



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	Pompano Industrial Park Third Addition	Number:	010-UP-81
Application Type:	Note Amendment	Legistar Number:	23-039
Applicant:	D.E.T. Strategic Consultants, LLC	Commission District:	2
Agent:	KEITH	Section/Twn./Range:	21/48/42
Location:	South side of Sample Road, between Florida's Turnpike and North Powerline Road	Platted Area:	82.3 Acres
Municipality:	Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	☐ Yes ☒ No
Meeting Date:	March 14, 2023		

A location map showing the parcels designated within the plat for the purpose of assigning development entitlement is attached, see **Exhibit 2**.

The Application is attached, see **Exhibit 8**. The Urban Planning Division (UPD) 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:	June 2, 1981	Plat Book and Page Number:	111-33
Date Recorded:	November 18, 1981	Current Instrument Number:	100586917
Plat Note Restriction			
Current Plat Note:	This plat is restricted to 182,312 square feet of commercial use on Tract C and 165,000 square feet of Industrial use on Tract D. Any structure within this Plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan regarding hazards to air navigation.		
Proposed Note:	This plat is restricted to 382,000 square feet of commercial use on Tracts A and B; 20 fueling positions with a 6,000 square foot convenience store, 5,000 square feet of a fast-food with drive-thru on Tract B; 182,312 square feet of commercial use on Tract C; and 165,000 square feet of industrial use on Tract D.		

1. Land Use

Planning Council has reviewed this application and determined that the City of Pompano's Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the "Commercial" and "Industrial" land use categories. The existing and proposed commercial uses, convenience store with 20 fueling positions and fast-food restaurant with drive-thru are in compliance with the permitted uses of the effective land use plan, see **Exhibit 3**.

2. Municipal Review

The City of Pompano Beach has submitted the Resolution No. 2021-89 dated February 23, 2021, and the City Letter of No Objection dated November 02, 2022, supporting the application, see **Exhibit 4**.

3. Adjacent City

Notification was sent to the City of Deerfield Beach and Broward County. No objections were received, see attached **Exhibit 5**.

4. 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.

This project is located on State Road 834 (Sample Road). Florida Department of Transportation (FDOT) has issued a pre- application 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 6**.

5. Concurrency – Transportation

This plat is located within the Northeast Transportation Concurrency Management Area, which is subject to Transportation Concurrency fees, as defined in Section 5-182.1(a)(1)a) of the Land Development Code. The proposed note amendment will be an increase of 2,110 trips per PM peak hour.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Non-Residential	863	2,973
Difference	2,973-863 = 2,110	

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:	Broward County	Broward County (District 4)
Plant name:	Broward County (09/22)	BC North Regional (BCN)
Design Capacity:	30.00 MGD	95.00 MGD
Annual Average Flow:	16.38 MGD	70.18 MGD
Estimated Project Flow:	0.04 MGD	0.039 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.

7. Impact Fee Payment

On March 9, 1981, the Broward County Board of County Commissioners adopted Ordinance No. 81-35(2), approving a Development Order for the Pompano Park Development Regional Impact. In February 1988, the developer paid \$807,182.00 for road improvements, according to Development Order Book 12361, Page 865.

On November 20, 2020, Ordinance No.2021-08 was recorded on the Broward County Public Records with Instrument No. 116878499, which has filed for abandonment of the Pompano Industrial Park DRI. Further development, as identified and permitted within this DRI, will not be pursued, and all protection of vested rights, and as acknowledged by the Applicant, conditions and mitigation have been satisfactorily completed as per the DRI Development Order.

Transportation Concurrency and administrative fees for additional trips generated on future projects will be assessed during the review of construction plans submitted for County environmental review approval by the Development and Environmental Review Section of the Urban Planning Division in accordance with the fee schedule specified in the Land Development Code and must be paid on the date of building permit issuance.

8. 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, see **Exhibit 7**.

9. Additional Environmental Protection Actions

Approval to connect to any wastewater collection, treatment, or disposal system is approved by the Environmental Permitting Division as a prerequisite prior to issuance of building permits. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.

10. Archaeological and Historic Resource Review

The review of available information including archival documents, maps, the Broward County Property Appraiser, 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 archaeological resources or areas of archaeological or paleontological sensitivity.

The site is in a municipality that has been designated a Certified Local Government (CLG). The applicant is advised to contact David Recor, Director, City of Pompano Beach's Development Services Department at 100 West Atlantic Boulevard #3, Pompano Beach, FL, 33060 or by phone at (954) 786-7921 for additional information.

11. Aviation

The Broward County Aviation Department has no objections to this plat. This plat may be within 20,000 feet of the City of Pompano Beach's Pompano Beach Airpark. 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 Cities' Airport Zoning Ordinances. Based on the location of the proposed project, the cities or the FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the local municipality review, please contact the City of Pompano Beach directly, and to initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>.

12. Utilities

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

13. 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 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. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **March 14, 2024**.
2. Delete the plat note that references expiration of the Findings of Adequacy.
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.

MGA