



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:	Pennell Family Plat	Number:	001-MP-95
Application Type:	Note Amendment	Legistar Number:	21-800
Applicant:	Deerfield Development Resources, LLC	Commission District:	4
Agent:	Leigh Robinson Kerr & Associates, Inc.	Section/Twn./Range:	31/47/43
Location:	East side of Northeast 1 Avenue, between Northeast 5 Street and Dixie Highway	Platted Area:	3.7 Acres
Municipality:	Deerfield Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	June 15, 2021		

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 proposed residential units and dry storage boat slips includes property in three plats: Pennell Family Plat, Antibes Development Plat, Antibes Development Plat II. The level of development assigned by notes on each of these plats, is being amended by separate applications which will be considered on the June 15, 2021 agenda.

The Application is attached as **Exhibit 7**. The Planning and Development Management Division (PDMD) 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:	August 22, 1995	Plat Book and Page Number:	160-23
Date Recorded:	March 6, 1996	Current Instrument Number:	OR BK 31395 PG 1329
Plat Note Restriction			
Original and Current Plat:	This plat is restricted to 11 garden apartments on Parcel A and 107 dry storage boat slips and a parking lot on Parcel B.		
Proposed Note:	This plat is restricted to 179 mid-rise dwelling units on Parcel A and Parcel B.		
Extensions:	Not Applicable		

1. Land Use

Planning Council staff has reviewed the proposed note, and the Future Land Use Element of the City of Deerfield Beach’s Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat for the uses permitted in the “Residential Irregular (39)” land use category. The referenced plat is located within an area that was the subject of Broward County Land Use Plan (BCLUP) amendment PC 18-8, adopted by the Board on September 25, 2018. It is subject to voluntary restrictions as stated in **Exhibit 3**.

Additionally, this request is a companion item for two additional note amendments being presented to the Board on June 15, 2021. Therefore, this plat must be in coordination with “Antibes Development Plat” (107-MP-90) and “Antibes Development Plat II” (006-MP-91).

2. Affordable Housing

This plat is subject to Policy 2.16.2 regarding affordable housing. In connection with PC 18-8, the applicant agreed to a voluntary contribution of \$500 per dwelling unit towards the City of Deerfield Beach’s affordable housing programs.

3. 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.

4. Municipal Review

The City of Deerfield Beach has adopted a Resolution No. 2020-094 on August 4, 2020 supporting the application, which is attached in **Exhibit 5**.

5. Concurrency – Transportation

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

	Existing Use Trips per Peak Hour	Proposed Use Trips per Peak Hour
Residential	0	0
Non-Residential	217	52
Total	269	
Difference	Increase of 52 Trips per Peak Hour	

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.

6. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Deerfield Beach	City of Deerfield Beach
Plant name:	Deerfield Beach	Broward County North Regional (12/20)
Design Capacity:	23.60 MGD	95.00 MGD
Annual Average Flow:	13.175 MGD	74.00 MGD
Estimated Project Flow:	0.062 MGD	0.044 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.

7. Concurrency – Regional Parks

Broward County Parks and Recreation Division 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.

8. Concurrency - Public School

The School Board has reviewed the application and satisfies public school concurrency on the basis that adequate school capacity anticipated to be available to support the project as proposed. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 4**.

9. Impact Fee Payment

Transportation Concurrency and administrative fees, school impact fees, regional park impact 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 Planning and Development Management Division, in accordance with the fee schedule specified in the Land Development Code and must be paid on the date of building permit issuance. Transportation Concurrency and administrative fee, regional park impact and administrative fee amounts are subject to adjustment each October 1st.

A payment of \$1,595 towards road impact fee was made on November 15, 1995. A second transit impact fee payment was made on March 8, 2001 in the amount of \$2,970 based on delegation request recorded on March 21, 2001.

This plat is subject to the Education Impact Fee Agreement recorded at instrument no. 96106272, as recorded in the Public Records of Broward County, Florida ("Lien Agreement"). Pursuant to Section 5-184 (c)(2) of the Broward County Code of Ordinances, the Lien Agreement must satisfied and/or released.

This plat is subject to the Recreation Impact Fee Agreement recorded at instrument no. 96106273, as recorded in the Public Records of Broward County, Florida ("Lien Agreement"). Pursuant to Section 5-184 (c)(2) of the Broward County Code of Ordinances, the Lien Agreement must satisfied and/or released.

10. Environmental Review

The plat note amendment application has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 6** provides recommendations to the developer regarding environmental permitting for the future development.

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 not have an impact on historical or archaeological resources.

This property is located in the City of Deerfield Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The applicant is advised to contact Eric M. Power, Director of the City of Deerfield Beach Planning & Development Services at 954-480-4200, 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 applicant is advised that 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 Broward County Airport Zoning Ordinance. Based on the location, 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>.

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

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)(5)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. 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.
4. This plat satisfied the regional parks and recreation 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. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **June 15, 2022**.
2. Prior to the recordation of a note amendment agreement, the Lien Agreement must be satisfied and/or released.
3. Delete the plat note that references expiration of the Findings of Adequacy.

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.

MR