



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

Project Description			
Plat Name:	Aviara East Pompano	Number:	019-MP-19
Application Type:	New Plat	Legistar Number:	19-1250
Applicant:	1621 S. Dixie Hwy, LLC	Commission District:	4
Agent:	Keith and Associates	Section/Twn./Range:	01/49/42
Location:	Southwest corner of West McNab Road and South Dixie Highway	Platted Area:	5.1 Acres
Municipality:	Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	09/10/20	Action Deadline:	10/20/2020

A location map showing this Plat 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.

Broward County Planning Council has reviewed this application and determined that the City of Pompano Beach Future Land Use Map is the effective Land Use Plan.

Existing and Future Land Use	
Existing Use:	2,946 Sq. Ft. Office
Proposed Use:	229 Midrise Units and 20,000 Sq. Ft. Commercial
Plan Designation: Medium 10-16 DU/AC (Parcel A) and Commercial (Parcel B). See attached comments from Planning Council.	
Adjacent Uses	Adjacent Plan Designations
North: Commercial	North: Commercial and Medium 10-16 DU/AC
South: Mobile Homes, Warehouses	South: Commercial and Low-Medium 15-10 DU/AC
East: Warehouses	East: Industrial
West: Vacant	West: Medium 19-16 DU/AC
Existing Zoning	Proposed Zoning
B-3 & B-4	B-3

1. Planning Council

Broward County Planning Council indicates that the proposed use of this plat is for free-standing multi-family residential and mixed-use structures. The proposed commercial use on Parcel B is in compliance with the permitted uses of the effective land use plan. City of Pompano Beach land use plan permits free-standing multi-family and/or mixed structures in areas designated “Commercial,” subject to the allocation of “flexibility units.” Planning Council also states, the note on the face of the plat for dwelling units located on the “Commercial” (Parcel B) is limited to free-standing multi-family and/or mixed-use structures in which the residential floor area does not exceed 50% of the total floor area, or the first floor is totally confined to commercial uses. As a result, the proposed 229 dwelling units are in compliance with permitted uses and densities of the effective land use plan, as shown in **Exhibit 3**.

This plat is not subject to Policy 2.10.1 of the Broward County Land Use Plan as the subject parcel is not located within 500 feet of a Broward County Regional Park, an Environmentally Sensitive Land and is not located adjacent to another municipality, as defined by the Broward County Comprehensive Plan.

2. Affordable housing

This plat is not subject to Policy 2.16.2 because it is not the subject of a Broward County Land Use Plan amendment.

3. Trafficways

Trafficways approval was received on May 28, 2020 and is valid for 10 months.

4. Access

Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division they have reviewed the plat application and have determined that the comments and recommendations are required with respect to the safe and adequate access standards of the Broward County Land Development Code, as shown in **Exhibit 5**. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.

5. Concurrency – Transportation

This plat is located within the Northeast 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	89
Non-residential	217
Total	306

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	City of Pompano Beach
Plant name:	Pompano (10/18)	Pompano (03/20)
Design Capacity:	50.000 MGD	7.5000 MGD
Annual Average Flow:	18.500 MGD	2.6500 MGD
Estimated Project Flow:	0.082 MGD	0.0600 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 reviews all projects for Regional Park impacts (and only projects in the BMSD/ unincorporated area for local park impacts.)

	Land Dedication
Regional	0.024 acre
Local	N/A

8. Concurrency - Public School

In accordance with Section 5-182.9(a)(1) of the Land Development Code this plat is subject to public school concurrency because it will generate more than one student at one or more levels. School Board staff have reviewed this plat and provide a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 4**.

9. Impact Fee Payment

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.

At the time of plat application, 2,946 square feet of office use existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182.13 of the Land Development Code, this structure may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods.

10. Environmental Review

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

Environmental Planning and Community Resilience Division notes 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 approved 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 the proposed development will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

The archaeologist notes that this property is located in the City of Pompano Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Maggie Barszewski of the City of Pompano Beach's Development Services Department, at 954-786-7921 to seek project review for compliance with the 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.

13. Aviation

This property is within 20,000 feet of Fort Lauderdale Executive Airport and Pompano Beach Municipal Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. 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: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. 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

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 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. See the attached School Capacity Availability Determination received from the School Board.
3. This plat satisfies the solid waste disposal concurrency requirement of Section 5-182.6(e) of the Broward County Land Development Code.
4. This plat satisfies the regional park 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. Conditions attached in Highway Construction & Engineering Memo - **Exhibit 5**.
2. Transportation concurrency fees, public school impact fees, and regional park fees must be paid on date of building permit issuance.
3. Place note of the face of the plat, preceding municipal official's signature, reading:
All application, concurrency, impact fees for the construction, expansion, and/or conversion of a building within this plat shall be paid on the date of building permit issuance.
4. Place a note on this face of the plat reading:

- a. This plat is restricted to 229 midrise units and 20,000 square feet of commercial. The 20,000 square feet of commercial use is further restricted to Parcel B only. Any dwelling units located on Parcel B shall be free-standing multi-family and/or mixed-use structures in the residential floor area does not exceed 50% of the total floor area or the first floor is totally confined to commercial uses.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

- b. 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.
5. If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

HWC