



PLANNING & ZONING MEMORANDUM

DATE: April 3, 2023

TO: David Hebert, City Manager

FROM: Peter Schwarz, AICP, Director of Community and Economic Development

SUBJECT: Case #CD22-26CP, BBX Oakland Logistics Park, LLC – Future Land Use Plan Amendment Application Analysis

ADDRESS: 3501-3551 NW 31 Avenue

I. BACKGROUND:

Owner/Applicant Development Proposal: BBX Oakland Logistics Park, LLC (Applicant) and Oakland Parcel, LLC (Owner) seek to amend the City's Future Land Use Map designation of 9.9 acres of Irregular (14.6) Residential within a Dashed-Line Area to an Industrial (I) Future Land Use Category to facilitate the future development of an industrial warehouse development.

Description: The subject property is an 9.9-acre site located on the west side of NW 31 Avenue, between Oakland Park Boulevard and NW 44 Street, identified by parcel numbers 49-4219-1900-10 and 49-4219-1900-11. The subject site is currently vacant and was designated as a brownfield by the Oakland Park City Commission on November 16, 2016, by adoption of Resolution No #R-2016-113 (Attached as Exhibit "A"). A rescission action will be needed eventually of City Commission Resolution No. 2016-113 (attached) approved seven (7) years ago concerning a previous residential development proposal of the site.

This rescission action by the City Commission would be necessary if the proposed Land Use Plan Amendment (LUPA) application were approved. Subsequently, the site was mitigated for contamination and issued a "Notice of Intent to Conditionally Close a Contaminated Site Using an Institutional Control" on July 9, 2019. This status was provided by the Broward County Environmental Protection and Growth Management Department ("EPGMD") at the request of Oakland Parcel, LLC. The response indicated that no further action was needed for the contaminated site.

Application Process: The applicant is requesting to amend the City's Future Land Use Map designation of 9.9 acres of Irregular (14.6) Residential within a Dashed-Line Area to an Industrial (I) designation to facilitate the future development of an industrial warehouse development. This requires two (2) readings of an Ordinance (i.e., two (2) public hearings). The application is being presented on first reading, and a corresponding application will be transmitted to Broward

County by the applicant to seek approval from Broward County to amend the Broward County Land Use Plan map from an Irregular (14.6) Residential within a Dashed-Line Area to an Industrial (I) designation if the Oakland Park City Commission takes an action to approve the Ordinance on First Reading. Both the City and County Land Use map amendments will be transmitted to the State of Florida for review by the State Department of Economic Opportunity, and other relevant agencies if approved by the respective bodies.

The process for the review of the proposed Land Use Plan Amendment is as follows:

Future Land Use Map Amendment Process	
Step 1	Oakland Park Planning and Zoning Board (current step)
Step 2	Oakland Park Local Planning Agency (LPA)
Step 3	Oakland Park City Commission – 1 st Reading
Step 4	Broward County, State of Florida, and Relevant Agencies
Step 5	Oakland Park City Commission – 2 nd Reading
Step 6	Plat Note Amendment by City and Broward County
Step 7	Oakland Park Site Development Plan Review (DRC)
Step 8	Rezone from RM-16 to I-1 <u>or</u> B-3

Specifics to site layout, actual square footage, access, parking, and similar zoning issues will be reviewed through a future application for rezoning of the site with an accompanying Site Development Plan review. The rezoning would be heard as a different agenda item in the future if the requested amendment is approved. The current request to amend the City’s Future Land Use Map will effectively establish the future light industrial use for the site and may be determined to be an incompatible land use with the residential surrounding area.

Proposed Future Land Use: The proposed amendment would effectuate:

- An increase of up to 646,866 square feet of an Industrial use as a permitted use. For analysis purposes, the maximum Floor Area Ratio (FAR) of 1.5 for industrial uses was utilized to determine impacts ($1.5 \text{ FAR} \times 9.9 \text{ acres} \times 43,560 \text{ square feet/acre} = 646,866 \text{ square feet}$) If zoned I-1 Light Industrial District. Although, this floor area was calculated as the maximum allowable maximum intensity by City of Oakland Park zoning regulations, the owner/applicant represented in their Broward County future land use plan amendment application a request to permit 99,000 square feet of Industrial use for the calculation of the level of service (LOS) standards for adequacy & availability capacities based on Broward County application requirements. These standards are used for determining the available capability for the City’s impacted infrastructure related facilities and other listed resources in the City’s Comprehensive Plan. Subsequently, if the property is proposed to be rezoned and the site development review and approval is requested, any changes to the intensity will need to be calculated for increased impacts.

- A reduction of 144 (unbuilt) residential units as a permitted use.
- The Oakland Park City Commission adopted Resolution No. R-2016-112 on November 2, 2016, designating the subject site located at 3501 NW 31st Avenue a Green Reuse area as provided for in Section 376.80 of the Florida Statutes. Subsequently, a restrictive covenant was recorded as part of City Commission Resolution No. 2016-113 with Representations, Covenants and Warranties subject to conditions of approval attached as Exhibit “A” regarding the future residential development of the site. The restrictive covenant by the city restricts the use of the vacant site for purposes of multi-family residential development.
- Should the request for the land use amendment be approved, the city will need to rescind and remove the restrictive covenant if the land use designation of the site is changed to meet the quality standards for an industrial use. In addition, the owner/applicant has submitted a letter of commitment (attached) that includes a statement in the letter that adheres to the following:
 - Submittal of a City Development Permit Application, after 1st reading consideration and before the 2nd reading of the Future Land Use Plan Amendment (LUPA) Ordinance by the City Commission, for a rezoning of the subject site to B-3, Commercial-Industrial District and the review and approval of a site development plan for the proposed development. Moreover, the City's Traffic Engineer (see attached letter) has asked that a traffic impact study methodology be part of the site plan and/or rezoning application and be submitted as well for this site. The traffic impact study should be prepared and meet the requirements of the City of Oakland Park land development criteria related to addressing traffic impacts on the adjacent road network from new site generated development trips of the BBX Oakland Logistics Park.

II. COMPREHENSIVE PLAN REVIEW:

This review and analysis of the application is governed by the existing Goals, Objectives, and Policies of the Oakland Park Comprehensive Plan (revised March 2019). Staff has reviewed the policies of the City’s Comprehensive Plan, as well as, reviewed potential impacts of the conversion of the land use to the City’s level of service in the following areas:

- **Future Land Use**
- **Recreation and Open Space**
- **Housing**
- **Traffic**
- **Public Water, Sewer, and Solid Waste**
- **Natural Resources/Soil Conditions**
- **Fire Safety Resources**
- **School Facilities**

FUTURE LAND USE

Objective 1.7 Use the Land Development Code to implement land use policies that correspond to the categories on the Future Land Use Map.

Policy 1.7.2 The City shall reject rezoning, variance, and conditional use applications that would be detrimental to residential neighborhood quality by virtue of incompatibility of land use or excessive density. The City shall protect whenever possible existing and planned residential areas, including single family neighborhoods, from disruptive land uses and nuisances. When reviewing these types of applications, the City shall consider compatibility of uses; intensity of uses; hours and types of operations; impacts (such as noise, lighting, and odors) that may negatively affect nearby residences, businesses, or community facilities; building mass and placement; and transportation access and connectivity.

Objective 3.5 Protect the viability of residential neighborhoods.

Policy 3.5.1 Reject rezoning and variance applications that could be detrimental to neighborhood viability and stability. Items to be considered during the rezoning or variance process include, but are not limited to, compatibility and types of uses, building placement, mass and scale, lighting and noise conditions, traffic patterns, hours of operation, and buffering and aesthetics.

Policy 3.5.2 The City shall continue to enforce development code regulations which prohibit residential densities which are out of character with existing sound and viable neighborhoods.

Applicant's Analysis: The amendment site is a vacant site currently designated Irregular (14.6) Residential. The proposed land use designation of Industrial/Commerce is consistent with the designation of Industrial/Commerce to the north and Commercial/Commerce to the south. The existing uses along NW 31st Avenue are light industrial to the north (auto repair, cold storage facility) and a flea market to the south. Residential uses on the site are inappropriate given the proximity of auto repair and other light industrial uses and it unlikely a developer would choose to build dwelling units given these adjacent uses. Based on historic aerial photographs, the site has always been vacant, and the land use amendment would promote its development. Therefore, the proposed amendment would be compatible with the established character of the area.

Staff Response: The applicant is proposing a land use change that will lead to a light industrial development rezoning (to be submitted through separate application) that may not be compatible with the surrounding area contrary as to what was mentioned above. The applicant is proposing to develop an abandoned property previously mitigated as a classified soil contaminated property.

RECREATION AND OPEN SPACE

Policy 1.5.4 Amendments to the Future Land Use Map which would result in the loss of public or

private open space shall be strongly discouraged.

Applicant's Analysis: Comprehensive Plan Policy 1.5.4 strongly discourages “amendments (...) which would result in the loss of open space” and requires to “address how open space and recreation needs of the existing and projected residents of the community will be met, including how the negative impacts of the loss of open space. The amendment would eliminate residential land use designations and replace them with commercial/industrial designations, resulting in a decreased demand for community parks acreage.

Staff Response: The proposed LUPA is not subject to recreation and open space requirements since no residential dwelling units are being proposed. Nonetheless, the 9.976 acres of land that are being used as open space and that provide wildlife habitat would be lost should the amendment be approved. Furthermore, if the site were to be developed with a residential multifamily land use or development a maximum site coverage of 40% for buildings would be required with a minimum of 30% of the site required to be green space or landscaped or pervious area. Typically, on most sites the green area minimum area is exceeded. In the B-3 zoning district the standards permit up to 80% of the site to be developed with buildings, driveways, parking areas and other hard surfaces and only a minimum of 20% of the site would need to be devoted to green space that would be landscaped or pervious area. This would result in a net loss of green landscaped open space.

HOUSING

Objective 3.5 Protect the viability of residential neighborhoods.

Policy 3.5.1 Reject rezoning and variance applications that could be detrimental to neighborhood viability and stability. Items to be considered during the rezoning or variance process include, but are not limited to, compatibility and types of uses, building placement, mass and scale, lighting and noise conditions, traffic patterns, hours of operation, and buffering and aesthetics.

Applicant's Analysis: The proposed amendment would remove residential dwelling units from the land use plan rather than add them. The amendment would eliminate residential land use designations and replace them with a commercial/industrial designation.

Staff Response: The proposed LUPA will lead to a light industrial development rezoning I-1 or B-3 (to be submitted through a separate development permit application) that may not be compatible with the surrounding area that consists of housing developments and is contrary as to what was mentioned above in the land use analysis.

TRAFFIC

Objective 1.1 The City shall continue to enforce the Land Development Code to assure that all new development connects to public sewer and water, addresses traffic problems, and respects its soil and terrain characteristics.

Policy 1.1.5 The City shall continue to provide a Concurrency Management System (CMS) as incorporated within the land development code. The CMS provides procedures and criteria to assess future development approval requests relative to impacts to the adopted level of service standards. The procedures establish mechanisms such that development impacts can be phased concurrently with the level of service standards for roadways, recreation and open space and infrastructure facilities (i.e., sanitary sewer, drainage, solid waste, potable water, and natural aquifer recharge). Development applications that are not consistent with the adopted level of service standards or cannot be phased concurrently with available facilities will be denied.

The Concurrency Management System includes the following guidelines.

- The City shall not grant a development permit for a proposed development unless the City has determined that public facilities are adequate to serve the needs of the proposed development or unless the developer agrees in writing that no certificate of occupancy shall be issued for the proposed development until public facilities meet the LOS Standards as specified in the Land Development Code. Transportation facilities must be in place or under construction within three years of building permit, or functional equivalent, approval.

Policy 2.3.6 Require developments within the City to provide sidewalks along adjacent roads identified as collectors and arterials on the Future Roadway Functional Classified Map.

Policy 2.3.8 Require trip generation studies from all proposed development and redevelopment within the City and traffic impact studies for nonresidential developments and all residential developments with more than four (4) dwelling units and allow development contingent upon meeting LOS Standards.

Policy 2.3.9 The City, through its Concurrency Management System, will consider the individual and cumulative impacts of land use plan amendments on the existing and planned City transportation facilities.

Policy 9.2.1 The City shall continue to review development proposals cognizant of the City's adopted level of service standards, existing levels of service and where appropriate, the timeframe for implementation of additional facility improvements.

Policy 9.2.2 The approval of proposed development or redevelopment projects shall be conditioned based on project related service needs being concurrently available at the adopted level of service standards specified in Policy 9.2.4. Transportation facilities needed to serve development or redevelopment projects shall be in place or under construction within three (3) years after the building permit, or functional equivalent, is approved.

Policy 9.2.4 The Level of Service (LOS) standards for capital facilities shall be:

- For sanitary sewer - 86 gallons per day per resident.
- For potable water - 95 gallons per day per resident.

- For fire flow - as required by the Fire Marshall.
- For solid waste - 6.9 pounds per capita per day with bi-weekly pickup.
- For drainage (Roadway Crown) - 10-year, 3-day storm.
- For drainage (Finished Floor) - Floor elevation above 100-year, 3- day storm; finished floor shall be no lower than the highest of:
 - One (1) foot above the FEMA Flood Insurance Rate Base Flood Elevation; or the 100-year flood elevation as determined by the Broward County 100-year Flood Criteria Map; or Twelve (12) inches above the adjacent road crown for residential development and six (6) inches above the adjacent road crown for nonresidential development.
 - For parks and recreation facilities – three (3) acres per 1,000 residents, with two (2) acres per 1,000 population provided by neighborhood parks or mini-parks and one (1) acre per 1,000 population provided by community parks; and
- For transportation facilities:
 - I-95 (a SIS corridor) - LOS E.
 - Cypress Creek Road from I-95 to Andrews Avenue and Andrews Avenue from Cypress Creek Road to the Tri-Rail station entrance (a SIS connector) - LOS D.
 - As part of the Broward County Central District using transit-oriented concurrency – coordinate with the county to achieve headways of 30 minutes or less on 80% of routes (non-contract BCT routes), establish at least one neighborhood transit center, and establish at least two additional community bus routes, increase bus shelters by 30%, and maintain the peak hour two-way maximum service volumes on arterial roads as listed below:
 - Two-lane arterials 2,555
 - Four-lane arterials 5,442
 - Six-lane arterials 8,190
 - Eight-lane arterials 10,605; and
 - For Local Roadways - LOS C ADT, PSDT and PKHR.

Applicant’s Traffic Analysis: See attached **Exhibit “E”** traffic analysis from the applicant traffic engineer.

Policy Traffic Circulation Analysis:

- 1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.**

The roadway network that will be most impacted by the proposed amendment includes three (3) east-west facilities and two (2) north-south roadways. These five (5) roadways include Oakland Park Boulevard, NW 39th Street, NW 44th Street, NW 31st Avenue and NW 21st Avenue. Refer to traffic analysis provided as **Exhibit “E”** for more detail.

2. **Identify the projected level of service for the roadways impacted by the proposed amendment for the long-range planning horizon. Please utilize average daily and p.m. peak hour traffic volumes per Broward Metropolitan Planning Organization (MPO) plans and projections.**

Tables 2a and 2b of **Exhibit “E”** document the projected level of service for the roadways located near the proposed amendment. The short-term horizon year was assumed to be the year 2025 while the long-term planning horizon was assumed to be the year 2045. The 2025 and 2045 projected traffic volumes (AADT) and PM peak hour volumes were based on information contained in Broward County’s Roadway Level of Service Analysis for 2019/2040 and 2020/2045.

3. **Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant can provide a traffic impact analysis for the amendment – calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long-range planning horizon.**

Refer to traffic analysis provided as **Exhibit “E.”**

A trip generation comparison analysis was undertaken between the potential development under the current land use designation and the potential development under the proposed land use designation. The trip generation comparison analysis was based on the following assumptions:

MAXIMUM LAND USE AND INTENSITY (COUNTY) – Existing Land Use Designation

1. 144 Residential Units (Low Rise)

MAXIMUM LAND USE AND INTENSITY (COUNTY) – Proposed Land Use Designation

2. 99,000 square feet retail (Commerce)

MAXIMUM LAND USE AND INTENSITY (CITY) – Existing Land Use Designation

3. 144 Residential Units (Low Rise)

MAXIMUM LAND USE AND INTENSITY (CITY) – Proposed Land Use Designation

4. 99,000 square feet industrial (Industrial)

Tables 3a and 3b of **Exhibit “E”** present the results of the trip generation comparison analysis using Broward County’s “Commerce” designation. The results of the trip generation comparison analysis indicate that the proposed Commerce designation would generate approximately 3,007 new daily trips and approximately 226 new PM peak hour trips when compared against the Residential designation.

Tables 3c and 3d of **Exhibit “E”** present the results of the trip generation comparison analysis using the City’s “Industrial” designation. The results of the trip generation comparison analysis indicate that the proposed Industrial use generates approximately 516 less daily trips and approximately 18 less PM peak hour trips when compared against the Residential designation.

Based on the above trip generation comparison analyses, the trip generation of Broward County’s “Commerce” designation was used for purposes of this traffic analysis as a worst-case scenario.

4. Provide any transportation studies relating to this amendment, as applicable.

A transportation analysis is presented as **Exhibit “E”** (refer to Tables 1a through 4b). As indicated in Tables 4a and 4b, the project exceeds the 3% threshold¹⁰ on one roadway segment only for the daily trips analysis: NW 31st Avenue between Oakland Park Boulevard and the project site. The project does not exceed the 3% threshold for the PM peak hour analysis on NW 31st Avenue or any other roadway segment and therefore the project’s impact is not significant. Moreover, NW 31st Avenue is currently operating at level of service “C” and will continue to operate at level of service “C” through the year 2045.

Staff Traffic Analysis: The proposed amendment would effectuate an increase of up to 646,866 square feet of an Industrial use as a permitted use. For analysis purposes, the maximum Floor Area Ratio (FAR) of 1.5 for industrial uses was utilized to determine impacts (1.5 FAR x 9.9 acres x 43,560 square feet/acre = 646,866 square feet) if zoned I-1. Although, this floor area was calculated as the maximum allowable maximum intensity, the LUPA Traffic Analysis from the applicant has been reviewed by the City’s consultant and has been determined by our traffic engineer that it complies and addresses the concerns, comments and questions that were documented in the review response. The City’s Traffic Engineer has asked that a traffic impact study methodology be part of the site plan and/or rezoning application and be submitted as well for this site. The traffic impact study should be prepared and meet the requirements of the City of Oakland Park land development criteria related to addressing the specific proposed land use traffic impacts on the adjacent road network from new site generated development trips of the BBX Oakland Logistics Park (see attached letter, Exhibit “F”).

PUBLIC WATER, SEWER, AND SOLID WASTE

Policy 1.7.5 Proposed amendments to the Future Land Use Map shall provide data and analysis demonstrating that adequate water supply and associated public facilities will be available to meet projected growth demands.

Objective 1.1 The City shall continue to enforce the Land Development Code in order to assure that all new development connects to public sewer and water, addresses traffic problems, and respects its soil and terrain characteristics.

Policy 1.1.1 As new development and redevelopment occurs; require a tie-in to public sanitary sewer and potable water systems, wherever feasible.

Policy 1.1.5 The City shall continue to provide a Concurrency Management System (CMS) as incorporated within the land development code. The CMS provides procedures and criteria to assess future development approval requests relative to impacts to the adopted level of service standards. The procedures establish mechanisms such that development impacts can be phased concurrently with the level of service standards for roadways, recreation and open space and infrastructure facilities (i.e., sanitary sewer, drainage, solid waste, potable water, and natural aquifer recharge). Development applications that are not consistent with the adopted level of service standards or cannot be phased concurrently with available facilities will be denied.

The Concurrency Management System includes the following guidelines.

- The City shall not grant a development permit for a proposed development unless the City has determined that public facilities are adequate to serve the needs of the proposed development or unless the developer agrees in writing that no certificate of occupancy shall be issued for the proposed development until public facilities meet the LOS Standards as specified in the Land Development Code. Transportation facilities must be in place or under construction within three years of building permit, or functional equivalent, approval.

Policy 1.1.9 Adequate water supplies and potable water facilities shall be in place and available to serve new development or redevelopment that increases density or intensity no later than the issuance by the City of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent that allows an increase in density or intensity, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent. The Land Development Regulations shall be updated to reflect this change by 2009.

Policy 1.7.5 Proposed amendments to the Future Land Use Map shall provide data and analysis demonstrating that adequate water supply and associated public facilities will be available to meet projected growth demands.

Objective 4.2 The City shall continue to implement land development regulations to assure that new development or redevelopment occurs concurrently with the adopted level of service standards.

Policy 4.2.1 Approval of all City development and redevelopment plans shall be conditioned on service availability at the adopted standards concurrently with development.

Policy 9.2.1 The City shall continue to review development proposals cognizant of the City's adopted level of service standards, existing levels of service and where appropriate, the timeframe for implementation of additional facility improvements.

A. Applicant's Potable Water Analysis:

- 1. Below is the potable water level of service per the adopted and certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.**

The adopted level of service (LOS) standard for potable water is 148 gallons per day per residents. For the 2006 population estimate, 6.56 MGD of potable water supply was required to maintain this LOS standard. Based on the City of Oakland Park's (City) population projections, an additional 0.78 MGD will be needed in 2015 (at 49,752 residents) and an additional 2.28 MGD will be needed by 2030 (at 60,121 residents).³

The City's 10 Year Water Supply Facilities Plan was adopted in January 2015. However, the city does not own or operate any water supply, treatment, or storage facilities. In the project area, potable water is supplied by the City of Fort Lauderdale. Therefore, the relevant plan is Fort Lauderdale's 10 Year Water Supply Facilities Plan, which was updated on February 26, 2015.

- 2. Below is the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. Identify the wellfield serving the area in which the amendment is located including the South Florida Water Management District (SFWMD) permitted withdrawal and expiration date of the SFWMD permit.**

As noted above, water to the city is provided by the City of Fort Lauderdale. Fort Lauderdale does not allocate plant capacity to the City but agrees to meet the City's water demand. Fort Lauderdale has two water treatment plants (WTPs) treating water from two wellfields. The Peele-Dixie WTP treats water from the Dixie wellfield and the Fiveash WTP treats water from the Prospect wellfield. Both well fields are permitted by SFWMD under Consumptive Use Permit No. 06-00123-W. The permit was issued September 11, 2008, with an expiration date of September 11, 2028.⁴

Table 2

Plant Capacity & Permitted Withdrawal Peele-Dixie WTP and Dixie Wellfield	
Current Plant Capacity	12.0 MGD
SFWMD Permitted Withdrawal	15 MGD

Table 3	
Plant Capacity & Permitted Withdrawal Fiveash WTP and Prospect Wellfield	
Current Plant Capacity	70.0 MGD*
SFWMD Permitted Withdrawal	43.43 MGD

Notes:

*The Water Supply Plan notes that plant staff indicated the capacity may actually be limited to 60 MGD.

Table 4	
Current and Projected Demand and Capacity Both WTPs and Wellfields	
Combined Plant Capacity	82.0 MGD*
Biscayne Aquifer Withdrawal Limit	52.55 MGD
Projected Demand, 2015	42.4 MGD**
Projected Demand, 2035	47.0 MGD**
Projected Maximum Day Demand, 2035	57.65 MGD

Notes:

* If Fiveash WTP's capacity is 60 MGD, then the combined plant capacity would be 72 MGD.

** This number is for raw water demand, not finished water demand.

As shown in Table 4, the combined plant capacity of either 72 MGD or 82 MGD would be sufficient to meet the maximum projected day demand of 57.65 MGD in 2035. The Biscayne Aquifer withdrawal limit is sufficient to meet the projected raw water demand of 47.0 MGD in 2035.

Fort Lauderdale anticipates implementing six million gallons per day of reverse osmosis treatment at the Peele-Dixie WTP by the year 2030, expanding its capacity from 12 to 18 MGD. This project would draw from the Floridan Aquifer, which is separate from the 52.55 MGD Biscayne Aquifer limit noted in Table 4.⁵

3. Below is the net impact on potable water demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.

TABLE 5 POTABLE WATER IMPACT - CITY					
	Land Use	Acreage	Maximum Development	Generation Rate	Demand (gpd)
Current	Irregular (14.6) Residential	9.9	144 garden apartments	270 gpd per unit	38,880
Proposed	Industrial	9.9	99,000 sf industrial	.10 per sf	9,900
				Net Change	- 28,900

TABLE 6 POTABLE WATER IMPACT – COUNTY					
	Land Use	Acreage	Maximum Development	Generation Rate	Demand (gpd)
Current	Irregular (14.6) Residential	9.9	144 garden apartments	270 gpd per unit	38,880
Proposed	Commerce	9.9	99,000 sf commercial	.10 per sf	9,900
				Net Change	- 28,900

Notes: Gpd = gallons per day; sf = square feet

Maximum development for the Irregular Residential land use designation is based upon the permitted units per acre (14.6). Maximum development for Industrial and Commerce is based upon 10,000 sf of building floor area per acre.

Generation rates are per City of Oakland Park Development Permit Application Package, Table I, Potable Water Design Flows. ‘Warehouse’ use was assumed for the Industrial designation and ‘Shopping Center’ use was assumed for the Commerce designation.

As can be seen in [Tables 5 and 6](#) above, the proposed amendment is anticipated to result in a net decrease of 28,900 gallons per day of potable water demand.

B. Staff’s Potable Water Analysis: The City of Oakland Park’s potable water Level of Service standard is 148 gallons per day per resident (Policy 4.1.1). Based on the proposed amendment, there would be an increase to potable water demand of 208,900 gallons per day. The City of Oakland Park 10-Year Water Supply Facilities Plan was adopted in June 2015 and is anticipated to be updated in September 2020. Regarding potable water supply, The City does not operate and maintain any water supply wells or treatment facilities but provides finished potable water from the City of Fort Lauderdale, which is transmitted to Oakland Park residents through its own water transmission and distribution system. Water is supplied to Oakland Park from City of Fort Lauderdale’s Fiveash and Peele-Dixie Water Treatment Plants with a design capacity of 82 million gallons per day (mgd). The current and committed demand is 43.8 mgd. The City of Fort Lauderdale does not have any capacity improvements scheduled in its five-year Capital Improvements Plan. The City of Fort Lauderdale’s Prospect and Dixie wellfields serve the amendment area, with a SFWMD permitted withdrawal of 52.55 mgd. The SFWMD Water Use Permit (No. 06-00123-W) was issued on September 11th, 2008 and expires September 11, 2028.

- An analysis by City Staff has determined that the City has adequate capacity to serve and accommodate the change in land use designation and the proposed use’s demand flows as identified in the applicant’s Potable Water Analysis.

A. Applicant’s Sanitary Sewer Analysis:

1. Below is the sanitary sewer level of service per the adopted and certified local land use plan.

The adopted level of service (LOS) for sanitary sewer in Oakland Park is 150 gallons per resident per day. It should be noted that for the 2004 fiscal year, the actual wastewater generated was 172 gallons, exceeding this LOS⁶. The city is working towards reducing wastewater generation.

2. The sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources.

The referenced development's wastewater will be treated by Broward County Water and Wastewater Services at North Regional Wastewater Treatment Plant (NRWWTP). As of June 30, 2022, the one-year average day flow for the NRWWTP was 68.0 MGD and committed capacity was 3.76 MGD average day flow, for a GD. Committed capacity means capacity for which construction permits have already been signed but the development is not yet generating demand. The NRWWTPs permitted capacity is 95.00 MGD. Current available treatment plant capacity is 23.64 MGD (95.00 – 71.36). No expansion of the treatment plant is contemplated as projections indicate it will be sufficient beyond the year 2035.

3. Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

Two separate analysis tables are provided below, one for the city re-designation and one for the County re-designation. Since the generic ‘commercial’ and ‘industrial’ uses in the City of Oakland Park Sanitary Sewer Design Flows Table generate the same demand, the net impact is the same.

TABLE 7 SANITARY SEWER IMPACT - CITY					
	<i>Land Use</i>	<i>Acreage</i>	<i>Maximum Development</i>	<i>Generation Rate</i>	<i>Demand (gpd)</i>
Current	Irregular (14.6) Residential	9.9	144 garden apartments	270 gpd per unit	38,880
Proposed	Industrial	9.9	99,000 sf Industrial	.10 per sf	9,900
Net Change					- 28,900

TABLE 8 SANITARY SEWER IMPACT - COUNTY					
	<i>Land Use</i>	<i>Acreage</i>	<i>Maximum Development</i>	<i>Generation Rate</i>	<i>Demand (gpd)</i>
Current	Irregular (14.6) Residential	9.9	144 garden apartments	270 gpd per unit	38,880
Proposed	Commerce	9.9	99,000 sf Commercial	.10 per sf	9,900
Net Change					- 28,900

Notes:

Gpd = gallons per day; sf = square feet

Maximum development for the Irregular Residential land use designation is based upon the permitted (14.6). Maximum development for Industrial and Commerce is based upon 10,000 sf of building floor area per acre.

B. Staff's Sanitary Sewer Analysis: The City of Oakland Park's sanitary sewer Level of Service standard is 150 gallons per day per resident (Policy 4.1.1). The referenced development's wastewater will be treated by Broward County Water and Wastewater Services at North Regional Wastewater Treatment Plant (NRWWTP). As of June 30, 2022, the one-year average day flow for the NRWWTP was 68.0 MGD and committed capacity was 3.76 MGD average day flow, for a GD. Committed capacity means capacity for which construction permits have already been signed but the development is not yet generating demand. The NRWWTPs permitted capacity is 95.00 MGD. Current available treatment plant capacity is 23.64 MGD (95.00 – 71.36). No expansion of the treatment plant is contemplated as projections indicate it will be sufficient beyond the year 2035.

A. Applicant's Solid Waste Analysis:

1. Below is the solid waste level of service per the adopted and certified local land use plan.

The adopted level of service for solid waste is eight pounds per capita per day with bi-weekly pickup, per Policy 4.1.1 of the City's Comprehensive Plan.⁷

2. Below is the solid waste facility serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on the landfill/plant capacity and planned landfill/plant capacity.

The City of Oakland Park currently provides its own solid waste collection services and contracts with Waste Connections for disposal of all the City's Municipal Solid Waste.

The solid waste is hauled to Waste Connections' Deerfield Beach Recycling and Transfer Station, located at 1751 SW 43rd Terrace, Deerfield Beach. This site is currently

permitted to receive 6000 cubic yards per day of Class 1 material. In addition, Waste Connections is in the process of permitting the site adjacent to its current location. Once finalized, this new site will be permitted to receive 10,113 cu yards per day of Class 1 material. The original site at that point will remain a licensed Class 1 facility, but will only be receiving bulk, construction & demolition, clean concrete, and vegetative waste.

Currently the inbound material received from the City of Oakland Park is being hauled from Deerfield to Waste Connections JED Landfill located at 1501 Omni Way, St. Cloud, Florida. This is a fully permitted Class 1 landfill.

3. Below is the net impact on solid waste demand, based on the adopted level of service, resulting from the proposed amendment. Below are calculations, including anticipated demand per square foot* or dwelling unit.

Two separate analysis tables are provided below, one for the city re-designation and one for the County re-designation.

TABLE 9 SOLID WASTE IMPACT - CITY					
	<i>Land Use</i>	<i>Acreage</i>	<i>Maximum Development</i>	<i>Generation Rate</i>	<i>Demand (lbs. per day)</i>
Current	Irregular (14.6) Residential	9.9	144 garden apartments	16 lbs. per unit	2,304
Proposed	Industrial	9.9	99,000 sf industrial	2 lbs. per 100 sf	1,980
Net Change					- 324

TABLE 10 SOLID WASTE IMPACT - COUNTY					
	<i>Land Use</i>	<i>Acreage</i>	<i>Maximum</i>	<i>Generation ate</i>	<i>Demand (lbs. per day)</i>
Current	Irregular (14.6) Residential	9.9	144 garden apartments	16 lbs. per unit	2,304
Proposed	Commerce	9.9	99,000 sf commercial	9 lbs. per 100 sf	8,910
Net Change					+ 6,606

Notes:
Lbs. = pounds; sf = square feet

Maximum development for the Irregular Residential land use designation is based upon the permitted units per acre (14.6). Maximum Development for Industrial and Commerce is based upon 10,000 sf of building floor area per acre.

Generation rates are per City of Oakland Park Development Permit Application Package, Table III, Solid Waste Generation Rates. 'Factory/Warehouse' use was assumed for the Industrial designation and 'Supermarket' use was assumed for the Commerce designation.

As can be seen in Tables 9 and 10 above, the proposed amendment is anticipated to result in a net increase of 6,606 gallons per day of solid waste demand. This is a conservative analysis because it uses the higher demand generator (i.e., a shopping center use under the County Commerce land use designation) but a commercial land use would be precluded under the City's Industrial land use designation.

- B. Staff's Solid Waste Analysis:** The City of Oakland Park's solid waste Level of Service standard is 6.9 pounds per capita per day with bi-weekly pickup (Policy 4.1.). Based on the proposed amendment, there would be an increase to solid waste demand of 6,606 pounds per day. The City of Oakland Park provides its own solid waste collection services and contracts with Sun Bergeron for processing and disposal of all the City's municipal waste and recyclables. The contract does not limit the volume of waste or recyclables that may be processed. Solid waste is hauled to and processed at Sun Bergeron's facility in Davie for processing at the Palm Beach Renewable Energy Facility 2 (PBREF2). The PBREF2 has the capacity 10 process more than one million tons of post recycled municipal solid waste annually and 3,000 tons a day.

STORMWATER and DRAINAGE

Objective 4.1 The City shall continue to provide local infrastructure services in accord with the following Level of Service Standards:

1. Average and peak flow per capita rates for sanitary sewer,
2. Pickup frequency/per capita generation rate for solid waste,
3. Storm drainage design criteria, and
4. Minimum design flow and fire pressure and per capita consumption rate for potable water.

Policy 4.1.1 Adopt the local level of service standards for infrastructure services as follows:

1. For sanitary sewer - 86 gallons per day per resident.
2. For potable water - 95 gallons per day per resident.
3. For fire flow - as required by the Fire Marshall.
4. For solid waste – 6.9 pounds per capita per day with bi-weekly pickup.
5. For drainage (Roadway Crown) - 10-year 3-day storm.
6. For drainage (Finished Floor) - floor elevation above 100 yr. 3-day storm. Finished floor shall be no lower than the highest of:
 - One (1) foot above the FEMA Flood Insurance Rate Base Flood Elevation; or
 - The 100-year flood elevation as determined by the Broward County 100-year Flood Criteria Map; or

- Twelve (12) inches above the adjacent road crown for residential development and six (6) inches above the adjacent road crown for nonresidential development.

Policy 4.9.2 New nonresidential development shall provide pre-treatment for stormwater runoff through grassy swales, wetlands filtration, ex-filtration trenches or other means consistent with the Best Management Practices of the South Florida Water Management District.

A. Applicant's Stormwater Analysis:

1. Below is the drainage level of service per the adopted and certified local land use plan.

Roadway crown – sufficient drainage for a 10-year 3-day storm.

Buildings – finished floor elevation above 100 yr. 3-day storm. Finished floor shall be no lower than the highest of:

1. One (1) foot above the FEMA Flood Insurance Rate Base Flood Elevation; or
2. The 100-year flood elevation as determined by the Broward County 100-year Flood Criteria Map; or
3. Twelve (12) inches above the adjacent road crown for residential development and six (6) inches above the adjacent road crown for nonresidential development.

2. Below is the drainage district and drainage systems serving the amendment area.

The project is not located in any special drainage district.

3. Below identifies any planned drainage improvements, including year, funding sources and other relevant information.

No planned drainage improvements as part of this project.

4. Below identifies if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.

Below identifies the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

Plans and calculations will be submitted to SFWMD and Broward County for Surface Water Permit.

5. **If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, demonstrates how the site will the impact on the surrounding properties.**

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one-hundred-year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and years, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

The proposed project location meets the adopted level of service and there is no improvement planned by local government or drainage improvements. The proposed stormwater management system consists of exfiltration trench for water quality and storage for storm water runoff up to the 3-day 25-year storm events. The stormwater management system also includes inlets and a series of pipe to convey run-off into the exfiltration trench and dry retention areas.

The wet season water table for the project location is 2.50 NAVD. The finished floor for the proposed buildings will be 9.50 NAVD which is one foot above the Broward County and FEMA 100-year flood elevations. The road crowns will be protected by the 10-year 1-day storm event maximum stage. The perimeter berms will set at the 25-year 3-day storm maximum stage.

- B. **Staff's Stormwater Analysis:** The City of Oakland Park maintains its own stormwater drainage system. The stormwater drainage system is gravity-fed, and feeds into City waterways. To filter the runoff, the city employs a series of swales which capture, clean, and regulate the flow of runoff. If any improvements are required, the applicant will coordinate with the City of Oakland Park, South Florida Water Management District (SFWMD), and Broward County to modify the existing drainage system to meet an increased demand on the system. The city will ensure compliance as new development will be required to meet all these requirements at the building permit phase.

NATURAL RESOURCES

Objective 6.3 The City shall continue to preserve and protect the City's existing open space sites, natural resource areas/habitats, wetlands, and conservation areas.

Policy 6.3.7 The City shall continue to protect and conserve the natural functions of existing soils, wildlife habitats, canals, lakes, rivers, and marine habitats during the review of applications for new development and/or redevelopment through the implementation of adopted land development regulations consistent with Broward County's Comprehensive Plan which require at a minimum that: a) Site plans for new development identify the location and extent of wetlands located on the property.

- d) Proposed developments comply with Broward County's wellfield protection program.
- e) All endangered and threatened plant and animal populations are protected.
- f) All habitats of significant value to existing populations of endangered and threatened species are preserved.
- i) A written environmental assessment is prepared for all proposed development and land use map amendments considered by the City Commission and/or City development review boards that are currently or were previously undeveloped with urban uses. The assessment shall include, at a minimum, impacts on flora, fauna, air quality, and water quantity and quality.

Applicant's Analysis: The following indicates if the site contains, is located adjacent to or has the potential to impact any of the natural resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on naturals.

Wetlands: The site has a pond that was excavated circa 2008. According to the Broward County Wetlands Map dated December 31, 2017, there are no wetlands on the Subject Property.

"Endangered" or "threatened species" or "species of special concern" or "commercially exploited" as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map: A biological assessment was performed for the amendment site and no listed species were found.

Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services: A biological assessment was performed for the amendment site and no listed species were found.

Wellfields: The amendment site is not located in or adjacent to a Wellfield Protection Zone.

Staff's Natural Resources Analysis: The area of the proposed vacant parcel and pond is currently undeveloped. The proposed amendment is in an underdeveloped urban/suburban area. However, great care has been taken by Planning staff to identify open space sites, natural resource areas and habitats, as well as wetlands and conservation areas.

A review of City records, Broward County Property Appraiser's data and Broward County Land Use Plan Natural Resource Series Maps indicates that no wetlands or protected conservation areas exist within the proposed boundary of the Local Activity Center. In addition, there are no "Local Areas of Particular Concern," or areas within Broward County's "Priority Planning Areas" regarding areas prone to sea-level rise within the amendment area.

Regarding endangered or threatened species, there are no known endangered species, species of special concern, or commercially exploited species in the amendment area per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna).

SOIL CONDITIONS

Objective 1.1 The City shall continue to enforce the Land Development Code in order to assure that all new development connects to public sewer and water, addresses traffic problems, and respects its soil and terrain characteristics.

Applicant's Soil Conditions Analysis:

Soils: Development resulting from this amendment will not require the alteration of soil conditions or topography other than typical construction activity. No special soil conditions exist on site that would affect the land development activity.

Staff Soil Conditions Analysis: The previous owner/applicant in 2016 applied to the city to develop the site with a multi-family residential development. However, the soil testing conducted at the time revealed that the soil and groundwater was contaminated and that it must be cleaned up prior to any development. The applicants informed the city that the State would fund the developers to perform environmental cleanup under the Florida Brownfields Redevelopment Act. To qualify for the funds, the site must be designated under the Florida Brownfields Redevelopment Act. The designation required the city to pass a Resolution of Support. The 2016 City Commission adopted and recorded Resolution No. R-2016-112 (attached as Exhibit "B") which designated the site as a "Brownfields Area" pursuant to §376.80(2)(c), Florida Statutes; and that the owner applicant (Oakland Parcel LLC) had provided information and made sufficient representations and demonstrations to allow the City Commission to make the findings required pursuant to §376.80(2)(c), Florida Statutes.

Also, a letter was received from the applicant's attorney dated July 9th, 2018, with a "Notice of Intent to Conditionally Close a Contaminated Site Using an Institutional Control" as verified by David Van Landingham with Broward County EPGMD (attached as Exhibit "C"). Subsequently, a Broward County required Declaration of Restrictive Covenants (attached as Exhibit "D") was recorded in the Broward County Public Records on January 31st, 2020, outlining, and identifying site impacts, soil and water contamination and the steps to conduct the remediation of the site. The applicant subsequently mitigated the existing soil conditions. The applicant has stated they will now work with all regulatory agencies to provide a mitigation plan.

However, any new development in the amendment area must meet the design criteria enforced by all regulating agencies at the time of permitting, and any new developments will consider whether alteration of soil conditions or topography is necessary.

FIRE SAFETY RESOURCES

Policy 1.10.5 The City shall direct new development into areas where necessary regional and community facilities and services exist.

Policy 4.2.1 Approval of all City development and redevelopment plans shall be conditioned on service availability at the adopted standards concurrently with development.

Staff Analysis:

New development that meets criteria specified in the City's Land Development Code and the Florida Fire Prevention Code Fifth Edition, NFPA 1 Chapter 15 will be required to provide the Fire Rescue Department a service delivery concurrency evaluation to determine if the proposed development impacts the current level of service. Should an impact to the current level of service be determined, the city will be required to mitigate this impact at the time of master development plan review. Staff conducted a review found that there is no evidence to indicate that this proposal would adversely impact the Oakland Park Fire & Rescue Department or its ability to maintain current levels of service. Due to these findings, no mitigation recommendations are required at this time.

SCHOOL FACILITIES

Objective 1.13 Ensure through the City's future land use process that public elementary and secondary education facilities will be available to meet the current and future needs of Broward County's school population.

Policy 8.1.5 Per the adopted Interlocal Agreement and as outlined in an adopted Public Schools Facility Element, the City will continue to coordinate at the staff level with the Broward County School District on any major rezoning, replatting, acquisition of adjacent open space, or change in land use within the City which may affect the safety of public school students, enhance public education or alter the City's existing or anticipated future needs for public schools facilities.

Staff Analysis: The applicant has provided data from Broward County Schools determining that capacity exists at the schools associated with this property. The amendment would re-designate residential uses to industrial and commercial uses and thus would not generate any new students. This section is inapplicable.

NEXT STEPS

Should the City Commission approve this Land Use Plan Amendment on Second Reading, the City's Development Application Process as follows:

- Site Development Plan Review by the city's Development Review Committee (DRC).
- Rezoning to a B-3 Zoning District Classification.
- Rescission of the City Commission Resolution No. 2016-113 (Attached as Exhibit "A") concerning the possible residential development of the site.
- If the intensity of the site is to be changed then a Plat Note Amendment Review (City and County) will be needed.

It should be noted that the above steps cannot be considered by the City Commission until final adoption of the Future Land Use Map Amendment by the City.