



Resilient Environment Department

**URBAN PLANNING DIVISION**

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

<b>Project Description</b>			
Plat Name:	441 South LTD II Plat	Number:	092-MP-84
Application Type:	Note Amendment	Legistar Number:	24-1689
Applicant:	777 Properties, Inc.	Commission District:	8
Agent:	Greenspoon Marder, LLP - Matthew Scott, Esq.	Section/Twn./Range:	01/49/41
Location:	West side of State Road 7/U.S. 441, between Southwest 7 Street and Kimberly Boulevard	Folio Number:	4941-01-31-0020
Municipality:	City of Margate	Platted Area:	16 Acres
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	January 28, 2025		

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

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

<b>Platting History and Development Rights</b>			
Plat Board Approval:	June 18, 1985	Plat Book and Page Number:	124-41
Date Recorded:	August 16, 1985	Current Instrument Number:	85274845
<b>Plat Note Restriction</b>			
Current Plat Note:	This plat is restricted to 146,000 square feet of office use.		
Proposed Note:	This plat is restricted to 146,000 square feet of office use and <b>338 mid-rise dwelling units.</b>		

## **1. Land Use**

Planning Council has reviewed this application and determined that the City of Margate Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the "Transportation-Oriented Corridor" land use category. The existing and proposed office and residential uses are in compliance with the effective land use plan and are 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 45267, Pages 1630-1635. (**Exhibit 3**).

## **2. Affordable Housing**

The applicant proposes 338 additional units; however, the development did not require amendment to the Broward County Land Use Plan. Therefore, the development shown on this plat is not subject to Policy 2.16.2 of the Broward County Land Use Plan.

## **3. Adjacent City**

The City of North Lauderdale has no objection to the plat note amendment.

## **4. Municipal Review**

The City of Margate has submitted a letter of No Objection dated October 18, 2024, supporting the note amendment.

## **5. 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 4**).

This project is located on South State Road 7. Florida Department of Transportation (FDOT) has issued a pre-application letter, valid until July 19, 2025. 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".

## **6. Concurrency – Transportation**

This plat is located within the North Central Transportation Concurrency Management Area. The proposed note amendment will be an increase of 342 trips per PM peak hour.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Non-Residential	210	0
Residential	0	132
Total		342

## **7. Concurrency - Water and Wastewater Capacity**

This plat receives water and wastewater from the utilities listed below:

	Potable Water	Wastewater
Utility Provider:	City of Margate	City of Margate
Plant name:	Margate (01/24)	Margate (MAR) (09/24)
Design Capacity:	13.50 MGD	8.00 MGD
Annual Average Flow:	7.40 MGD	6.75 MGD
Estimated Project Flow:	0.12 MGD	0.09 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.

#### **8. Concurrency – Regional Parks**

Broward County reviews all projects for Regional Park impacts (and only projects in the Broward Municipal Service Districts/unincorporated area for local park impacts.)

	Land Dedication (Acres)
Regional	1.825
Local	0

#### **9. Concurrency – Public School**

The School Board has reviewed the application and determined that the proposed 338 mid-rise units will generate 18 (3 elementary, 3 middle, and 12 high school) students. This application as proposed is determined to satisfy Public School Concurrency on the basis that the project is vested for public school concurrency requirements. The School Board staff provided a Preliminary School Capacity Availability Determination (SCAD) letter, this determination expires on April 03, 2025.

#### **10. Impact Fee Payment**

All impact fees (school impact, park impact, transportation impact, road impact, and administrative fee) will be calculated by Urban Planning Division, Development and Environmental Review Section, in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for Broward County Development and Environmental review. Fees must be paid prior to the issuance of the building permit.

\$4,550 was paid by the developer for an agreement between Broward County for securing the installation, construction, and completion of roadway improvements on July 30, 1985.

#### **11. 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.

##### **A. Domestic & Non-Domestic Wastewater and Surface Water Management**

The Broward County Domestic Wastewater Licensing Program has no objection to the described plat. Contact Environmental Permitting Division at 954-519-1483 or [WWLicense@broward.org](mailto:WWLicense@broward.org) for specific code requirements.

Should there be proposed non-domestic wastewater discharges, these must meet the criteria under Chapter 27, Article V, Sections 27-193(b)(3)a, 27-193(b)(4)a, 27-194(b), and 27-198(c) of the Broward County Code of Ordinances. Contact the Environmental Permitting Division at 954-519-1483 or [NDDLicense@broward.org](mailto:NDDLicense@broward.org).

Prior to any alteration to site grading, a Broward County Surface Water Management License is required. Contact the Environmental Permitting Division at 954-519-1483 or [SWMLicense@broward.org](mailto:SWMLicense@broward.org).

#### **B. Aquatic and Wetland Resources**

EPD has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging data (LIDAR) indicate that this property may contain County jurisdictional wetlands. The applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling. If the site is determined to contain wetlands, an Environmental Resource License will be required prior to any dredging, filling, or other alteration of wetlands. Contact the Environmental Permitting Division at 954-519-1483 or [AWRLicense@broward.org](mailto:AWRLicense@broward.org) for specific code requirements.

Landscape material should not include any plants considered to be invasive of South Florida's native plant communities.

Prior to undertaking surface disturbing activities, contact the Environmental Permitting Division at 954-519-1483 or [AWRLicense@broward.org](mailto:AWRLicense@broward.org) for specific code requirements.

#### **C. Tree Preservation**

This site does not fall under the jurisdiction of the Broward County Tree Preservation and Abuse Ordinance.

#### **D. Clean-Up and Waste Regulation**

The subject plat is within one-quarter mile of known contaminated sites. Section 27-353, Broward County Code, prohibits dewatering at or within one-quarter mile of contaminated sites without approval from the Environmental Permitting Division (EPD). In order to receive approval to dewater, a certified Dewatering Plan must be submitted in accordance with EPD's Standard Operating Procedure for Dewatering, which can be found at: <https://www.broward.org/Environment/ContaminatedSites/Pages/Dewatering.aspx>. The interactive map of contaminated sites in Broward County can be found on the internet at <https://broward.org/Environment/ContaminatedSites/Pages/Default.aspx>. Any questions can be directed to 954-519-1483 or [EAR@broward.org](mailto:EAR@broward.org).

#### **E. Air Program**

Since the subject plat relates to vacant land, there are no building demolition or asbestos renovation applicable requirements.

### **12. Historical and Archaeological Review**

This plat was 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.

### **13. Aviation**

The Broward County Aviation Department (BCAD) has no objections to this Note Amendment. This plat is within close proximity to the City of Fort Lauderdale's Fort Lauderdale Executive Airport. However, 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 Cities' Airport Zoning Ordinances apply to this development. 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 directly.

#### **14. Utilities**

AT&T has reviewed this application and have no objection to this note amendment. Florida Power and Light (FPL) has been advised of this note amendment 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 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 was reviewed by the School Board and satisfies the public-school concurrency requirements of Section 5-182.9(a)(1) of the Land Development Code.
3. This plat satisfies the regional park concurrency requirement of Section 5-182.7 of the Broward County Land Development Code.
4. 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. Conditions attached in the Highway Construction and Engineering Memorandum.
2. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **January 28, 2026**.
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.