



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

| Project Description | | | |
|---------------------|---|----------------------|---|
| Plat Name: | Horn Plat No. 2 | Number: | 118-MP-84 |
| Application Type: | Note Amendment | Legistar Number: | 21-006 |
| Applicant: | Pompano Beach Community Redevelopment Agency | Commission District: | 2 |
| Agent: | Turner Planning Solutions, LLC | Section/Twn./Range: | 33/48/42 |
| Location: | East side of Northwest 31 Avenue, between Northwest 3 Street and Northwest 4 Street, and Northwest 5 Street and Northwest 6 Court | Platted Area: | 3.3 Acres |
| Municipality: | Pompano Beach | Gross Area: | N/A |
| Previous Plat: | N/A | Replat: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Meeting Date: | April 6, 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 Planning and Development Management Division (PDMD) 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: | January 17, 1985 | Plat Book and Page Number: | 129-47 |
| Date Recorded: | January 27, 1987 | Current Instrument Number: | 87035901 |
| Plat Note Restriction | | | |
| Original and Current Plat: | 42,500 square feet of office and retail use. | | |
| Proposed Note: | This plat is restricted to 40 townhouse units. | | |
| Extensions: | N/A | | |

1. Land Use

Broward County Planning Council finds that the proposed plat note is consistent with the effective Land Use plan for the City of Pompano Beach. The plan designates the area covered by this plat for the uses permitted in the “Commercial” land use category, and the City as allocated 40 “flexibility units.” These units are not subject to review under Policy 2.10.1, (see **Exhibit 3.**)

2. Affordable Housing

This plat is not subject to Policy 2.16.2 as it is not 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, Northwest 31 Avenue which is a State Roadway. Florida Department of Transportation (FDOT) has issued a pre-approval letter, see **Exhibit 5.**

4. Municipal Review

The City of Pompano Beach has no objection to this request, see **Exhibit 4.**

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)(5)a) of Land Development Code.

| Proposed Use | Trips per Peak Hour (PM) |
|-----------------|--------------------------|
| Residential | 26 |
| Non-residential | N/A |
| Total | 26 |

6. Concurrency - Water and Wastewater Capacity

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

| | Potable Water | Wastewater |
|--|---------------|-------------------------------|
| Plant Name: | Pompano Beach | Broward County North Regional |
| Utility Provider: | Pompano Beach | Broward County |
| Design Capacity: | 50.00 MGD | 95.00 MGD |
| Annual Average Flow: | 18.96 MGD | 72.03 MGD |
| Existing Flow Reserved by Building Permit: | 31.04 MGD | 2.901 MGD |
| Estimated Project Flow: | 0.014 MGD | 0.01 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 and the solid waste disposal concurrency requirement of Broward County Land

Development Code.

Regional Park impact fees and regional park administrative fees for the proposed dwelling units will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.

8. Concurrency - Public School

The School Board has reviewed the application and satisfies public school concurrency on the basis that there is adequate school capacity anticipated to be available to support the project as proposed. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 6**.

Educational impact fees for the proposed dwelling units will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.

9. Impact Fee Payment

All impact fees will be calculated by Planning and Development Management Division, Development Environmental Review Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance. Fees are subject to increase annually on October 1st.

Prior to Plat recordation, fees were paid for 38,768 square feet of commercial use on Parcel B only, in the amount of \$10,548.67. A Road Contribution Agreement (Instrument No. 87035902) is in place for Parcels A and C only, with a remaining balance of \$24,557.33.

10. Environmental Review

This plat has been reviewed by Environmental Engineering and Permitting Division. See the attached environmental review report which provide recommendations to the developer regarding environmental permitting for the future development, see **Exhibit 7**.

This plat is located in Wellfield Zone 1 of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII. And generally prohibits the clearing of lands until building permit or site plan approval.

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 and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The applicant is advised to contact David Recor, Director of Development Services with the City of Pompano Beach, at 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.

12. Aviation

The plat is within 20,000 feet of the City of Fort Lauderdale's Executive Airport and 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 Broward County Airport Zoning Ordinance. 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 Fort Lauderdale and 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

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)(5)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. Prior to the recordation of a note amendment agreement, the Road Contribution Agreement (Instrument No. 87035902) must be terminated.

2. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to April 6, 2022.
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.

MR