



Resilient Environment Department
URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A NEW PLAT

Project Description			
Plat Name:	Ocean Park Pompano Beach	Number:	035-MP-21
Application Type:	New Plat	Legistar Number:	22-563
Applicant:	Mount Vernon Property Holdings LLC	Commission District:	4
Agent:	Keith	Section/Twn./Range:	29/48/43
Location:	Southeast corner of Northeast 16 Street and North Ocean Boulevard/SR A1A	Platted Area:	0.59 Acre
Municipalities:	Pompano Beach	Gross Area:	0.86 Acre
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FS 125.022 Waiver	A Waiver of extension was granted until June 9, 2023		
Recommendation:	APPROVAL		
Meeting Date:	May 24, 2022		

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

The Application is attached as **Exhibit 9** (please note the applicant amended the request twice and the final request is shown below). The Urban Planning Division (UPD) distributed the application to agencies for review, as required by Section 5-181 of the Land Development Code.

Existing and Future Land Use	
Existing Use:	Vacant
Proposed Use:	28 High-rise Units and 4,000 Sq. Ft. of Commercial
Plan Designation:	High (25-46 DU/AC) Residential
Adjacent Uses	Adjacent Plan Designations
North: Highrise	North: High (25-46 DU/AC) Residential
South: Highrise, Villas	South: High (25-46 DU/AC) Residential
East: Atlantic Ocean	East: Recreation Open Space
West: Motel	West: Medium (16-25 DU/AC) Residential
Existing Zoning	Proposed Zoning
RM-45	PD-1

In accordance with the Land Development Code, high-rise units are defined as nine (9) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels).

1. Land Use

Planning Council staff has reviewed this application and determined that the City of Pompano Beach’s Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat uses permitted in the “High (25-46 DU/AC) Residential” land use category. The proposed dwelling units are in compliance with the permitted used and densities of the effective land use plan. Also, the Council staff received verification from the City that no more than 50% of the floor area will be used for retail use which makes the commercial use in compliance with the effective land use plan. Planning Council Memorandum is attached, **Exhibit 3.**

2. Trafficways

Trafficways approval is valid for 10 months. Approval was received on February 24, 2022.

3. Access

Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed the plat application and 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 the attached memorandum. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans, **Exhibit 4.**

This project is located on North Ocean Boulevard (SR A1A). Florida Department of Transportation (FDOT) has issued a pre-approval 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," **see Exhibit 5.**

4. Concurrency – Transportation

This plat is located in the Northeast Transportation Concurrency Management Area, which is subject to Transportation concurrency fees, as defined in Section 5- 182.1.1(a)(1)a) of Land Development Code.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Residential	NA	10
Non-residential	NA	43
Total		53

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 (02/21)	Broward North Regional (12/21)
Design Capacity:	50.00 MGD	95.00 MGD
Annual Average Flow:	16.72 MGD	70.95 MGD
Estimated Project Flow:	0.010 MGD	0.007 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. 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	0.13
Local	N/A

7. Concurrency - Public School

Based on student generation rate adopted by the School Board and incorporated into the Land Development Code, the 28 high-rise units will not generate additional students and was determined to be exempt from public school concurrency requirements. However, this plat will be subject to school impact fees. See the attached School Capacity Availability Determination (SCAD) letter **Exhibit 6**.

8. Impact Fee Payment

All impact fees (school impact, park impact and transportation concurrency) will be calculated by Urban Planning Division, Development and Environmental Review Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance.

9. Environmental Review

This plat has been reviewed by Environmental Permitting Division. See the attached environmental review report which provide recommendations to the developer regarding environmental permitting for the future development. See the attached Environmental Review Report, **Exhibit 7**.

Natural Resource Division notes that this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

10. 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 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.

11. Historic Resources

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 comments, **Exhibit 8**.

12. Aviation

This property is within 20,000 feet of the City of Pompano Beach’s 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>. To initiate the local municipality review, please contact the City of Pompano Beach directly.

13. Utilities

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

14. 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 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, see the attached SCAD letter, **Exhibit 6**.
3. 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.
4. This plat satisfies the regional park concurrency requirement of Section 5-182.7 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 and Engineering Memorandum, **Exhibit 4**.
2. Place note on the face of the plat, preceding municipal official's signature, reading:

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.

3. Place a note on this face of the plat reading:

- a. This plat is restricted to 28 high-rise units and 4,000 square feet of commercial use. No more than 50% of the floor area will be used for retail use.

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

[HWC]