



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

Project Description			
Plat Name:	High Point Rehabilitation Center	Number:	139-MP-86
Application Type:	Note Amendment	Legistar Number:	20-1282
Applicant:	Chabad Lubavitch of Southwest Broward, Inc.	Commission District:	5
Agent:	Jeremy Shir	Section/Twn./Range:	31/50/41
Location:	East side of Southwest 106 Avenue, between Stirling Road and Southwest 57 Street	Platted Area:	6.3 acres
Municipality:	Cooper City	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	November 10, 2020		

A location map showing this Plat 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:	February 3, 1987	Plat Book and Page Number:	131-29
Date Recorded:	July 22, 1987	Current Ordinance Book and Page Number:	BK 14806 PG 0792
Plat Note Restriction			
Original Plat:	This plat is restricted to special residential facility containing 62 beds or 31 dwelling unit equivalents as defined in County Ordinance 85-92. This plat is further restricted to facilities allowed within Chapter 9.901 Group D occupancy, Division 2, of the South Florida Building Code (1986 Broward County Edition).		
Current Note:	This plat is restricted to special residential facility containing 63 beds or 32 dwelling unit equivalents as defined in County Ordinance 85-92. This plat is further restricted to facilities allowed within Chapter 9.901 Group D occupancy, Division 2, of the South Florida Building Code (1986 Broward County Edition). This note is required by Chapter 5, Article IX, Broward County		

	Code of Ordinances, and may be amended by agreement with Broward County.
Proposed Note:	This plat is restricted to 26,000 square feet Synagogue/church use including weekend retreat (26 beds), 16,000 square feet of private school including ancillary dormitory (36 beds), and 7,000 square feet of daycare use.
Extensions:	Not Applicable

1. Land Use

Broward County Planning Council finds that the proposed plat note is consistent with the effective Land Use plan of Cooper City. The plan designates the area covered by this plat for the uses permitted in the “Residential 3-5” land use category. The Planning Council also notes the proposed synagogue/church including weekend retreat, private school including ancillary dormitory and daycare uses are in compliance with the permitted uses of the effective land use plan, see **Exhibit 3**.

The applicant is proposing for 18 dwelling units for the dormitory for children attending the Chabad Judaic School, which is equivalent to 36 beds. In addition, there are 13 dwelling units for the retreat portion of the development equivalent to 26 beds, which will only be opened for the Sabbath and Jewish holidays. The dormitory and retreat total to 62 beds, equivalent to 31 dwelling units.

2. 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 as there will not be any modification to the existing access as submitted.

3. Municipal Review

The City of Cooper City has adopted a Resolution, No. 19-12-6 on December 17, 2019 supporting the application, which is attached in **Exhibit 5**. Adjacent Town of Davie indicate no objection to this request, see **Exhibit 6**.

4. Concurrency – Transportation

This plat is located in South Central 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	9
Non-residential	115
Total	124

The plat was recoded 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.

Prior to plat recordation, impact fees were paid for school, regional recreational and road impact for Special Residential Facilities. There are currently six buildings on the plat, which are intended to be

renovated. At the time of application, applicant stated that one building will be demolished during Phase II for a replacement building. In accordance with the credit provisions of Section 5-182.13. of the Land Development Code, the demolished building may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within eighteen (18) months prior to submittal of construction plans for County Environmental Review Approval. Credit will be applied either for fees previously paid, or for demolition, but not for both.

5. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Cooper City	City of Cooper City
Plant name:	Cooper City	Cooper City (COO) (03/20)
EPGMD License Capacity:	7.000 MGD	3.440 MGD
Annual Average Flow:	4.300 MGD	2.590 MGD
Estimated Project Flow:	0.028 MGD	0.004 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.

6. Concurrency – Regional Parks

This plat with the amended note satisfies the regional park concurrency requirement of Broward County Land Development Code.

7. Concurrency - Public School

This request is not subject to public school concurrency because this plat does not include residential use other than ancillary dormitory, which is not assigned a student generation rate in the currently adopted student rates contained in the Broward County Land Development Code. This request is not anticipated to generate additional students into Broward County Public Schools. School Board staff have reviewed this plat and provide a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 4**.

8. Impact Fee Payment

Regional Park impact fees and regional park administrative fees for the proposed 62 beds/sleeping rooms (31 dwelling unit equivalents) 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.

All impact fees will be calculated by PDMD DER 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.

9. Impact Fee Waiver

Section 5-182.1. 3) of the Land Development Code provides that impact fees may be waived for affordable housing, transit-oriented projects, and public buildings. This project is not eligible for waiver.

10. Environmental Review

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

Environmental Planning and Community Resilience Division has reported that this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

11. Additional Environmental Protection Actions

Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems is issued by the Environmental Engineering and Permitting Division as a prerequisite to, and just prior to, approval of building permits by the appropriate building department for any structures that are to be built on the platted site. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.

12. 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 an unrecorded structure on the referenced plat requires further review. However, this structure was demolished prior to a visit requested by the County Historic Preservation Officer and the historic analysis and review could not be completed. The proposed development will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

This property is located in Cooper City and inside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Rick Ferrer at referrer@broward.org or (954) 357-9731 "in the event that archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery shall be discontinued," and the property owner shall notify the County Historic Preservation Officer of the discovery.

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.

13. Aviation

The Broward County Aviation Division has reviewed this request and has no objection to this request. 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. To initiate the Federal Aviation Review, access the FAA Web Page at: <https://oeaaa.faa.gov>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

14. Utilities

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

15. 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

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 **November 10, 2021**.
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.

MR