



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	McNab – Cypress Corners	Number:	053-MP-05
Application Type:	Note Amendment	Legistar Number:	23-2140
Applicant:	One East McNab Real Estate, LLC	Commission District:	4
Agent:	Dunay, Miskel & Backman, LLP	Section/Twn./Range:	01/49/42
Location:	Northeast corner of McNab Road/Southeast 15 Street and Cypress Road	Platted Area:	1.4 Acres
Municipality:	Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	December 12, 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.

Platting History and Development Rights			
Plat Board Approval:	February 26, 2008	Plat Book and Page Number:	178-5
Date Recorded:	July 10, 2008	Current Instrument Number:	108005127
Plat Note Restriction			
Current Note:	This plat is restricted to 7,000 square feet of Bank Use .		
Proposed Note:	This plat is restricted to 7,000 square feet of a restaurant with a drive-thru .		

1. Land Use

Planning Council has reviewed this application and determined that the City of Pompano Beach's Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the "Commercial" land use category. The proposed restaurant with a drive-thru is in compliance with the permitted uses of the effective land use plan, **(Exhibit 3)**.

2. Municipal Review

The City of Pompano Beach has submitted a letter of No Objection dated July 26, 2023, supporting the application, **(Exhibit 4)**.

3. Access

Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division reviewed this application and have no objection to this note amendment.

4. Concurrency – Transportation

This plat is located within the Northeast 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 85 trips per PM peak hour on Parcel B only.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Non-Residential	146	231
Difference	231-146 = 85	

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 (District 4)
Plant name:	Pompano Beach (3/23)	BC North Regional (BCN)
Design Capacity:	50.0 MGD	95.00 MGD
Annual Average Flow:	1.89 MGD	70.04 MGD
Estimated Project Flow:	0.0007 MGD	0.0007 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.

6. Impact Fee Payment

Transportation 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.

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 5)**.

8. Historic and Archaeological 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, **(Exhibit 6)**.

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

In the event any unmarked human burial remains are discovered, then pursuant to Florida Statutes, Chapter 872.05, all activities 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.

9. Aviation

The Broward County Aviation Department has no objections to this plat. This plat may be within 20,000 feet of the City of Fort Lauderdale's Fort Lauderdale Executive Airport and/or the City of Pompano Beach's Pompano Beach Airpark. Any proposed construction 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 Cities Airport Zoning Ordinances.

Based on the location of the proposed project, the cities or FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the local municipality review, please contact the City of Fort Lauderdale and/or the City of Pompano Beach directly, and to initiate the Federal Aviation Review, access the FAA Page at: <http://oeaaa.faa.gov>.

10. Utilities

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

11. 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 has 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.

3. 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 **December 12, 2024**.
2. Delete the plat note that references expiration of the Findings of Adequacy.
3. 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.

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.

AO