

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: November 5, 2018

Presenter's Name and Title: Salvador Zuniga, Asst. City Engineer, on behalf of Utilities Department

Temp. Reso. Number: R6820

Item Description: Temp. Reso. No. R6820, APPROVING A CONDITIONAL USE PERMIT FOR THE REMOVAL OF FILL FROM SNAKE CREEK RESIDENTIAL AND MIRAMAR RESIDENTIAL PLATS. (City Engineer Bissy Vempala)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk: n/a

Public Notice – As Required by the Sec. 301.11.1 of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____, in a _____ ad in the _____; by the posting the property on 10/03/2018 and/or by sending mailed notice to property owners within 1,000 feet of the property on 10/03/2018. (Fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____ Florida Statutes, approval of this item requires a _____ (unanimous 4/5ths etc. vote of the City Commission.

Fiscal Impact: Yes No

REMARKS:

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR No. R6820**
- **Attachment(s)**
 - **Attachment 1: Location Map**
 - **Attachment 2: Staff Report**
 - **Attachment 3: Routing Plan**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners
FROM: Vernon E. Hargray, Interim City Manager *EDS FRVH*
BY: Bissy Vempala, City Engineer
DATE: October 30, 2018
RE: Temp. Reso. No. 6820, approving a Conditional Use Permit for Removal of Fill from Snake Creek Residential and Miramar Residential Plats

RECOMMENDATION: Adoption of Temp. Reso. No. 6820, approving a Conditional Use Permit for removal of fill from Snake Creek Residential and Miramar Residential Plats.

ISSUE: Section 317.1 of the City's Land Development Code requires that removal of fill from a parcel shall not be permitted without obtaining conditional use approval from the City Commission.

BACKGROUND: The Snake Creek Residential Plat ("Snake Creek Residential") is located south of the Florida Turnpike, between Flamingo Road and Red Road. The Miramar Residential Plat ("Miramar Residential") is located north of Miramar Parkway, between Flamingo Road and Red Road. As new developments were approved and constructed within parcels in Snake Creek Residential and Miramar Residential Plats, excess fill material was generated due to excavation of lakes and installation of underground infrastructure. The lakes were excavated to the minimum size (depth and width) required by South Broward Drainage District and South Florida Water Management District so that all parcels within the plats would have sufficient storm storage capacity in the lakes and the design storm stages would not be exceeded.

The excess materials were stockpiled on adjacent parcels within their corresponding plats that were not being developed at the moment. Those parcels are now ready to be developed; one of them is the Catalina development within Snake Creek Residential Plat; and the other is the Altman Property adjacent to Miramar Residential Plat. Sunbeam Development (the "Applicant"), has transferred or is in the process of transferring land ownership for the development of those two parcels;

and therefore, the stockpiled excess material needs to be moved to facilitate developments. The Applicant proposes to transport the excess fill to the Miramar Park of Commerce Phase VI (MPC VI). MPC VI is located less than a mile-radius from Miramar Residential and just over a mile-radius from Snake Creek Residential.

An Application #1807696 for Conditional Use to remove the fill from the above mentioned sites was submitted and recommended for approval by the City's Development Review Committee meeting on September 13, 2018. The Applicant desires to work on weekends in order to expedite the operation. The entire operation is expected to take approximately 4 to 5 months to complete. The hours of operation will be limited from 9:00 am to 4:00 pm, Monday through Sunday. The Applicant proposes to transport the excess excavated fill (approximately 115,000 cubic yards) along the routes shown on the attached Routing Plan. A Staff Report is attached which provides additional details about each site and transport operation, and how it measures up to the requirements set forth in the general standards of review for Conditional uses set forth in Section 305.4, and the standards for conditional use approval set forth in Section 317.4 of the Land Development Code.

Section 317.21 of the Land Development Code requires a \$100,000 surety bond to be posted with the City prior to commencement of the work to insure that during the operation and after completion, all public roads are repaired and restored to the previously existing condition, or better.

The Project Manager for this project is Salvador Zuniga, Assistant City Engineer, Department of Utilities.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR REMOVAL OF FILL FROM SNAKE CREEK RESIDENTIAL AND MIRAMAR RESIDENTIAL PLATS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sunbeam Development Corporation and Cleghorn Shoe Corp., owns or has owned property within Snake Creek Residential and Miramar Residential Plats; and

WHEREAS, during site developments within Snake Creek Residential and Miramar Residential Plat; excess fill was generated and stockpiled on adjacent undeveloped parcels within Snake Creek Residential or the Altman Property, property owned by the Owner/Developer; and

WHEREAS, the Owner/Developer has transferred or is in the process of transferring land ownership of the last undeveloped parcels within the Snake Creek Residential Plat and the Altman Property; and

WHEREAS, the Owner/Developer is requesting to remove the stockpiled fill material and any additional excess fill material to be generated from the undeveloped parcels (approx. 115,000 Cu. Yds.) during Monday-Sunday from 9:00 AM to 4:00 PM ; and

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WHEREAS, the Owner/Developer proposes to transport the excess fill material to a nearby property owned by the Owner/Developer known as Miramar Park of Commerce Phase VI; and

WHEREAS, Section 317.1 of the LDC requires that removal of excess fill from a parcel shall not be permitted without obtaining a conditional use approval from the City Commission; and

WHEREAS, in accordance with Section 317.21 of the LDC, a surety bond in the amount of \$100,000 must be posted with the City prior to commencement of on-site activity to insure that during the operation and after completion of the operation, all public roads used in connection with the moving of fill shall be repaired and restored to the previously existing condition, or better; and

WHEREAS, an application for Conditional Use (Application # 1807696) was submitted and recommended for approval by the City of Miramar Development Review Committee on September 13, 2018, which found the Application consistent with the requirements of Section 317.4 of the LDC; and

WHEREAS, the Interim City Manager recommends that the City Commission approve the Conditional Use Permit for the removal and transport of excess fill during Monday-Sunday from 9:00 AM to 4:00 PM; with the condition that the \$100,000 bond be provided as set forth in section 317.21 of the LDC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

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Section 1: Recitals; Definitions.

(a) That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

(b) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(1) “Altman Property” means the real property situate and lying in the State of Florida, County of Broward, City of Miramar, to-wit:

A parcel of land being a portion of Tracts 2 and 3 and Tracts 28 through 32, inclusive of THE EVERGLADES SUGAR & LAND CO. SUBDIVISION OF SECTIONS 6,7,18,19,30 AND 31, TOWNSHIP 51 SOUTH, RANGE 41 EAST AND THE EAST HALF OF TOWNSHIP 51 SOUTH, RANGE 40 EAST, being in Section 25, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the northeast corner of Parcel "D", MIRAMAR RESIDENTIAL PLAT, according to the Plat thereof as recorded in Plat Book 175, Page 84, of the Public Records of Broward County, Florida, said point being on the southerly Right-of-Way line of Flamingo/Red Road Extension, as depicted on that certain Florida Department of Transportation Right-of-Way Map Section 86190-2514, Sheet 6 and 7 of 10, last revision 10-11-94; thence along said southerly Right-of-Way line, South 65°11'09" East, 28.11 feet to a point on the arc of a tangent curve; thence along said Right-of-Way line and southeasterly along the arc of said curve being concave to the southwest, having a radius of 1537.02 feet, a central angle of 12°42'00", an arc distance of 340.69 feet to the POINT OF BEGINNING; thence along said Right-of-Way line and continuing southeasterly along the arc of said curve being concave to the southwest, having a radius of 1537.02 feet, a central angle of 50°43'30", an arc distance of 1360.75 feet; thence along said Right-of-Way line and tangent to said curve, South 1°45'39" East, 289.85 feet to a point on the

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North Right-of-Way line of Miramar Parkway, as described in Official Records Book 11810, Page 681, of the Public Records of Broward County, Florida; thence along said Right-of-Way line, South 89°41'54" West, 1536.34 feet to a point on a line being 367.80 feet easterly of and parallel with the easterly line of Parcel "E" of aforesaid MIRAMAR RESIDENTIAL PLAT; thence along said line being 367.80 feet easterly of and parallel with the easterly line of said Parcel "E" and the easterly line of aforesaid Parcel "D", North 32°14'35" East, 1737.71 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Miramar, Broward County, Florida and containing 30.7240 acres, 1,338,338 square feet, more or less.

- (2) "City" means the City of Miramar, a Florida Municipal Corporation.
- (3) "Development" is defined as set forth in Section 163.3164, Florida Statutes.
- (4) "LDC" refers to the City's Land Development Code, a part of the Code of Ordinance of the City.
- (5) "Miramar Park of Commerce – Phase VI" means the real property included within Miramar Park of Commerce – Phase VI, according to the plat thereof, as recorded in Plat Book 180, Pages 43-50, Public Records of Broward County, Florida.
- (6) "Owner/Developer" means Sunbeam Development Corporation, an Indiana Corporation; Cleghorn Shoe Corp., a Massachusetts Corporation; Altman Development Corporation, a Michigan Corporation; FC Miramar Phase II, LLC, a Florida Limited Liability company, their respective successors and assigns

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as owners of the Subject Property.

(7) “Snake Creek Residential” means the real property included within Snake Creek Residential, according to the plat thereof, as recorded in Plat Book 179, Pages 163-167, Public Records of Broward County, Florida.

(8) “Subject Property” means the property included within the Altman Property and the Snake Creek Residential Property.

Section 2: Applications in Substantial Compliance. That the City Commission finds that the **Conditional Use application** of the Owner/Developer for removal of fill from the Subject Property is in substantial compliance with the requirements of Section 305 of the LDC.

Section 3: Approval of Application. That the City Commission of the City of Miramar, Florida, hereby approves the Conditional Use Permit for the removal and transport of fill from the Subject Property during the days of Monday through Sunday each week from not earlier than 9:00 AM to not later than 4:00 PM each day. The actual removal, transport, and deposit of fill material shall be accomplished by Sunbeam Development Corporation, an Indiana Corporation, to the Miramar Park of Commerce – Phase VI real property.

Section 4: Conditions of Approval. That the following conditions shall apply to this approval:

- (a) As required by Section 317.21 of the LDC, in order to insure

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compliance with all terms and conditions imposed, a cash or performance and payment surety bond shall be posted with the city clerk, payable to the city issued by a Florida licensed surety in a form acceptable to the city attorney, in the amount of \$100,000.00. Before commencing the work, the bond or other form of security shall be posted prior to the commencement of any on-site activity or land disturbance. The bond shall insure that during the operation and after discontinuation of the operation, all public roads shall be repaired and restored, a fence shall be installed if required. The Owner/Developer shall be continuously insured with a commercial general liability insurance policy in form acceptable to the City, in an amount not less than \$100,000.00 per person and up to \$500,000.00 per occurrence against any liability arising from any activity or operation incidental to the operation. The City shall be listed as an “additional insured.”

(b) All fill removed from the Subject Property shall be deposited on real property within the Miramar Park of Commerce Phase VI.

(b) The conditional use shall terminate not later than 270 days (approximately nine months) after approval of this Resolution.

Section 5: Approval does not Create a Vested Right. That issuance of this approval by the City does not in any way create any right on the part of the Owner/ Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or

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undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

Section 6: Failure to Adhere to Resolution. That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

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Section 7: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

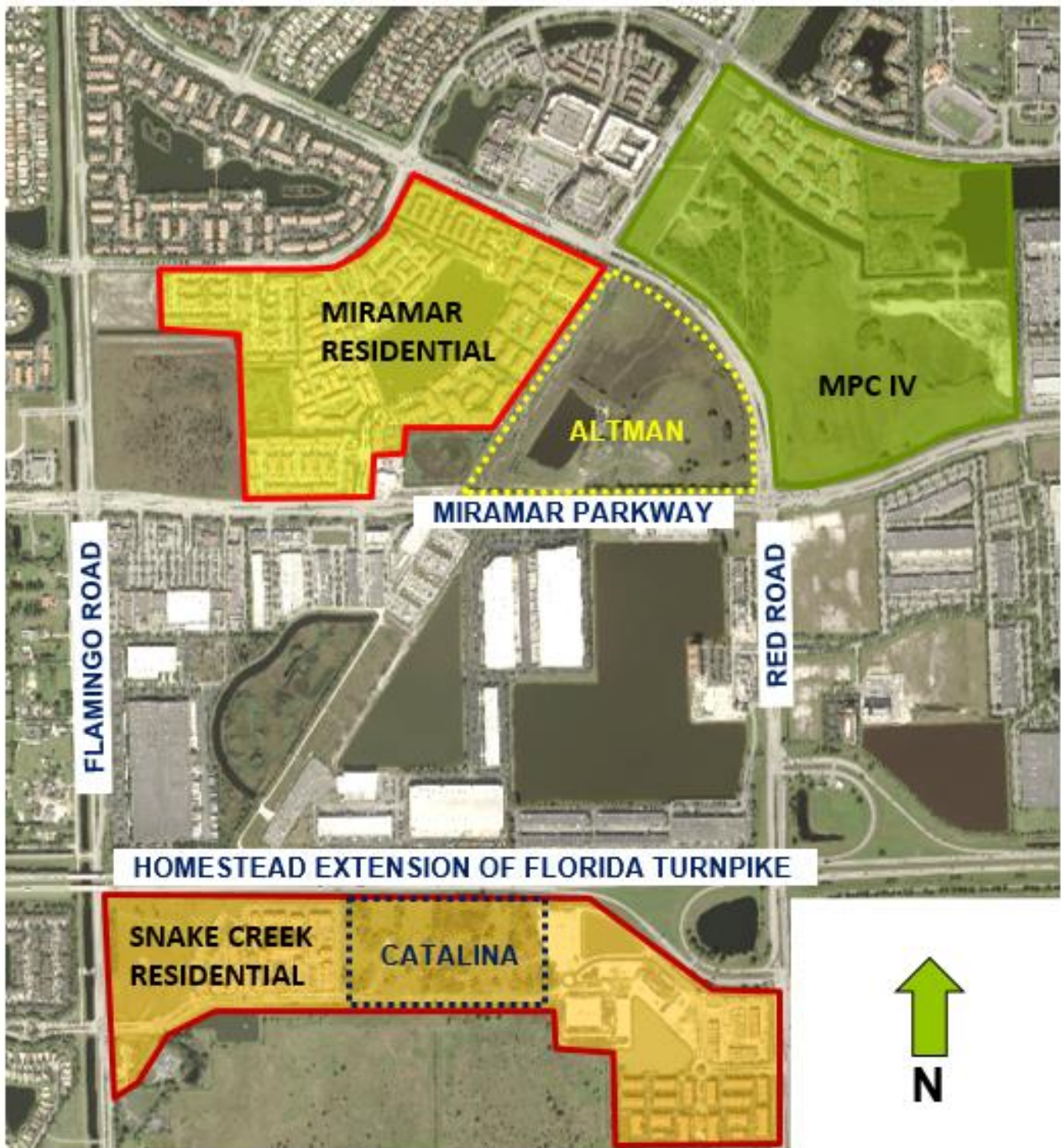
I HEREBY CERTIFY that I have
approved this RESOLUTION
as to form:

City Attorney
Weiss Serota Helfman
Cole & Bierman, P.L.

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Vice Mayor Yvette Colbourne	_____
Commissioner Darline B. Riggs	_____
Mayor Wayne M. Messam	_____

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LOCATION MAP





City of Miramar
Community & Economic Development Department
Development Review Report – Conditional Use

I. Project Summary

Project Name: MIRAMAR PARK OF COMMERCE PHASE VI

Application: 1807696 – CONDITIONAL USE

Application Summary: Application 1807696, for Conditional Use approval to remove fill from site; this will encompass the relocation of excess fill to one property from other properties in the vicinity owned by the applicant, which will soon be under construction

Location: NEC of Miramar Parkway and Red Road
(Folio Nos. 514130080030, 514025010011, 514036030010, and 514036030014)

Agent: Scott Hodges
Sunbeam Development Corporation
Phone: (954) 450-7904
E-mail: shodges@wsvn.com

Developer: Scott Hodges
Sunbeam Development Corporation
Phone: (954) 450-7904
E-mail: shodges@wsvn.com

Owners: James Goggins
Cleghorn Shoe Corp.
1401 79TH Street Causeway
Miami, Florida 33141
Phone: (305)795-2617
E-mail: jgoggins@wsvn.com

Juan Porro
FC MIRAMAR PHASE II LLC
2199 PONCE DE LEON BLVD STE 201
CORAL GABLES, FL 33134
E-mail: Juan.Porro@floridacrystals.com

ATTACHMENT 2

Application #1807696

Project Manager: Salvador Zuniga

Date: 9/13/2018

II. Planning Information

Site Location: MIRAMAR PARKWAY FL 33025
(Folio No. 514025010011)

SW 49 PLACE, MIRAMAR FL 33025
(Folio No. 514036030014)

Land Use Plan Designation: REGIONAL ACTIVITY CENTER, RAC

Existing Zoning: Planned Industrial Development (PID) / Mixed-Use Low (ML) / Residential Multi-Family 3 (RM3) / Community Business (B2)

Existing Use: Vacant land

Proposed Zoning: Planned Industrial Development (PID) / Mixed-Use Low (ML) / Residential Multi-Family 3 (RM3) / Community Business (B2)

Adjacent properties:

MIRAMAR PARKWAY FL 33025 (Altman)
(Folio No. 514025010011)

	EXISTING USE	ZONING	LAND USE PLAN
North	FPL Conservation Easement; Miramar Town Center	Rural (RL); Traditional Neighborhood District (TND)	Regional Activity Center (RAC)
East	Red Road; Vacant lot	Transportation; Planned Industrial Development (PID)	Regional Activity Center (RAC)
South	Miramar Parkway; Miramar Crossings shopping center	Transportation; Community Business (B2)	Regional Activity Center (RAC)
West	FPL Conservation Easement; Milano and Solano Apartments	Rural (RL); Multi-family Residential District (RM2)	Regional Activity Center (RAC)

SW 49 PLACE, MIRAMAR FL 33025 (Catalina)
(Folio No. 514036030014)

	EXISTING USE	ZONING	LAND USE PLAN
North	Florida Turnpike and Miramar Park of Commerce	Planned Industrial Development (PID)	Regional Activity Center (RAC)
East	Red Road Commons	Residential Multi-Family 3 (RM3)	Regional Activity Center (RAC)
South	US Army GSA; FPL Substation	Rural (RL); Utilities (U)	Regional Activity Center (RAC)
West	Silver Falls	Residential Multi-Family 1 (RM1)	Regional Activity Center (RAC)

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Project Manager: Salvador Zuniga

Date: 9/13/2018



III. Site Information

Proposed Use:

removal of 115,000 cubic yards of fill from site and relocation of excess fill to one property from other properties in the vicinity owned by the applicant, which will soon be under construction

IV. Background

The applicant (Sunbeam Development Corporation) is requesting to remove excess fill from the Snake Creek Residential Plat ("Snake Creek Residential") located south of the Florida Turnpike, between Flamingo Road and Red Road, and the Miramar Residential Plat ("Miramar Residential") located north of Miramar Parkway, between Flamingo Road and Red Road. As new developments were approved and constructed within parcels in Snake Creek Residential

and Miramar Residential, excess fill material was generated due to excavation of lakes and installation of underground infrastructure. The lakes were excavated to the minimum size (depth and width) required by South Broward Drainage District and South Florida Water Management District so that all parcels within the plats would have sufficient storm storage capacity in the lakes and the design storm stages would not be exceeded.

The excess fill was stockpiled on adjacent parcels within their corresponding plats that were not being developed at the moment. Those parcels are now ready to be developed; one of them is the Catalina development within Snake Creek Residential; and the other is the Altman Plat adjacent to Miramar Residential. The applicant has transferred or is in the process of transferring land ownership for the development of those two parcels; and therefore the stockpiled excess fill need to be moved to facilitate developments. The applicant proposes to transport the excess fill to the Miramar Park of Commerce Phase VI plat (MPC IV). MPC IV is located less than a mile-radius from Miramar Residential and just over a mile-radius from Snake Creek Residential. The applicant desires to work on weekends as well in order to expedite the operation. The entire operation is expected to take approximately 4 to 5 months to complete. The hours of operation will be limited from 9:00 am to 4:00 pm, including weekends. The applicant proposes to transport the excess excavated fill (approximately 115,000 cubic yards) along routes shown on the attached map; and will provide a surety in the amount of \$100,000 as required by Section 317.21 of the City's Land Development Code prior to commencement of the work to insure that during the operation and after completion, all public roads shall be repaired and restored to the previously existing condition, or better.

V. Review Criteria

Land Development Code Section 305.3 establishes the standards, outlined below, for reviewing and approving conditional uses.

a) The proposed use shall be consistent with the Comprehensive Plan.

Applicant's Response: The proposed use is consistent with the comprehensive plan.

Staff's Evaluation: This request is consistent with the following policies of the Future Land Use Element, with respect to the development of subject parcels in the vicinity of the fill source and relocation sites:

- Policy 2.1 The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient onsite traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units.

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- Policy 3.10 Ensure in the Land Development Regulations that the design of lakes, public and private roads and off-street parking facilities is consistent with the applicable criteria of the South Florida Water Management District, the South Broward Drainage District, and the Broward County Department of Planning and Environmental Protection.
- Policy 6.8 No development order will be issued, except as listed below, by Miramar for development within wetlands, as defined herein, until an Environmental Resource License has been issued by the Broward County Environmental Protection and Growth Management Department. However, the City may issue rezoning, site plan, plat approval or development orders issued pursuant to Chapter 380, Florida Statutes, in areas containing wetlands upon issuance of a conceptual review report by the Broward County Environmental Protection and Growth Management Department.

b) The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety, aesthetics, comfort, or general welfare:

Applicant's Response: The operation will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

Staff's Evaluation: The City will monitor the operation to ensure that the contractor follows established Best Management Practices (BMPs).

c) The use shall be consistent with the existing natural environment and community character of the immediate neighborhood, and is appropriate at the particular location:

Applicant's Response: The proposed activity will not impact the existing natural environment and community character of the immediate neighborhood.

Staff's Evaluation: The operation, once completed, will maintain the character of the subject properties.

d) Utilities, roadway capacity, drainage, and other necessary public facilities, including police and fire protection and emergency-rescue services, shall exist at a minimum at the city's adopted level of service, or will be available prior to issuance of any certificate of occupancy:

Applicant's Response: The proposed activity will not impact utilities, roadway capacity, drainage or other necessary public facilities. The applicant will post the require surety bond prior to the commencement of the activity. The bond will insure that during the

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operation and after completion of the operation, all public roads shall be clean and returned in the same condition as they were prior to the hauling operation.

Staff's Evaluation: Staff concurs with the applicant's response.

- e) *Adequate measures exist or shall be taken by the applicant or the property owner to provide safe ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion in the public streets and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right:*

Applicant's Response: Adequate measures shall be taken to provide safe ingress and egress for the proposed material extraction. The attached truck routing plan indicates the streets that shall be utilized. As noted, the use of the indicated roadways will not result in a significantly greater amount of traffic on local streets as major collector streets will be mainly utilized.

Staff's Evaluation: Staff concurs with the applicant's response.

- f) *The establishment of the conditional use shall not impede the development and improvement of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties:*

Applicant's Response: The proposed activity will not impede the development and improvement of surrounding properties, nor will it have a negative impact on the value of the properties.

Staff's Evaluation: Staff concurs with the applicant's response.

- g) *The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through the use of building orientation and design, setbacks, buffers, landscaping and other design criteria:*

Applicant's Response: The proposed activity does not include any new construction.

Staff's Evaluation: The contractor will need to submit a Stormwater Pollution Prevention Plan (SWPPP) and apply for a Notice of Intent (NOI) with the Florida Department of Environmental Protection (FDEP), which will ensure compliance with all Federal, State, County, and municipal regulations. The applicant will be required to start after 9:00 am in order to minimize potential noise impacts to the residents.

- h) *The use meets a public need and does not have an adverse impact on the economic stability of the neighborhood:*

Applicant's Response: The proposed activity will not have an adverse impact on the economic stability of the neighborhood.

Staff's Evaluation: This criterion is not applicable to this request.

- i) *The land area must be sufficient, appropriate and adequate for the proposed use:*

Applicant's Response: The land area is sufficient and appropriate for this proposed use.

Staff's Evaluation: Staff concurs with the applicant's response.

- j) *The proposed use, based on size, massing, impact, aesthetics, impacts, number, location, design, configuration, and methods and hours of operation is compatible with adjacent properties and the neighborhood:*

Applicant's Response: The proposed use is compatible with adjacent properties and neighborhoods.

Staff's Evaluation: This criterion is not applicable to this request.

317.4 Standards for Conditional Use Approval Specific to Lake Excavation and Resource Extraction

- (1) The proposed conditional use approval is appropriate in the area in which it is proposed.

Applicant's Response: The proposed conditional use approval is appropriate based on existing development and site conditions. There are no structures being constructed and no local city streets will be utilized.

Staff's Evaluation: Staff concurs with the applicant's response and adds that the relocation will take place at a site that is in relative proximity to the source sites, with similar soil characteristics.

- (2) The proposed conditional use approval will be reasonably compatible with surrounding uses.

Applicant's Response: The proposed material relocation will not conflict with surrounding uses.

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Staff's Evaluation: Staff concurs with the applicant's response.

(3) The proposed conditional use will not contaminate the Biscayne Aquifer.

Applicant's Response: The proposed use will not contaminate the Biscayne Aquifer as any excavation performed will not be deep enough to reach the aquifer.

Staff's Evaluation: Staff concurs with the applicant's response.

(4) Any nuisance or hazardous feature involved is suitably separated and buffered from adjacent uses.

Applicant's Response: Removal of the excess material will eliminate any potential nuisance or hazard from adjacent properties.

Staff's Evaluation: Staff concurs with the applicant's response.

(5) The Proposed conditional use approval will not hinder development of the site or nearby vacant property.

Applicant's Response: The proposed conditional use approval will not hinder development of the site or nearby vacant property as this use is relocating excess fill from the last vacant property in the neighboring area.

Staff's Evaluation: This activity will actually facilitate the current and future development of the subject parcels.

(6) Traffic will not be generated on local streets

Applicant's Response: No local streets will be utilized. See the attached routing plan.

Staff's Evaluation: Staff concurs with the applicant's response.

(7) The land or building which is involved is adequate.

Applicant's Response: The proposed conditional use does not propose any changes to previously approved development.

Staff's Evaluation: The property is of adequate size to accommodate the fill relocation.

(8) The proposed conditional use complies with the comprehensive plan.

Applicant's Response: The proposed conditional use complies with the comprehensive plan and does not propose any changes to previously approved development.

Staff's Evaluation: This request is in compliance with the Comprehensive Plan as noted in Section V. (a) above, as well as with Land Development Code (LDC) regulations and appropriate engineering standards.

(9) The proposed conditional use is consistent with applicable mitigation plans approved by the Army Corps of Engineers and Department of Environmental Protection

Applicant's Response: The proposed use is consistent with applicable mitigation plans approved by the ACOE and the DEP.

Staff's Evaluation: The applicant has obtained the relevant permits for all subject sites.

(10) The slope to the lake shall have a safe vertical to horizontal ratio.

Applicant's Response: The proposed conditional use does not impact any lake slopes.

Staff's Evaluation: Any lake excavation will meet the slope ratio required by South Broward Drainage District (SBDD), and the South Florida Water Management District (SFWMD).

VI. Development Review Committee (DRC)

The DRC recommended approval of this application on September 13, 2018.

VII. Community Meeting

Not required

VIII. Planning and Zoning Board Meeting

Not required

IX. Staff Recommendation

Staff recommends approval.

ROUTING PLAN

