



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	BCHA FL 76-6	Number:	081-UP-80
Application Type:	Note Amendment	Legistar Number:	22-427
Applicant:	Griffin Gardens Apartments, LLC	Commission District:	5
Agent:	Keith	Section/Twn./Range:	25/50/41
Location:	West side of South State Road 7, between Orange Drive and Griffin Road	Platted Area:	6 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 14, 2022		

A location map of the plat is attached as **Exhibit 2**.

The Application is attached as **Exhibit 11**. 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:	January 29, 1981	Plat Book and Page Number:	110-11
Date Recorded:	June 17, 1981	Current Instrument Number:	81173613
Plat Note Restriction			
Original and Current Plat:	This plat is restricted to 90 – 1-bedroom units and 10 – 2-bedroom units		
Proposed Note:	This plat is restricted to 100 Mid-Rise units on Parcel A and 76 Mid-Rise units on Parcel B.		
Age Restriction:	An Age Restricted Agreement must be recorded prior to the Note Amendment Agreement Recordation.		
Affordable Housing:	An Affordable Housing Agreement must be recorded prior to the Note Amendment Agreement Recordation.		

1. Land Use

Planning Council has reviewed this application and determined that 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 “Transit Oriented Corridor” 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 Transit Oriented Corridor,” as recorded in Official Record Book 47829, Pages 1938-1943. This plat is subject to Broward County Land Use Plan (BCLUP) amendments PC 06-19/PCT 06-6, and voluntary commitments are described on **Exhibit 3**.

2. Affordable Housing

Applicant is requesting Affordable Housing waiver approval. As per the Land Development Code Section 5-184(b)(4) the developer, as a condition of approval, shall record in the public record’s a restrictive covenant upon the property, or shall enter into an agreement with Broward County acceptable to the Office of the County Attorney.

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, providing that the applicant submits an agreement for a 24-foot-wide ingress/egress easement connecting the primary entrance to Parcel B. See **Exhibit 6**.

This project is located on Griffin Road, which is a State Roadway. FDOT has issued a pre-approval letter for this request with conditions, shown in **Exhibit 7**.

4. Municipal Review

The Town of Davie has submitted a letter of no objections dated May 9, 2022, supporting the application, see **Exhibit 5**.

5. Concurrency – Transportation

This plat is located within the South-East 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 note amendment generates an increase of 30 trips per P.M. peak hour.

	Existing Use Trips per Peak Hour (PM)	Proposed Use Trips per Peak Hour (PM)
Residential	39	69
Non-Residential	0	0
Difference	Increase of 30 Trips per PM 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 Hollywood	City of Hollywood
Plant name:	City of Hollywood (02/22)	Hollywood (HOL) (12/21)
Design Capacity:	37.50 MGD	55.50 MGD
Annual Average Flow:	34.385 MGD	37.72 MGD
Estimated Project Flow:	0.062 MGD	0.061 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 – Public School

School Board staff has reviewed this application and determined that the proposed 176 mid-rise units will be age restricted as housing for older persons and are not anticipated to generate any students. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 4**. This plat prohibits the residence of school age children in a manner consistent with federal, state, or local law or regulations and therefore, is exempt of school concurrency and school impact fees, in accordance with Section 5-182.9(a)(1)b) of the Land Development Code. See the attached School Capacity Availability Determination received from the Broward County School Board.

8. Impact Fee Payment

Transportation concurrency, regional park concurrency, 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.

9. Environmental Review

The plat note amendment application has been reviewed by Environmental Permitting Division. **Exhibit 8** provides recommendations to the developer regarding environmental permitting for the future development.

10. Historic Resources

This plat has been reviewed by Broward County's consulting archaeologist. The 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 is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. The subject property is located in the Town of Davie, outside jurisdiction of the Broward County historic preservation ordinance. See the attached Archaeological Comments, see **Exhibit 10**.

11. Aviation

The plat is within 3 miles of Broward County's Fort Lauderdale/Hollywood International Airport (FLL) and may need to be reviewed by Broward County and FAA to determine if the project is a hazard to aviation. The project is subject to compliance with Broward County Code of Ordinance's Chapter 5 (Building Regulations and Land Use) including Sec. 5-182.10 (Airports). The applicant should visit FLL.net/Airspace to determine if the proposed project exceeds the height limitations in the Airport Airspace Imaginary Surfaces Composite Map. This project may also be subject to Federal Aviation Regulation Part 77. To initiate the Broward County review, please contact AirspaceReview@Broward.org. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>, see **Exhibit 9**.

Additionally, the Planning Council noted that the proposed residential use must be developed with noise mitigation measures and purchasers must be notified that the housing is located within 60 to 64 DNL noise contour, see **Exhibit 3**.

12. Utilities

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

13. 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 Urban Planning 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 South-East 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 solid waste disposal concurrency requirement of Section 5-182.6 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 Declaration of Restrictive Covenants to place an age restriction on the plat prior to recordation of the note amendment agreement.
2. Records a Declaration of Restrictive Covenants for affordable housing on the plat prior to recordation of the note amendment agreement.
3. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **June 14, 2023**.
4. Delete the plat note that references expiration of the Findings of Adequacy.
5. Must comply with conditions placed by Broward County Planning Council, **Exhibit 3**.
6. 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.
7. Must fully execute a Declaration of Restrictive Covenants for Private Roadways to provide a 24-foot-wide ingress/egress easement connecting the primary entrance to Parcel B, **Exhibit 6**.

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/KDL