



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:	Sherman Plat	Number:	207-MP-86
Application Type:	Note Amendment	Legistar Number:	21-744
Applicant:	FR535 Northwest 24th Street, LLC	Commission District:	2
Agent:	Sun-Tech engineering, Inc.	Section/Twn./Range:	19/48/42
Location:	Generally located on the northwest corner of West Copans Road and Banks Road.	Platted Area:	29.11 Acres
Municipality:	City of Margate	Gross Area:	29.50 Acres
Previous Plat:	N/A	Replat:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Meeting Date:	October 5, 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 Application is attached as **Exhibit 6**. 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 31, 1989	Plat Book and Page Number:	144-26
Date Recorded:	June 29, 1990	Current Instrument Number:	90263074
Plat Note Restriction			
Original Plat:	This plat is restricted to 71,705 square feet of automobile dealership use and a fire station on Tract A.		
Proposed Note:	This plat is restricted to 71,705 square feet of automobile dealership use and a fire station on Parcel A, and 135,000 square feet of industrial on Parcel B.		
Extensions:	A Waiver of Extension was granted until September 2, 2022		

1. Land Use

Planning Council staff has reviewed the proposed revision to the restrictive note on the above referenced plat. The Future Land Use Element of the City of Margate Comprehensive Plan is the effective land use plan for the City of Margate. That plan designates the area covered by this plat for the uses permitted in the “Transportation Oriented Corridor” land use category. The proposed industrial use on Parcel B is in compliance with the permitted uses of the effective land use plan. Regarding the existing automobile dealership and fire station use on Parcel A and the proposed industrial use on Parcel B, this plat is subject to the executed “Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Transit Oriented Corridor” as recorded in Official Record Book 45267, Pages 1630-1635. Planning Council staff notes that this plat is located within an area that was the subject of Broward County Land Use Plan (BCLUP) amendments PC 07-2/PCT 07-2, which amended various future land use designations to the “Margate Transit Oriented Corridor.” Said amendments were adopted by the Broward County Commission on September 11, 2007, subject to a voluntary commitment, to complete archaeological surveys prior to development activities.

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.

3. Municipal Review

The City of Margate and Broward Municipal Services District indicates no objection to this request, see **Exhibit 4**.

4. Concurrency – Transportation

This plat is located within the North 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	N/A
Non-residential	174
Total	174

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.

5. Concurrency - Water and Wastewater Capacity

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

	Potable Water	Wastewater
Utility Provider:	City of Margate	City of Margate
Plant name:	Margate (06/20)	Margate (MAR) (12/20)
Design Capacity:	13.500 MGD	8.7800 MGD
Annual Average Flow:	0.0079 MGD	6.6800 MGD
Estimated Project Flow:	0.0135 MGD	0.0135 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. Impact Fee Payment

All impact fees 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. Fees are subject to increase annually on October 1st.

7. Environmental Review

This plat has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 5** provides recommendations to the developer regarding environmental permitting for the future development, the site is not included, nor is it adjacent to a site in the Protected Natural Lands Inventory.

8. Historic Resources

Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that this property is located within the jurisdiction of Broward County's historic preservation ordinance (B.C. Ord. 2014-32). Pursuant to B.C. Ord. 2014-32, Section 5-536.5(g), if, "in the event that archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery shall be discontinued," and the property owner shall notify the County Historic Preservation Officer of the discovery and undertake certain additional actions. The property owner/agent is advised to contact Rick Ferrer, the Historic Preservation Officer of Planning and Development Management Division at 954-357-9731 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.

9. Aviation

The applicant is advised that any proposed construction on this property with a height exceeding 200 feet 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 of the proposed project, 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>.

10. Utilities

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

11. 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 North Central 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.

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 **August 24, 2022**
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.

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