



Town Council Agenda Report

SUBJECT: QUASI-JUDICIAL - Special Permit

TITLE OF AGENDA ITEM:

SE 8-1-99 - "Lauderdale/Miami Auto Auction" Associated Engineers of South Florida, Inc., petitioner/ADT Automotive, Inc., owner - 5353 State Road 7, generally located between State Road 7 and the Florida Turnpike, approximately 1/4 mile south of Griffin Road.

REPORT IN BRIEF:

The petitioner is proposing to backfill 2.21 acres, or 130,000 cubic yards, of an existing 6.47 acre lake located on the existing Lauderdale/Miami Auto Auction property. The Town Land Development Code requires special permit approval for backfilling of lakes in excess of 3,000 cubic yards. The purpose of requiring a special permit is to provide the Planning and Zoning Board and the Town Council the opportunity review the possible traffic impact as materials are transported to and from the site, the impact to existing site plan conditions and aesthetic values, and the impact to adjacent properties. The Town Engineering Department has reviewed a conceptual plan and has confirmed the proposed plan will meet all required engineering standards.

The petitioner has received a South Florida Water Management District (SFWMD) permit, as the lake is owned, operated and maintained by the District. The SFWMD permit is attached to the planning report. The petitioner will also be required to obtain a fill permit from the Broward County Department of Planning and Environmental Protection (DPEP).

Staff finds the proposed back filling of the existing lake is compatible with adjacent uses, should not adversely affect surrounding property values or conditions in the area, and should not be a deterrent to the improvement or development of other properties in accord with existing regulations.

PREVIOUS ACTIONS: None.

CONCURRENCES:

Staff recommends approval, subject to the Planning and Zoning Board recommendations.

On September 22, 1999, the Planning and Zoning Board recommended approval subject to the planning report and the petitioner's stipulation that the route used to deliver the fill would be I-595 to the Turnpike to Griffin Road, ensuring that no commercial or residential areas were effected

FISCAL IMPACT: Is appropriation required? No
Funding appropriated? No

RECOMMENDATION(S):

Motion to approve the requested special permit for the backfilling of 2.21 acres or 130,000 cubic yards of an existing lake, subject to the petitioner meeting all required Town Engineering permitting standards and site plan approval requirements.

Attachment(s): Planning Report, Special Permit Application, Land Use Map, Subject Site Map, and Aerial.

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

SUBJECT: Special Permit - SE 8-1-99

APPLICANT: Associated Engineers of South Florida, Inc., petitioner/ADT
Automotive, Inc., owner

ADDRESS/LOCATION: Address: 5353 State Road 7, Generally located
between State Road 7 and the Florida Turnpike, approximately
1/4 mile south of Griffin Road.

LAND USE PLAN/ZONING: Commercial & Industrial / B-3, Planned Business
Center

REQUEST: To backfill a water body in excess of 3,000 cubic yards, for a total of 130,000
cubic yards, in conformance with Section 12-33(O)(2) of the Town Land
Development Code.

EXHIBITS TO BE INCLUDED: Special Permit application, planning report, land use
map, subject site map, and aerial.

BACKGROUND: The subject property is a total of 44.042 acres, currently utilized as an Auto
Auction facility, containing a 23,000 square foot 1-story auction building, with accessory
offices and a cafeteria, and a 24,000 square foot 1-story accessory reconditioning building (these
building sizes are approximate). The remaining area is made up of open air vehicle storage
spaces, drive aisles, landscaping and a 6.47 acre lake, within a dedicated drainage maintenance
easement.

The eastern most 8.4 acres of this site, abutting State Road 7 (441), has a land use designation
of Commercial, while the remaining 35.64 acres has a land use designation of Industrial (see
attached land use map). Only business related vehicle storage and public parking, and no
buildings or structures, exist within the commercial land use portion of the subject property.
However, both portions of land are zoned B-3, Planned Business Center.

Abutting the commercial land use portion of the site to the north is land zoned M-2,
Medium Industrial district (2nd Addition of the Auto Auction), to the west by property
zoned B-3 (also part of the subject property), to the south by a U.S. Government
Reservation/Indian Reservation, and to the east by land zoned C-4, Heavy Commercial,
within the City of Hollywood, across State Road 7. Abutting the industrial land use portion
of the site to the north is M-2, Medium Industrial District, to the east by business related
parking associated with the auto auction zoned B-3 (also part of the subject property), south
by a U.S. Government Reservation/Indian Reservation, and to the west by land zoned A-1,
Agricultural District.

REQUEST:

In August of 1999, the petitioner submitted a conceptual backfilling and drainage improvement plan to the Town Engineering Division for review, prior to seeking a permit. The plan proposed to backfill 2.21 acres of the existing 6.47 acre lake on the subject property, with 4.26 acres to remain as a lake for drainage. It was identified at this time that a special permit would be required to allow the backfilling of a lake in excess of 3,000 cubic yards. Engineering has informed staff that the proposed plan was workable with some minor revisions. The purpose of requiring a special permit is to provide the Planning and Zoning Board and the Town Council the opportunity to comment on the filling of lakes above 3,000 cubic yards and the possible impact to traffic as materials are transported to and from the site, impact to the existing site plan conditions and aesthetic values, as well as the impact to adjacent properties.

Prior to Town approval, the petitioner is required to obtain a South Florida Water Management District (SFWMD) permit, as the lake is owned, operated, and maintained by the District. The required Town Engineering revisions would be required prior to submittal to the SFWMD. The required Town Engineering revisions were made, and the petitioner did receive SFWMD approval (see Exhibit "A"). The petitioner will also be required to obtain a permit from the Broward County Department of Planning and Environmental Protection (DPEP).

ANALYSIS:

Where applicable, the review of a special permit request should include consideration of the criteria noted in Section 12-308 of the Land Development Code which is attached hereto and made a part hereof.

The proposed back filling of the existing lake is compatible with adjacent uses, should not adversely affect surrounding property values or conditions in the neighborhood, and should not be a deterrent to the improvement or development of other properties in accord with existing regulations. Vehicular traffic patterns associated with the existing auto auction use will remain unchanged and provide for additional circulation around the site.

Given the documented South Florida Water Management District approval, verification by the Town Engineering Division, and consistency with the requirements for a special permit, staff believes the petitioner meets the intent of the Land Development Code.

RECOMMENDATION: Therefore, the Planning and Zoning Division recommends **APPROVAL** of the requested special permit for the backfilling of 2.21 acres or 130,000 cubic yards of an existing lake on the subject property, with a finding that the request is compatible with adjacent uses and should not adversely affect surrounding residential uses, **SUBJECT TO** meeting all required Town Engineering permitting standards and site plan approval requirements.

PLANNING AND ZONING BOARD RECOMMENDATION: Planning and Zoning Board recommended **APPROVAL SUBJECT TO** the planning report and the petitioner's stipulation that the route used to deliver the fill would be I-595 to the Turnpike to Griffin Road, ensuring that no commercial or residential areas were effected

Prepared by: _____

Reviewed by:

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-308. Review for Special Permits.

Consideration shall be based on whether or not the proposed special permit:

- (i) Is contrary or not to the adopted comprehensive plan, as amended, or any element or portion thereof;**
- (ii) Will or will not create an unrelated and incompatible adjacent use;**
- (iii) Will or will not adversely affect living conditions in the neighborhood or the town;**
- (iv) Will or will not create or excessively increase automobile and vehicular traffic congestion, or otherwise affect public safety;**
- (v) Will or will not adversely affect surrounding property values;**
- (vi) Will or will not be a deterrent to the improvement or development of other property in accord with existing regulations;**
- (vii) Will or will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.**

EXHIBIT "A"



Form #1137
Rev 11/85

SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT MODIFICATION NO. 06-01136-S

DATE ISSUED: AUGUST 12, 1999

PERMITTEE: ADT AUTOMOTIVE, INC.
(LAUDERDALE MIAMI AUTO AUCTION 4TH ADDITION)
435 METROPLEX DRIVE
NASHVILLE, TN 37211

ORIGINAL PERMIT ISSUED: SEPTEMBER 14, 1989
ORIGINAL PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM SERVING 44.04 ACRES OF COMMERCIAL LANDS WITH TOTAL ON-SITE RETENTION.

APPROVED MODIFICATION: AUTHORIZATION FOR MODIFICATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 44.04-ACRE COMMERCIAL DEVELOPMENT KNOWN AS LAUDERDALE MIAMI AUTO AUCTION 4TH ADDITION.

PROJECT LOCATION: BROWARD COUNTY, SECTION 36 TWP 50S RGE 41E

PERMIT DURATION: Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. 990109-9, dated March 1, 1999. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes F.S., and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S. between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-400, 16 USC Section 1341, unless this Permit is issued pursuant to the new improvement provisions of Subsections 373.414(1) b1, F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.321(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.310(1) and (2), and 40E-4.351(1), (2), and (4), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless specifically rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the General Conditions set forth in Rule 40E-4.321, F.A.C. unless waived or modified by the Governing Board. The Application, and Environmental Resource Permit Staff Review Summary (ERSR) including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit Modification. All activities authorized by this Permit Modification shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.5107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:
SEE PAGES 2-2 OF 4 (7) SPECIAL CONDITIONS)
SEE PAGES 3-4 OF 4 (19 GENERAL CONDITIONS)

PERMIT MODIFICATION APPROVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FILED WITH THE CLERK OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CN Original signed by:
BY Vern Kaiser
DEPUTY CLERK

Original signed by
BY TONY BURNS
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 7.7 FEET NGVD.
2. MINIMUM PARKING LOT ELEVATION: 6 FEET NGVD.
3. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
4. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
5. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
6. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
7. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF ADT AUTOMOTIVE, INC..
9. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL, A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED, AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT. THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0950 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CERTIFICATION FORM NO. 0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF "AS-BUILT" DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A CORRECTED APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "AS-BUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO. 0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.

9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have affected this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

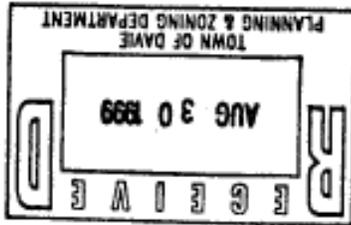
(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94, 10-3-95

EXISTING ZONING: B-3
-CODE SECTION: 12-24J (6)

PROPOSED ZONING: B-3
CODE SECTION: 12-24J (6)

LAND USE DESIGNATION: Commercial



TOWN OF DAVIE USE ONLY
PETITION NO. SE 8-1-99
FEE. \$ 930.00
RECEIPT No. 17716

TOWN OF DAVIE
SPECIAL PERMIT APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

DATE FILED: August 25, 1999

PHONE: (954) 584-6880

PETITIONER: Associated Engineers of South Florida, Inc.

MAILING ADDRESS: 5450 Griffin Road, Davie, FL 33314

RELATIONSHIP TO PROPERTY: Agent

OWNER: ADT Automotive, Inc.

MAILING ADDRESS: 435 Metroplex Drive, Nashville, TN 37211

ADDRESS OF PROPERTY: 5353 State Road 7, Davie, FL 33317

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

All of Parcel "A" of "Lauderdale Miami Auto Auction", according to the Plat thereof as recorded in Plat Book 143, Page 36 of the Public Records of Broward County, Florida.

ACREAGE: 44.042 Acres

REQUEST: To allow the backfilling of a portion of a lake with material obtained from off-premises in excess of 3,000 cubic yards (130,000 c.y.).

REASON FOR REQUEST: (attach additional sheet as necessary).
To be able to provided additional paved vehicular storage area for existing auction building.

Proposals request met. MK

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jat PUBLICATION DATE: 9/15/99
MEETING DATE: PLANNING AND ZONING BOARD: 9/22/99 TOWN COUNCIL: 10/6
NOTICES SENT: 9 REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

ADT Automotive, Inc.
OWNER'S NAME(S)

Haas

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN) By: Howard G. Haas, Vice Pres.

435 Metroplex Drive
ADDRESS

Nashville, TN 37211
CITY, STATE, ZIP

(615) 781-3235
PHONE

Associated Engineers of South Florida, Inc.
PETITIONER'S NAME

Gustavo X. Aguirre, Pres.

PETITIONER'S SIGNATURE
By: Gustavo X. Aguirre, President

5450 Griffin Road
ADDRESS

Davie, FL 33314
CITY, STATE, ZIP

(954) 584-6880
PHONE

The foregoing instrument was acknowledged before me this 7th day of September, 1999, by Howard G. Haas, V.P. who is personally known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:
Sign: *Martha E. Cawkins*
Print: Martha E. Cawkins

My Commission Expires: My Commission Expires MAR. 25, 2000

The foregoing instrument was acknowledged before me this 30th day of August, 1999, by Gustavo X. Aguirre, Pres. who is personally known to me or who has produced _____

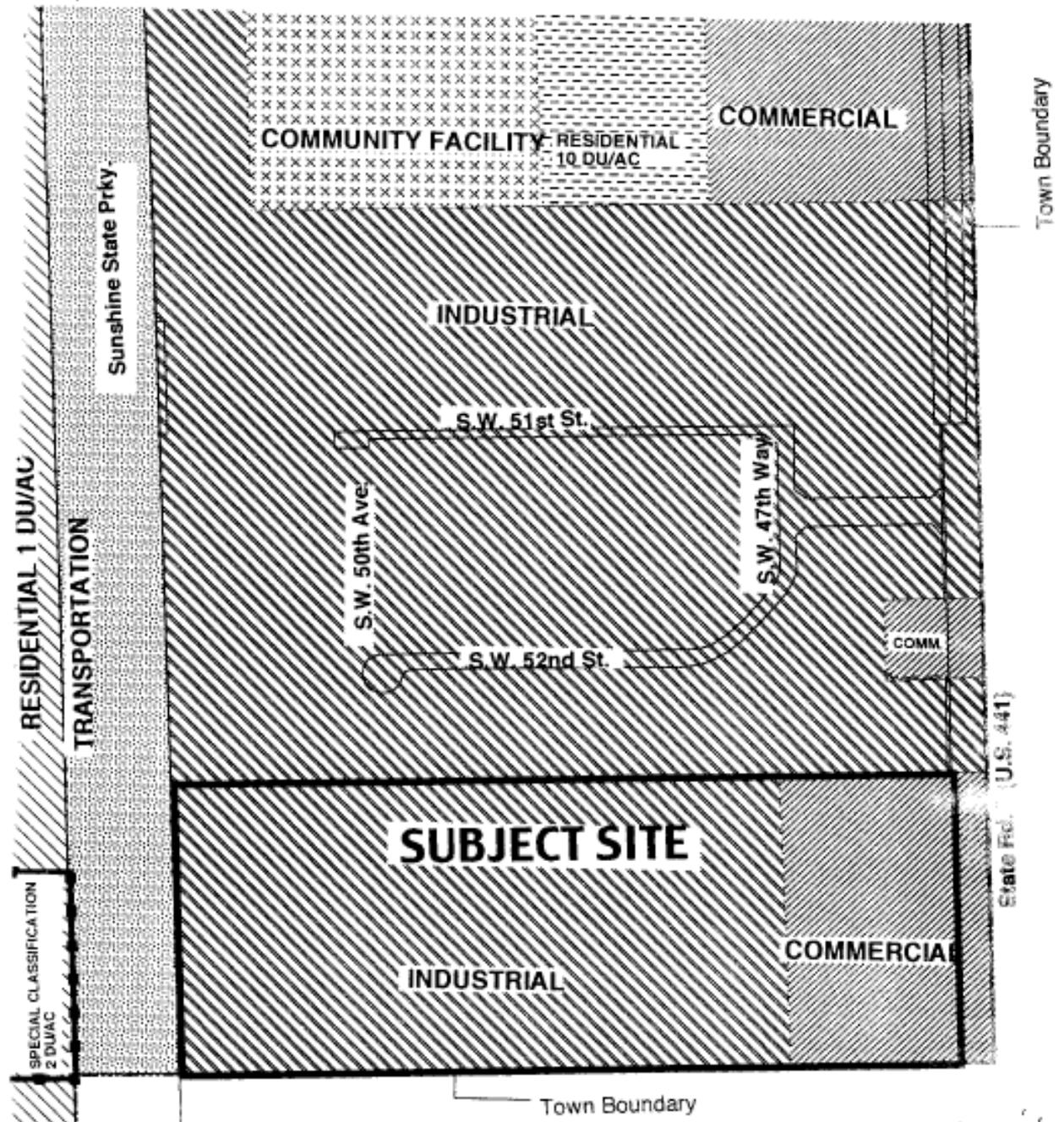
as identification and who did take an oath.

NOTARY PUBLIC:
Sign: *Laura E. Hawks*
Print: Laura E. Hawks

My Commission Expires: Jan. 30, 2000

OFFICIAL NOTARY SEAL
LAURA E. HAWKS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC799985
MY COMMISSION EXP. JAN. 30, 2000

OFFICE USE ONLY



PETITION NUMBER
 SE 8-1-99

Source: Town of Davie Future Land Use Map

PREPARED 9/7/99 Scale: 1"=400'
BY THE PLANNING & ZONING DIVISION

N


6 25

(S.W. 48th St.)

Griffin Rd.

5 35

R-1

Sunshine State Pkwy.

A-1

T

CF

B-3

MH-10

B-2

M-2

A-1

M-3

M-2

CF

M-1

M-2

Davie Commerce Center (114-14)

M-2

State Rd. 7 (U.S. 441)

Town

SUBJECT SITE

B-3

Griffin Rd. Area Exhibit (114-30)

State Rd. 7 (U.S. 441)

Town Boundary

PETITION NUMBER

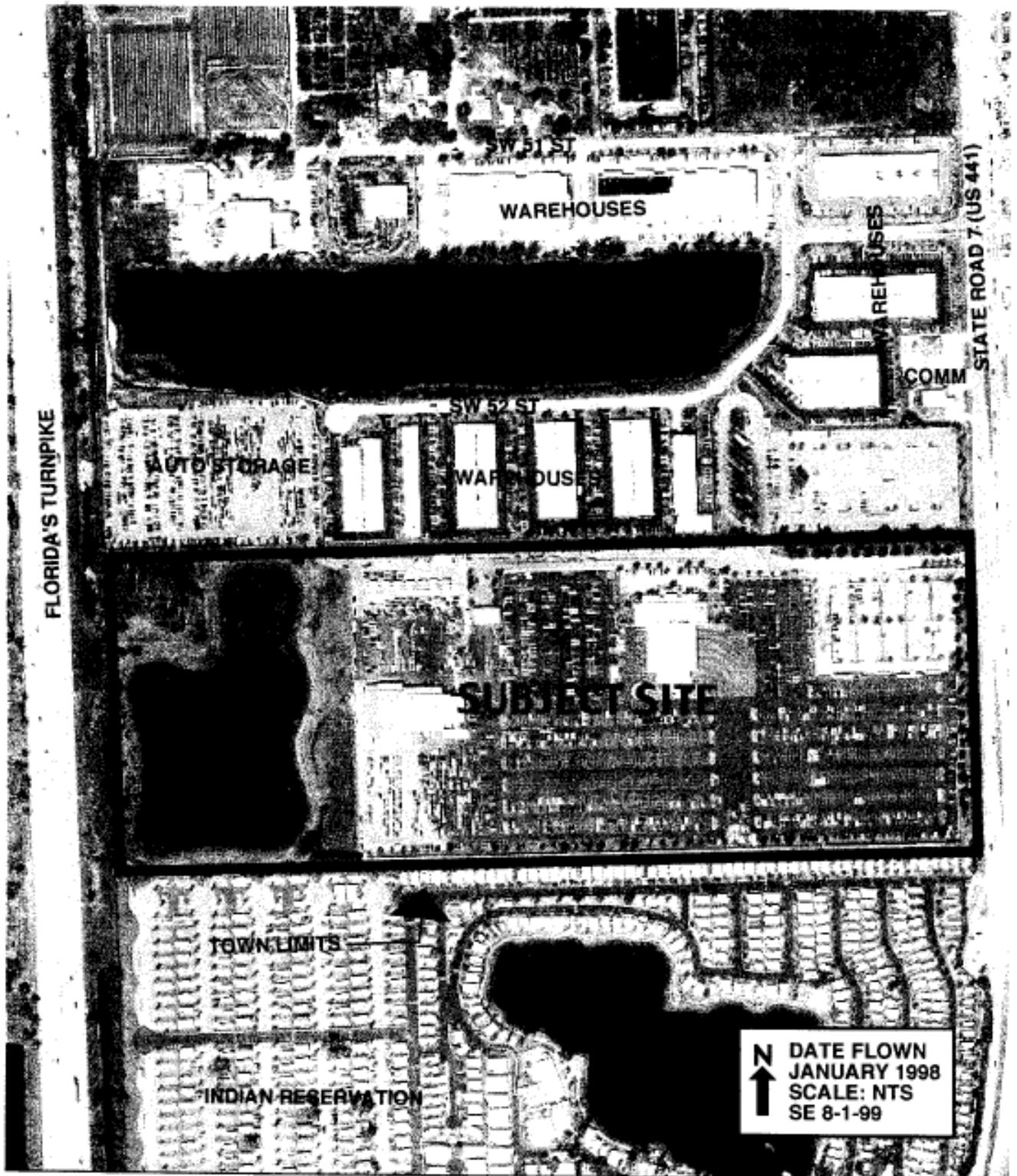
SE 8-1-99

N

4

PREPARED 9/7/99
BY THE PLANNING &
ZONING DIVISION

Scale: 1" = 400'



FLORIDA'S TURNPIKE

SW 51 ST

WAREHOUSES

WAREHOUSES

STATE ROAD 7 (US 441)

COMM

SW 52 ST

AUTO STORAGE

WAREHOUSES

SUBJECT SITE

TOWN LIMITS

INDIAN RESERVATION

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
SE 8-1-99