



Resilient Environment Department

**URBAN PLANNING DIVISION**

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**DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT**

| Project Description |                                                                               |                      |                                                                     |
|---------------------|-------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------|
| Plat Name:          | Workingman's Nursery                                                          | Number:              | 006-UP-85                                                           |
| Application Type:   | Note Amendment                                                                | Legistar Number:     | 23-510                                                              |
| Applicant:          | 4161 Hillsboro, LLC                                                           | Commission District: | 2                                                                   |
| Agent:              | KEITH                                                                         | Section/Twn./Range:  | 05/48/42                                                            |
| Location:           | North side of Hillsboro Boulevard, between Lyons Road and Northwest 39 Avenue | Platted Area:        | 3 Acres                                                             |
| Municipality:       | Coconut Creek                                                                 | Gross Area:          | N/A                                                                 |
| Previous Plat:      | N/A                                                                           | Replat:              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Meeting Date:       | June 13, 2023                                                                 |                      |                                                                     |

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

The Application is attached (**Exhibit 9**). 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:                    | September 3, 1986                                                                                                                                                                                                                                                                      | Plat Book and Page Number: | 126-22    |
| Date Recorded:                          | February 24, 1986                                                                                                                                                                                                                                                                      | Current Instrument Number: | 103602053 |
| Plat Note Restriction                   |                                                                                                                                                                                                                                                                                        |                            |           |
| Current Plat Note:                      | This plat is restricted to 16,598 square feet of Church use. Day care/preschool uses, elementary school, middle school and high school uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. |                            |           |
| Proposed Note:                          | This plat is restricted to 172,000 square feet of self-storage use.                                                                                                                                                                                                                    |                            |           |

**1. Land Use**

Planning Council has reviewed this application and determined that the City of Coconut Creek Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the "Residential 3 du/ac" land use category. Planning Council staff has received written documentation that the City of Coconut Creek applied the "5% residential-to-commercial" flexibility rule to this plat through Ordinance No. 2022-016 on October 27, 2022. Therefore, the proposed self-storage use is in compliance with the permitted uses of the effective land use plan.

Planning Council staff notes that the proposed development is located adjacent to Unincorporated Broward County, and within 500 feet of a Broward County or regional park, or an Environmentally Sensitive Land, as defined by the Broward County Comprehensive Plan. Therefore, the flexibility allocation is subject to Policy 2.10.1 of the Broward County Land Use Plan regarding compatibility. In this regard, Planning Council staff has received written documentation that the City of Coconut Creek notified Broward County of the flexibility allocation, per the rules of the Administrative Rules Document: BrowardNext. Subsequently, Planning Council staff received written documentation that Broward County staff did not request a compatibility review (**Exhibit 3**).

**2. Municipal Review**

The City of Coconut Creek has submitted the City Letter of No Objection dated February 21, 2023, supporting the application (**Exhibit 4**).

**3. Adjacent City**

Broward County Municipal Services District was notified of this application, and the agency has no objections to the request (**Exhibit 5**).

**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.

This project is located on State Road 810 (Hillsboro Boulevard). Florida Department of Transportation (FDOT) has issued a pre-application letter, see the attached. Openings or improvements on functionally classified State Roads are subject to the "Rules of the Department of Transportation Chapter 14-97 State Highway System Access Management Classification System and Standards," (**Exhibit 6**).

**5. Concurrency – Transportation**

This plat is located within the North Central Transportation Concurrency Management Area, which is subject to Transportation Concurrency fees, as defined in Section 5-182.1(a)(1)a) of the Land Development Code. The proposed note amendment will be an increase of 18 trips per PM peak hour.

|                 | Existing Use Trips per PM Peak Hour | Proposed Use Trips per PM Peak Hour |
|-----------------|-------------------------------------|-------------------------------------|
| Non-Residential | 13                                  | 31                                  |
| Difference      | 31-13 = 18                          |                                     |

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:       | Broward County                    | Broward County                    |
| Plant name:             | Broward County North (2A) (09/22) | BC North Regional (BCUD4) (09/22) |
| Design Capacity:        | 30.00 MGD                         | 95.00 MGD                         |
| Annual Average Flow:    | 16.38 MGD                         | 70.04 MGD                         |
| Estimated Project Flow: | 0.055 MGD                         | 0.017 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, or that sufficient capacity will exist at time of building permit approval.

**7. Impact Fee Payment**

On June 17, 2003, the Broward County Board of County Commissioners approved a note amendment application for church use with instrument no. 103602053. This request represented a decrease of 127 peak hour trips from the previous plat approval. The road impact fees, previously assessed, were paid in their entirety prior to plat recordation on September 19, 1985.

Transportation Concurrency and administrative fees for additional 18 trips generated on the proposed note satisfies the current credit within this plat and 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 for building permit issuance.

**8. Environmental Review**

The plat note amendment application has been reviewed by Environmental Permitting Division. The attached document provides recommendations to the developer regarding environmental permitting for the future development (**Exhibit 7**).

**9. Additional Environmental Protection Actions**

Approval to connect to any wastewater collection, treatment, or disposal system is approved by the Environmental Permitting Division as a prerequisite prior to issuance of building permits. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.

**10. Archaeological and Historic Resource Review**

This plat has been reviewed by the 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 (FMSF) determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. See the attached historic and archaeological comment (**Exhibit 8**).

**11. Aviation**

The Broward County Aviation Department has no objections to this plat. Any proposed construction on this property with a height exceeding 200 feet, or the 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 to this development. Based on the location of the proposed project, the FAA may need to conduct a 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>.

## **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](http://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 North Central 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 drainage, water, wastewater, and 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 document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **June 13, 2024**.
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.

MGA