



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

Project Description			
Plat Name:	Waves at Dania Beach	Number:	023-MP-20
Application Type:	New Plat	Legistar Number:	21-983
Applicant:	RJ Marina Holdings LLC and NV Marina Holdings LLC	Commission District:	7
Agent:	Pulice Land Surveyors, Inc.	Section/Twn./Range:	33/50/42
Location:	East side of Bryan Road, between Northwest 1 Street and Stirling Road	Platted Area:	2.7 Acres
Municipality:	Dania Beach	Gross Area:	N/A
Previous Plat:	None	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FS 125.022 Waiver	Extension was granted until August 22, 2022		
Recommendation:	APPROVAL		
Meeting Date:	June 15, 2021	Action Deadline:	July 15, 2021

A location map showing 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 Planning and Development Management Division (PDMD) 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:	23,741 Sq. Ft. Marina
Proposed Use:	380 High-Rise Units and 35,000 Sq. Ft. Commercial
Plan Designation:	Regional Activity Center
Adjacent Uses	Adjacent Plan Designations
North: Warehouse	North: Regional Activity Center
South: Vacant	South: Regional Activity Center
East: Canal, Warehouse	East: Regional Activity Center, C-10 Canal
West: Commercial	West: Regional Activity Center
Existing Zoning	Proposed Zoning
IROM	IROM

In accordance with Broward County 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 has reviewed this application and determined that the Dania Beach Comprehensive Plan is the effective land use plan. That plan designates the area covered by this plat for the uses permitted in the “Regional Activity Center” land use category. The uses being proposed are subject to the recorded Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Use in the Regional Activity Center, as recorded in Official Record Book 48123, Pages 852-857. Dania Beach RAC permits a total of 7,818 dwelling units. See the attached comments received from the Broward County Planning Council, **Exhibit 3**.

This plat was the subject of Broward County Land Use Plan (BCLUP) amendments PC 09-5, PCT 09-5, and PCT 10-5, which amended various future land use designations to the “Dania Beach Regional Activity Center,” subject to the voluntary restrictions listed in **Exhibit 3**.

2. Affordable Housing

This dwelling units in Dania Beach RAC were not subject to Policy 2.16.2, regarding affordable housing, as the associated amendment did not propose additional residential units to the Broward County Land Use Plan.

3. Adjacent City

The adjacent City of Hollywood indicates no objection to this request, see **Exhibit 4**.

4. Trafficways

Trafficways approval is valid for 10 months. Approval was received on January 28, 2021.

5. 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. The recommendations for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans. **See Exhibit 5**.

6. Concurrency – Transportation

This plat is located in the Southeast 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.

Proposed Use	Trips per Peak Hour
Residential	141
Non-residential	313
Total	455

7. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Dania Beach	City of Hollywood
Plant name:	Dania Beach	Hollywood (12/20)
Design Capacity:	5.00 MGD	55.50 MGD
Annual Average Flow:	1.89 MGD	42.11 MGD
Estimated Project Flow:	0.113 MGD	00.095 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.

8. Concurrency – Regional Parks

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

	Land Dedication (Acres)
Regional	0.04 Acre
Local	N/A

9. Concurrency - Public School

In accordance with Section 5-182.9(a)(1) of the Land Development Code this plat is subject to public school concurrency because it will generate several students at one or more levels (i.e. elementary, middle and high). The proposed plat falls within the boundary of Land Use Amendment (LUPA) PCT 09-5 for a Regional Activity Center (RAC) which is subject to a Tri-Party Agreement between the City of Dania, School Board and the County. The City of Dania Beach processed the LUPA which encompassed a previous LAC that established a Regional Activity Center. Per the recorded Tri-Party Agreement, all residential units located within the boundary of the original LAC boundary are bounded by a Recorded Educational Mitigation Agreement which requires the payment of student station costs. Because this project is outside the original LAC boundary it will be subject to school concurrency requirement and the payment of school impact fees.

This application was determined to satisfy public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. The attached School Capacity Availability Determination letter was received from the School Board, see **Exhibit 6**.

10. Impact Fee Payment

All impact fees (school impact, park impact and transportation concurrency) will be calculated by Planning and Development Management 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. Staff notes that school impact fees increase annually while park impact and park administrative fees are subject to adjustment annually on October 1st.

At the time of plat application, a 23,741 square feet marina existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182.13 of the Land Development Code, this structure may be eligible for credit towards transportation concurrency, school impact and park impact fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. No credit will be granted for demolition occurring more than three (3) years prior to the review of construction plans submitted for County environmental review approval.

11. Environmental Review

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

Environmental Planning and Community Resilience Division notes that this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory.

12. 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.

13. 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 adverse effect on any known historical or archaeological resource or areas of archaeological or paleontological sensitivity.

The consulting archaeologist also notes that this plat is located in the City of Dania Beach and is outside the jurisdiction of the Broward County's historic preservation ordinance (B.C. Ordinance 2014-32). The property owner/agent is advised to contact Eleanor Norena, Director of Community Development of the City of Dania Beach at (954) 924-6805 to seek project review for compliance with the 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.

14. Aviation

This property is within 20,000 feet of Broward County's Fort Lauderdale/Hollywood International 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. On September 1, 2020, Broward County Aviation Department submitted a Conditional Approval Letter for this project to the City of Dania Beach. (**Exhibit 8**).

Further information regarding the current and potential impact of airport operations on the subject property may be obtained from the Broward County Aviation Department, Airport Development Planning Division at 954-359-2291.

15. Utilities

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

16. 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 Southeast 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 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.
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 5**.
2. Pursuant to Section 5-182.10, Protection of Air Navigation and Notice of Potential Noise Impacts, prior to plat recordation, record a separate document against all the property within the plat, acceptable to the Broward County Attorney's Office, advising prospective purchasers of potential aircraft overflight and noise impacts.
3. 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.

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

- a. This plat is restricted to 380 high-rise units and 35,000 square feet of commercial 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.

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

[HWC]