



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Plat Name:	Fernander/Wright Subdivision	Number:	034-MP-92
Application Type:	Note Amendment	Legistar Number:	22-987
Applicant:	North American Islamic Trust Inc.	Commission District:	8
Agent:	Pulice Land Surveyors, Inc.	Section/Twn./Range:	27/48/42
Location:	North side of Northwest 15 Street, between Powerline Road and Andrews Avenue Extension	Platted Area:	4.8 acres
Municipality:	Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	☐ Yes ☒ No
Meeting Date:	June 13, 2023		

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

The Application is attached (**Exhibit 7**). The Urban Planning Division (UPD) distributed the application to agencies for review, as required by Sec. 5-181 of the Land Development Code.

Plat Board Approval:	February 15, 1994	Plat Book and Page Number:	159-6
Date Recorded:	August 18, 1995	Current Instrument Number:	105747450
Original Plat:	This plat is restricted to 20 detached single-family units.		
Current Plat:	This plat is restricted to 8,000 square feet of Church/Mosque; 26,000 square feet of assembly hall area and weekend school ; 3,000 square feet of day care; 12 garden apartments; one single family dwelling unit ; and 800 square feet of ancillary utility shed. 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 12,000 square feet of place of worship; 11,000 square feet of assembly hall; 3,000 square feet of pre-kindergarten, 9,000 square feet of elementary school, 4,000 square feet of middle school and, 7,500 square feet of high school ; 3,000 square feet of day care; Special Residential Facility Category 3 consisting of 12 garden apartments accessory to and operated by the place of worship ; and 800 square feet of ancillary utility shed.		
Age Restricted:	The 12 garden apartment units were previously approved and will be restricted for elderly individuals.		
Extensions:	A Waiver of Extension was granted until November 2, 2023		

1. Land Use

Planning Council has reviewed this application and determined that the City of Pompano Beach Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the “Low-Medium 5-10 DU/AC” land use category. The existing and proposed place of worship, assembly hall, primary and secondary school and day care uses, as well as the ancillary utility shed, are in compliance with the permitted uses of the effective land use plan. The density of the proposed Special Residential Facility, Category 3, consisting of 24 sleeping rooms (12 dwelling unit equivalents), is in compliance with the permitted uses and densities of the effective land use plan (**Exhibit 3**).

2. Access

Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed this application and recommend approval subject to the conditions contained in the attached memorandum (**Exhibit 5**). This request shall meet the standards of the Broward County Land Development Code at the time of permit.

3. Municipal Review

The City of Pompano Beach has submitted a letter of No Objection dated March 2, 2022, supporting the application, see (**Exhibit 4**).

4. Concurrency – Transportation

This plat is located in the Northeast 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 will be an increase of 108 trips per PM peak hour.

	Existing Use Trips per (PM) Peak Hour	Proposed Use Trips per (PM) Peak Hour
Residential	8	7
Non-Residential	62	171
Total	70	178
Difference	(178-70) = 108	

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.

5. 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	Broward County
Plant name:	Pompano Beach Water Service (02/22)	Broward County North Regional (BCN) (06/22)
Design Capacity:	50.00 MGD	95.00 MGD
Annual Average Flow:	1.83 MGD	70.18 MGD
Estimated Project Flow:	0.022 MGD	0.008 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. Impact Fee Payment

On June August 30, 2005, the Broward County Board of County Commissioners approved a note amendment recorded at Official Records of Broward County, Florida (Instrument Number 105747450). The recreational impact fees, previously assessed, were paid in their entirety on August 30, 2005. Transportation Concurrency fees for the currently approved level of development were satisfied.

Since the 12 garden apartment units previously approved will be age-restricted, no educational impact fees will be assessed. Thus, it is the developer's responsibility to place an age restriction on this plat through the execution of a Declaration of Restrictive Covenants, which must be recorded prior to recordation of the note amendment agreement.

The plat was subject to a Recreational and Educational Impact Agreements which are recorded at Official Records Book 30848, Page 0206, and Book 30848, Page 0195, respectively, of the Public Records of Broward County, Florida. Pursuant to Section 5-184(c)(2) of the Broward County Code of Ordinances, the Recreational and Educational Impact Agreements must be released or terminated prior to the recordation of a note amendment agreement. Therefore, the impact fee obligations correspondent to these agreements are already satisfied or no longer required.

Transportation Concurrency and administrative fees for the additional 108 trips per PM peak hour 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.

7. 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 6**).

8. 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.

9. Archaeological and Historic Resource Review

The review of available information including archival documents, maps, the Broward County Property Appraiser, 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 archaeological resources or areas of archaeological or paleontological sensitivity.

The site is in a municipality that has been designated a Certified Local Government (CLG). The applicant is advised to contact the Planning Director of the City of Pompano Beach's Development Services Department at 100 West Atlantic Boulevard, #3, Pompano Beach, FL, 33060, or by phone at (954) 786-7921 for additional information.

10. Aviation

The Broward County Aviation Department has no objections to this plat. However, this property may be within 20,000 feet of the Fort Lauderdale Executive Airport and/or Pompano Beach Airpark. Any proposed construction 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 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>. To initiate the local municipality review, please contact the City of Fort Lauderdale and/or City of Pompano Beach directly.

11. Utilities

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

12. 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 Northeast 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.
3. Records a Declaration of Restrictive Covenants to place an age restriction on the plat prior to recordation of the note amendment agreement.
4. Records a Release of Recreational and Educational Impact Agreements prior to recordation of the note amendment agreement.

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