



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	Downtown Davie	Number:	033-MP-03
Application Type:	Note Amendment	Legistar Number:	20-1682
Applicant:	Nob Hill Partners LLC / Robert Konig	Commission District:	7
Agent:	KEITH	Section/Twn./Range:	26/50/41
Location:	southeast corner of Griffin Rd and Davie Road	Platted Area:	9.8 Acres
Municipality:	Town of Davie	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	November 10 th , 2020		

A location map showing this Plat and parcels designated within the plat for the purpose of assigning development entitlement is attached as **Exhibit 2**.

The Application is attached as **Exhibit 8**. The Planning and Development Management Division (PDMD) distributed the application to agencies for review, as required by Section 5-181 of the Land Development Code.

Platting History and Development Rights			
Plat Board Approval:	November 8, 2005	Plat Book and Page Number:	176-66
Date Recorded:	September 22, 2006	Current Instrument Number:	114565291
Plat Note Restriction			
Original Plat:	This plat is restricted to 65,900 square feet of commercial use; 51,000 square feet of office use; 4,700 square feet of bank; 227 garden apartment; and 18 townhouse units.		
Current Note:	This plat is restricted to 65,900 square feet of commercial use ; 69 garden apartment units, 113 mid-rise units (including 6 live/work units) and 128 dwelling units with an ancillary community center and parking garage. The permanent residence of school aged children is prohibited within the plat except for six (6) live/work units. No free standing banks or bank drive-thru facilities are 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 65,500 square feet of commercial use ; 69 garden apartment units, 113 mid-rise units (including 6 live/work units) and 264 student housing units (132 dwelling units equivalent) with an ancillary		

	community center and parking garage. The permanent residence of school aged children is prohibited within the plat except for the 6 live/work units.
Extensions:	Not Applicable

1. Land Use

Broward County Planning Council finds that the proposed plat note is consistent with the effective Land Use plan for the Town of Davie. The plan designates the area covered by this plat for the uses permitted in the “Town of Davie Regional Activity Center” land use category which is subject to an “Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center,” as recorded in Official Record Book 41265, Pages 15-20. Additional information from the Planning Council is shown in **Exhibit 3**.

2. 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 as there will not be any modification to the existing access as submitted.

The Florida Department of Transportation (FDOT) reviewed the application and indicates approval of the proposed modifications of the site are subject to the conditions and comments contained in the attached pre-application letter as shown in **Exhibit 6**. The applicant is advised to contact FDOT Access Management at 954-777-4363 or D4AccessManagement@dot.state.fl.us.

3. Municipal Review

The Town of Davie has adopted a Resolution No. R 2020-155 on May 20, 2020 supporting the application, which is attached in **Exhibit 5**.

4. Concurrency – Transportation

This plat is located in South Central Concurrency Management Area which is subject to Transportation concurrency fees, as defined in Section 5- 182.1(a)(5)a) of Land Development Code.

Proposed Use	Trips per Peak Hour (PM)
Residential	51
Non-residential	474
Total	525

This request represents a decrease of 29 PM peak hour trips.

The plat was recoded 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:	Town of Davie	Town of Davie
Plant name:	Town of Davie (08/20)	Davie 2 (DA2) (03/20)
Design Capacity:	10.0000 MGD	4.8500 MGD
Annual Average Flow:	8.5290 MGD	2.2200 MGD
Estimated Project Flow:	0.0910 MGD	0.0657 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 have reviewed this application and have no objection to this note amendment. This plat with the amended note satisfies the regional park concurrency requirement of Broward County Land Development Code.

7. Concurrency - Public School

The School Board has reviewed the application and notes the increase by four (4) additional student housing units. Due to the age-restriction on these units, they are not anticipated to generate students into Broward County Public Schools, provided that a legally enforceable deed-restriction is recorded. The proposed note amendment is deemed exempt for the purposes of public school concurrency requirements. School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 4**.

8. Impact Fee Payment

On August 17, 2017, a Declaration of Restrictive Covenants was recorded, Instrument number 114565292, which restricts the age of its residents to prohibit the residence of school age children in 304 units (69 garden apartments, 107 mid-rise and 128 dwelling unit equivalent) within the plat. The additional dwelling units on this plat will not be subject to school impact fees provided the developer amends the Declaration of Restrictive Covenants, which must be recorded prior to the waiver of school impact fees during the review of the construction plans submitted for County development and environmental review approval.

The six (6) mid-rise live/work units were subject to school impact fees and education fees of \$1,674.00 and were paid on October 2, 2017.

Regional park impact fees of \$73,102 and administrative fees of \$2,767 were previously paid prior to plat recordation. These credits have not been used.

Regional Park impact fees and regional park administrative fees for the additional dwelling units will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.

All impact fees will be calculated by PDMD DER Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance. Fees are subject to increase annually on October 1st.

9. Environmental Review

This plat has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 7** provides recommendations to the developer regarding environmental permitting for the future development.

Environmental Planning and Community Resilience Division has reported 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 issued by the Environmental Engineering and 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

Review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development will have no adverse effect on previously recorded resource. The Linear Resource, Griffin Road (BD04432) is located adjacent to the referenced plat. The project is unlikely to have an adverse effect on this resource.

This property is located in the Town of Davie and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The applicant is advised to contact David Quigley, Manager at the Town of Davie Planning and Zoning Division at 954-797-1075 to seek project review for compliance with municipal historic preservation regulations.

In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity 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. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

12. Aviation

The Broward County Aviation Department has no objections to this plat. However, this property is within 20,000 feet of Broward County's Fort Lauderdale/Hollywood International Airport. Any proposed construction 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 Ordinance. Based on the location of the proposed project, Broward County Aviation Department and 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>. And to initiate the Broward County Review, please contact Kfriedman@broward.org and 954-359-6170.

13. Utilities

Florida Power and Light (FPL) and AT&T have been advised of this plat 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 Planning and Development Management Division's web page at: www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf.

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 **November 10, 2021**.
2. Records an amendment to the Declaration of Restrictive Covenants acceptable to the County Attorney's Office.
3. Delete the plat note that references expiration of the Findings of Adequacy.

MR