



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
 1 N. University Drive, Box 102, Plantation, FL 33324 T: 954-357-8695 F: 954-357-6521

DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	Emerald Isles Plat	Number:	033-MP-85
Application Type:	Note Amendment	Legistar Number:	21-898
Applicant:	Jasmine Lakes Acquisition LLC	Commission District:	7
Agent:	Zona 3 Developers LLC	Section/Twn./Range:	26/50/41
Location:	South side of Griffin Road between Davie Road and Southwest 61 Avenue	Platted Area:	11.1 acres
Municipality:	Town of Davie	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	June 15, 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 7**. 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 6, 1987	Plat Book and Page Number:	137-27
Date Recorded:	January 11, 1989	Current Instrument Number:	102947097
Plat Note Restriction			
Original Plat:	This plat is restricted to 144 Garden Apartments consisting of 112 – two-bedroom units and 32 – three-bedroom units.		
Proposed Note:	This plat is restricted to 108 Garden Apartments and 28 Townhomes.		
Extensions:	Not Applicable		

1. Land Use

Planning Council staff has reviewed the proposed note, and the Future Land Use Element of the Town of Davie Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat for the uses permitted in the “Town of Davie Regional Activity Center” land use category. This plat is subject to the executed “Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center,” as recorded in Official Record Book 412663, Pages 15-20.

This plat was the subject of Broward County Land Use Plan (BCLUP) amendments PC 98-7/PCT 98-1 and PCT 10-6, which amended various future land use designations to the “Town of Davie Regional Activity Center,” subject to the voluntary restrictions listed in **Exhibit 3**.

2. Affordable Housing

The dwelling units included in PC 98-7/PCT 98-1 were not subject to Policy 2.16.2, regarding affordable housing, as the associated amendment did not propose additional residential units to the Broward County Land Use Plan. However, the 3,174 additional dwelling units resulting from PCT 10-6 were subject to the Policy and found to satisfy the same based on the Town of Davie’s assessment of its affordable housing needs, solutions and accomplishments, and municipal actions that address the Town’s implementation of affordable housing strategies.

3. Municipal Review

The Town of Davie adopted Resolution No. 2021-039 on February 3, 2021 supporting the application, which is attached in **Exhibit 4**.

4. 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.

5. Concurrency – Transportation

This plat is located within the South-Central Concurrency Management Area which qualifies for a total waiver of transportation concurrency fees under Section 5-182.1(a)(5)a)3) of the land development code. The proposed generates a decrease of 3 trips per peak hour.

	Existing Use Trips per Peak Hour	Proposed Use Trips per Peak Hour
Residential	86	83
Non-Residential	0	0
Difference	Decrease of 3 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:	Town of Davie	Town of Davie
Plant name:	Davie	Davie 2
Design Capacity:	10.00 MGD	4.85 MGD
Annual Average Flow:	06.87 MGD	2.13 MGD

Estimated Project Flow:	0.048 MGD	0.034 MGD
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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

Based on student generation rate adopted by the School Board and incorporated into the Land Development Code, this plat generates several students, and in accordance with Section 5-182(9)(b) of the Land Development Code, determined that it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. The townhouse development proposed by this plat will be subject to school impact fees which will be assessed in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County Environmental review and must be paid prior to the issuance of the building permit. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 5**.

9. Impact Fee Payment

All impact fees will be calculated by Planning and Development Management Division, Development and 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.

In accordance with the credit provisions of Section 5-182.13 of the Land Development Code, this structure may be eligible for credit towards road impact fee provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. No credit will be granted for demolition occurring more than three (3) years prior to the review of construction plans submitted for County environmental review approval.

10. Environmental Review

The plat note amendment application has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 6** provides recommendations to the developer regarding environmental permitting for the future development.

11. Historic Resources

Broward County’s consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that there are two NR Listed Properties (BD01438 Davie School and BD04999 Davie Woman’s Club) within a five-mile radius of the Project Area; neither are adjacent to the Project Area and neither will be impacted as a result of this undertaking.

The subject property is located in the Town of Davie, outside jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner / agent is advised to contact David Quigley, Town of Davie Planning and Zoning Manager at 954-797-1075 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 applicant is advised that any proposed construction on this property with a height exceeding 200 feet 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 FAA may need to review to determine whether the project is a potential hazard to aviation <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>

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.

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 South-Central 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 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 **June 15, 2022**.
2. Delete the plat note that references expiration of the Findings of Adequacy.

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.

DP