



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: September 11, 2012

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *[Signature]*

FROM: Corinne Lajoie, AICP, LEED Green Associate, Principal Planner *CA Lajoie*

SUBJECT: The applicant, ACAI Associates, Inc., on behalf of Broward County Board of County Commissioners, on behalf of Broward County Board of County Commissioners, is requesting the issuance of building permit prior to plat approval or the Ravenswood Transit Facility Plat for the property located at 5440 Anglers Avenue.

PROPERTY INFORMATION

EXISTING ZONING: Commercial (C-4)
LAND USE DESIGNATION: Industrial

The subject property is located on the east side of Anglers Avenue, immediately north of Tigertail Boulevard. The property is the current site of the Broward County bus facility. The property will remain in operation throughout construction of the proposed improvements.

Section 640-10(D) of the City of Dania Beach, Land Development Code, authorizes the City Commission to allow building permits to be issued for an essential governmental facility after plat application, where the City and County find that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and that public facilities and services will be available at the adopted level of service concurrent with the impact of the development of the governmental facility.

Due to funding requirements, the County is anticipating requesting a building permit prior to plat approval and recordation in order to commence construction by January, 2013. Sixty percent (60%) of the project funding is derived from American Recovery Reinvestment Act (ARRA) funds where no extensions are permitted. These funds will be lost if the project is not completed by December, 2014.

Broward County Commission approved allowing building permit to be issued prior to recordation of the plat on August 21, 2012.

CITY COMMISSION PREVIOUS ACTION

On August 14, 2012 the City Commission approved the plat.

STAFF RECOMMENDATION

Approve the resolution allowing issuance of a building permit prior to recordation of the plat.

1 Return recorded document to:

2 Planning and Environmental Regulation Division
3 One North University Drive, Suite 102A
4 Plantation, FL 33324

CFN # 110959755
OR BK 49020 Pages 1512 - 1519
RECORDED 08/23/12 01:57:12 PM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1924
#1, 8 Pages

4 Document prepared by:

5 Maite Azcoitia, Deputy County Attorney
6 Broward County Attorney's Office
7 Suite 423, Governmental Center
8 115 South Andrews Avenue
9 Fort Lauderdale, FL 33301

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9 RESOLUTION NO. 2012-460

10 A RESOLUTION OF THE BOARD OF COUNTY
11 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
12 PROVIDING FOR THE ISSUANCE OF BUILDING
13 PERMITS PRIOR TO PLAT APPROVAL FOR THE
14 RAVENSWOOD TRANSIT FACILITY PLAT (010-MP-12);
15 PROVIDING FOR DEMOLITION OF THE IMPROVEMENTS
16 IF THE PLAT IS NOT RECORDED; PROVIDING FOR
17 SEVERABILITY; PROVIDING FOR RECORDING; AND
18 PROVIDING FOR AN EFFECTIVE DATE.

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16 WHEREAS, Broward County ("County") is the owner of a certain parcel of land,
17 described in Exhibit "A" attached hereto and known as the Ravenswood Transit Facility
18 Plat, Plat No./Clerk's File No. 010-MP-12, hereinafter referred to as the "Plat"; and

19 WHEREAS, County is in the process of obtaining plat approval; and

20
21 WHEREAS, County is desirous of obtaining building permits prior to approval
22 and recordation of the Plat so that County may construct the "Improvements" set forth
23 within Exhibit "B" within the boundaries of said Plat; and

24
Approved BCC 8/21/12 #74
Submitted By Dev. Miguel
RETURN TO DOCUMENT CONTROL

at/c (8)

1 WHEREAS, building permits may not ordinarily be issued for construction of said
2 Improvements within the boundaries of the Plat, prior to the approval and recordation of
3 said Plat; and

4 WHEREAS, Section 5-187, Broward County Code of Ordinances, authorizes the
5 Board of County Commissioners, hereinafter referred to as "Board," to allow building
6 permits to be issued for an essential governmental facility after plat application, where
7 the Board finds that immediate construction of the governmental facility is essential to
8 the health, safety, or welfare of the public and that public facilities and service will be
9 the health, safety, or welfare of the public and that public facilities and service will be
10 available at the adopted level of service concurrent with the impact of the development
11 of the governmental facility; and

12 WHEREAS, on August 21, 2012 the Board authorized the issuance of building
13 permits for construction of said Improvements within the boundaries of the Plat prior to
14 plat approval and recordation; and

15 WHEREAS, County states that by adoption of this Resolution, the County, as
16 owner of the Plat, hereby satisfies the requirements of the Broward County Land
17 Development Code with respect to constructing the Improvements prior to plat
18 recordation; NOW, THEREFORE,
19 recordation; NOW, THEREFORE,

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21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
22 BROWARD COUNTY, FLORIDA:
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1 Section 1. BUILDING PERMITS AND DEMOLITION SECURITY.

2 1.01 Building permits may be issued for construction of the Improvements
3 within the boundaries of the Plat prior to the approval and recordation of said Plat,
4 subject to the following conditions to assure compliance with the Broward County Land
5 Use Plan:

- 6
- 7 (a) No certificate of occupancy, which is complementary to the building
8 permits, shall be issued unless and until County shall record in the Official
9 Records of Broward County said Plat, which has been approved by the
10 Board;
- 11 (B) In the event that the Plat is approved by the Board, should the County fail
12 to record the approved Plat within eighteen (18) months of the date of
13 approval, or otherwise allow the Plat to expire, any building permits that
14 have been issued shall be revoked, and County agrees that any
15 Improvements constructed pursuant to such permits shall be removed
16 within three (3) months of expiration of said Plat approval unless the Plat
17 is re-approved within three (3) months and recorded before expiration of
18 the new approval. County shall receive a refund any impact fees paid for
19 building permits where the Improvements are demolished; and
- 20 (c) County agrees not to occupy the Improvements unless and until a
21 certificate of occupancy has been issued.
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1 1.02 County assumes the risks associated with constructing the Improvements
2 prior to Plat approval and recordation. The issuance of the building permits before final
3 Plat approval and recordation shall not be considered as a grant of any vested right
4 whatsoever for the use, occupancy, or completion of the construction of Improvements
5 within the boundaries of the Plat. Furthermore, if the subsequently approved Plat
6 expires without the Plat being recorded, County shall be required to meet all land
7 development regulations in effect at the time the new Plat is submitted and, in addition,
8 said new plat shall be subject to the concurrency determinations in effect at the time of
9 submittal of the new Plat.
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11 1.03 In the event that County conveys, assigns, leases, or otherwise grants any
12 interest in the Plat to another party prior to completion of the Improvements described in
13 Exhibit "B," then County shall require such party to enter into an agreement and deliver
14 security, such as a cash bond or an irrevocable letter of credit, in a form acceptable to
15 the County, which guarantees the removal and demolition of all Improvements if the Plat
16 is not recorded within eighteen (18) months of the date of approval by the Board.
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18 1.04 County personnel are directed to take such further action as is necessary
19 to ensure satisfaction of the obligations contained herein.
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21 Section 2. SEVERABILITY.

22 If any portion of this Resolution is determined by any Court to be invalid, the
23 invalid portion shall be stricken, and such striking shall not affect the validity of the
24 remainder of this Resolution. If any Court determines that this Resolution, or any

1 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
2 property(ies), or circumstance(s), such determination shall not affect the applicability
3 hereof to any other individual, group, entity, property, or circumstance.

4 Section 3. RECORDING.

5 This Resolution shall be recorded in the public records of Broward County and
6 such Resolution shall provide notice to any lessee or non-governmental developer of
7 the County Property of the agreements, representations, limitations, and restrictions set
8 forth herein.
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10 Section 4. EFFECTIVE DATE.

11 This Resolution shall become effective upon adoption.

12 ADOPTED this 21st day of August, 2012.
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22 MA/
23 05/16/12
#12-109
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EXHIBIT A

Legal Description

The proposed plat "Ravenswood Transit Facility" more particularly described as follows:

LOTS 1 THROUGH 12, BLOCK 8; LOTS 1 THROUGH 24, BLOCK 1; LOTS 1 THROUGH 5 AND 16 THROUGH 20, BLOCK 2; AND LOTS 1 THROUGH 5 AND 14 THROUGH 17, BLOCK 7; TOGETHER WITH THAT PORTION OF WARFIELD AVENUE LYING ADJACENT THERETO; THAT PORTION OF SECOND STREET LYING ADJACENT THERETO; AND THAT PORTION OF RIDGE AVENUE LYING ADJACENT THERETO, ALL IN UNIT NO. 1, HIGHLAND PARK AS RECORDED IN PLAT BOOK 12, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 411,897 SQUARE FEET, OR 9.456 ACRES, MORE OR LESS.

EXHIBIT "B"

Improvements

250,000 square feet of Public Transit Facility

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