

Board of County Commissioners, Broward County, Florida
Environmental Protection and Growth Management Department
Planning and Development Management Division
DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION

Name:	RICK CASE HABITAT COMMUNITY	Number:	010-MP-17
Applicant:	Habitat for Community of Broward, Inc.	Comm. Dist.:	2
Agent:	HSQ Group, Inc.	Sec/Twp/Rng:	35/48/42
Location:	Southwest Corner of NW 6 Avenue and NW 15 Street	Platted Area:	9.0 Acres
City:	Pompano Beach	Gross Area:	10.0 Acres
Replat:	ABYSSINIAN BAPTIST CHURCH OF CHRIST (Plat Book 167, Page 22)		

LAND USE

Existing Use:	Vacant	Effective Plan:	Pompano Beach
Proposed Use:	77 Single Family Detached Units	Plan Designation:	Medium (16) Residential. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Single Family Residential	North:	Low (5) Residential
South:	Blanche Ely High School	South:	Medium (16) Residential
East:	Commercial and Single Family Residential	East:	Commercial
West:	Place of Worship	West:	Medium (16) Residential
Existing Zoning:	R-12	Proposed Zoning:	RPUD

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances

Meeting Date:	02/06/18	Prepared:	KMM
Action Deadline:	03/20/18	Reviewed:	
Deferral Dates:		Approved:	

SERVICES

Wastewater Plant:	BCUD 4 (10/17)	Potable Water Plant:	Pompano Beach (04/17)
Design Capacity:	95.0000 MGD	Design Capacity:	50.000 MGD
12-Mo. Avg. Flow:	64.0400 MGD	Peak Flow:	16.840 MGD
Est. Project Flow:	0.0231 MGD	Est. Project Flow:	0.027 MGD

Comments: Sufficient capacity exists at this time. Comments: Sufficient capacity exists at this time.

PARKS

SCHOOLS			Land Dedication	Impact Fee	Admin. Fee
Dwelling Units	Impact Fee	Local:	County conducts no local review within municipalities	N/A	N/A
77	*	Regional:	0.58 Acres	*	*

* See Staff Comment No. 5

See Finding No. 2

See Staff Recommendation No. 10

* See Staff Comment No. 6

See Finding No. 4

See Staff Recommendation No. 10

TRANSPORTATION

Concurrency Zone: Northeast	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	78	*	*
Non-res. uses:	N/A	*	*
Total:	78	*	*

* See Staff Comment No. 4

See Finding No. 1

See Staff Recommendation No. 10

RICK CASE HABITAT COMMUNITY
010-MP-17

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 77 single family units. This property is being platted because it does not qualify for an exception to the mandatory platting rule, as it contains more than two (2) dwelling units and the plat boundaries are not specifically delineated on a recorded plat.
- 2) Trafficways review is valid for ten (10) months. This approval was received on June 22, 2017.
- 3) This plat is a replat of ABYSSINIAN BAPTIST CHURCH OF CHRIST (Plat Book 167, Page 22), approved for 10,000 square feet of church use.
- 4) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code amendments adopted April 26, 2005, transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 5) This plat generates more than one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. School Board staff has reviewed this application and determined that this request satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development.

The 77 single family units proposed by this plat will be subject to school impact fees which will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. See the attached School Capacity Availability Determination received from the School Board.

- 6) In accordance with Land Development Code amendments adopted September 22, 2009, and September 24, 2013, regional park impact and administrative fees will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 7) This plat is not located in a Wellfield Zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 8) Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of the Water Control District No. 3. The surface water management licensing requirements of the Water and Environmental Licensing Section of the Broward

County Environmental Engineering and Permitting Division must be met prior to any construction.

- 9) See the attached Conceptual Dredge and Fill Review Report. The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging (LIDAR) data indicate that this property may contain County jurisdictional wetlands. The applicant must request a formal wetland determination from the Water and Environmental Licensing Section. If the site is determined to contain wetlands, an Environmental Resource License will be required prior to any dredging, filling, or other alteration of wetlands. Contact the Water and Environmental Licensing Section at 954-519-1483.
- 10) The Water and Environmental Licensing Section encourages that all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials should not include any plants considered to be invasive of South Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division.
- 11) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands, may be accessed at the following website:
<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>
- 12) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation regulations of the City of Pompano Beach. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 13) A Tree Removal License will be required for the removal or relocation of any trees in the NW 15 Street Road Right-of-Way. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.
- 14) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.

- 15) 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 approved 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.
- 16) This property is within 20,000 feet of the Fort Lauderdale Executive Airport and Pompano Beach Municipal 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. 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/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 17) 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 is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. The archaeologist notes that this property is located in the City of Pompano Beach and outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact the City of Pompano Beach's Development Services Department, at 954-786-7921 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.
- 18) This site is currently serviced by BC Transit Route 20 on NW 6 Avenue and bus stop ID #1154.
- 19) The recommendations of the Highway Construction and Engineering Division and the Transit Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 20) The attached comments regarding this plat's compliance with the effective Land Use Plan have been received from the Broward County Planning Council.
- 21) 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.

- 22) Specific questions regarding any of the above comments may be directed to each review agency contact person. A complete list of agency contact information can be accessed on the Planning and Development Management Division's web page at: www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf

FINDINGS

CONCURRENCY REVIEW

- 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(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(m)(1)a) of the Land Development Code. See the attached School Capacity Availability Determination received from the School Board.
- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This plat satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

RATIONAL NEXUS REVIEW

- 5) This plat has been evaluated by staff of the Highway Construction and Engineering Division for the relationship between the impact of the proposed development and the right-of-way dedications required by the Broward County Land Development Code ("rational nexus test"). Staff has made a finding that the proposed development meets the threshold test for rational nexus and this report includes right-of-way dedication requirements.

STAFF RECOMMENDATIONS

RIGHT-OF-WAY REQUIREMENTS (Dedicate)

- 1) Right-of-way for a corner chord based on a 30-foot radius at the intersection of NW 15 Street and NW 6 Avenue.

BUS SHELTER REQUIREMENTS (Easement)

- 2) An 8-foot wide x 14-foot long bus shelter easement on NW 6 Avenue commencing 100 feet south of the north plat limit and continuing south for 14 feet.

FLORIDA STATUTES CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

3) SURVEY DATA

- A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description.
- B) All P.R.M.s must be labeled as "Found" or "Set". Review and revise as necessary. Review the PRM to PRM distance along the north plat boundary and revise as necessary.
- C) The platting surveyor must submit Certified Corner Records for section corners used in preparation of the plat to both the State and Broward County. County staff will confirm submittal to the State prior to plat recordation. For section corners which have Certified Corner Records on file, the surveyor must submit an affidavit confirming that the Section corner was found to be substantially as described in the most recently available certified corner record. Standard affidavit forms are available from County Surveyor's Office.
- D) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

4) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Depict the entire right-of-way widths of NW 15 Street, NW 6 Avenue and NW 7 Avenue adjacent to the plat. Label the right-of-way shown with all recorded instruments which establish public rights-of-way adjacent to this plat.

NOTE:

1. The source of a portion of the 50-foot wide strip shown as right-of-way for NW 15 Street north of the south line of Section 26-48-42 adjacent to NW 7 Avenue is not accounted for in the Adjacent Right-of-Way Report or on the plat. That portion of the apparent right-of-way is excluded from the plat recorded in P.B. 71, PG. 30, B.C.R., therefore the plat cannot be shown as a source of right-of-way in that location. Determine the source of that portion of right-of-way, list it in the Adjacent Right-of-Way Report and show it on the plat.
2. Review the instrument recorded in O.R.B. 48598, PG. 1423, B.C.R. as it pertains to source of a portion of right-of-way for N.W. 15th Street.

Review and revise the plat and Adjacent Right-of-Way Report as necessary, based on the above comments.

5) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS

- A) The Adjacent Right-of-Way report is incomplete. It does not document the full Right-of-Ways adjacent to the plat. This report is to be a search of the adjacent Right-of-Way to determine its full width and the instruments that created it. A missing reference includes, but is not necessarily limited to, O.R. 48598, PG. 1423, B.C.R.
 - B) The title certificate or an attorney's opinion of title must be updated to reflect a comprehensive search of the Public Records within 30 days prior to plat recordation. If the updated title shows any change to property ownership, then a new dedication on the plat mylar must be executed by the new owner(s) with the proper acknowledgements. If the updated title shows any changes to or additional mortgage holders, then a new Mortgagee consent must be executed with the proper acknowledgements.
- 6) DRAFTING AND MISCELLANEOUS DATA
- A) Address any undefined abbreviations or symbols used on the plat or added during revision. Remove any abbreviations and symbols from the Legend that do not appear on the plat. Add any missing abbreviations and symbols to the Legend that appear on the plat or are added during revisions.
- 7) SIGNATURE BLOCKS
- A) The Surveyor's Certification must be signed and the plat sealed by professional surveyor and mapper, and state that the plat was prepared under his or her direction and supervision, and complies with all of the survey requirements of Florida Statutes Chapter 177.
 - B) Fill in the date the PRM's were set on the mylar.
 - C) Space for the County Administrator's signature is no longer required on plats in Broward County. Revise the signature block for the Broward County Finance and Administrative Services Department, County Records Division – Minutes Section signature block as necessary.
 - D) Remove the signature block for the Broward County Finance and Administrative Services Department, County Records Division – Recording Section, based on the above comment.
 - E) If applicable, the plat must include space for approval of Drainage District, City, special improvement district, or taxing district (including space for seals). The language preceding the designated municipal official's signature on the plat drawing must include the following wording:

"No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due."

Continued

- F) The plat must include proper dates for signatures.
 - G) Provide a copy of the City of Pompano Beach's conditions of approval. (Agenda Report or Resolution listing all of the conditions of municipal plat approval.)
- 8) HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION INTERNAL PROCEDURES

The following items are required for plat recordation but are completed by County staff:

- A) Planning Council Executive Director Signature.
- B) Completion of POSSE Inputs; Impact Fee and Security reports printed.
- C) County Surveyor sign-off.
- D) P.R.M.s verified.
- E) Development Order, Planning and Development Management Director Signature.
- F) Highway Construction and Engineering Director Signature.
- G) City of Pompano Beach – Transmit scanned copy of mylar for review:
Susana Serrano susana.serrano@copbfl.com

NOTES:

- a) The applicant may request a copy of the Florida Statutes 177 check print by calling Jason Espinosa at 954-577-4593.
- b) Additional changes made to the original plat mylar (beyond this list of corrections) may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

- 9) Applicant must pay transportation concurrency fees, school impact fees and regional park impact and administrative fees 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. Regional park impact and administrative fee amounts are subject to adjustment each October 1.
- 10) This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as required by Florida Statutes Chapter 197.192. The applicant must submit a current tax letter from the Revenue Collection Division providing proof of payment.

- 11) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due.

- 12) Place a note on the face of the plat reading:

A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **February 6, 2023**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 6, 2023**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

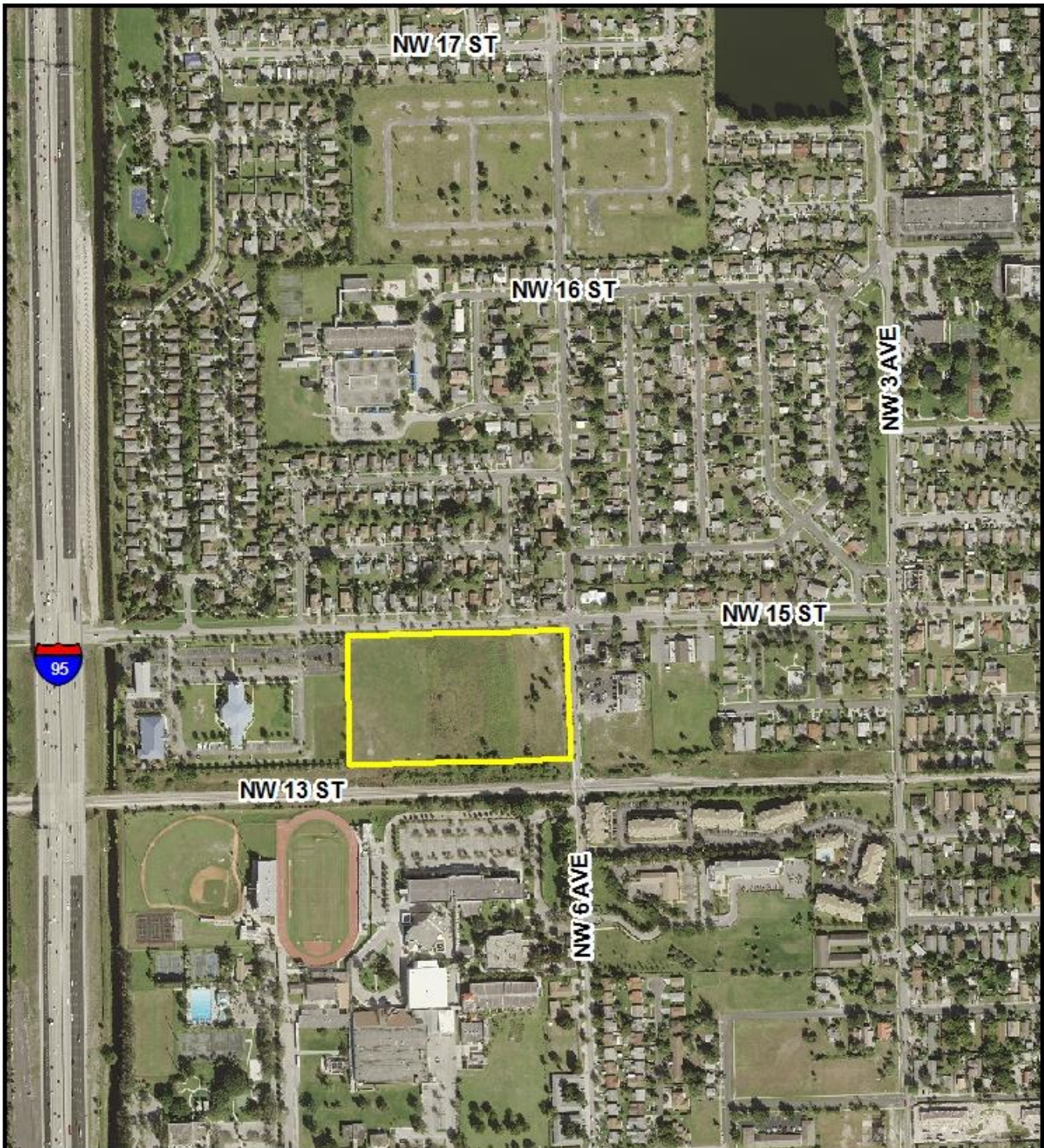
- 13) Place a note on the face of the plat reading:

This plat is restricted to 77 single family detached units.

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.

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.

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



Commission District No. 2
Municipality: Pompano Beach
S/T/R: 35/48/42



010-MP-17
Rick Case
Habitat Community



0 250 500 1,000 Feet

Prepared by: Planning and Development Management Division
Date Flown: January 2017

The School Board of Broward County, Florida
PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION

PLAT
SBBC-2228-2017
County No: 010-MP-17
Rick Case Habitat Community

October 23, 2017



Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com

**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION
PLAT**

PROJECT INFORMATION	NUMBER & TYPE OF PROPOSED	OTHER PROPOSED	ADDITIONAL STUDENT
Date: October 23, 2017	Single-Family: 77		Elementary: 18
Name: Rick Case Habitat Community	Townhouse:		Middle: 9
SBBC Project Number: SBBC-2228-2017	Garden Apartments:		High: 9
County Project Number: 010-MP-17	Mid-Rise:		Total: 36
Municipality Project Number:	High-Rise:		
Owner/Developer: Habitat for Humanity of Broward, Inc.	Mobile Home:		
Jurisdiction: Pompano Beach	Total: 77		

Comments

District staff reviewed and issued a preliminary School Capacity Availability Determination (SCAD) Letter for this application that preliminarily vests the project for public school concurrency for 77 (four or more bedroom) single family units, which were determined to generate a total of 36 (18 elementary, 9 middle, and 9 high school) students.

The school Concurrency Service Areas (CSA) serving the project site in the 2016/17 school year included Sanders Park Elementary, Pompano Beach Middle and Blanche Ely High Schools.

This preliminary determination (for a maximum of 77 (four or more bedroom) single family units) was due to expire on October 6, 2017. However, the applicant requested an extension of this preliminary School Capacity Availability Determination (SCAD) prior to its expiration date. As such, the preliminary determination shall be valid for a one-time extension of an additional 180 days from the original expiration date (October 6, 2017) and shall expire on April 3, 2018. This preliminary school concurrency determination shall be deemed to be void unless prior to April 3, 2018, notification of final approval to the District has been provided. Upon the District's receipt of sufficient evidence of final approval which shall minimally specify the number, type and bedroom mix for the approved residential units, the District will issue and provide a final SCAD letter for the approved units, which shall ratify and commence the vesting period for the approved residential project.

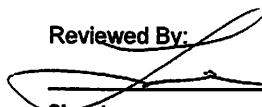
Please be advised that if a change is proposed to the development, which increases the number of students generated by the project, the additional students will not be considered vested for public school concurrency.

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code

SBBC-2228-2017 Meets Public School Concurrency Requirement Yes No

10-23-17

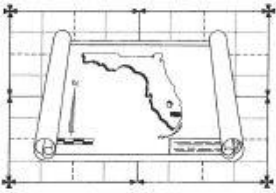
Date

Reviewed By: 

Signature
Lisa Wight

Name
Planner


Title



BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 ■ Fort Lauderdale, Florida 33301 ■ Phone: 954.357.6695

TO: Josie P. Sesodia, AICP, Director
Broward County Planning and Development Management Division

FROM: Barbara Blake Boy, Executive Director 

RE: Rick Case Habitat Community (010-MP-17)
City of Pompano Beach

DATE: April 20, 2017

The Future Land Use Element of the City of Pompano Beach Comprehensive Plan is the effective land use plan for the City of Pompano Beach. That plan designates the area covered by this plat for the uses permitted in the "Medium (16) Residential" land use category. This plat is generally located on the southwest corner of Northwest 6 Avenue and Northwest 15 Street.

The density of the proposed development of 77 dwelling units on approximately 10.0 gross acres of land, including the immediately adjacent rights-of-way, is 7.7 dwelling units per gross acre, which is in compliance with the permitted uses and densities of the effective land use plan.

The effective land use plan shows the following land uses surrounding the plat:

North: Low (5) Residential
South: Medium (16) Residential
East: Commercial
West: Medium (16) Residential

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:PMS

cc: Greg P. Harrison, City Manager
City of Pompano Beach

Robin Bird, Director, Development Services
City of Pompano Beach