

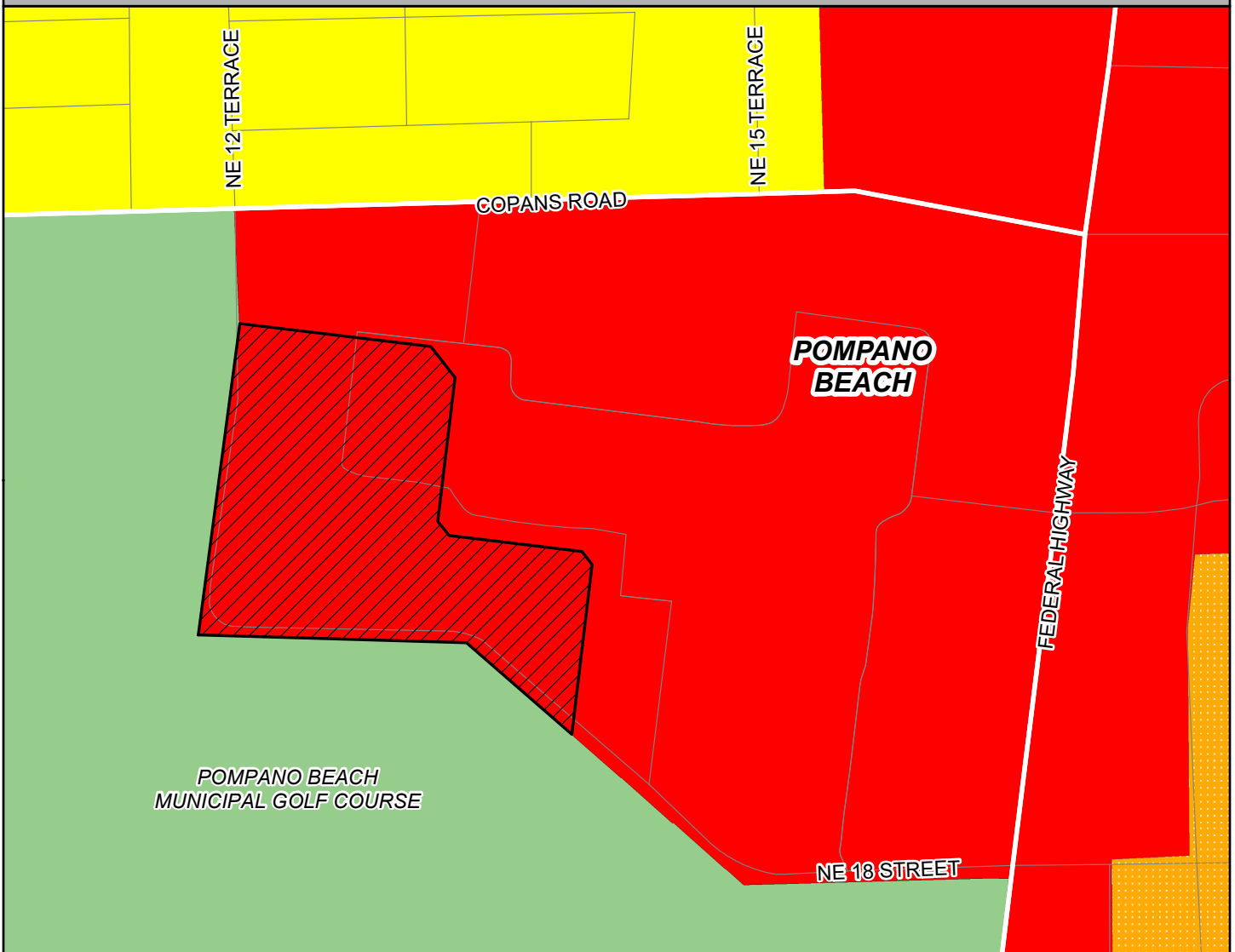
MAP 1
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH
AMENDMENT PC 21-6



MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
CURRENT FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 21-6

Current Land Use: Commerce

Gross Acres: Approximately 12.1 acres



Site



Low (5) Residential



Low-Medium (10) Residential



Commerce



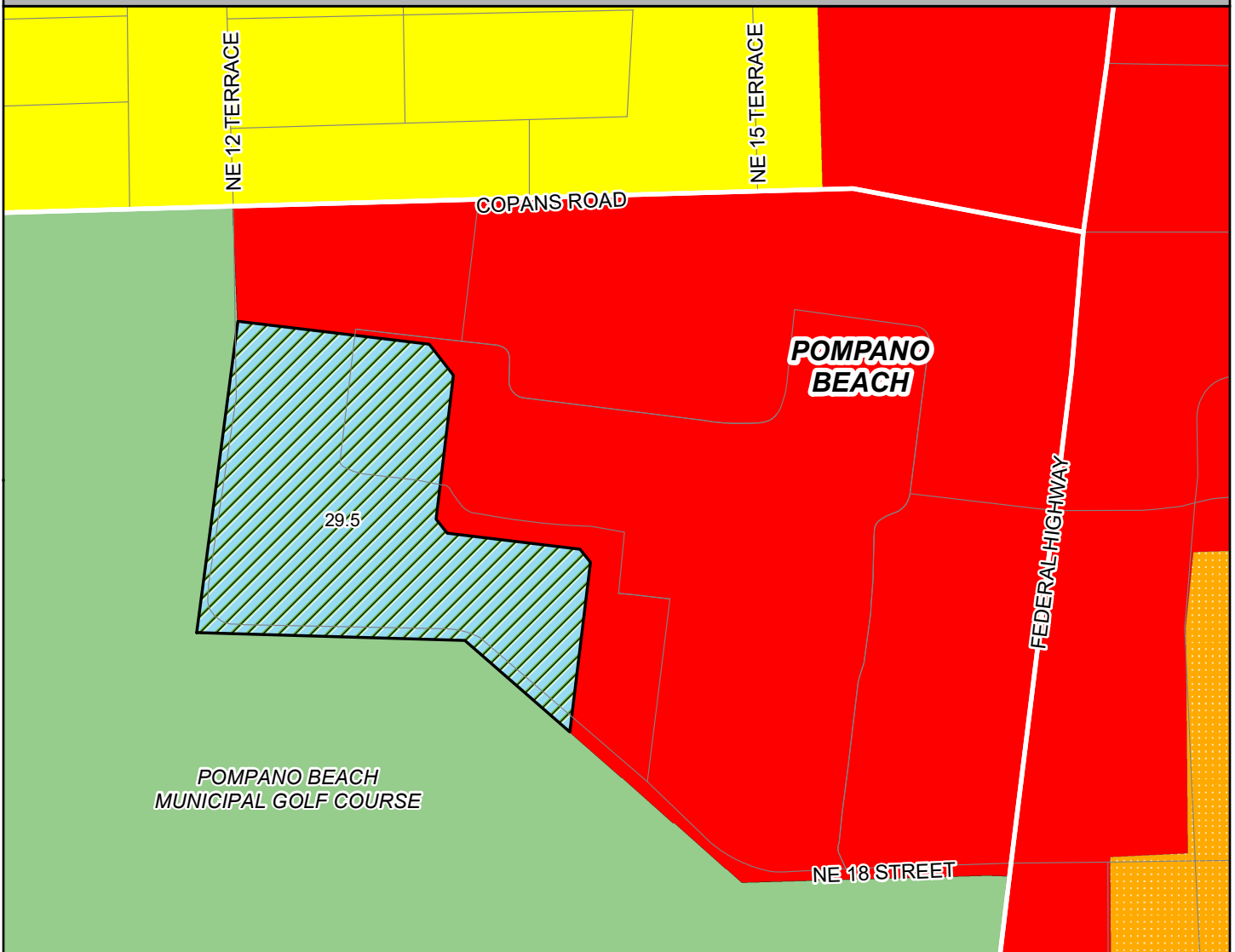
Recreation and Open Space









MAP 3
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
PROPOSED FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 21-6

Proposed Land Use: Irregular (29.5) Residential

Gross Acres: Approximately 12.1 acres



- | | |
|---|---|
|  Site |  0.0 Irregular Residential |
|  Low (5) Residential |  Commerce |
|  Low-Medium (10) Residential |  Recreation and Open Space |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 21-6
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

June 15, 2021

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan, recognizing the applicant’s voluntary commitments to 1) restrict 15% of the proposed dwelling units as moderate-income affordable housing units (up to 120% of median income) for a minimum of 30 years and 2) submit notice to the FAA prior to the issuance of residential building permits and provide written notification of the proximity to the Pompano Beach Airpark in any leases or deeds for residential units built on the property. See Attachments 7 and 10. Therefore, it is recommended that the proposed amendment be approved.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete, subject to the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable agreement, such as a Declaration of Restrictive Covenants, to memorialize the voluntary commitments proffered by the applicant, as an inducement for Broward County to favorably consider its application.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

June 15, 2021

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

In addition, if the Planning Council does not require a second Planning Council public hearing and the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment, which directly correlates to the referenced BCLUP amendment. The land use plan amendment will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

II. Planning Council Public Hearing Recommendation

June 24, 2021

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 16-0: Blackwelder, Breslau, Brunson, Castillo, Gomez, Good, Grosso, Hardin, Maxey, Parness, Rich, Romaner, Rosenof, Ryan, Williams and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Pompano Beach
- II. County Commission District: District 2
- III. Site Characteristics
 - A. Size: Approximately 12.1 acres
 - B. Location: In Section 25, Township 48 South, Range 42 East; generally located on the south side of Copans Road, between Federal Highway/U.S. 1 and Northeast 12 Terrace.
 - C. Existing Use: Vacant retail and ancillary surface parking
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Commerce
 - B. Proposed Designation: Irregular (29.5) Residential
 - C. Estimated Net Effect: Addition of 356 dwelling units
Zero (0) dwelling units currently permitted by the Broward County Land Use Plan
Reduction of 12.1 acres of commerce use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North:* Retail
 - East:* Retail
 - South:* Golf course
 - West:* Golf course
 - B. Planned Uses:
 - North:* Commerce
 - East:* Commerce
 - South:* Recreation and Open Space
 - West:* Recreation and Open Space

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* The Morgan Group
- B. *Agent:* Dennis D. Mele, Esq., Greenspoon Marder, LLP
- C. *Property Owners:* Sterling Organization
Macy's Inc.

VII. Recommendation of
Local Governing Body:

The City of Pompano Beach recommends approval of the proposed amendment.

VIII. Applicant's Rationale

The applicant states: "The Subject Property is part of the Pompano Citi Centre Shopping Mall and is developed with a former Macy's department store and associated parking. When this shopping mall was originally constructed in 1970, it was one of the only enclosed malls in Broward County. It was designed like a typical shopping mall of that era with an internal corridor that connected all the individual tenants. In 2004 the shopping center was redesigned and the internal connectivity was removed. With this redesign, the Macy's store became isolated from the rest of the center on the back side of the center and had very poor visibility. The trend in apparel retail during the past few years has been a move away from apparel focused department stores to retail boutiques and fast fashion stores. In addition, there have been many bankruptcies in the retail sector due to the impacts of the COVID-19 Pandemic. COVID-19 will likely impact the way people shop well into the future which will continue to reduce the need for brick-and-mortar stores as people continue to do much of their shopping on-line. All of these factors combined led this Macy's store to close and it is unlikely that the store could be successful going forward. With the conversion of the Subject Property to residential, the remaining tenants in Pompano Citi Centre would benefit from the residents living on-site that will become patrons of those businesses.

The Subject Property is surrounded on three (3) sides by commercial development and on the fourth by the City's municipal golf course. As a result, the proposed development will be separated from existing single-family development north of Copans Road by existing commercial development. The analysis of the proposed amendment documents that there are existing adequate public facilities available to serve the proposed development. For these reasons, the proposed amendment will not have any negative impacts on the immediate area or the City as a whole.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VIII. Applicant's Rationale (continued)

Although the Subject Property is not located in a designated redevelopment area, the Citi Centre is in need of redevelopment of the existing vacant space. The proposed amendment will facilitate sustainable infill redevelopment on a portion of the Citi Centre and provide additional patrons for the commercial uses in the area.”

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

REVIEW OF PUBLIC FACILITIES AND SERVICES

I. Potable Water/Sanitary Sewer/Solid Waste/Drainage/Parks & Open Space

Adequate potable water facility capacity and supply, sanitary sewer facility capacity, drainage and solid waste services, and park and open space acreage will be available to serve the proposed land use. See Attachment 1.

Regarding the long-range planning horizon for potable water supply, it is noted that the City of Pompano Beach adopted its 10-year Water Supply Facilities Work Plan on October 27, 2020.

II. Transportation & Mobility

The proposed amendment from the Commerce land use category to the Irregular (29.5) Residential land use category is projected to **decrease** the number of p.m. peak hour trips on the regional transportation network at the long-term planning horizon by approximately 490 p.m. peak hour trips. See Attachment 2. As such, the proposed amendment would not negatively impact the operating conditions of the regional transportation network.

Planning Council staff notes the following roadway levels of service for informational purposes only:

- **Federal Highway/U.S. 1**, between Sample Road and Copans Road, is currently operating at and projected to continue operating at level of service (LOS) “F,” with or without the subject amendment.
- **Federal Highway/U.S. 1**, between Copans Road and Northeast 10 Street, is currently operating at LOS “D,” and projected to operate at LOS “F,” with or without the subject amendment.
- **Copans Road**, between Dixie Highway and Federal Highway/U.S. 1, is currently operating at and projected to continue operating at LOS “C,” with or without the subject amendment.
- **Northeast 14 Street**, between Federal Highway/U.S. 1 and Ocean Boulevard/A1A, is currently operating at and projected to continue operating at LOS “D,” with or without the subject amendment.

REVIEW OF PUBLIC FACILITIES AND SERVICES (continued)

II. Transportation & Mobility (continued)

The Broward County Transit Division (BCT) report states that current and planned fixed-route county transit service, as well as community shuttle service, is provided to the proposed amendment site. In addition, the BCT report identifies planned Penny Surtax transit improvements to the county routes serving the amendment site. Further, the BCT staff recommends that any proposed development be designed to provide safe movement for pedestrians and bicycles, including transit connectivity to the existing sidewalk/bicycle network and bus stops. See Attachment 3.

III. Public Schools

The School Board of Broward County staff report states that the proposed amendment would generate 29 additional students into Broward County Public Schools, consisting of 8 elementary school students, 7 middle school students and 14 high school students. The report further states that Cresthaven Elementary, Crystal Lake Community Middle and Deerfield Beach High schools are all under-enrolled in the 2020-2021 school year and are anticipated to operate below the adopted level of service (LOS) of the higher of 100% of gross capacity or 110% of permanent capacity through the 2022-2023 school year. In addition, the School Board report indicates that there is one (1) charter school located within a two-mile radius of the proposed amendment site. See Attachment 4.

The School Board report indicates that there are no planned improvements which increase the capacities of the affected elementary, middle and high schools in the currently adopted 5-year or 10-year School Board District Educational Facilities Plans. See Attachment 4.

Based on the School District's Seven Long Range Planning Areas, the proposed amendment is located within School District Planning Area "7," which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. The residential dwelling units will be subject to a public school concurrency review at the plat or site plan phase of development review, whichever comes first. See Attachment 4.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

REVIEW OF NATURAL RESOURCES

I. Designated Protected/Regulated Areas

The Broward County Environmental Protection and Growth Management Department (EPGMD) report indicates that the proposed amendment site does not contain Natural Resource Areas, Local Areas of Particular Concern, Urban Wilderness Inventory sites, or Protected Natural Lands within its boundaries. See Attachment 5.

II. Wetlands

The EPGMD report indicates that the proposed amendment site does not contain wetlands within its boundaries. Therefore, the proposed amendment is not expected to have a negative impact on wetland resources. See Attachment 5.

III. Sea Level Rise

The EPGMD report indicates that the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. See Attachment 5.

IV. Other Natural Resources

The EPGMD report indicates that the subject site contains mature tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Pompano Beach. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources. It is further noted that development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. See Attachment 5.

V. Historical/Cultural Resources

The Broward County Planning and Development Management Division (PDMD) report states that the proposed amendment will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. See Attachment 6.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. Affordable Housing

The proposed land use plan amendment is subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, as it proposes an additional 356 dwelling units to be permitted by the BCLUP. The amendment application was submitted with a voluntary commitment to designate at least 15% of the dwelling units (54 dwelling units) as moderate-income affordable housing (120% of median income) for a period of 30 years. Therefore, the proposed amendment was exempt from the land use plan amendment fee and is in compliance with Policy 2.16.2. See Attachment 6. The applicant has submitted a draft Declaration of Restrictive Covenants outlining its voluntary commitment regarding affordable housing. See Attachment 7.

II. BrowardNext - Broward County Land Use Plan Policies

The proposed amendment is found to be generally consistent with the policies of the BrowardNext - Broward County Land Use Plan, including Strategy MM-2 recognizing the transportation and housing connection:

- Broward County shall support strategically directing new growth and redevelopment to mixed use activity areas such as downtowns and along major corridors which offer multi-modal connections and cost effective infrastructure investments to accommodate full access to housing, jobs, local businesses, and community services.

III. Other Pertinent Information

The proposed amendment site is located in close proximity to the City of Pompano Beach Airpark. Planning Council staff solicited comments from the municipal facility. The City Airpark staff states that the proposed development will be subject to airport noise and aircraft overflights. As such, the development must be reviewed by the Federal Aviation Administration (FAA) to ensure that the buildings do not penetrate any of the airport approach surfaces. Further, Airpark staff states that any lessee or property owner be notified of potential aircraft operations and associated noise from said aircrafts. See Attachments 8.A. and 8.B. Planning Council staff recommends that this notification be memorialized in a legally enforceable agreement to ensure that prospective renters or buyers are notified of potential noise issues, etc. related to the proximity to Pompano Airpark airspace.

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

III. Other Pertinent Information (continued)

The applicant has submitted a draft Declaration of Restrictive Covenants confirming that a “Notice of Proposed Construction or Alteration” will be submitted to the FAA prior to the issuance of residential building permits. Further, written notification of the proximity to the Airpark will be provided in any leases or deeds for residential units built on the property. See Attachment 10.

The applicant conducted a virtual community outreach meeting with neighboring residential property owners to present the proposed development plan.

Regarding notification to the public, the Broward County Planning Council staff sent approximately 66 courtesy notices to all property owners within the land use plan amendment boundaries, as well as within 300 feet of the boundaries.

Update: June 24, 2021: Planning Council staff received verbal communications from Mr. Gilbert Conca objecting to the proposed amendment.

Update: July 1, 2021: This is a small scale amendment due to the passage of House Bill 487, which became effective on July 1, 2021 and redefined small scale amendments as less than 50 acres for urban areas. Therefore, the amendment review process includes up to two (2) Planning Council public hearings and only one (1) subsequent County Commission adoption hearing. The small scale amendment is not subject to Florida Department of Economic Opportunity (DEO) review; therefore, no report will be issued by the DEO, or other State review agencies.

SECTION VI
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

PLANNING ANALYSIS

The proposed BrowardNext – Broward County Land Use Plan (BCLUP) amendment from Commerce to Irregular (29.5) Residential would result in an addition of 356 dwelling units. The amendment site is generally surrounded by retail uses to the north and east and a municipal golf course to the west and south. In addition, the proposed amendment site is located along Copans Road and Federal Highway/U.S. 1, which are primary transportation corridors. Development of the amendment site with higher density multi-family residential will serve to promote the transportation and housing connection promoted by the BCLUP. In addition, this proposed amendment is consistent with the types of proposals that are anticipated for vacant big box retail sites and shopping centers along transportation corridors. It is also noted that the proposed development parcel will continue to be supported by and integrated with remaining retail parcels.

Planning Council staff's analysis finds that adequate **potable water plant capacity and supply, sanitary sewer, drainage, solid waste capacity and park acreage** will be available to serve the proposed land use. In addition, our analysis finds that the proposed amendment is not projected to negatively impact the operating conditions of the **regional transportation network**. See Attachment 2. Further, no adverse impacts to **natural or cultural resources** were identified.

Regarding impacts to **public schools**, the School Board of Broward County staff report states that the proposed amendment would generate 29 additional students into Broward County Public Schools, consisting of 8 elementary school students, 7 middle school students and 14 high school students. Based on the School District's Seven Long Range Planning Areas, the amendment is located within School District Planning Area "7," which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. In addition, the residential dwelling units will be subject to a public school concurrency review at the plat or site plan phase of development review, whichever comes first. See Attachment 4.

Regarding **affordable housing**, the proposed land use plan amendment is subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, as it proposes an additional 356 dwelling units to be permitted by the BCLUP. The amendment application was submitted with a voluntary commitment to designate at least 15% of the dwelling units (54 dwelling units) as moderate-income affordable housing (120% of median income) for a period of 30 years. Therefore, the proposed amendment was exempt from the land use plan amendment fee and is in compliance with Policy 2.16.2. See Attachment 6. The applicant has submitted a draft Declaration of Restrictive Covenants outlining its voluntary commitment regarding affordable housing. See Attachment 7.

PLANNING ANALYSIS (continued)

Regarding **proximity to the City of Pompano Beach Airpark**, City Airpark staff states that the proposed development will be subject to airport noise and aircraft overflights and must be reviewed by the Federal Aviation Administration (FAA) to ensure that the buildings do not penetrate any of the airport approach surfaces. Further, Airpark staff states that any lessee or property owner be notified of potential aircraft operations and associated noise from said aircrafts. See Attachments 8.A. and 8.B. The applicant has submitted a draft Declaration of Restrictive Covenants confirming that a “Notice of Proposed Construction or Alteration” will be submitted to the FAA prior to the issuance of residential building permits. Further, written notification of the proximity to the Airpark will be provided in any leases or deeds for residential units built on the property. See Attachment 10.

In conclusion, Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan (BCLUP), recognizing the applicant’s voluntary commitments to 1) restrict 15% of the proposed dwelling units as moderate-income affordable housing units (up to 120% of median income) for a minimum of 30 years and 2) submit notice to the FAA prior to the issuance of residential building permits and provide written notification of the proximity to the Pompano Beach Airpark in any leases or deeds for residential units built on the property. See Attachments 7 and 10. Therefore, it is recommended that the proposed amendment be approved.

SECTION VII
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-6

ATTACHMENTS

1. Broward County Planning Council Supplemental Report of May 2021
2. Broward County Planning Council Traffic Analysis of March 10, 2021
3. Broward County Transit Division Report of March 31, 2021
4. School Board of Broward County Consistency Review Report of April 9, 2021
5. Broward County Environmental Protection and Growth Management Department Report of April 13, 2021
6. Broward County Planning and Development Management Division Report of April 14, 2021
7. Draft Declaration of Restrictive Covenants Regarding Affordable Housing
8.
 - A. Email correspondence from Steven P. Rocco, C.M., ACE, Airport Manager, City of Pompano Beach, to Julie M. Bernal, Planner Trainee, Broward County Planning Council, dated April 7, 2021
 - B. Email correspondence from Steven P. Rocco, C.M., ACE, Airport Manager, City of Pompano Beach, to Deanne D. Von Stetina, AICP, Assistant Executive Director, Broward County Planning Council, dated June 9, 2021
9. Proximity of Site to Pompano Beach Airpark (Map)
10. Draft Declaration of Restrictive Covenants Regarding Pompano Airpark
11. Broward County Parks and Recreation Division Report of April 14, 2021
12. Broward County Water Management Division Report of March 16, 2021

ATTACHMENT 1

BROWARD COUNTY PLANNING COUNCIL SUPPLEMENTAL REPORT PUBLIC SERVICES AND FACILITIES

BROWARD COUNTY LAND USE PLAN AMENDMENT NUMBER PC 21-6

Prepared: May 2021

POTABLE WATER

The proposed amendment site will be served by the Pompano Beach Water Treatment Plant, which have a current combined capacity of 50 million gallons per day (mgd). The current and committed demand on the treatment plant is 14.2 mgd, with 35.8 mgd available. The wellfield serving the amendment site has a permitted withdrawal of 18.39 mgd, with 4.19 mgd available for water withdrawal, which expires on December 8, 2040. The amendment will result in a net increase in demand of 0.12 mgd. Planning Council staff utilized a level of service of 0.1 gallons per day (gpd) per square foot for commerce uses and 161 gpd per capita (2.27 persons per household) for residential uses. Sufficient potable water supply and treatment capacity will be available to serve the proposed amendment site.

SANITARY SEWER

The proposed amendment site will be served by the Broward County North Regional Wastewater Treatment Plant, which has a current capacity of 95 mgd. The City of Pompano Beach has an allocated capacity of 17 mgd. The current and committed demand on Pompano Beach's portion of the treatment plant is 14.7 mgd, with 2.3 mgd available. The amendment will result in a net increase in demand of 0.09 mgd. Planning Council staff utilized a level of service of 0.1 gpd per square foot for commerce uses and 300 gpd per dwelling unit for residential uses. Sufficient sanitary sewer capacity will be available to serve the proposed amendment site.

SOLID WASTE

The proposed amendment site will be served by Waste Management for solid waste disposal service. Waste Management collects and transports the City's solid waste to the Monarch Hill landfill, which has a capacity of 41,096 tons per day (tpd) and a demand of 4,110 tpd, with 36,986 tpd available. The amendment will result in a net decrease in demand of 0.84 tpd. Planning Council staff utilized a level of service of 4 pounds (lbs.) per 100 square feet per day for commerce uses and 8.9 lbs. per dwelling unit per day for residential uses. Sufficient solid waste capacity will be available to serve the proposed amendment site.

DRAINAGE

The proposed amendment site is located within the jurisdiction of the Broward County Environmental Protection and Growth Management Department (EPGMD). A surface water management permit from EPGMD may be required prior to any construction.

PARKS AND OPEN SPACE

The City of Pompano Beach has 643 acres in its parks and open space inventory. The projected 2045 population (139,760) requires approximately 419.28 acres to meet the community parks acreage requirement of 3 acres per one thousand persons population. The proposed amendment will result in a net increase of 2.4 acres on the projected demand for local parks. The City of Pompano Beach continues to meet the community parks acreage requirement of the Broward County Land Use Plan of 3 acres per one thousand persons population.

ATTACHMENT 2

TRAFFIC ANALYSIS PC 21-6

Prepared: March 10, 2021

INTRODUCTORY INFORMATION

Jurisdiction: City of Pompano Beach

Size: Approximately 12.1 acres

TRIPS ANALYSIS

Potential Trips - Current Land Use Designation

Current Designation: Commerce

Potential Development: 121,000 square feet of commercial use

Trip Generation Rate: "ITE Equation (820) Shopping Center"*

Total P.M. Peak Hour Trips: 647 peak hour trips

Potential Trips - Proposed Land Use Designation

Proposed Designation: Irregular (29.5) Residential

Potential Development: 356 dwelling units

Trip Generation Rate: "ITE Equation (221) Multifamily Housing (Mid-Rise)"

Total P.M. Peak Hour Trips: 157 peak hour trips

Net P.M. Peak Hour Trips -490 peak hour trips

PLANNING COMMENTS

The proposed amendment is projected to decrease traffic on the regional roadway network by approximately 490 p.m. peak hour trips at the long-range planning horizon.

*Institute of Transportation Engineers (ITE) traffic generation equations from "Trip Generation Manual - Tenth Edition," the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.

ATTACHMENT 3



Transportation Department

TRANSIT DIVISION- Service and Capital Planning

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382



VIA EMAIL

March 31, 2021

Julie Bernal
Planner Trainee
Broward County Planning Council
115 South Andrews Ave, Room 307
Fort Lauderdale, FL 33301

RE: PC 21-6 – Pompano Citi Center

Dear Ms. Bernal:

Broward County Transit (BCT) has reviewed your correspondence dated March 16, 2021, regarding the Pompano Citi Center Land Use Plan Amendment (LUPA) located in the City of Pompano Beach for current and planned transit service. The current transit service provided within a quarter mile of the amendment site includes BCT fixed routes 10, 11, 83 Hillsboro Beach Route, Lighthouse Point Route, and the City of Pompano Beach Green and Orange Routes. Please refer to the following table for detailed information.

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
BCT 10	Weekday	5:10a – 11:22p	27 minutes
	Saturday	5:10a – 11:22p	30 minutes
	Sunday	8:20a – 9:35p	41 minutes
BCT 11	Weekday	5:00a – 11:21p	45 minutes
	Saturday	5:00a – 11:21p	45 minutes
	Sunday	7:00a – 9:23p	57 minutes
BCT 83	Weekday	6:15a – 8:57p	42 minutes
	Saturday	6:15a – 8:57p	42 minutes
	Sunday	9:00a – 7:46p	60 minutes
Hillsboro Beach (BCT 721)	Weekday	9:00a – 5:50p	60 minutes
Lighthouse Point (BCT 745)	Weekday	9:00a – 11:56a 12:30p – 3:26p	60 minutes
Pompano Beach Green Route (BCT 708)	Weekday	9:00a – 4:52p	68 minutes

Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Dale V.C. Holness • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine
www.broward.org



Transportation Department

TRANSIT DIVISION- Service and Capital Planning

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
Pompano Beach Orange Route (BCT 706)	Weekday	9:00a – 4:57p	68 minutes

As part of the 30 year [Mobility Advancement Program](#), BCT plans to implement several fixed route bus improvements, including shorter headways and increased span of service to better meet passenger needs. Rapid Bus service via Federal Highway (US 1), between Sample Road and Aventura Mall, are currently prioritized for study as part of a countywide Transit Systems Plan.

Please be advised that capital improvements to existing or future bus stops located adjacent or within the amendment site will be addressed during the project’s development review process:

- BCT Bus Stop ID # 4278
- BCT Bus Stop ID # 4279
- BCT Bus Stop ID # 5524

BCT has adequate capacity for current and planned services to meet additional service demand as described in this proposed LUPA. BCT recommends that any proposed (re)development on the amendment site be designed to provide safe movement for pedestrians and bicycles including transit connectivity between the existing sidewalk / bicycle network and proposed future bus stops.

Please feel free to call me at 954-357-8387 or email me at Dimunoz@broward.org if you require any additional information or clarification on this matter.

Sincerely,

Diego B. Munoz

Diego B. Munoz
Planner
Service and Strategic Planning

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT

LAND USE
SBBC-2856-2020
County No: PC 21-6
Pompano City Center



April 9, 2021



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

SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

PROJECT INFORMATION	IMPACT OF PROPOSED CHANGE	PROPERTY INFORMATION
Date: April 9, 2021	Units Permitted: 0 Units Proposed: 356	Existing Land Use: Commercial
Name: Pompano City Center	NET CHANGE (UNITS): 356	Proposed Land Use: Irregular 29.5
SBBC Project Number: SBBC-2856-2020	Students Permitted Proposed NET CHANGE	Current Zoning: B-3/PCD
County Project Number: PC 21-6	Elem 0 8 8	Proposed Zoning: rm-30
Municipality Project Number: TBD	Mid 0 7 7	Section: 25
Owner/Developer: Burdines Real Estate, Inc.	High 0 14 14	Township: 48 south
Jurisdiction: Pompano Beach	Total 0 29 29	Range: 42 east

SHORT RANGE - 5-YEAR IMPACT

Currently Assigned Schools	Gross Capacity	LOS* Capacity	Benchmark** Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of LOS*** Capacity
Cresthaven Elementary	705	776	515	-261	-14	66.4%
Crystal Lake Community Middle	1,585	1,585	1,281	-304	-10	80.8%
Deerfield Beach High	2,848	2,848	2,394	-454	-7	84.1%

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% LOS Capacity Adjusted Benchmark	Projected Enrollment				
				21/22	22/23	23/24	24/25	25/26
Cresthaven Elementary	515	-261	66.4%	522	531	539	512	496
Crystal Lake Community Middle	1,284	-220	81.0%	1,311	1,335	1,368	1,401	1,393
Deerfield Beach High	2,407	-177	84.5%	2,471	2,457	2,443	2,425	2,412

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark enrollment is used to apply individual charter school enrollment impacts against school facility review processes. * This number already represents the higher of 100% gross capacity or 110% permanent capacity. ** The first Monday following Labor Day. *** Greater than 100% represents above the adopted Level Of Service (LOS)

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

LONG RANGE - TEN-YEAR IMPACT

Impacted Planning Area	School District's Planning Area Data			Aggregate Projected Enrollment				
	Aggregate School Capacity	Aggregate Enrollment	Aggregate Over/(Under) Enrollment	25/26	26/27	27/28	28/29	29/30
Area 7 - Elementary	17,705	12,096	-5,609	12,034	11,858	11,690	11,527	11,357
Area 7 - Middle	7,885	6,596	-1,289	6,803	6,852	6,881	6,909	6,938
Area 7 - High	11,157	8,657	-2,500	8,546	8,524	8,507	8,493	8,476

* See comments for additional Impacted Planning Area information

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2020-21 Contract Permanent Capacity	2020-21 Benchmark** Enrollment	Over/(Under)	Projected Enrollment		
				21/22	22/23	23/24
Somerset Pines Academy	500	440	-60	440	440	440

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

**The first Monday following Labor Day
 INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

**PLANNED AND FUNDED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 1 - 5)**

School(s)	Description of Capacity Additions
Cresthaven Elementary	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.
Crystal Lake Community Middle	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.
Deerfield Beach High	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.

**PLANNED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 6 - 10)**

Capacity Additions for Planning Area 7	
School Level	Comments
Elementary	None
Middle	None
High	None

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

Comments

Information contained in the application indicates that the approximately 12-acre site is generally located south of East Copans Road between North Dixie Highway and North Federal Highway in the City of Pompano Beach. The current land use designation for the site is Commercial, which allows no residential units. The applicant proposes to change the land use designation to Irregular (29.5) Residential to allow 356 mid-rise units (all two or more bedroom), which are anticipated to generate 29 additional students (8 elementary, 7 middle, and 14 high) into Broward County Public Schools.

This application was reviewed based on its location in the School District's Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan (DEFP). However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.

Schools serving the amendment site in the 2020-21 school year are Cresthaven Elementary, Crystal Lake Middle, and Deerfield Beach High. Based on the District's Public School Concurrency Planning Document, all the schools are operating below the adopted LOS of the higher of 100% gross capacities or 110% permanent capacities in the 2020-21 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2020-21 – 2022-23), all the schools are expected to operate below the adopted LOS of the higher of 100% gross capacities or 110% permanent capacities through the 2022-23 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP, FY 2020-21 – 2024-25. In addition, to ensure maximum utilization of the impacted Concurrency Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter school located within a two-mile radius of the subject site in the 2020-21 school year is depicted herein.

Capital Improvements scheduled in the long-range section (2025-26 to 2029-30) of the currently Adopted DEFP Fiscal Years 2020-21 – 2024-25 regarding pertinent impacted schools are depicted above. Based on the School District's Seven Long Range Planning Areas, the amendment site is located within School District Planning Area "7" and the elementary, middle, and high schools currently serving Planning Area "7" and their cumulative student enrollments, cumulative capacities, and pertinent student enrollment projections are depicted herein. Therefore, Planning Area "7" is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area.

Please be advised that if approved, the units from this project will be subject to a public school concurrency review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT

PROJECT NUMBER: SBBC-2856-2020

April 09, 2021

Date

Reviewed By:

Mohammed Rasheduzzaman

Signature

Mohammed Rasheduzzaman, AICP

Name

Planner

Title



EP&GMD COMMENTS
PC 21-6
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**ENVIRONMENTAL PROTECTION &
GROWTH MANAGEMENT DEPARTMENT
REVIEW AND COMMENTS ON
PROPOSED BROWARD COUNTY LAND USE PLAN MAP AMENDMENT**

For: Broward County Planning Council

Applicant/Agent: The Morgan Group/ Dennis D. Mele, Esq., Greenspoon Marder, LLP

Amendment No.: PC 21-6

Jurisdiction: Pompano Beach

Size: Approximately 12.1 acres

Existing Use: Retail, municipal complex, educational facilities and parks

Current Land Use Designation: 12.1 acres of Commerce (Commercial in Pompano Beach)

Proposed Land Use Designation: Irregular (29.5) Residential

Estimated Effect: Addition of 356 dwelling units
Zero (0) dwelling units currently permitted by County Land Use Plan
Reduction of 12.1 acres of commerce use

Location: In Section 25, Township 48 South, Range 42 East; generally located on the south side of Copans Road, between Federal Highway/U.S. 1 and Northeast 12 Terrace.

ANALYSIS AND FINDINGS:

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION

Wetlands - [CP Policies 7.5.9, 7.5.11, 13.8.1, 13.8.2, 13.8.3, 13.8.5, 13.8.6, 13.9.3, 13.9.4, 13.9.6, 13.10.1, 13.10.3, 13.10.4; BCLUP Policies 2.22.1, 2.22.2]
Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division determined that, at this time, there are no indications of wetlands within the boundaries of the plat.

Upland Resources (including Tree Preservation and Greenways) - [CP Policies 13.6.11, 13.6.13, 13.6.14; BCLUP Policies 2.20.17]

EP&GMD COMMENTS

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Review of aerial photographs indicates that the subject site contains mature tree canopy. Development of the site must comply with the tree preservation regulations of the City of Pompano Beach. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources.

Air Quality - [CP Policy 13.1.15, BCLUP Policy 2.25.1]

The preliminary traffic analysis indicates that the proposed amendment would result in a decrease by **490** PM peak hour trips per day compared to trips associated with the current designation. Based upon the trips generated and the projected level of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have a **minimal impact** on air quality.

Based on the Broward County Roadway Capacity and Level of Service Analysis 2017 and 2040, the current level of service rating on all roadways is currently degraded and the long-term traffic impact on the level of service rating will continue to decline in 20 years. There are **no** Air State Permitted facilities within half a mile of the amendment site. Therefore, there are no existing or potential odor or noise concerns.

(MO 3/30/2021)

Contaminated Sites - [CP Policies 13.2.1, 13.2.6, 13.2.7; BCLUP Policies]

The list of known contaminated sites (from EPGMD's GIS Database of Contaminated Locations in Broward County) has been reviewed. Two (2) listed contaminated sites were found within the proposed amendment location. See attached map and database for further information as it relates to the land use amendment site.

The subject application is within one-quarter mile of known contaminated sites. Section 27-353, Broward County Code, prohibits dewatering at or within one-quarter mile of contaminated sites without approval from the Environmental Engineering and Permitting Division (EPPD). In order to receive approval to dewater, a certified Dewatering Plan must be submitted in accordance with EPPD's Standard Operating Procedure for Dewatering, which can be found at <https://www.broward.org/Environment/ContaminatedSites/Pages/Dewatering.aspx>. The interactive map of contaminated sites in Broward County can be found on the internet at <https://www.broward.org/Environment/ContaminatedSites/Pages/Default.aspx>. Any questions can be directed to (954) 519-1483 or EAR@broward.org.

(MO 3/30/2021)

Solid Waste - [CP Policies 6.1.2, 6.1.3, 6.2.6, 6.2.7, 13.2.7; BCLUP Policies 2.26.1, 2.26.2, 2.26.3, 2.11.5, 3.4.2, 3.4.3, 2.11.8]

There **are no** active or inactive solid waste facilities located within one mile of the site. *(MO 3/30/2021)*

ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION

Wellfield Protection - [CP Policies 4.2.10, 4.4.13, 6.2.6, 6.2.7, 7.5.2, 7.5.3, 7.5.4, 13.2.2, 13.3.3, WM3.6, WM3.18; BCLUP Policies 2.26.1, 2.26.2, 2.26.3, 2.11.5]

The proposed amendment site is not currently within a wellfield zone of influence. No special restrictions apply under Broward County's Wellfield Protection regulations. (VM 03/31/2021)

SARA TITLE III (Community Right to Know) - [CP Policy 13.2.7, WM3.18;]; BCLUP Policies 6.2.6]

The list of known SARA Title III Facilities in Broward County has been reviewed. There are two (2) SARA Title III Facilities on, adjacent to, or within ¼ mile of the proposed amendment site. These are: 1) City of Pompano Beach, Effluent Treatment – 1799 N Federal Hwy, Pompano Beach, 33062; and 2) City of Pompano Beach Mun. Golf Course – 1401 N Federal Hwy, Pompano Beach, 33062. (VM 03/31/2021)

Hazardous Material Facilities - [CP Policies 13.2.1, 13.2.6, 13.2.7, WM3.18; BCLUP Policies 6.2.6]

The list of known hazardous material facilities and storage tank facilities (from ECPD's GIS Database of hazardous material facilities in Broward County) has been reviewed. There are three (3) known hazardous material/storage tank facilities on, adjacent to, or within ¼ mile of the amendment site (2 of which are SARA Title III facilities). Of the three (3) facilities, two (2) are hazardous material facilities, and one (1) is a facility that has both hazardous materials and storage tanks. (VM 03/31/2021)

ENVIRONMENTAL PLANNING & COMMUNITY RESILIENCE DIVISION:

Specially Designated Areas - [CP policies 13.6.1, 13.6.4, 13.6.6, 13.6.7, 13.6.9, 13.6.10, 13.7.2, 13.7.5; BCLUP Policies 2.23.1, 2.23.2, 2.23.3, 3.3.9, 3.3.10]

County specially designated areas, e.g. Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, Urban Wilderness Inventory sites, do not exist within the boundaries of the proposed amendment site.

Protected Natural Lands – The project site is not included, nor is it adjacent to any site in the Protected Natural Lands 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 provides information regarding the ownership and management for each of the Protected Natural Lands and may be accessed at:

<http://www.broward.org/NaturalResources/LandStewardship/Pages/NaturalLands.aspx>

Marine and Riverine Resources - [CP Policies 7.5.10, 13.2.3, 13.5.3, 13.7.6, 13.7.8; BCLUP Policies 3.3.4, 2.11.6, 2.27.1, 2.27.2, 2.27.3, 2.11.7, 3.3.12, 2.27.4, 2.24.2] The proposed land use designation

EP&GMD COMMENTS

PC 21-6

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is not expected to have an impact on marine or riverine resources. Impacts to resources require review and licensing under Article XI of Chapter 27, Broward County Code of Ordinances.

Priority Planning Areas for Sea Level Rise – [CP Policies 19.2.2, 19.3.7, 19.3.12, 19.3.13; BCLUP Policies 2.21.1, 2.21.2, 2.21.3, 2.21.5]

The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2060. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.

The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city's local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

While the County encourages applicants to consider these and other impacts from climate change during the site planning process, the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, Policies A.03.05, 9.07.02, and 9.09.04 do not apply to the review of this project.

NatureScape Program – [CP Policies 4.4.8, 13.3.5, 13.3.7, 19.4.11; BCLUP 2.20.14] –

NatureScape is about creating Florida-friendly landscapes that conserve water, protect water quality, and create wildlife habitat. Development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans.

Information regarding Naturescape can be accessed at:

<http://www.broward.org/NatureScape/Pages/Default.aspx>

Surface Water Management - [CP Policies 7.4.2, 7.4.3, 7.5.2, 7.5.9, 13.2.4, 13.3.12; BCLUP Policies 2.24.1, 2.24.2, 2.21.5]

The proposed amendment site is located within the jurisdiction of the South Florida Water Management District (SFWMD) and Broward County. Development within the site will be required to meet the drainage standards of Broward County and the South Florida Water Management District. Successful compliance with the criteria established should result in reducing the potential danger from flooding and maintaining the quality of surface waters. A surface water management permit may be needed prior to any construction on the site.

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Tracts within the proposed amendment site are located within the Federal Emergency Management Agency (FEMA) flood insurance zone AH with a NAVD88 elevation of 11 feet and portions fall into zone X-Below 500 Year flood plain; flood insurance rate zones that correspond to areas of shallow flooding with average depths between 1 and 3 feet, and flood zone X-Below 500 Year flood plain, flood insurance rate zones that are outside the flood plain or the average flood depths of less than 1 foot.

Water Recharge - [CP Policies 7.4.3, 7.5.2, 7.5.3, 7.5.4, 7.5.7, 7.5.9, 7.5.11, 7.5.12, 13.3.12, 13.3.13; BCLUP Policies 2.26.1]

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation would result in a net increase in the volume of water available for recharge due to a decrease in recharge area. The change in recharge capacity resulting from development under the proposed designation would be minor.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

Please see attached Water Recharge Questionnaire.

Broward County Land Use Plan Proposed Amendment PC 21-6



FDOR and Broward Co PA, State of Florida, Maxar, Microsoft, Esri
Community Maps Contributors, FDEP, Esri, HERE, Garmin, SafeGraph,
INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



- Proposed Land Use Plan Amendment
- Priority Planning Areas for Sea Level Rise near tidal water bodies at an increased risk of inundation under a 40 inch sea level rise scenario projected to occur by 2070
(Priority Planning Areas do not fall within LUA PC21-6)

BROWARD COUNTY PLANNING COUNCIL
WATER RECHARGE QUESTIONNAIRE

as completed by

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

I. Introductory Information

- A. Amendment No.:*** PC 21-6
- B. Municipality:*** Pompano Beach
- C. Applicant:*** The Morgan Group/ Dennis D. Mele, Esq., Greenspoon Marder, LLP

II. Site Characteristics

- A. Size:*** Approximately 12.1 acres
- B. Location:*** In Section 25, Township 48 South, Range 42 East; generally located on the south side of Copans Road, between Federal Highway/U.S. 1 and Northeast 12 Terrace.
- C. Existing Use:*** Retail, municipal complex, educational facilities and parks

III. Broward County Land Use Plan Designation

Current Land Use Designation: 12.1 acres of Commerce (Commercial in Pompano Beach)

Proposed Land Use Designation: Irregular (29.5) Residential

IV. Water Recharge Review

- A. Describe the general impacts of the current land use designation on water recharge:***

The current land use designation is Commerce.

A typical value for an impervious area produced by this type of development is approximately 72 percent.

B. Describe the general impacts of the proposed land use designation on water recharge:

The proposed land use designation is Irregular (29.5) Residential. A typical value for an impervious area produced by this type of development is approximately 80 - 85% percent.


V. Impact of Change in Land Use Designation

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation has the potential to result in a net increase in the volume of water available for recharge and a decrease in recharge area. The change in recharge capacity resulting from development under the proposed designation would be minor.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

VI. Comments

If a proposed development has the potential to result in a net increase of volume of water available for recharge due to a decrease in recharge area, it is recommended that mitigating design improvements be considered, which may include the use of curvilinear berms to aid in screening; increased vegetation size and quantity, native species utilization, and preservation of existing significant vegetation to increase the quality of greenspace areas; the use of interlocking paving blocks along pedestrian walkways; and grassed retention basins, swales and rain gardens to aid in the filtration of storm water runoff.

By: 
Date 4/12/21

Sara Forelle, AICP
Environmental Planning and Community Resilience Division

Contaminated Sites

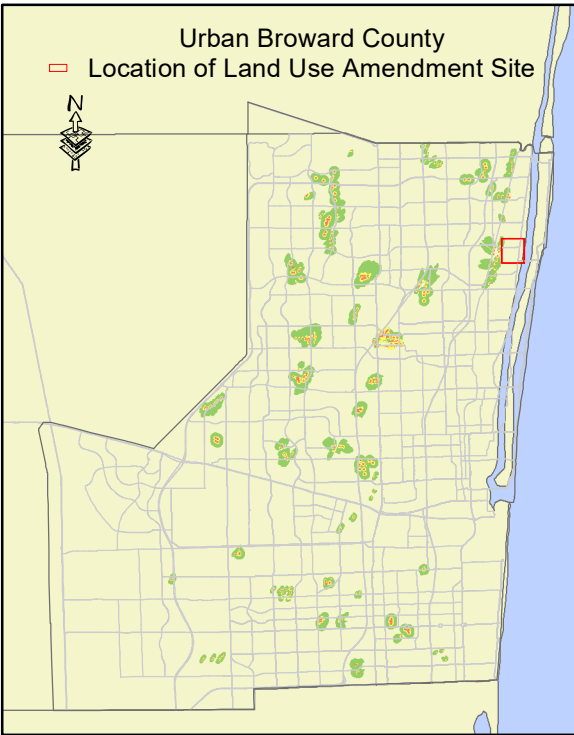
Site Number	Facility Name	Street Address	City	Zip Code	Pollutant	Facility Type
NF-2795	1990 Associates	2050 N FEDERAL HWY	Pompano Beach	33062	Arsenic; Petroleum	Gas Station
NF-2118	Sears Auto Center #6226	2251 N FEDERAL HWY	Pompano Beach	33062	Gasoline	Auto Repair

**DEP Facility
Number** **Active**

69808955	Y
68626156	Y

Hazardous Materials Facilities within, adjacent to, or in close proximity (.25 miles) of Land Use Amendment			
Name of Facility	Address	Type of Facility based on SIC	Type of License
City of Pompano Beach, Effluent Treatment	1799 N Federal Hwy, Pompano Beach, 33062	4952 - Sewerage Systems	Hazardous Materials
City of Pompano Beach Mun. Golf Course	1401 N Federal Hwy, Pompano Beach, 33062	7992 - Public Golf Courses	Hazardous Materials
Lowe's of Pompano Beach #1792	1851 N Federal Hwy, Pompano Beach, 33062	5211 - Lumber and Other Building Materials Dealers	Hazardous Materials and Storage Tank

Land Use Amendment Site: LUA PC 21-6



Land Use Amendment Map Legend

- ★ Sara Title III 302 Facility
- ▲ Hazardous Materials Facility
- - - 0.25 Mile Buffer
- ▨ Proposed Amendment Site
- Wellfield Zone 1
- Wellfield Zone 2
- Wellfield Zone 3

Miles 0 0.125 0.25

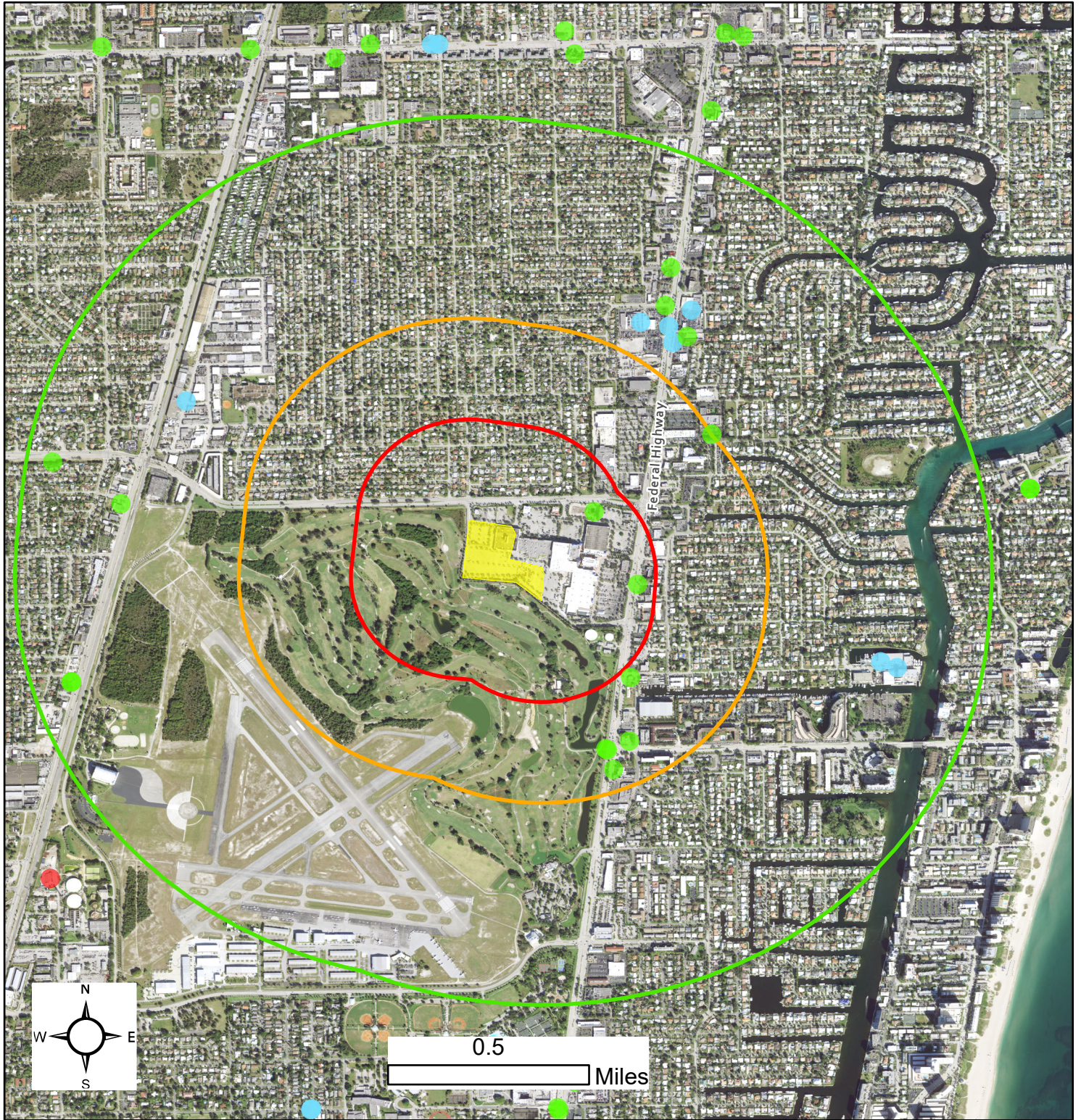
Environmental and Consumer Protection Division review of Land Use Amendments for presence of hazardous materials and community right to know sites within urban Broward County. Review includes also the location of Wellfield Protection Zones. The display is generated for location purposes only. Marker (if present) is a visual aid and neither represents exact location nor distance to project site. If data are associated, data are provided "as is".

The division does not accept responsibility for damages suffered as a result of using, modifying, contributing or distributing the materials.

Prepared by: VMEBANE - March 2021

Environmental and Consumer Protection Division





Legend

- Solid Waste Facilities
- Air State Permitted Facilities
- Contaminated Sites
- Proposed Site
- One Mile Buffer
- Half Mile Buffer
- Quarter Mile Buffer

Generated for location purposes only.

Marker size is a visual aid and neither represents exact location nor area of designated facility.

Prepared by: MOSPINA 3/30/2021

Environmental Engineering and Permitting

ATTACHMENT 6



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 S. Andrews Avenue, Room 329K • Fort Lauderdale, Florida 33301 • 954-357-6634 • FAX 954-357-8655

DATE: April 14, 2021

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division

JOSIE

Digitally signed by JOSIE
SESODIA
Date: 2021.04.14
11:19:48 -04'00'

SUBJECT: Broward County Land Use Plan
Review of Proposed Amendment – Pompano Beach PC 21-6

The Broward County Planning and Development Management Division (PDMD) staff has reviewed proposed amendment PC 21-6. The subject site is located in Pompano Beach involving approximately 12.1 acres. The amendment proposes:

Current Designations: 12.1 acres of Commerce

Proposed Designation: Irregular (29.5) Residential

*Estimated Net Effect: Addition of 356 dwelling units
Zero (0) dwelling units currently permitted by the Broward
County Land Use Plan
Reduction of 12.1 acres of commerce use*

Item 7 – Analysis of Natural and Historic Resources

- A. Based on the available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), the County's archaeological consultant determined that the proposed project will have no adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.
- B. Comments and recommendations pertaining to this land use plan amendment for historic/archaeological resources:
 1. The subject property is located within the City of Pompano Beach, outside jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner / agent is advised to contact the municipality to seek project review for compliance with municipal historic preservation regulations.
Contact: Attn: Historic Preservation
Development Services Department
City of Pompano Beach

100 West Atlantic Boulevard, #3
Pompano Beach, Florida 33060
Tel.: (954) 786-7921

2. If, in the event that unmarked burials are discovered, then, pursuant to Florida State Statutes, 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."

Contact: Broward County Medical Examiner
5301 S.W. 31st Avenue
Fort Lauderdale, Florida 33312
Telephone: (954) 357-5200
Fax: (954) 327-6580
Email: Med_Exam_Trauma@broward.org
Website: <http://www.broward.org/MedicalExaminer>

Item 8 - Affordable Housing

The Planning and Development Management Division (PDMD) staff has reviewed this application and has determined that it generally meets the requirements of BCLUP Policy 2.16.2 and Article 5.

Amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan (BCLUP) are subject to the requirements of BCLUP Policy 2.16.2 and Article 5. Policy 2.16.2 requires the involved municipality to provide those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality. A total of zero (0) residential units are currently permitted under the existing Land Use Plan and this request represents an increase of 356 dwelling units. **Therefore, Policy 2.16.2 applies to this project.**

According to the application, the subject site is part of the Pompano Citi Centre Shopping Mall and is currently developed with a vacant Macy's department store and associated parking. The proposed residential amendment will facilitate infill development on a portion of the existing shopping center.

An affordable housing supply/demand analysis for Pompano Beach was not provided with this application. PDMD staff previously reviewed the Broward County Planning Council supply and demand numbers (2017) which showed deficits in Pompano Beach of 428 affordable owner units (252 very low and 165 moderate income) and 4,975 very low-income renter units. According to the Broward County Affordable Housing Needs Assessment update, the shortfall of renter units includes 1,760 very low and 2,704 low-income units.

Further, PDMD staff reviewed the City of Pompano Beach Land Development Code and found that Chapter 154.80 provides options for meeting the affordable housing requirements, by

either incorporating affordable housing units into the development or paying into the Affordable Housing Trust Fund, as follows:

- A. *In lieu of providing affordable housing units on-site or off-site...pursuant to a land use plan amendment, a property owner may elect to contribute a fee in lieu of to be deposited into the city's Local Affordable Housing Trust Fund.*
- B. *The fee to be paid to the city shall be \$2,333 per market-rate unit.*
- C. *The fee shall be paid to the city at the time of building permit.*
- D. *The fee shall be reviewed a minimum of once every three years. The fee may be adjusted by the City Commission to reflect updated housing sales costs, development costs, land values and other considerations.*

The application included an unexecuted Declaration of Restrictive Covenants (Exhibit N), which indicates the applicant's voluntary commitment to set aside 15% of the 356 proposed dwelling units (54 units) as affordable, moderate income housing units. Item No. 9 of this agreement recognizes that the affordability requirements shall be valid for a period of 30 years, which corresponds with the required affordability time period proposed by Land Use Plan Amendments PCT 20-3 and PCT 20-4, adopted by the County Commission on March 9, 2021 with an effective date of April 15, 2021.

The PDMD staff finds this application to be generally consistent with Broward County Land Use Plan Policy 2.16.2 and Article 5, based on the City's provision of affordable housing requirements in its Land Development Code, and subject to the execution and recordation of an agreement, acceptable to the County Attorney's Office, which restricts 15% of the 356 dwelling units (54 units) as affordable moderate income units, and maintains the affordability levels of the affordable dwelling units for a minimum of 30 years.

Item 11 – Redevelopment Analysis

The proposed amendment site is not located within a Community Redevelopment Area, but the amendment allows redevelopment of a site currently occupied by vacant retail department store.

Item 12 – Intergovernmental Coordination

The proposed amendment site is not adjacent to or in close proximity to any Broward County Unincorporated Area lands or County-owned facilities/property. The nearest local government is the City of Lighthouse Point located approximately 0.4 miles northeast of the proposed amendment site.

cc: Leonard Vialpando, Director, Environmental Protection and Growth Management Department
Ralph Stone, Director, Housing Finance and Community Redevelopment Division
Darby Delsalle, AICP, Assistant Director, Planning and Development Management Division
Sara Forelle, AICP, Planning Section Supervisor, Planning and Development Management Division
Susanne Carrano, Senior Planner, Planning and Development Management Division

Barbara Blake-Boy, Broward County Planning Council

PC 21-6

Page 4

April 14, 2021

Heather Cunniff, AICP, Senior Planner, Planning and Development Management
Division

Richard Ferrer, Historic Preservation Officer, Planning and Development
Management Division

JS/hec

ATTACHMENT 7

Return to: (enclose self-addressed stamped envelope)

Name: Elizabeth Adler, Esq.

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Elizabeth Adler, Esq.
Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301



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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ of _____, 2021, by **MORGAN GROUP DEVELOPMENT LLC**, a Texas limited liability company, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County")

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of land located in the City of Pompano Beach, Florida ("City"), more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, Declarant made applications to the City and the County Planning Council requesting that the land use plan designation on the Property be changed from Commercial on the City Land Use Plan and Commerce on the County Land Use Plan to Irregular (29.5) Residential on both the City Land Use Plan and County Land Use Plan in conjunction with redevelopment of the Property ("Project"); and

WHEREAS, the Property is being developed as a rental apartment complex, subject to the affordable housing restrictions set forth in this Declaration. Declarant reserves the right to convert the Property, or a portion thereof, to a condominium or other fee simple ownership structure in the future, subject to the affordable housing restrictions as set forth in this Declaration (a "Conversion"); and

WHEREAS, in connection with the Project, Declarant has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County and the City; and

WHEREAS, Declarant agrees to make certain provisions for affordable housing for the period of time provided herein.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Declarant hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. Declarant hereby declares the following:

Fifteen (15) percent of the residential units to be constructed on the Property (as set forth on the final site plan approved by the City) shall be affordable moderate income units as defined in the County Comprehensive Plan, and as further restricted by this Declaration ("Affordable Housing Units"). If fifteen (15) percent of the actual residential units to be constructed on the Property does not yield a whole number of Affordable Housing Units, the partial of Affordable Housing Units yielded shall be rounded up to the next whole number.

3. Affordable Housing Units Offered For Sale. In the event of a Conversion, Declarant hereby declares all Affordable Housing Units offered for sale shall be purchased in accordance with the following:

- (a) All Affordable Housing Units constructed on the Property shall be used solely as each owner's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and
- (b) All Affordable Housing Units shall be purchased solely by persons who meet the following criteria at the time of purchase of an Affordable Housing Unit. "Purchased" shall be defined to mean by sale, inheritance, court order, or other legal method of transfer or acquisition.

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term

"adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income; and

3) Excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price; and

4) During the term of this Declaration, as defined herein, every deed of sale or equivalent document transferring title to the Affordable Housing Unit shall include a restriction stating as follows:

This property is to be sold and occupied as an "Affordable Housing Unit," in accordance with the Declaration of Restrictive Covenants recorded in the Official Records of Broward County at O.R. Book _____, Page _____.

5) Prior to any transfer of title or closing on a purchase of an Affordable Housing Unit, each purchaser shall request written certification that the criteria in (b) 1), 2), and 3) above have been satisfied from the City or from an agent designated by the City for the purpose of providing such certifications. Purchaser shall not be required to comply with this provision if the City does not approve or deny the request within thirty (30) days of purchaser's request.

4. Affordable Housing Units Offered For Rent. Declarant hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:

(a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and

(b) All Affordable Housing Units shall be rented solely by persons who meet the following criteria at the time of lease:

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable

Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

(c) On an annual basis, beginning no later than 12 months after the effective date of this Declaration, the owner of an Affordable Housing Unit offered for rent shall request written certification that the criteria in 4(b) has been satisfied from the City or from an agent designated by the City for the purpose of providing such certifications. Said owner of an Affordable Housing Unit offered for rent shall not be required to comply with this provision if the City does not approve or deny the request within thirty (30) days of said owner's request.

5. Amendments. Except as otherwise provided herein, this Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County Commission and City. The appropriate governmental authority of the County and City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense. No amendment to this Declaration shall be necessary in the event of a Conversion (as may occur from time to time).

6. Recordation and Effective Date.

(a) This Declaration shall not become effective ("Effective Date") until the later of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida. As used herein, "Final Approval" shall mean final approval and adoption of the City plan amendment application and the County plan amendment application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.

(b) Once recorded, this Declaration shall run with the Property for the sole benefit of the

City and the County and does not operate as a restriction in favor of any Property owner, and shall bind all successors and assigns to the title of the Property.

- (c) From and after such time as any Affordable Housing Unit is conveyed by Declarant to a third party purchaser, following a Conversion, Declarant shall have no further obligations under this Declaration with respect to that particular Affordable Housing Unit and such third party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

7. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

8. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

10. Term, Release and Termination. The restrictions, covenants, rights and privileges granted, made and conveyed herein ("Affordable Housing Restrictions") shall be valid for a period of thirty (30) years from the Effective Date ("Term"); thereafter the Affordable Housing Restrictions shall be of no further force and effect and shall automatically terminate without the consent of the City or the County, or the necessity to record any instrument in the Public Records of Broward County, Florida.

11. Remedies for Violation. In the event the Declarant, its successors or assigns, violate any of the covenants and restrictions contained herein, Declarant hereby acknowledges and agrees that the County and/or City, as applicable, may withhold further permits and approvals with respect to the Property. The City and the County are the beneficiaries of these covenants and restrictions, and as such, the City and the County may enforce these covenants and restrictions by action at law or in equity, including without limitation, a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

12. Waiver, Applicable Law, and Venue. Any failure of the City or the County to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day first above written

MORGAN GROUP DEVELOPMENT LLC, a Texas limited liability company

By: _____

Printed Name: _____

Printed Name: _____

STATE OF _____)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of physical presence or online notarization, by _____, as _____ of MORGAN GROUP DEVELOPMENT LLC, a Texas limited liability company, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

**EXHIBIT A
LEGAL DESCRIPTION
PROPERTY**

LEGAL DESCRIPTION: (DEVELOPMENT PARCEL)

A PORTION OF PARCEL "A", "POMPANO CITI CENTRE PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 174, PAGES 45 THRU 52, INCLUSIVE, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 07°35'43" EAST ON THE WESTERLY LINE OF SAID PARCEL "A" 768.57 FEET; THENCE SOUTH 83°08'37" EAST 470.80 FEET; THENCE SOUTH 38°08'37" EAST 96.01 FEET; THENCE SOUTH 06°51'23" WEST 354.55 FEET; THENCE SOUTH 38°08'37" EAST 44.46 FEET; THENCE SOUTH 83°08'37" EAST 327.24 FEET; THENCE SOUTH 38°08'37" EAST 40.55 FEET; THENCE SOUTH 06°51'23" WEST 418.45 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE NORTH 48°54'35" WEST ON SAID SOUTH LINE 340.83 FEET; THENCE NORTH 88°19'09" WEST ON SAID SOUTH LINE 656.86 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 528,390 SQUARE FEET (12.1302 ACRES) MORE OR LESS.

ATTACHMENT 8.A.

From: Bernal, Julie
Sent: Wednesday, April 7, 2021 4:48 PM
To: Dennis Mele
Cc: 'Cynthia Pasch'
Subject: FW: Land Use Plan Amendment - PC 21-6

Julie,

I have carefully reviewed Land Use Amendment Plan proposed for the property located adjacent to the Pompano Beach Airpark on the Pompano Citi-Centre. I have some concerns regarding the proximity of this proposed development to the Airpark's operating environment, especially Runway 6/24. The proposed development will be subject to airport noise as well as aircraft overflights. The proposed development will need to be reviewed by the FAA to ensure that the buildings/structures do not penetrate any of the airports approach surfaces that may create obstruction hazards. The FAA will want to ensure that if the development is in compliance with their airspace requirements, they may seek the developer to grant an avigation easement to the City (Airpark) over the property to mitigate any potential noise complaints and/or safety concerns. If you need additional information please let me know. Thank you.



ATTACHMENT 8.B.

From: Steve Rocco <Steve.Rocco@copbfl.com>
Sent: Wednesday, June 9, 2021 12:04 PM
To: Von Stetina, Deanne <DVONSTETINA@broward.org>
Cc: Jean Dolan <Jean.Dolan@copbfl.com>; Tracy Lyons <Tracy.Lyons@copbfl.com>; Robert McCaughan <Robert.McCaughan@copbfl.com>
Subject: RE: Land Use Plan Amendment PC 21-6

Ms. Von Stetina:

I have reviewed the Declarations of Restrictive Covenants provided and have a couple of comments. I noted that on page 2 paragraph 2 there is a statement that reads:

2. Covenants. Declarant declares the following:
 - a. City of Pompano Beach Airpark. The declarant will submit the required Notice of Proposed Construction or Alteration (FAA Form 7460-1) to the Federal Aviation Administration (FAA) prior to the issuance of a building permit for a residential dwelling unit on the property. If required by FAA, Declarant shall provide written notification of the proximity of the property to the City Airpark in any leases or deeds for residential units built on the property” .

As part of the FAA 7460-1 review process the FAA is mostly interested in determining if the proposed development will affect or impede the airspace above and around the airport. It has been my experience the FAA most likely **will not** require the developer/declarant to provide any written notification to any lessees or property owners that there is an airport close by. I believe that It would be beneficial to the City “Airpark” to mandate that any lessee or property owner of each individual unit be notified (made aware) that there is the potential to experience aircraft operations and associated noise from said aircraft over there units. You may want to include an Avigation Easement granting aircraft the right to overfly these units. I am not an attorney so I do not know the specific language that is required in an avigation easement. I am completely in favor of the proposed development and believe that this will be a wonderful enhancement for the City. However, my main concern is when this project is completed and people have moved in and start to experience the aircraft activity over their homes they will call the Airpark Manager to complain about the noise and there concern about safety. They usually want something to be done about it. As the Airpark Manager I have limited ability to control aircraft activity and airspace. The FAA establishes regulations pertaining to airspace and they have sole control. I hope this clarifies my concerns regarding this proposed development. If you have any questions or require additional information please let me know.



ATTACHMENT 9
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
PROXIMITY OF SITE TO POMPANO BEACH AIRPARK
AMENDMENT PC 21-6



ATTACHMENT 10



Return to: (enclose self-addressed stamped envelope)

Name: Elizabeth Adler, Esq.

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Elizabeth Adler, Esq.
Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this
of , 2021, by, MORGAN GROUP DEVELOPMENT LLC, a Texas
limited liability company ("Declarant"), which shall be for the benefit of BROWARD COUNTY,
FLORIDA, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the real property subject to this Covenant is that land located in the City of
Pompano Beach, Florida ("City"), more particularly described in Exhibit "A" ("Property"); and

WHEREAS, Declarant made an application to the City and County to amend the City and
County land use plans to designate the Property as Irregular (29.5) Residential (collectively
"Application"); and

WHEREAS, in connection with the Application to amend the City and County land use
plans, Declarant has agreed to place certain restrictions on the development of the Property as set
forth below in favor of the County.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants herein
contained, Declarant hereby declares that the Property shall be subject to the covenants, restrictions,
and regulations hereinafter set forth, all of which shall run with the land and which shall be binding
upon all parties having any right, title or interest in the Property or any part thereof, their heirs,
successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into
this Covenant by this reference.

2. Covenants. Declarant declares the following:

a. The Declarant will submit the required Notice of Proposed Construction or Alteration (FAA Form 7460-1) to the Federal Aviation Administration (“FAA”) prior to issuance of a building permit for a residential dwelling unit on the Property. Evidence of said submission shall be provided to County with the application for Development Review Approval; and

b. Declarant shall provide written notification of the proximity of the Property to the City Airpark in any leases or deeds for residential units built on the Property.

3. Amendments. Except as otherwise provided herein, this Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County Commission.

4. Recordation and Effective Date. This Covenant shall become effective and recorded in the Public Records of Broward County, Florida, upon approval by the County of the requested Application and the expiration of all appeal periods or, if an appeal is filed, the final conclusion of such appeal in a manner that does not materially and adversely affect the County’s approval of the Application (“Effective Date”). Once recorded, this Covenant shall run with the land for the sole benefit of the County and shall bind all successors-in-interest with respect to the Property. This Covenant shall not give rise to any other cause of action by any parties other than the County, and no parties other than the County shall be entitled to enforce this Covenant. Any failure by the County to enforce this Covenant shall not be deemed a waiver of the right to do so thereafter.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Covenant invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue for any disputes arising hereunder shall be Broward County, Florida.

6. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

7. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

IN WITNESS WHEREOF, Declarant has executed this Covenant on the day first above written.

MORGAN GROUP DEVELOPMENT LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Printed Name: _____

STATE OF FLORIDA)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of physical presence or online notarization, by _____, as _____ of MORGAN GROUP DEVELOPMENT LLC, a Texas limited liability company, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

**EXHIBIT A
LEGAL DESCRIPTION
PROPERTY**

LEGAL DESCRIPTION: (DEVELOPMENT PARCEL)

A PORTION OF PARCEL "A", "POMPANO CITI CENTRE PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 174, PAGES 45 THRU 52, INCLUSIVE, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 07°35'43" EAST ON THE WESTERLY LINE OF SAID PARCEL "A" 768.57 FEET; THENCE SOUTH 83°08'37" EAST 470.80 FEET; THENCE SOUTH 38°08'37" EAST 96.01 FEET; THENCE SOUTH 06°51'23" WEST 354.55 FEET; THENCE SOUTH 38°08'37" EAST 44.46 FEET; THENCE SOUTH 83°08'37" EAST 327.24 FEET; THENCE SOUTH 38°08'37" EAST 40.55 FEET; THENCE SOUTH 06°51'23" WEST 418.45 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE NORTH 48°54'35" WEST ON SAID SOUTH LINE 340.83 FEET; THENCE NORTH 88°19'09" WEST ON SAID SOUTH LINE 656.86 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 528,390 SQUARE FEET (12.1302 ACRES) MORE OR LESS.

DRY

ATTACHMENT 11



PARKS AND RECREATION DIVISION • Administrative Offices
950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA)*

MEMORANDUM

April 14, 2021

To: Dawn B. Teetsel, Director of Planning
Broward County Planning Council

Thru: ^{DAN} Dan West, Director
Parks and Recreation Division

From: Linda Briggs Thompson, Environmental Program Manager *LBT*
Parks and Recreation Division

Re: **Land Use Plan Amendment Comments**
Proposed Amendment PC 21-6 Pompano Citi Center

Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan for Pompano Citi Center (Pompano Beach) Our comment is as follows:

PC 21-6 No objections to the Land Use Plan Amendment. However, regional park impact fees will be required for the additional 356 dwelling units planned for this project.

If you or your staff has any questions about our comments, please call me at 954-357-8120.

Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Dale V.C. Holness • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine
Broward.org/Parks • Facebook.com/BrowardCountyParks • Twitter.com/BrowardParks • YouTube.com/BrowardCountyParks

ATTACHMENT 12



Public Works Department – Water and Wastewater Services

WATER MANAGEMENT DIVISION

2555 West Copans Road • Pompano Beach Florida 33069 • PHONE: 954-831-0751 • FAX: 954 831-3285

Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301
Attn: Julie Bernal, Planner Trainee
Via email to jubernal@broward.org

FROM: Susan Juncosa
Broward County Water Management Division

SUBJECT: PC 21-6 Pompano Citi Center
Land Use Plan Amendment – Drainage Analysis

Dear Ms. Bernal:

The information in the above-captioned land use plan amendment (LUPA) is essentially correct. Our office has no objection to this LUPA.

Sincerely,

A handwritten signature in blue ink that reads "Susan Juncosa".

Susan Juncosa
Natural Resource Specialist
Broward County Water Management Division
2555 W. Copans Road, Pompano Beach, FL 33069
Office:(954)-831-0778
E-mail: sjuncosa@Broward.org