



Resilient Environment Department  
**URBAN PLANNING DIVISION**

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**DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT**

Project Description			
Plat Name:	Pompano Beach Residences	Number:	090-MP-05
Application Type:	Note Amendment	Legistar Number:	21-2153
Applicant:	Fernbrook Florida LLLP	Commission District:	4
Agent:	PlanW3st LLC	Section/Twn./Range:	31/48/43
Location:	West side of North Ocean Boulevard between Northeast 7 Court and Northeast 7 Place	Platted Area:	0.7 Acres
Municipality:	Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	January 11, 2021		

A location map showing this Plat and parcels designated within the plat for the purpose of assigning development entitlement is attached as **Exhibit 2**.

The Application is attached as **Exhibit 8**. The Urban Planning Division (UPD) distributed the application to agencies for review, as required by Sec. 5-181 of the Land Development Code.

Platting History and Development Rights			
Plat Board Approval:	June 27, 2006	Plat Book and Page Number:	176-166
Date Recorded:	March 1, 2007	Current Instrument Number:	113074348
Plat Note Restriction			
Current Note:	This plat is restricted to 73 High Rise Units on Parcel A and <b>9 Townhouse Units</b> on Parcel B.		
Proposed Note:	This plat is restricted to 73 High Rise Units on Parcel A and <b>12 Garden Apartment Units</b> on Parcel B.		
Extensions:	Not Applicable		

**1. Land Use**

Planning Council has reviewed this application and determined that the City of Pompano Beach’s Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat for the uses permitted in the “Medium-High 16-25 DU/AC” land use category. The proposed note amendment is in compliance with the permitted uses of the effective land use plan, see **Exhibit 3**.

**2. Affordable Housing**

This plat is not subject to Policy 2.16.2 regarding affordable housing, as it is not the subject of a Broward County Land Use Plan amendment.

**3. Access**

Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed this application and have no objection to this note amendment.

This project is located on the west side of SR A1A, which is a State Roadway. Florida Department of Transportation (FDOT) has issued a pre-approval letter, see **Exhibit 4**.

**4. Municipal Review**

The City of Pompano Beach has adopted a Resolution No. 2021 252 on July 13, 2021 approving the application, which is attached in **Exhibit 5**.

**5. Concurrency – Transportation**

This plat is located in Northeast Transportation Concurrency Management Area which is subject to Transportation concurrency fees, as defined in Section 5-182.1(a)(1)a) of Land Development Code.

The proposed plat generates 34 trips per PM peak hour, and the existing generates 33 trips per PM peak hour. This is an increase of 1 trip per PM peak hour.

	Existing Use Trips per Peak Hour (PM)	Proposed Use Trips per Peak Hour (PM)
Residential	33	34
Non-Residential	0	0
Total	34	
Difference	Increase of 1 Trips per Peak Hour	

This plat was recorded with a note requiring development to occur before five (5) years from date of plat approval. This note is no longer required by the Land Development Code.

**6. Concurrency - Water and Wastewater Capacity**

This plat receives water and wastewater from the utilities listed below:

	Potable Water	Wastewater
Utility Provider:	City of Pompano Beach	Broward County
Plant name:	Pompano Beach	Broward County North Regional
Design Capacity:	50.00 MGD	95.00 MGD
Annual Average Flow:	16.72 MGD	71.70 MGD
Estimated Project Flow:	0.03 MGD	0.02 MGD

Sufficient capacity exists at this time to serve the proposed development; however, approval of this plat note does

not guarantee reservation of future capacity. Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system.

**7. Concurrency – Regional Parks**

Broward County Parks and Recreation Division reviews all projects for Regional Park impacts and have reviewed this application and have no objection to this note amendment. This plat with the amended note satisfies the regional park concurrency requirement of Broward County Land Development Code.

**8. Concurrency - Public School**

The School Board has reviewed the application and satisfies public school concurrency on the basis that the project is vested for public school capacity. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 6**.

**9. Impact Fee Payment**

Transportation Concurrency and administrative fees, school impact fees, regional park impact and administrative fees will be assessed during the review of construction plans submitted for County environmental review approval by the Development and Environmental Review Section of the Urban Planning Division, in accordance with the fee schedule specified in the Land Development Code and must be paid on the date of building permit issuance.

**10. Environmental Review**

The plat note amendment application has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 7** provides recommendations to the developer regarding environmental permitting for the future development.

**11. Historic Resources**

Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development will not have an impact on historical or archaeological resources, and the consulting archaeologist has no objections to this application.

This property is located in the City of Pompano Beach, outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The applicant is advised to contact the municipality, City of Pompano Beach Historic Preservation, 954-786-7921, to seek project review for compliance with municipal historic preservation regulations.

In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or [med\\_exam\\_trauma@broward.org](mailto:med_exam_trauma@broward.org).

**12. Aviation**

This property is within 20,000 feet of the City of Pompano Beach's Pompano Beach Municipal Airport. Any proposed construction or use of cranes or other high-lift equipment must be reviewed to determine if the following apply: Federal Aviation Regulation Part 77; Florida Statutes Chapter 333; and/or the Cities' Airport Zoning Ordinances. Based on the location of the proposed project, the cities or the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the local municipality review, please contact the City of Pompano Beach directly. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>.

**13. Utilities**

Florida Power and Light (FPL) and AT&T have been advised of this plat and provided no comments.

**14. Notice to Applicant**

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Specific questions regarding any of the above comments may be directed to each review agency contact person. A list of agency contacts is available on the Planning and Development Management Division's web page at: [www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf)

**FINDINGS**

Staff have reviewed the application and found that it meets the requirement of the Land Development Code and satisfies requirements for Concurrency:

1. This plat is located within the Northeast Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182.1(a)(1)a) of the Land Development Code.
2. This plat satisfies the drainage, water, wastewater, and solid waste disposal concurrency requirement of Section 5-182.6 of the Broward County Land Development Code.
3. This plat has been reviewed by the School Board and satisfies the public school concurrency requirements of Section 5-182.9 (a)(1) of the Land Development Code.
4. This plat satisfied the regional parks and recreation concurrency requirement of Section 5-182.7 (a) of the Broward County Land Development Code.

**RECOMMENDATIONS**

Based on the review and findings, staff recommends **APPROVAL** of this application, subject to the following conditions which shall assure compliance with the standards and requirements of the Land Development Code:

1. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **January 25, 2023**.
2. Delete the plat note that references expiration of the Findings of Adequacy.
3. Any structure within this plat must comply with Section 2.1.f Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

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