumers who are likely to keep their property well maintained so our area remains peaceful and eye-pleasing.
- This will help attract those who may be exploring Parkland or Boca to consider options here for million-dollar-plus homes, thereby increasing our tax revenue - and overall stature.

This small, but tasteful new project is an easy 'yes' for me. I hope you will support it as well.

Thank you,

Mark Sadek

Dear Broward County Board of Commissioners:

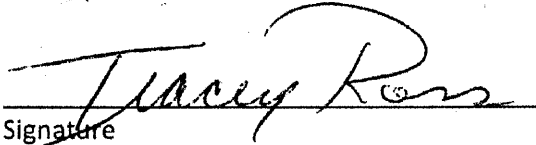
I recently learned about plans to build 15 single-family homes on the north side of N.W. 74 Street, between 44 Terrace and N.W. 39th Avenue. As a resident of Coconut Creek for many years, I am in favor of this proposed development and am asking for your support.

Broward County continues to evolve to meet the growing needs of so many – and I'd love to see our area be a viable option for homeowners. This project is not large. A mere 15 homes will not present any traffic hurdles to the neighborhood. Rather, I see this as a lovely new addition to our area that will help increase our property values – without any pressure on infrastructure or congestion.

Also, as a business owner in the community, I am in favor of a small, upscale community with future homeowners that will support a business like mine. In fact, there are several communities in the area with a lot more than 15 homes and many of those residents are my best customers.

Again, I know this is a very small project for Broward County to consider but I hope you will approve it.

Thank you


Signature

TRACEY ROSS
Name

6907 JULIA GARDENS DR
Address COCONUT CREEK, FL
33073

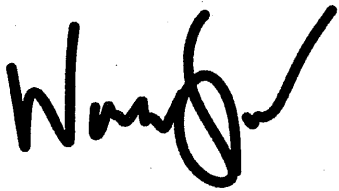
Dear Broward County Board of Commissioners:

I recently learned of a single-family, luxury community proposed for the north side of N.W. 74th Street, between 44th Terrace and N.W. 39th Avenue. Please note that I am in favor of this project and hope you will support it.

I've lived in Coconut Creek for over seven years and am excited to see this type of development come to our area instead of Parkland or Boca Raton. It's no secret that Broward County is dealing with a significant housing shortage, so this is the exact type of project that makes sense to me – a small, upscale development that won't negatively impact traffic. Yes, it's only 15 homes, but every little bit counts.

Once again, I support this type of smart growth and hope you will vote to approve it.

Thank you.

A handwritten signature in black ink, appearing to read "Wayne Sausmer". The signature is stylized with a large initial "W" and a long, sweeping flourish at the end.

Wayne Sausmer
2802 Victoria Way, Apt. K4
Coconut Creek, FL 33066



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

August 15, 2022

4211 SP LLC
c/o Daniel Spear
3921 SW 47th Ave, Suite 1013
Fort Lauderdale, FL 33314
Via E-mail to Agent: Mike Nichols, M.J. Nichols & Associates, LLC

**Re: Wetland Jurisdictional Determination – PALM BEACH FARMS 2-53 PB TR 39 BLK 83
4211 NW 74th Street, Unincorporated FL 33073
Folio No. 474232010150
File No. WD2208-004**

Dear Applicant:

The referenced site, outlined in teal on the attached aerial photograph, was visited by the Broward County Resilient Environment Department (RED) on Tuesday, August 09, 2022. During that visit it was determined that there are **no County jurisdictional wetlands** on the site.

Based upon present conditions within the site, filling within the existing uplands will not require a license from this Department. However, other activities such as filling of the existing surface waters, or excavation of a new lake or canal may require a county license as regulated under Article XI of the Natural Resource Protection Code. The applicant is encouraged to contact RED as early as possible to determine applicable license requirements prior to undertaking activities which may affect the existing surface water system. Additionally, this letter does not constitute a waiver of review by the Development Management Division of the Urban Planning and Redevelopment Department prior to clearing and grubbing.

This determination was made according to the Natural Resource Protection Code definition of ***Regulated Aquatic and Wetland Resources*** and Section 27-334(e) which utilizes the State approved wetland delineation methodology outlined in chapter 62-340 F.A.C. and ratified by the State Legislature pursuant to Section 373.421 Florida Statutes. In the event of a conflict with a formal delineation conducted by the Florida Department of Environmental Protection or the South Florida Water Management District pursuant to 62-340 F.A.C. the determination of said Agency will be the controlling delineation. This determination is valid for a period of no more than two (2) years from the date of this letter. The issuance of this letter is a **final agency determination**. A person with a substantial interest may file a petition to request review of, or to intervene in a review of, a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances.

Please be advised that this determination is specific to Broward County's Natural Resource Protection Code and is conducted pursuant to the State-approved delineation methodology. The identified wetland area may also be jurisdictional to other Federal and/or State regulatory agencies [i.e. US Army Corps of Engineers (USACOE), and South Florida Water Management District (SFWMD) or Florida Department of Environmental Protection (FDEP)] and additional approval[s] may be necessary. For more information you may contact the local regulatory office[s] for each entity via the contact information below:

USACOE via email at SAJ-RD-S@usace.army.mil or telephone at (561) 472-3504,
FDEP via email at Southeast.District@dep.state.fl.us or telephone at (561) 681-6600
SFWMD via email at bconmy@sfwmd.org or telephone at (561) 682-6736

Please feel free to contact me by e-mail at mdecker@broward.org or by phone at (954) 519-1205 if you have any questions.

Sincerely,
[MICHELLE DECKER, M.S.](#)
ENVIRONMENTAL PROJECT COORDINATOR
Resilient Environment Department
ENVIRONMENTAL PERMITTING DIVISION

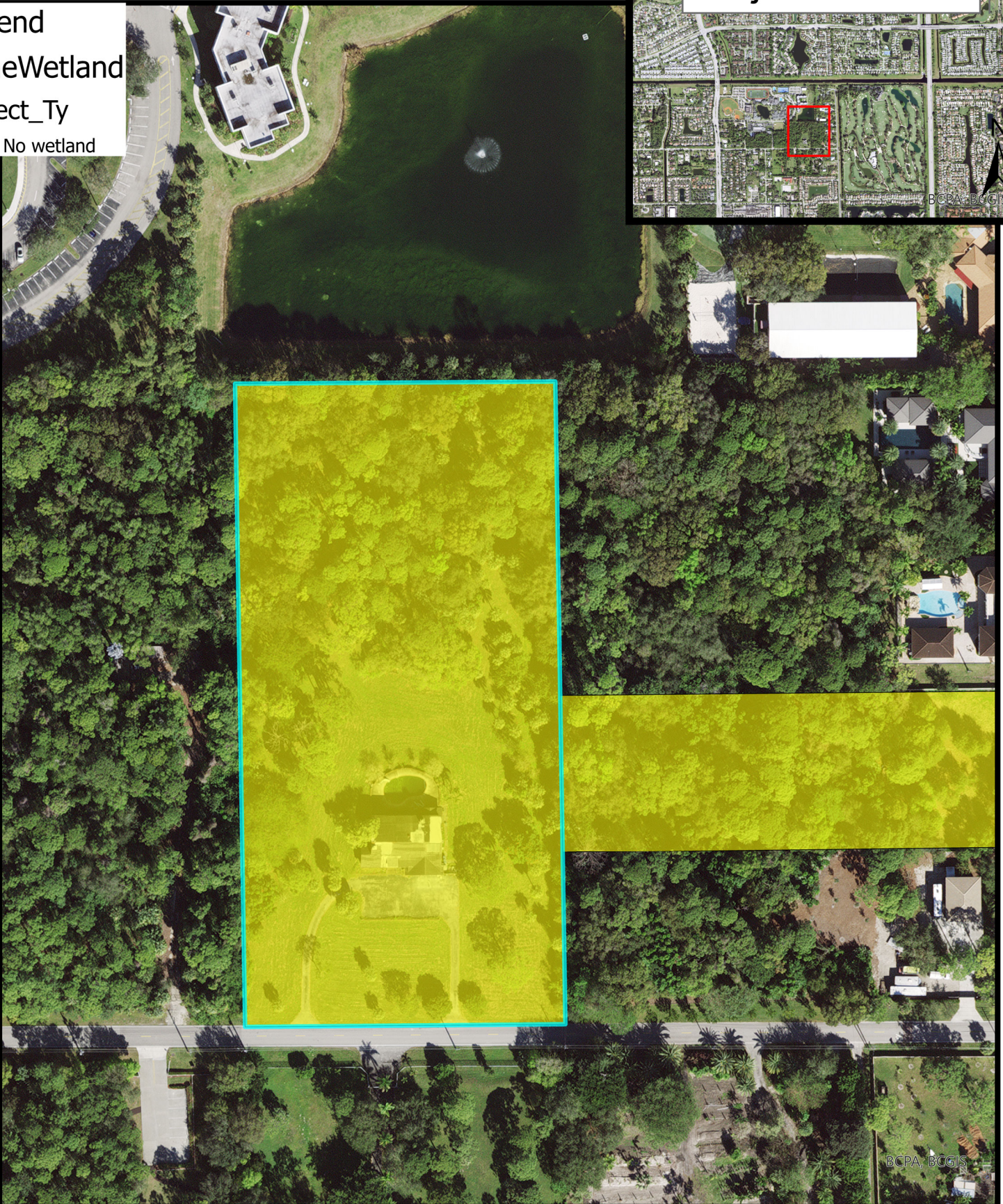
Enc: Wetland Map
27-14 Variance and Administrative Review Procedures

cc: Linda Sunderland (via e-mail)
Danielle Sattelberger, FDEP (via e-mail)
Barb Conmy, SFWMD (via e-mail)
Alisa Zarbo, USACOE (via e-mail)

Project Location



Legend
NoneWetland
Project_Ty
No wetland



WD2208-004
Palm Beach Farms 2-53 PB
TR 39 BLK 83
Folio #: 474232010150

0 40 80 160 Feet
Date: 8/12/2022
User Name: MDECKER

Sec. 27-14. Administrative review of EPGMD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
 - (2) Interpretations of license or environmental review approval conditions.
 - (3) Interpretations of variance conditions.
 - (4) The decision to suspend or revoke a license or environmental review approval.
 - (5) The requirement of certain license conditions.
 - (6) The issuance of a license or environmental review approval.
 - (7) The denial of a license or environmental review approval.
 - (8) The scope of a license or environmental review approval, geographic or otherwise.
 - (9) The scope of a variance, geographic or otherwise.
 - (10) The issuance of a stop work order.
 - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
 - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.

- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.
 - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
 - (3) The specific determination for which the review is sought.
 - (4) The specific legal grounds upon which the parties seek review of the determination.
 - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
 - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
 - (7) A copy of the director's or the designee's written final determination.
 - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPGMD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPGMD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to

the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.

(j) Notice and Scheduling Requirements:

- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPGMD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
 - (2) The petitioner shall give notice of the hearing by:
 - a. Giving personal notice to all proper parties; and
 - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
 - c. Posting notice at a location determined by the Broward County Administrator's Office.
 - (3) The petitioner shall bear the cost of giving notice.
 - (4) The notice shall contain, at a minimum:
 - a. A description and location of the facility or the activity to be conducted by the petitioner; and
 - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
- (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
 - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
- (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the

essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPGMD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.

- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPGMD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
 - (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
 - (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
 - (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
 - (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)
Secs. 27-15--27-19. Reserved.