



Resilient Environment Department

URBAN PLANNING DIVISION

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DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT

Project Description			
Plat Name:	Hurok	Number:	029-MP-19
Application Type:	Note Amendment	Legistar Number:	23-070
Applicant:	US Gateway Investments, LLC.	Commission District:	8
Agent:	Tiffany Crump, Keith	Section/Twn./Range:	34/48/42
Location:	Northeast corner of North Powerline Road and Northwest 9 Street	Platted Area:	4.2 Acres
Municipality:	City of Pompano Beach	Gross Area:	N/A
Previous Plat:	N/A	Replat:	☐ Yes ☒ No
Meeting Date:	June 6, 2023		

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

The Application is attached as **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:	March 31, 2020	Plat Book and Page Number:	183-446
Date Recorded:	November 3, 2020	Current Instrument Number:	116838404
Plat Note Restriction			
Current Plat Note:	This plat is restricted to 80,000 square feet of commercial.		
Proposed Note:	This plat is restricted to 128 garden apartment units.		

1. Land Use

Planning Council has reviewed this application and determined that the City of Pompano Comprehensive Plan is the effective land use plan. The plan designates the area covered by this plat for the uses permitted in the “Commercial” land use category. The City certified land use plan permits residential uses on parcels designated “Commercial,” for projects that include 15% affordable housing, in subject to the allocation of “flexibility units.” In addition, the City has allocated affordable housing bonus units to this plat, see **Exhibit 3**.

2. Affordable Housing

This plat includes 19 units affordable to moderate-income households. Pursuant to Broward County Land Use Plan (BCLUP) Policy 2.16.3, the Planning Council staff has received written documentation that the City allocated affordable housing bonus units to this plat and has confirmed that public facilities and services will be available to serve the proposed development.

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. A companion item for a Non-Vehicular Access Line (NAL) application must be approved by the Board of County Commissioners.

This project is located on North Powerline Road, which is a State Roadway. FDOT has issued a pre-application letter for this request with conditions, see **Exhibit 6**.

4. Municipal Review

The City of Pompano Beach has submitted the Resolution No. 2023-20 dated November 8, 2022, supporting the application, see **Exhibit 4**.

5. Concurrency – Transportation

This plat is located within the Northeast District, which is subject to transportation concurrency fees, as defined in a Section 5-182.1(a)(1)a) of Land Development Code. The proposed note amendment generates a decrease of 441 trips per P.M. peak hour.

	Existing Use Trips per PM Peak Hour	Proposed Use Trips per PM Peak Hour
Residential	0	64
Non-Residential	505	0
TOTAL	505-64 = 441	
Difference	Decrease of 441 Trips per PM 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 Pompano Beach	Broward County
Plant name:	Pompano Beach (09/22)	Broward County North (02/22)
Design Capacity:	50.00 MGD	95.00 MGD
Annual Average Flow:	1.83 MGD	70.04 MGD
Estimated Project Flow:	0.045 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

Based on student generation rate adopted by the School Board and incorporated into the Land Development Code, this plat generates an increase of 30 students, and in accordance with Section 5-182.9(a)(1) of the Land Development Code, determined that it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. The development proposed by this plat will be subject to school impact fees, the School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 7**.

9. Impact Fee Payment

Transportation concurrency 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 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. Impact fees for Affordable Housing units may be waived if the proposed development will provide affordable housing for very low or low-income persons as defined by Broward County Housing Finance and Community Development Division in accordance with Section 5-184(b)(4) of Broward County Land Development Code.

10. 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 5**.

11. 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) and its outside the jurisdiction of the Broward County historic preservation Ordinance 2014-32. The applicant is advised to contact David Recor, Director, City of Pompano Beach's Development Services Department at 100 West Atlantic Boulevard, Pompano Beach, or by phone at (954) 786-4600 for additional information.

12. Aviation

The Broward County Aviation Department (BCAD) has no objections to this plat. However, 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 Broward County review, please contact AirspaceReview@broward.org. 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 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 District. This district meets the regional transportation concurrency standards specified in 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. See the attached School Capacity Availability Determination received from the School Board.
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 6, 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.
4. A Non-Vehicular Access Line (NVAL) request must be approved by the Board of County Commissioners.

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.