

POMPANO BEACH CITI CENTRE

APPLICATION FOR AMENDMENT TO
CITY OF POMPANO BEACH AND BROWARD COUNTY
LAND USE PLAN

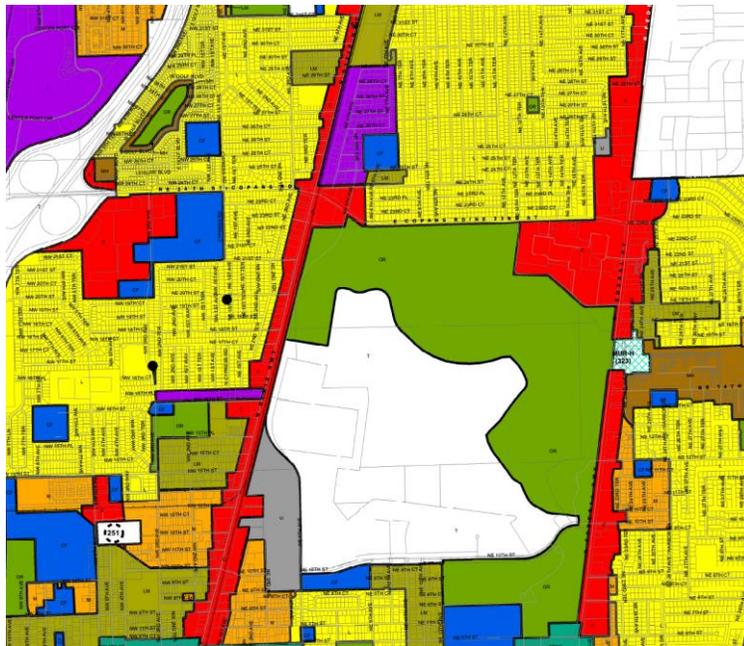


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EXHIBITS

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1. TRANSMITTAL INFORMATION

- A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan, including the date that the local governing body held the transmittal public hearing. Please attach a copy of the referenced motion, resolution or ordinance. The local government’s action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.**

To be provided.

- B. Name, title, address, telephone number and e-mail address of the local government contact person.**

David L. Recor
Development Services Director
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, FL 33061
david.recor@copbfl.com
Telephone: (954) 786-4664

- C. Summary minutes from both the local planning agency and the local government public hearings of the transmittal of the Broward County Land Use Plan Amendment.**

To be provided.

- D. Description of public notification procedures followed for the amendment by the local government, including notices to surrounding property owners, advertisements in local publications, signage at proposed site, etc.**

According to the City of Pompano Beach Code of Ordinances, in addition to the standards required in F.S. § 163.3184, applicants for Future Land Use Plan map amendments shall provide notice of the Local Planning Agency. A notice of the time and place of the hearing shall be mailed to all real property owners within 500 feet of the land proposed to be amended to another land use classification. The notice shall be mailed at least ten calendar days prior to the date of the hearing.

- E. Whether the amendment is one of the following:**

- *Development of Regional Impact
- *Small-scale development (per Chapter 163.3187 Florida Statutes)
- *Emergency (please describe on separate page)

The amendment does not qualify as one of the above.

2. APPLICANT INFORMATION

A. Name, title, address, telephone number and e-mail address of the applicant.

The Morgan Group
2750 NW 3rd Avenue, Suite 2
Miami, FL 33127
Contact: Hugo Pacanins
Telephone: (954) 451-1620
E-mail: hugop@morgangroup.com

B. Name, title, address, telephone number and e-mail address of the agent.

Greenspoon Marder LLP
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301
Contact: Dennis D. Mele, Esq.
Telephone: 954-527-2409
Facsimile: 954-333-4009
E-mail: dennis.mele@gmlaw.com

C. Name, title, address, telephone number and e-mail address of the property owner(s).

Sterling Organization
SVAP Pompano Citi Centre L P
302 Datura Street, Suite 100
West Palm Beach, FL 33401
Contact: Greg Moross
Telephone: (561) 835-1810
E-mail: gmoross@sterlingorganization.com

Macy's, Inc.
7 West Seventh Street
Cincinnati, OH 45202
Contact: Charles DiGiovanna
Telephone: (513) 579-7447
E-mail: Charles.digiovanna@macys.com

D. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs).

The Subject Property is currently designated Commercial on the City of Pompano Beach Land Use Plan and Commerce on the Broward County Land Use Plan.

The Subject Property is part of the Pompano Citi Centre Shopping Mall and is developed with a former Macys 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 Macys 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.

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.

3. AMENDMENT SITE DESCRIPTION

A. **Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.**

The Subject Property is located on the south side of Copans Road just west of Federal Highway in the City of Pompano Beach. There are no rights-of-way adjacent to the Subject Property. Therefore, the net and gross acreage is 12.1+/- acres.

B. **Sealed survey, including legal description of the area proposed to be amended.**

A survey of the Subject Property is provided as **Exhibit A**.

C. Map at a scale clearly indicating the amendment's location, boundaries and proposed land uses.

A location map is provided as **Exhibit B**. The proposed use of the Subject Property is multi-family residential. The Applicant is requesting that the land use plan designation be changed from Commercial (City)/Commerce (County) to Irregular (29.5) Residential.

4. EXISTING AND PROPOSED USES

A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation. For Activity Center amendments, the proposed text indicating the maximum residential and non-residential uses must be included.

	Broward County	City of Pompano Beach
Current	Commerce	Commercial
Proposed	Irregular (29.5) Residential	Irregular (29.5) Residential

The current City land use plan designation for the Subject Property is depicted on **Exhibit C**. The proposed City land use plan designation is depicted on **Exhibit D**.

B. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for the amendment site or adjacent areas.

The flexibility provisions of the Broward County Land Use Plan have not been used for areas adjacent to the Subject Property.

C. Existing use of amendment site and adjacent areas.

Amendment Site: Retail

Adjacent Properties: North: Retail
 South: Retail
 East: Retail
 West: Golf Course

D. Proposed use of the amendment site including proposed square footage (for analytical purposes only) for each non-residential use and/or dwelling unit count. For Activity Center amendments, also provide the existing square footage for each non-residential use and existing dwelling unit count within the amendment area.

The proposed use of the Subject Property is approximately 356 multi-family residential units.

E. Maximum allowable development per adopted and certified municipal land use plans under existing designation for the site, including square footage/floor area ratio/lot coverage/height limitations for each non-residential use and/or dwelling unit count.

The Subject Property is designated commercial and the maximum allowable development based on the commercial land use plan designation is a maximum lot coverage of 60% and a maximum height of 105 feet (page 14 of the Future Land Use Element). These standards would permit approximately 2,500,000 square feet of commercial use on the Subject Property.

5. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

A. Potable Water Analysis

1. Provide the potable water level of service per the adopted and certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The current 10 Year Water Supply Facilities Work Plan was adopted January 27, 2015. The City is in the process of updating the 10 Year Water Supply Facilities Work Plan. The adopted level of service for potable water service is 161 gallons per person per day.

2. Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. Identify the wellfield serving the area in which the amendment is located including the South Florida Water Management District (SFWMD) permitted withdrawal and expiration date of the SFWMD permit.

Plant Capacity:

The City's Water Treatment Plants (WTP) have a maximum treatment capacity of 50 MGD that is comprised of the City's Lime Softening Plant (40 MGD) and Membrane Plant (10 MGD).

The current annual average daily water demand for the City's service area is 14.2 Average MGD.

Wells:

The City currently operates two (2) wellfields that include 25 wells. The City’s South Florida Water Management District water use Consumptive Use Permit #06-00070-W expires on September 14, 2025. The wellfields have a permitted capacity of 17.0 MGD. The annual allocation shall not exceed 6,748 MGD. For 2018 the annual finished water was 5,498 million gallons. The City is currently processing a permit modification to increase the permitted withdrawal to 19.0 MGD.

3. **Identify the net impact on potable water demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.**

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate*	Demand
2,500,000 sq. ft. commercial	37 GPD/1,000sq. ft.	92,500 GPD
Proposed Land Use Plan Designation: Irregular (29.5) Residential		
Development Intensity	Generation Rate*	Demand
356 garden apartments	141 GPD/Unit	50,196 GPD
		Net Change: - 42,304 GPD

*Broward County Guidelines for Determining Ability to provide Potable Water and Wastewater Service.

4. **Correspondence from potable water provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.**

See attached **Exhibit E** as provided by:
 Randolph Brown
 City of Pompano Beach
Randolph.Brown@copbfl.com

B. Sanitary Sewer Analysis

1. **Provide the sanitary sewer level of service per the adopted and certified local land use plan.**

The adopted level of service for potable water service in the City as specified in the Future Land Use Element of the City of Pompano Beach Comprehensive Plan is as follows:

Pompano Beach: 17 million gallons per day in Treatment Design Capacity
 14.68 million gallons used per day in 2018

2. **Identify the sanitary sewer facility serving the area in which the**

amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources.

The City does not have a wastewater treatment plant. The majority of the City’s sanitary sewer flows are collected by the sewer collection system and transferred to Broward County’s North Regional Wastewater Treatment Plant. The City has an Internal Agreement to accommodate the City’s sewer flows. The current operating conditions are as follows:

Current Capacity: 95 MGD
 Current Demand: 72.7 MGD
 Current Plus Committed Demand: 74.3 MGD
 Available Capacity: 20.7 MGD

There are no planned wastewater treatment plant capacity increases at this time.

- Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.**

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate*	Demand
2,500,000 sq. ft. commercial	30 GPD/1,000sq. ft.	75,000 GPD
Proposed Land Use Plan Designation: Irregular (29.5) Residential		
Development Intensity	Generation Rate*	Demand
356 garden apartments	100 GPD/Unit	35,600 GPD
		Net Change: -39,400 GPD

*Broward County Guidelines for Determining Ability to provide Potable Water and Wastewater Service.

- Correspondence from sanitary sewer provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.**

See **Exhibit F** as provided by:

Mario Manrique, E.I.
 Broward County Water and Wastewater Services
 2555 Copans Rd.
 Pompano Beach, FL 33069
 TEL: 954-831-0968 FAX: 954-831-0925
mmanrique@broward.org

C. Solid Waste Analysis

- 1. Provide the solid waste level of service per the adopted and certified local land use plan.**

According to the City’s Comprehensive Plan, the adopted level of service is as follows:

8.9 pounds per unit per day.

- 2. Identify the solid waste facility serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on the landfill/plant capacity and planned landfill/plant capacity.**

The City doesn't own or operate any solid waste processing facilities. The City contracts with Waste Management, Inc. for processing, transportation, and disposal of all the City's municipal waste.

All of the waste generated in the City is disposed of at the Monarch Hill Landfill. This facility is projected to have capacity through 2032 with a remaining capacity of 19 million cubic yards and an average annual consumption of 1.5 million cubic yards.

- 3. Identify the net impact on solid waste demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.**

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate*	Demand
980,100 sq. ft.	4 lbs./100 sq. ft./day	39,204 lbs./day
Proposed Land Use Plan Designation: Irregular (29.5) Residential		
Development Intensity	Generation Rate*	Demand
356 garden apartments	8.9 lbs./unit/day	3,168 lbs./day
		NET CHANGE: +36,036 lbs./day

*City of Pompano Beach Solid Waste Sub-Element of the Comprehensive Plan

- 4. Correspondence from the solid waste provider verifying the information submitted as part of the application in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.**

See Exhibit G.

D. Drainage Analysis**1. Provide the drainage level of service per the adopted and certified local land use plan.**

The City has adopted the following LOS Standards for Drainage per the SFWMD requirements: 25 Year Storm 72 hour duration for allowable discharge; 10 Year Storm 24 hour duration for minimum road crown elevation; and, 100 Year Storm 24 hour duration for minimum finished floor elevation.

2. The elevation for the area depicted on the “100 Year Flood Elevation Map. ”Identify the drainage district and drainage systems serving the amendment area.

The finished floor elevation for the building on the subject property will be the highest of the following:

- 1’ above FEMA BFE equal to 12’ NAVD or
- 18” above the crown of road of Copans Rd. or Federal Highway
- The County’s FFE based on their recently updated 100-year flood elevation map.

The Subject Property is located within the jurisdiction of the South Florida Water Management District. The primary drainage system that serves the City is comprised of drainage canals, water control structures, and surface lakes. The primary drainage system is maintained and operated by the South Florida Water Management District. The primary drainage system discharges excess storm water from storm events into the Atlantic Ocean via the Intracoastal Waterway. The secondary drainage system that serves the City is comprised of drainage pipe, catch basin inlets, manholes, control structures, exfiltration trenches and retention areas. The secondary drainage system is maintained and operated by the City of Pompano Beach.

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

The City of Pompano Beach completed a Citywide Stormwater Management Master Plan (SMMP) in 2013, which includes a list of recommended stormwater capital improvement projects throughout the City. No improvements were identified for the Subject Property.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.

Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

No application for a drainage permit has been submitting with this land use plan amendment application. When development plans are finalized for the Subject Property, the Applicant will submit an application for a surface water management system permit. The surface water management system for the Subject Property will be designed to meet all applicable City and County regulations.

- 5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrates how the site will be drained and the impact on the surrounding properties.**

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and years, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

The stormwater management system that will be designed and constructed in conjunction with the proposed development will meet all applicable governmental drainage standards.

- 6. Correspondence from local drainage district verifying the information submitted in items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.**

See **Exhibit H** as provided by:

John Sfiropoulos
City Engineer
City of Pompano Beach
1201 NE 5th Avenue
Pompano Beach, Florida 33060
John.Sfiropoulos@copbfl.com

E. Recreation and Open Space Analysis

- 1. Provide the recreation and open space level of service per the adopted and certified local land use plan.**

The City of Pompano Beach has adopted the following level of service for parks and open space of 5 Ac/1,000 population.

- 2. For amendments which will result in an increased demand for “community parks” acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted.

See Exhibit I

- 3. Identify the net impact on demand for “community parks” acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.

This analysis includes only the residential uses associated with the Proposed Amendment.

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate	Demand
Commercial	N/A	N/A
Proposed Land Use Plan Designation: Irregular (29.5) Residential		
Development Intensity	Generation Rate*	Demand
356 garden apartments	2.14 x ac/1000 population	3.8 acres
NET CHANGE: +3.8 acre		

*City of Pompano Beach Code of Ordinances Chapter 154.74

- 4. Identify the projected “community parks” acreage needs based on the local government’s projected build-out population.

According to the City’s Parks Master Plan, the City has 775+/- acres of local park land to serve the 5 acre per thousand population level of service. The City’s buildout population is projected to be 150,955 and 754 +/- acres are needed for this population. The Broward County required level of service is 3 acres per thousand population which translates to a need for 452 acres of park land. The park inventory for the Broward County level of service indicates that a total of 619 acres meet the County definition of park and open space areas. Therefore, the City will meet the County level of service at buildout. See the existing park inventory provided in Exhibit I.

- 5. As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Policies 2.5.4 and 2.5.5 (a. through e.), regarding the provision of open space.

This Proposed Amendment does not result in a loss of open space.

F. Traffic Circulation Analysis

- 1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.**

Refer to traffic analysis provided as **Exhibit J**.

- 2. Identify the projected level of service for the roadways impacted by the proposed amendment for the long range planning horizon. Please utilize average daily and p.m. peak hour traffic volumes per Broward Metropolitan Planning Organization (MPO) plans and projections.**

Refer to traffic analysis provided as **Exhibit J**.

- 3. Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant can provide a traffic impact analysis for the amendment – calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long-range planning horizon.**

Refer to traffic analysis provided as **Exhibit J**.

- 4. Provide any transportation studies relating to this amendment, as applicable**

Refer to traffic analysis provided as **Exhibit J**.

G. Mass Transit Analysis

- 1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.**

Existing Broward County Bus Transit Service

Broward County Transit (BCT) Route 10 operates along US 1/Federal Highway within the vicinity of the amendment linking Camino Real Road and Dixie Highway to Broward Central Terminal. This route serves Mizner Park, Coral Ridge Mall, Pompano Citi Centre, Sears Town, Shoppers Haven, Broward Health Imperial Point, Holy Cross Hospital, and Holiday Park. Route 10 operates with approximately 22-minute headways during weekdays. On weekends headways are 30 minutes on Saturday and 41 minute headways on Sunday.

BCT Route 11 operates along US 1/Federal Highway within the vicinity of

the amendment linking Copans Road to US 441 and Commercial Boulevard. This route serves Pompano Citi Centre, Shops of Las Olas, Sunshine Plaza, Kindred Hospital, Seventh Avenue Family Health Center, Broward College/FAU, Hugh Taylor Birch State Park, Anglin's Fishing Pier, Bonnet House, International Swimming Hall of Fame, Jungle Queen, Museum of Art, Pompano Beach Fishing Pier, Riverwalk, Stranahan House, and Social Security Administration. Route 11 operates with 34 minute headways on weekdays. On weekends headways are 45 minutes on Saturday and 57 minutes on Sunday.

BCT Route 83 operates on Copans Road within the vicinity of the amendment linking Pompano Citi Centre to Coral Ridge Drive and Sample Road. This route serves Pompano Citi Centre, Broward Health Coral Springs, Towne Shoppes of Margate, Home Depot, and St. Andrews Tower. Route 83 operates with approximately 34-minute headways on weekdays and 60 minutes on weekends.

Existing Community Shuttle Transit Service

City of Pompano Community Bus Green Route operates on N Federal Highway, NE 14th Street, E Atlantic Boulevard, and Pompano Beach Boulevard linking the Northeast Transit Center Kiss and Ride and Pompano Citi Center. This route serves Atlantic Boulevard and US 1/Federal Highway, Atlantic Boulevard and Pompano Beach Boulevard, NE 14th Street and Pompano Beach Boulevard, Pompano Beach Aquatic Park, US Post Office, Publix, and E Pat Larkins Community Center. The Green Route operates with approximately 68-minute headways.

The Hillsboro Beach (BCT Route 721) and Lighthouse Point (BCT Route 745) community busses also serve the Subject Property with 60 minute headways.

2. Describe how the proposed amendment furthers or supports mass transit use.

The proposed amendment will add residential units to an area already served by mass-transit routes, generating additional ridership for the routes adjacent to the site. In addition, the ultimate site plan will include pedestrian linkages to the existing pedestrian network in the surrounding area, providing direct access to mass transit stops in the area.

BCT is able to accommodate the additional transit demand resulting from the proposed amendment to the Subject Property. As part of the 30 year, one-cent surtax, BCT will be implementing a number of fixed route bus

improvements including shorter headways and increased span of service on weekdays and weekends for BCT routes.

The development of the Subject Property will support the utilization of mass transit by increasing the residential housing stock along roadways that can support future transit routes. The proposed development will provide safe circulation routes for pedestrians and bicycles including transit connectivity between existing sidewalks and proposed future bus stops.

3. **Correspondence from transit provider verifying the information submitted in items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.**

See **Exhibit K**. Information provided by:

Tara T. Crawford, AICP, Senior Planner
Service and Strategic Planning
Broward County Transit Division
1 North University Drive, Suite 3100A
Plantation, FL 33324
Telephone: (954) 357-8381

H. Public Education Analysis

1. **Public School Impact Application.**

The Public School Impact Application was submitted to the School Board of Broward County. The results of the analysis are provided in **Exhibit L**.

2. **The associated fee in the form of a check made payable to the SBBC.**

The fee was provided to the School Board of Broward County.

3. **Identify the existing school enrollment and permanent design capacity of the public elementary and secondary education facilities serving the area.**

The School Board report is provided as **Exhibit L** and the data is summarized below.

School	Current Enrollment	Level of Service Capacity	Over/(under) FISH Capacity
Cresthaven Elementary	548	705	(157)
Crystal Lake Middle	1,329	1,583	(232)
Deerfield Beach High School	2,520	2,848	(328)

Source: Planning Tool for School Enrollment and Capacity, The Broward County School Board.

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate	Demand**
2,500,000 sq. ft.	N/A	N/A
Proposed Land Use Plan Designation: Irregular (29.5) Residential		
Development Intensity	Generation Rate	Demand**
356 garden apartments	Elementary - .193	69 Elementary students
	Middle – 0.113	40 Middle students
	High – 0.123	44 High students

*Broward County School District, Facility Planning and Real Estate Department, Growth Management Section. The analysis provided by the School Board does not consider the residential units allowed by the current land use plan designation.

**Rounded to the nearest whole number

6. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment’s impact on natural and historic resources

A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

The Subject Property does not contain any historic sites or districts on the National Register of Historic Places or locally designated historical sites. In addition, no National Register historic sites are located adjacent to the Subject Property.

B. Archaeological sites listed on the Florida Master Site File.

Based upon a review of information on file with the State Historic Preservation Office, Division of Historical Resources Florida Master Site File and the City Future Land Use Element, there are no previously recorded cultural resources within the Subject Property.

See **Exhibit M.**

C. Wetlands.

According to the Broward County Wetlands Map dated September 17, 2015 there are no wetlands on the Subject Property.

D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.

No areas of Subject Property or adjacent properties are identified as a Local Area of Particular Concern.

E. Priority Planning Area Map and Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

According to the map published by Broward County dated June 1, 2013, the Subject Property is not located in a Priority Planning Area.

F. "Endangered" or "threatened species" or "species of special concern" or "commercially exploited" as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

The Subject Property is developed and the Applicant is not aware of any endangered or threatened species or species of special concern on the Subject Property.

G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

The Subject Property is developed and the Applicant is not aware of any listed plants located on the Subject Property.

H. Wellfields – Indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 "Wellfield Protection." If so, specify the affected zone and any provisions which will be made to protect the wellfield.

According to the Broward County Land Use Plan Eastern Broward County Existing and Planned Waterwells and Wellfields Map, the Subject Property is not located within a wellfield zone of influence.

I. Soils – Describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area's natural features.

According to the City of Pompano Beach Future Land Use Element, the soils on the Subject Property consist of Urban Land. This soil type is generally described as soils that have been modified for urban use by spreading sandy fill material over the natural soil surface, and urban land; in low coastal areas. During site development soil will be added, as needed, to bring the elevation of the Subject Property to the appropriate elevation for flood protection. The Applicant will implement a Surface Water Pollution Protection Plan (SWPPP) to ensure that movement of soil on the Subject Property does not have a negative impact on the natural features.

J. Beach Access – Indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

The Subject Property is not an oceanfront property. Thus, the proposed development will not affect any beach access.

7. AFFORDABLE HOUSING

Describe how the local government is addressing Broward County Land Use Plan Policy 216.2, consistent with Article 5 of this Document.

The Applicant will provide 15% of the units that are in a site plan approved by the City as moderate income affordable units and will be affordable to those with an annual household income equal to 120% of Broward County’s medium income. These units will be restricted to moderate income units for 30 years in a recorded declaration that will be in substantial conformity with the draft declaration provided in **Exhibit N**.

A wide variety of the Housing Authority’s efforts are associated with and coordinated with the NW CRA’s efforts. For example, a 32 acre development project is being planned for land under control of the Authority. Table 12 lists Section 8 Rental Housing units.

Housing Authority Section 8 Rental Housing Inventory

Name and Address of Development	Number of Housing Units	Type of Housing Unit	Assistance Rendered
Blanche Ely Estates	106	Apartments	Section 8 Rental Housing Units
Ben Turner Estates	12	Apartments	Section 8 Rental Housing Units
Golden Acres	176	Apartments	Section 8 Rental Housing Units
Total Units	294	Apartments	

8. LAND USE COMPATIBILITY

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

The Subject Property is surrounded by commercial uses and the City's municipal golf course. The proposed development will require rezoning and site plan approval from the City. During the review of those applications, the City will require that the development be integrated into the surrounding development such that the residential and commercial uses will produce a mixed use development that will be a benefit to the existing shopping center.

9. HURRICANE EVACUATION ANALYSIS

(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division).

Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Division.

According to the Broward County Emergency Evacuation Map, the Subject Property is not located within an evacuation zone.

10. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified redevelopment area (i.e., Community Redevelopment Agency, Community Development Block Grant). If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment plans.

The Subject Property is not located within a Community Redevelopment Area. However, this land use plan amendment represents a significant redevelopment project on a development property that will help to provide additional patrons that may support the business in the area.

11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

The Subject Property is not located adjacent to another local government.

12. PUBLIC OUTREACH

Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.

The Submit Property is surrounded on three sides by commercial development and on the fourth side by the City's municipal golf course. The Applicant believes that the public hearing notification process will be sufficient to obtain input from the surrounding property owner's. If it is determined by the application and City staff that a neighborhood meeting is necessary, the Applicant will comply with the recommendations in Section 155.2302 of the City's Zoning Code.

13. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

The Proposed Amendment is consistent with the regional strategy of promoting "Smart Growth". The Subject Property is an underutilized site in the eastern portion of the City. The Subject Property is an infill site where public facilities exist and have capacity to accommodate the demands associated with of the Proposed Amendment. The Proposed Amendment will result in a mixed use development by adding dwelling units that are needed to accommodate future population growth on a parcel that is developed with commercial uses. The resulting mixed use development will reduce greenhouse gas emissions by providing dwelling units in close proximity to commercial uses and transit service. Residents will be able to reduce vehicular trips by shopping in the Pompano Citi Centre. The availability of transit service adjacent to the Subject Property will provide additional opportunities to reduce vehicular traffic. In addition, the proposed amendment supports redevelopment strategies of the City and County. The proposed development will redevelop a vacant commercial space in the Citi Centre mall and will provide new patrons in the area that will support the existing businesses and help to promote additional redevelopment of commercial centers in the area.

Specifically the Proposed Amendment is consistent with the following policies of the County Land Use Plan:

POLICY 2.1.1 Broward County shall maintain a balanced Land Use Plan to implement a regional vision including the provision of essential public services and facilities, as well as enhanced sustainability and livability.

Explanation: The analysis demonstrates that all public facilities are available and have sufficient capacity to accommodate the requested change. The Proposed Amendment provides for enhanced sustainability and livability by adding residential units within the service area of several transit routes to promote the use of mass transit.

POLICY 2.1.2 The land use categories depicted on the Broward County Land Use Plan Map are intended to protect established residential areas and encourage economic development and redevelopment.

Explanation: The proposed amendment will promote redevelopment of an existing vacant commercial space. Property tax revenues will increase and additional patrons will be located in the area to support local business as a result of the Proposed Amendment. The redevelopment of the Subject Property may in turn stimulate redevelopment of other properties in the area.

POLICY 2.10.3 In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.

Explanation: The Applicant will submit a site plan for consideration by the City during the land use plan amendment process to ensure that the proposed development is integrated with the existing Citi Centre uses.

POLICY 2.11.2 In considering amendments to the Broward County Land Use Plan, analysis regarding the availability of potable water supply shall include a determination of whether such supply will be available as per the applicable adopted 10-Year Water Supply Facilities Work Plan and Capital Improvements Element.

Explanation: This analysis of this land use plan amendment contained herein documents that all the existing infrastructure systems that serve the Subject Property have sufficient capacity to accommodate the impacts associated with a change from commercial to residential use. The amendment will not result in the need for the City to make public expenditures for infrastructure improvements.

POLICY 2.14.7 Broward County and its local governments shall consider the individual and cumulative impacts of land use plan amendments on the existing and planned transportation facilities within the County.

Explanation: A traffic analysis is included with this application and documents a substantial reduction of traffic projected from the Proposed Amendment.

POLICY 2.14.9 The impact analysis for proposed amendments to the Broward County Land Use Plan shall continue to consider as significant those regional roadway segments that are projected to experience, as a result of the net effect from the Proposed Amendment, an impact of three percent (3%) or greater than the p.m. peak hour level of service capacity for those regional roadway segments.

Explanation: A traffic analysis is included with this application and the analysis indicates that the Proposed Amendment will not have an impact of three percent (3%) or greater than the p.m. peak hour level of service capacity of the regional roadway segments. The Proposed Amendment will result in a significant reduction of traffic.

POLICY 2.15.2 Broward County and its local governments shall determine the consistency of land use plan amendments with their Public School Facilities Element. The consistency finding shall address whether sufficient capacity is available, or anticipated within the short or long range planning horizon of their Elements, to accommodate the projected student impact of proposed amendments. As provided for within the Amended Interlocal Agreement for Public School Facilities Planning (IIA),

the School Board of Broward County shall advise the County and local governments regarding the projected student impact of amendments and the availability of capacity at impacted schools.

Explanation: The School Board of Broward County reviewed the proposed amendment and has determined that there is sufficient school capacity in the short and long term to accommodate the project impact.

POLICY 2.24.4 To minimize soil erosion on new construction sites, the land development codes and regulations of all local government entities shall require treatments and other measures consistent with Chapter 27 of the Broward County Code.

Explanation: The Applicant is required to prepare a Surface Water Pollution Protection Plan (SWPP) that must be approved by the City and implemented by the Developer during construction. The SWPP will outline all measures that must be used to minimize soil erosion during construction.

14. **CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES WITH THE CITY OF POMPANO BEACH LAND USE PLAN**

The Subject Property is developed with a vacant commercial building on the back side of the Citi Centre development. The Proposed Amendment will provide for redevelopment of an underutilized portion of the City Centre development that does not have the proper visibility for a retail development. The redevelopment will result in a mixed use development by adding dwelling units to a retail center that are needed to accommodate future population growth in the City. The resulting mixed use development will reduce greenhouse gas emissions by providing dwelling units in close proximity to commercial uses and transit service. Residents will be able to reduce vehicular trips by shopping in the Pompano Citi Centre and using adjacent transit service for work, shopping and recreation trips. For these reasons, the Proposed Amendment supports the Goal, Objectives and Policies of the City's Comprehensive Plan listed below.

GOAL 01.00.00

The attainment of a living environment which provides the maximum physical, economic and social well being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

POLICY 01.01.02

Review all proposals for development or redevelopment and base the approval of same on the continued maintenance of all adopted Level of Service Standards.

POLICY 01.01.03

Phase development concurrent with the availability or phasing of infrastructure, potable water, traffic and drainage capacity.

POLICY 01.01.04

Maintain public and private recreation and open space facilities at a level of five (5) acres for each 1,000 residents.

POLICY 01.01.05

Review proposals for new development to identify the cumulative impacts of the proposed development on public services and facilities.

POLICY 01.01.06

All site plan applications shall provide pedestrian facilities, such as but not limited to sidewalks and street trees (where not in conflict with underground utilities and permitted by City Engineer).

POLICY 01.01.11

Require that all future land use map amendments ensure the availability of potable water supplies and water supply facilities, and reuse where available.

POLICY 01.03.11

Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

OBJECTIVE 01.04.00

Support and promote the intermix of residential and commercial uses along major traffic corridors.

POLICY 01.04.01

The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments.

OBJECTIVE 01.12.00

Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

POLICY 01.16.01

The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

POLICY 01.16.02

The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

OBJECTIVE 1.21.00

Promote mixed use land development patterns which combine residential and nonresidential uses to achieve an attractive, well integrated, and pedestrian and transit friendly environment through the establishment of residential mixed land use categories.

15. PLAN AMENDMENT COPIES

- A. 3 hard copies and 10 digital copies (13 copies total) for the BCPC. (Please include additional copies, if Subject Property is adjacent to other municipalities and/or county jurisdictions). Additional copies June be requested by the Planning Council Executive Director after the initial application submittal.**

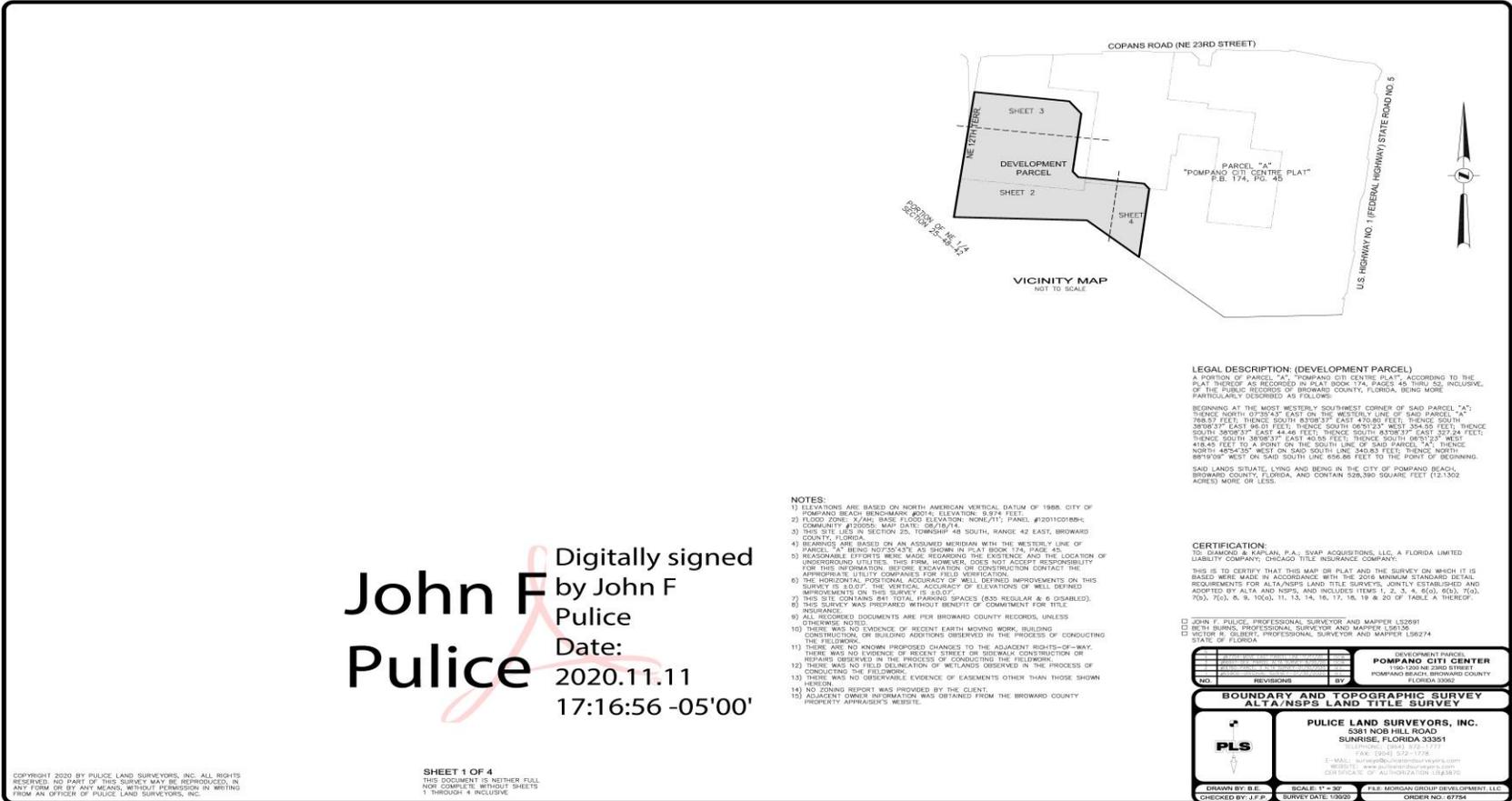
To be provided with transmittal to Broward County Planning Council.

- B. If requesting concurrent transmittal to DEO, 1 hard copy and 10 digital copies (11 copies total), as required by DEO, of the corresponding local land use plan amendment application, including transmittal letter from municipality to DEO.**

To be provided prior to transmittal to DEO.

EXHIBIT A

Survey of Subject Property



LEGAL DESCRIPTION: (DEVELOPMENT PARCEL)
 A PORTION OF PARCEL "A", "POMPANO CITY 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°54'43" EAST ON THE WESTERN LINE OF SAID PARCEL "A" 785.57 FEET; THENCE SOUTH 83°08'37" EAST 470.80 FEET; THENCE SOUTH 85°05'47" EAST 840.00 FEET; THENCE SOUTH 08°52'23" WEST 354.20 FEET; THENCE SOUTH 98°09'37" EAST 44.40 FEET; THENCE SOUTH 83°08'37" EAST 327.24 FEET; THENCE SOUTH 08°52'23" EAST 462.00 FEET; THENCE SOUTH 08°52'23" WEST 418.40 FEET TO A BURN ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE NORTH 48°54'35" WEST ON SAID SOUTH LINE 340.83 FEET; THENCE NORTH 80°59'08" WEST ON SAID SOUTH LINE 458.86 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.

- NOTES:**
- ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. CITY OF POMPANO BEACH BENCHMARK #0014. ELEVATION: 9.974 FEET.
 - FLOOD ZONE: X/AH; BASE FLOOD ELEVATION: NONE/11; PANEL #201100188H; COMMENT: #10000; MAP DATE: 05/17/14; SOUTH RANGE 42 EAST; BROWARD COUNTY, FLORIDA.
 - THIS SITE LIES IN SECTION 20, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
 - BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE WESTERLY LINE OF PARCEL "A" BEING N07°54'43"E AS SHOWN IN PLAT BOOK 174, PAGE 45.
 - REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION AND FOR THE EXAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
 - THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS 1/1000. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS 3.00'.
 - THIS SITE CONTAINS 841 TOTAL PARKING SPACES (630 REGULAR & 6 DISABLED).
 - THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF COMMITMENT FOR TITLE INSURANCE.
 - ALL RECORDED DOCUMENTS ARE FOR BROWARD COUNTY RECORDS, UNLESS OTHERWISE NOTED.
 - THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
 - THERE ARE NO KNOWN PROPOSED CHANGES TO THE ADJACENT RIGHTS-OF-WAY.
 - THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
 - THERE WAS NO FIELD DELINEATION OF WETLANDS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
 - THERE WAS NO OBSERVABLE EVIDENCE OF EASEMENTS OTHER THAN THOSE SHOWN HEREON.
 - NO ZONING REPORT WAS PROVIDED BY THE CLIENT.
 - ADJACENT OWNER INFORMATION WAS OBTAINED FROM THE BROWARD COUNTY PROPERTY APPRAISER'S WEBSITE.

CERTIFICATION:
 I, **JOHN F. PULICE**, PROFESSIONAL SURVEYOR AND MAPPER L52991
 I, **BETH BURNS**, PROFESSIONAL SURVEYOR AND MAPPER L08136
 I, **VICTOR M. CULBERT**, PROFESSIONAL SURVEYOR AND MAPPER L56274
 STATE OF FLORIDA
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(c), 7(a), 7(b), 7(c), 8, 9, 10(a), 11, 13, 14, 16, 17, 18, 19 & 20 OF TABLE A THEREOF.

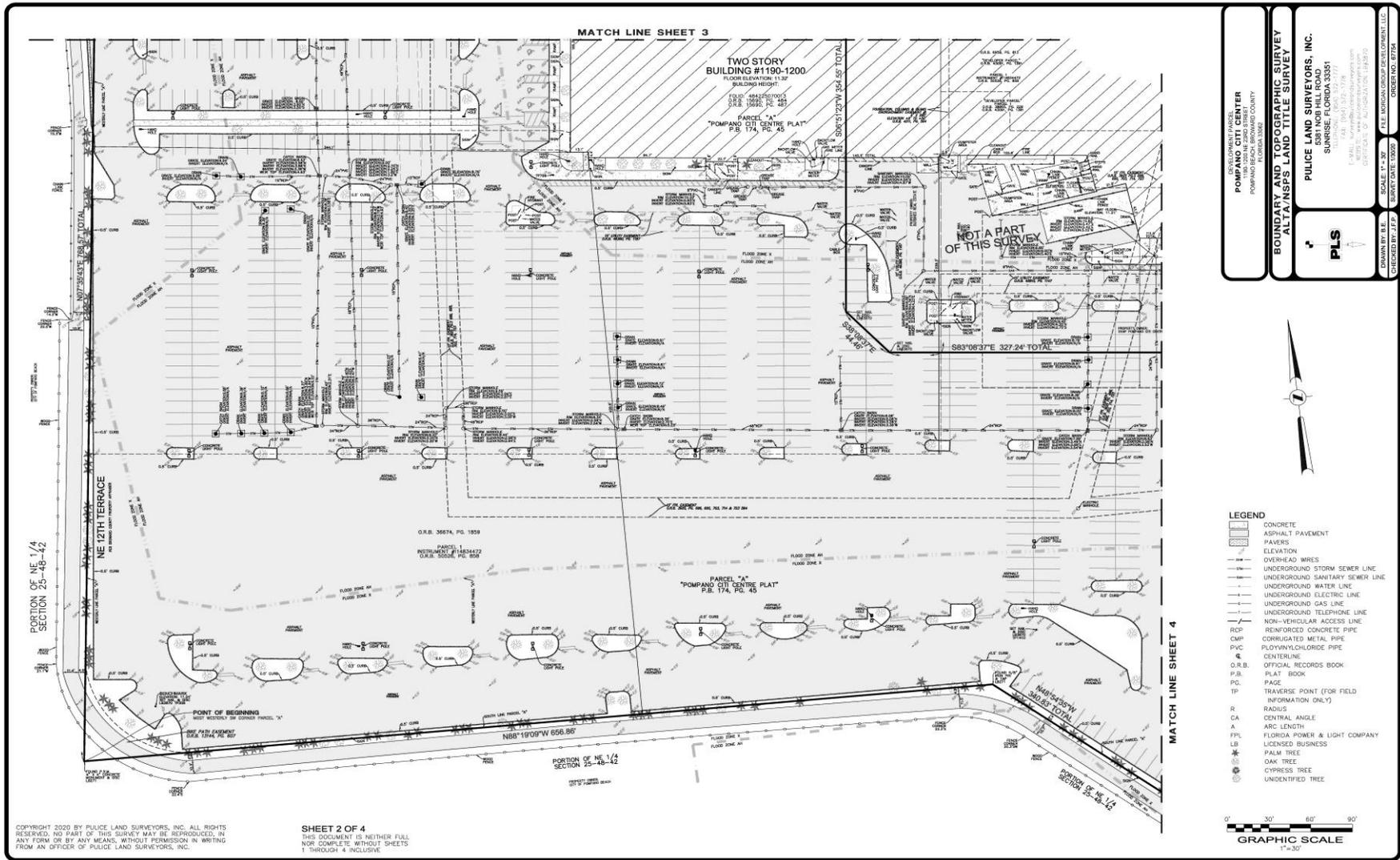
Digitally signed
 by John F Pulice
 Date: 2020.11.11
 17:16:56 -05'00'

DEVELOPMENT PARCEL 1801500 NE 23RD STREET POMPANO BEACH, BROWARD COUNTY FLORIDA 33062	
BOUNDARY AND TOPOGRAPHIC SURVEY ALTA/NSPS LAND TITLE SURVEY	
PLS PULICE LAND SURVEYORS, INC. 5391 NOB HILL ROAD SUNRISE, FLORIDA 33351 (954) 522-1775 FAX: (954) 522-1776 E-MAIL: info@puliceandsurveyors.com WEBSITE: www.puliceandsurveyors.com CERTIFICATE OF AUTHORIZATION 024870	DEVELOPMENT PARCEL 1801500 NE 23RD STREET POMPANO BEACH, BROWARD COUNTY FLORIDA 33062
DRAWN BY: B.E. CHECKED BY: J.F.P.	SCALE: 1" = 30' SURVEY DATE: 1/30/20 PLS MORRIS GROUP DEVELOPMENT, LLC ORDER NO.: 67784

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SHEET 1 OF 4
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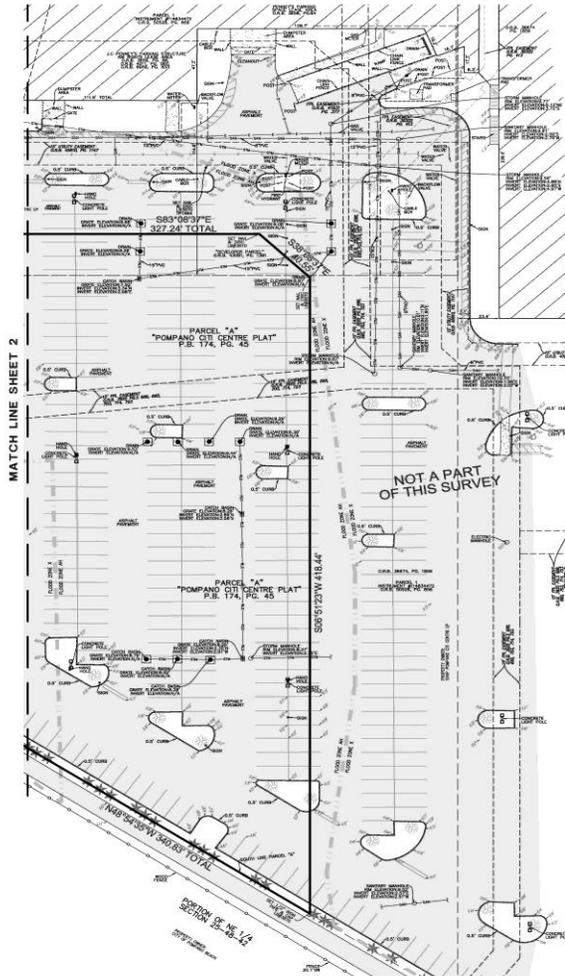


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LEGEND

- CONCRETE
- ASPHALT PAVEMENT
- PAVERS
- ELEVATION
- OVERHEAD WIRES
- UNDERGROUND STORM SEWER LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- NON-VEHICULAR ACCESS LINE
- ROP REINFORCED CONCRETE PIPE
- COMP CORRUGATED METAL PIPE
- PVC FLOW/ALUMINUM PIPE
- CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- TP TRANSVERSE POINT (FOR FIELD INFORMATION ONLY)
- R RADIUS
- CA CENTRAL ANGLE
- A ARC LENGTH
- FPL FLORIDA POWER & LIGHT COMPANY
- LB LICENSED BUSINESS
- PAK PALM TREE
- QK OAK TREE
- CT CYPRESS TREE
- UNIDENTIFIED TREE



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SHEET 4 OF 4
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DEVELOPMENT PARCEL POMPADO CITI CENTER 1400 NE 2040 STREET POMPADO BEACH, BROWARD COUNTY FLORIDA 33062	
TOPOGRAPHIC SURVEY ALTA/NSPS LAND TITLE SURVEY	
	PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351 TELEPHONE: (954) 522-1777 FAX: (954) 522-1778 E-MAIL: sunrise@pulice-land.com WEBSITE: www.pulice-land.com 03/17/2020, OF 20/10/2020 10:18:58:70
DRAWN BY: B.E. CHECKED BY: J.F.P.	SCALE: 1" = 30' SURVEY DATE: 10/20/20
FILE: MORGAN GROUP DEVELOPMENT, LLC ORDER NO.: 67754	

EXHIBIT B

Location Map



EXHIBIT C

Current Land Use Plan Designation

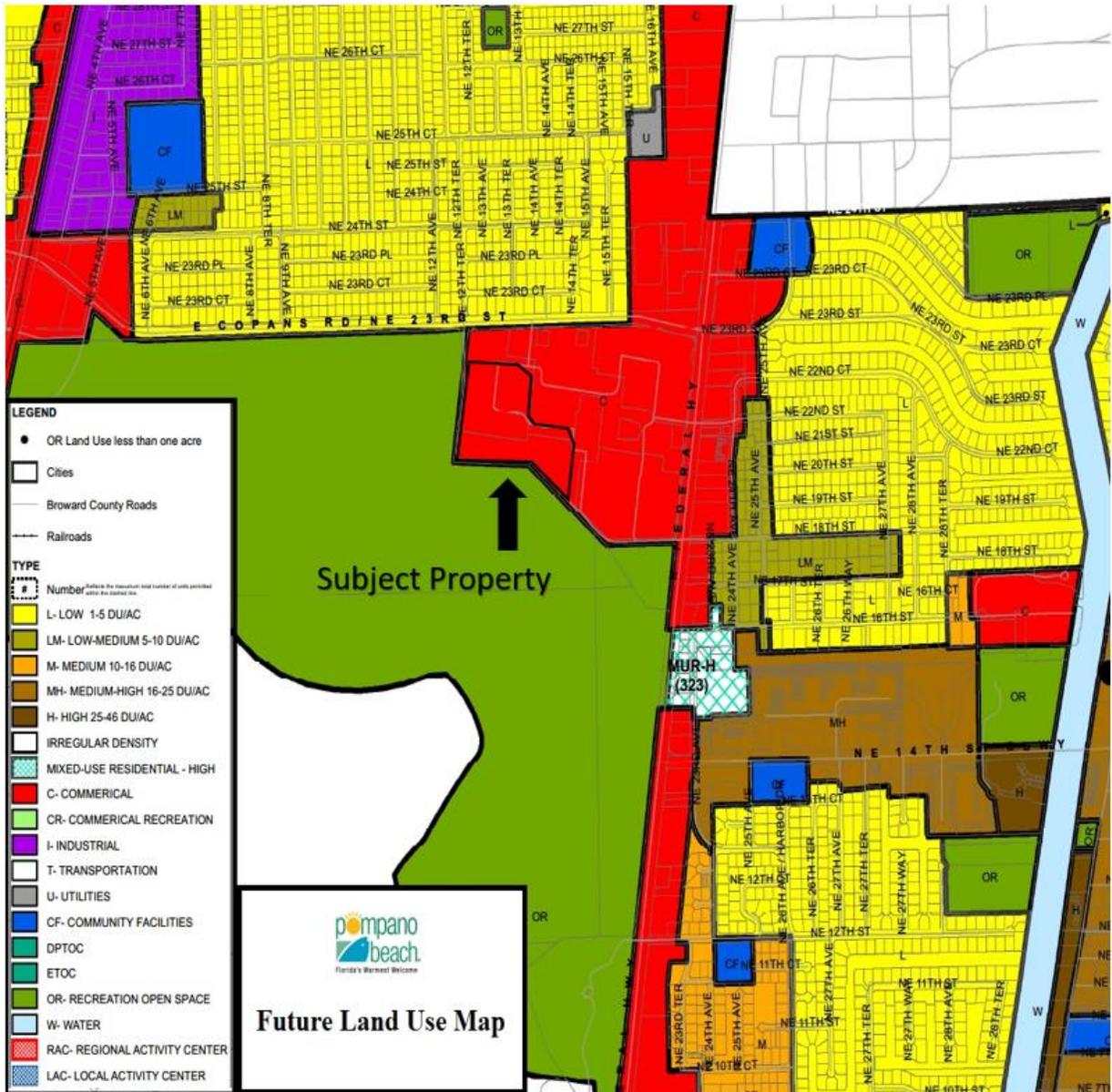


EXHIBIT D

Proposed Land Use Plan Designation

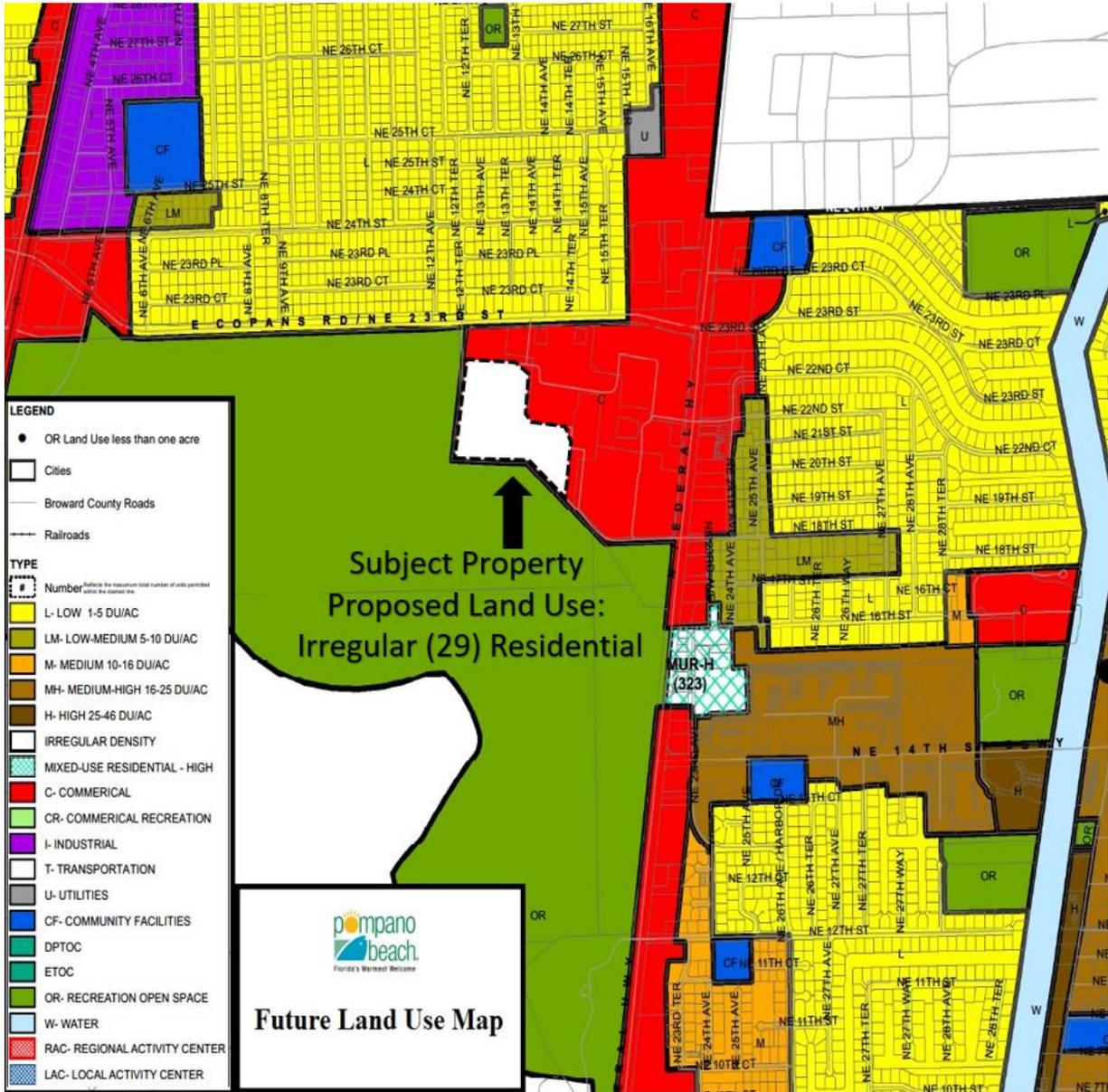


EXHIBIT E

Potable Water Service Correspondence

From: Randolph Brown <Randolph.Brown@copbfl.com>
Sent: Tuesday, October 27, 2020 12:37 PM
To: Jean Dolan <Jean.Dolan@copbfl.com>
Cc: Shana-Roy Coombs-Gordon <Shana.Coombs@copbfl.com>
Subject: FW: Morgan Land Use Plan Amendment

Good Afternoon Jean,
Here is the answers below that I have.
Randy

From: Cynthia Pasch <cynthia.pasch@gmlaw.com>
Sent: Monday, October 26, 2020 2:40 PM
To: Shana-Roy Coombs-Gordon <Shana.Coombs@copbfl.com>
Subject: RE: Morgan Land Use Plan Amendment

PS,
The County also wants to know:

Wellfields serving the area: Eastern and Western
SFWMD Permitted withdrawal: 17.0 MGD with a permit modification in the process to 19.0 MGD
Expiration date of SFWMD permit:2025
Potable Water Plat that serves the property: ?? If you meant plant, City of Pompano Beach
Plant Capacity: 50 MGD
Current Water Demand: 14.2 Avg. MGD
Committed Water Demand:
Total Water Demand:
Any planned plan capacity expansions: None

EXHIBIT F

Sanitary Sewer Service Letter

Beverly McGuiness

From: Manrique, Mario <MMANRIQUE@broward.org>
Sent: Friday, October 16, 2020 12:08 PM
To: Cynthia Pasch
Cc: Seiden, Jeremy; Beverly McGuiness
Subject: RE: Request for Verification of Waste Water Service [IWOV-Active.FID12063885]
Attachments: D2_Pompano BCWWS_Comments.docx

Hello Cynthia,

Find attached our comments (modified values in red) to your document request. Thanks and have a nice day.



Mario Manrique, E.I.

Broward County Water and WasteWater Services
2555 Copans Rd., Pompano Beach, FL 33069
Tel: 954-831-0968 Fax: 954-831-0925
mmanrique@broward.org

From: Beverly McGuiness <beverly.mcguiness@gmlaw.com> **On Behalf Of** Cynthia Pasch
Sent: Tuesday, October 6, 2020 9:29 AM
To: Manrique, Mario <MMANRIQUE@broward.org>
Cc: Seiden, Jeremy <JSEIDEN@broward.org>; Beverly McGuiness <beverly.mcguiness@gmlaw.com>
Subject: Request for Verification of Waste Water Service [IWOV-Active.FID12063885]

External Email Warning: This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETSSecurity@broward.org.

Hello Mario,
Please see the attached letter request.

GreenspoonMarder

Cynthia A. Pasch, AICP
Land Planner
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Telephone: 954-527-6266
cynthia.pasch@gmlaw.com

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Cynthia A. Pasch, AICP
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.6266
Direct Fax: 954.333.4266
Email: cynthia.pasch@gmlaw.com

October 6, 2020

VIA EMAIL mmanrique@broward.org

Mario Manrique
Water and Wastewater Engineering
Planning and Development Coordination Section
2555 W. Copans Road
Pompano Beach, Fl. 33069

Re: Land Use Plan Amendment Verification of Waste Water Service

Dear Mr. Manrique:

Enclosed please find a location map for a property located at the southwest corner of US 1 and Copans Road in the City of Pompano Beach. The property is part of the City Centre shopping center. We are requesting a land use plan amendment to change the land use plan designation on the property from Commercial for Residential use. The applicant proposes to develop 356 multi family dwelling units on the property. As part of the land use plan amendment process we are required to obtain confirmation of our analysis of the proposed change which is attached for your review. Please provide me with written confirmation that the attached is correct or provide me with any necessary revisions. I would greatly appreciate your response by October 12, 2020.

Let me know if you have any questions concerning this request.

Sincerely,

GREENSPOON MARDER, P.A

Cynthia A. Pasch, AICP
Land Planner

Enclosures

cc: Jeremy Seiden (via email)

Boca Raton Denver Edison Ft. Lauderdale Las Vegas Los Angeles Miami Naples
New York Orlando Portland Scottsdale Tallahassee Tampa West Palm Beach

45443477.1
30556.0007



45443477.1
30556.0007

A. Sanitary Sewer Analysis

- 1. Provide the sanitary sewer level of service per the adopted and certified local land use plan.**

The adopted level of service for potable water service in the City as specified in the Future Land Use Element of the City of Pompano Beach Comprehensive Plan is as follows:

300 gallons per household per day.

- 2. Identify the sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources.**

The City does not have a wastewater treatment plant. Broward County's North Regional Wastewater Treatment Plant serves the residents and businesses in the City. The City has 17 MGD reserve capacity at the County's facility. The current operating conditions are as follows:

Current Capacity: 95 MGD **95.0 MGD**
 Current Demand: 70 MGD **72.7 MGD**
 Committed Demand: .72MGD **74.3 MGD**
 Available Capacity: 71 MGD **20.7 MGD**

There are no planned wastewater treatment plant capacity increases at this time.

- 3. Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.**

Current Land Use Plan Designation: Commercial		
Development Intensity	Generation Rate*	Demand
2,500,000 sq. ft. commercial	30 GPD/1,000sq. ft.	75,000 GPD
Proposed Land Use Plan Designation: Irregular (29) Residential		
Development Intensity	Generation Rate*	Demand
356 garden apartments	100 GPD/Unit	35,600 GPD
		Net Change: -39,400 GPD

*Broward County Guidelines for Determining Ability to provide Potable Water and Wastewater Service.

45443477.1
30556.0007

EXHIBIT G

Solid Waste Service Response

Cynthia Pasch

From: Pace, Luigi <LPace@wm.com>
Sent: Wednesday, October 14, 2020 12:23 PM
To: Cynthia Pasch
Subject: RE: Land Use Plan Amendment - Request for Verification of Solid Waste [IWOV-Active.FID12411994]

Cynthia, item 2 is incorrect all of the waste generated in the city is disposed at Monarch Hill Landfill located at 2700 Wiles Road, Pompano Beach, FL 33073 and our current demand is 1.5 million tons per year. Waste Management has ample capacity to process any solid waste to be generated by any future development project in the city.

Item 3 We believe the numerical data is correct. However, in making that statement we do not warrant the accuracy of same

From: Beverly McGuiness <beverly.mcguiness@gmlaw.com> **On Behalf Of** Cynthia Pasch
Sent: Monday, October 12, 2020 11:22 AM
To: Pace, Luigi <LPace@wm.com>
Subject: [EXTERNAL] Land Use Plan Amendment - Request for Verification of Solid Waste [IWOV-Active.FID12411994]

Good morning, Luigi. Please see attached correspondence.

Cindy

GreenspoonMarder

Cynthia A. Pasch, AICP
Land Planner
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Telephone: 954-527-6266
cynthia.pasch@gmlaw.com

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A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT H

Drainage Service Response

Beverly McGuiness

From: John Sfiropoulos <John.Sfiropoulos@copbfl.com>
Sent: Tuesday, October 6, 2020 7:26 AM
To: Cynthia Pasch
Subject: RE: Drainage Confirmation Request

This looks accurate Ms. Pasch.

Thank you,
John

From: Cynthia Pasch <cynthia.pasch@gmlaw.com>
Sent: Sunday, October 4, 2020 9:35 PM
To: John Sfiropoulos <John.Sfiropoulos@copbfl.com>
Subject: Drainage Confirmation Request

EXTERNAL Email: Do not reply, click links, or open attachments unless you recognize the sender's **EMAIL ADDRESS** as legitimate and know the contents are safe.

Mr. Sfiropoulos,
Please see attached letter request.

GreenspoonMarder

Greenspoon Marder LLP
Cynthia A. Pasch, AICP
Land Planner
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
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Cynthia A. Pasch, AICP
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.6266
Direct Fax: 954.333.4266
Email: cynthia.pasch@gmlaw.com

October 5, 2020

VIA EMAIL John.Sfiropoulos@copbfl.com
John Sfiropoulos
City Engineer
City of Deerfield Beach
2555 W. Copans Road
Pompano Beach, Fl. 33069

Re: Land Use Plan Amendment Verification of Drainage Service

Dear Mr. Sfiropoulos:

Enclosed please find a location map for a property located at the southwest corner of US 1 and Copans Road in the City of Pompano Beach. The property is part of the City Centre shopping center. We are requesting a land use plan amendment to change the land use plan designation on the property from Commercial for Residential use. The applicant proposes to develop 356 multi family dwelling units on the property. As part of the land use plan amendment process we are required to obtain confirmation of our analysis of the proposed change which is attached for your review. Please provide me with written confirmation that the attached is correct or provide me with any necessary revisions. I would greatly appreciate your response by October 12, 2020.

Let me know if you have any questions concerning this request.

Sincerely,

GREENSPOON MARDER, P.A

Cynthia A. Pasch, AICP
Land Planner

Enclosures

Boca Raton Denver Edison Ft. Lauderdale Las Vegas Los Angeles Miami Naples
New York Orlando Portland Scottsdale Tallahassee Tampa West Palm Beach

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45443675v1

A. Drainage Analysis

- 1. Provide the drainage level of service per the adopted and certified local land use plan.**

The City has adopted the following LOS Standards for Drainage per the SFWMD requirements: 25 Year Storm 72 hour duration for allowable discharge; 10 Year Storm 24 hour duration for minimum road crown elevation; and, 100 Year Storm 24 hour duration for minimum finished floor elevation.

- 2. The elevation for the area depicted on the “100 Year Flood Elevation Map.” Identify the drainage district and drainage systems serving the amendment area.**

The finished floor elevation for the building on the subject property will be 8.5 NAVD.

- 3. Identify any planned drainage improvements, including year, funding sources and other relevant information.**

The City of Pompano Beach maintains the portion of the city drainage system in the City right-of-way. The drainage system on the Subject Property will be constructed and maintained by the property owner.

No improvements are planned by the City of Pompano Beach to serve this Property.

- 4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.**

Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

No application for a drainage permit has been submitting with this land use plan amendment application. When development plans are finalized for the Subject Property, the Applicant will submit an application for a surface water management system permit. The surface water management system for the Subject Property will be designed to meet all applicable City and County regulations.

- 5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the**

45443675v1

deficiencies, provide an engineering analysis which demonstrates how the site will be drained and the impact on the surrounding properties.

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

The stormwater management system that will be constructed in conjunction with the proposed development will meet all applicable governmental drainage standards.

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EXHIBIT I

Municipal Park Inventory

**Table 6-1
City of Pompano Beach Park and Recreation Acreage**

Park Site	Land Area in Acres	Address
Mini- Parks		
McNab Park	2.5	2250 E. Atlantic Blvd
Founders Park	1.7	299-201 NE 3 rd Ave
Kendall Lakes Park	0.2	1650 NW 3 rd Avenue
Apollo Park	4.4	1580 NW 3 rd Ave
Coleman Park Tot Lot	0.5	480 NW 7 th Terrace
Novelty Homeowners Park	1.0	351 SW 14 th Ct
Pat Larkins Multipurpose Ctr.	2.9	520 NW 3 rd St
Avondale Park (undeveloped)	2.6	233 SW 6 th Ave
Fairview Park	2.3	801 SW 8 th St
Herb Skolnick Multipurpose Ctr.	3.5	800 SW 36 th Ave
Cresthaven Park	1.4	1320 NE 27 th Ct
Highland Park & Recreation Ctr.	3.3	1650 NE 50 th Ct
Sandspur Park (Pompano Highlands)	2.3	At the intersection of NE 15 th Ave and NE 42 nd Ct
Canine Corner (Dog Park)	1.8	1000-1098 NE 18 th Ave
Annie Adderly Gillis Park	0.8	601 Dr Martin Luther King Blvd
Sanders Park	0.6	301 NW 15 th St
Lovely Park	0.2	1941 NE 1 st Ave
Total Mini-Parks' Acres	32.0	
Small Urban Open Spaces		
North Ocean Park (N.E. 16 th Street Park)	0.6	3424 NE 16 th St
Marine Drive Park	0.1	1751 N. Riverside Dr
Sunset Park	1.0	11000 W. McNab Rd
Chris Reyka Park	0.4	143 N. Riverside Dr
Indian Mound Park	1.0	1250 Hibiscus Dr
Lake Santa Barbara Park	0.2	2270 SE 7 th Dr
S.E. 13 th Street Park	0.1	2596 SE 13 St
S.E. 15 th Street Park	0.1	2798 NE 15 th St
Pompano Canal Park	0.2	18 SE 3 rd Avenue
Jackson Park	1.8	301 NW 15 th St
Hillsboro Inlet Park	2.3	2705 N. Riverside Dr
S.E. 11 th Avenue Park	0.2	SE 11 th Ave and Pine Drive
Old Water Tower Site	0.2	Flagler and SW 8 th St
Bill Keith Park	0.9	284 E. Atlantic Blvd
Total Small Urban Spaces	9.1	
Neighborhood Parks		
Sgt. Kip A Jacoby Park	5.4	620 S. Cypress Rd
Kester Park	8.4	702 NE 6 th St
Ronald J. McNair Park	6.4	951 NW 27 th Ave
Weaver Park	12.4	800 NW 20 th St
Exchange Club Park	7.5	2888 NE 24 th St
Alsdorf Boat Launch Park	10.0	2974 NE 14 th St
Harbors Edge Park	8.1	1240 NE 28 th Ave
Hunter's Manor Park	8.3	1801 NW 4 th St
George Brummer Park	4.9	3500 W Palm Aire Dr
Airpark Jogging Path	8.4	1001 NE 10 th St
Elks Club Property	10.4	4000 NW 10 th Way

City of Pompano Beach
Recreation and Open Space Element DIA

November 2019
Page 10

Park Site	Land Area in Acres	Address
Centennial Park (Sample McDougal House)	4.2	450 NE 10 th St
Total Neighborhood Parks	94.4	
Recreational Area at Public School Sites		
Pompano Beach Elementary School	3.4	700 NE 13 th Ave
Pompano Beach Middle School	2.0	310 NE 6 th St
Pompano Beach High School	7.5	600 NE 13 th Ave
McNab Elementary School	2.0	1350 SE 9 th Ave
Cypress Elementary School	5.2	851 SW 3 rd Ave
Sanders Park Elementary School	3.2	800 NW 16 th St
Blanche Ely High School	6.5	1201 NW 6 th Ave
Markham Elementary School	2.9	1501 NW 15 th Ave
Charles Drew Elementary School	4.6	1000 NW 31 st Ave
Cross Creek SED Center	7.2	1010 NW 31 st Ave
Cypress Run Alternative School	2.0	2800 NW 30 th Ave
Cresthaven Elementary School	2.3	801 NE 25 th St
Crystal Lake Middle School	3.2	3551 NE 3 rd Ave
Palm View Elementary School	2.2	2601 NE 1 st Ave
Norcrest Elementary School	6.2	3951 NE 16 th Ave
Total Recreational Areas at Public School Sites	60.4	
Community Parks		
Pompano Community Park	71.08	1660 NE 10 th St
North Pompano Park	20.45	4400 NE 18 th Ave
Mitchell/Moore Park	15.80	901 NW 10 th St
Public Beach	37.80	222 North Pompano Beach Blvd.
Palm Aire Lakes Park	97.0	Within the Palm Aire Community
Total Community Parks	242.13	
Urban Park (Other Large Open Spaces and Parks)		
Boys & Girls Club	9.50	212 NW 16 th St
PB Municipal Golf Course	372.00	1101 N Federal Hwy
Sand and Spurs Stables	14.70	1600 NE 5 th Ave
Arboretum	33.00	Within the Airpark property
Total Urban Parks	429.20	
Privately Owned Facilities		
John Knox Village	1.8	651 SW 6 th St
Cypress Bend	10.1	2217 Cypress Island Dr
Palm Aire	48.6	2600 N Palm Aire Dr
Total Privately Owned Facilities	60.5	
GRAND TOTAL ACREAGE	927.73	

Source: City of Pompano Beach and Calvin, Giordano & Associates, Inc. 2019

EXHIBIT J

Traffic Analysis

A. Traffic Circulation Analysis

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

Major roadways serving the amendment site include:

- US 1/N Federal Highway
- SR 844/NE14th Street
- E Copans Road

Broward County

The amendment site is located within the Northeast Concurrency District which is subject to the provisions of the Broward County Transportation Concurrency System. Therefore, the level of service standard determined by the Broward County Development Review Services was considered for this analysis. The level of service standard for all roadways within the impact area is LOS D for long range planning purposes.

City of Pompano Beach

The City of Pompano Beach recognizes the County’s LOS D standards in their adopted Comprehensive Plan. In addition, the level of service standard, corresponding service volumes, existing (2019) peak hour volume and existing (2019) level of service for the surrounding roadway network are summarized in **Table 1**. Note that existing (2019) traffic volumes utilized in the analysis represent the latest available traffic volumes from the Broward County Metropolitan Planning Organization’s (MPO) *Level of Service Spreadsheet-2019*.

TABLE 1: EXISTING (2019) CONDITIONS LOS ANALYSIS					
<i>Roadway</i>	<i>Segment</i>	<i>Existing Laneage</i>	<i>Maximum Service Volume</i>	<i>2019 Peak Hour Volume</i>	<i>2019 LOS</i>
US 1/N Federal Highway	N of NE 10 th Street	6LA	5,390	5,320	D
US 1/N Federal Highway	N of E Copans Road	6LA	5,390	5,795	F
SR 844/NE14 th Street	E of US 1/Federal Highway	4LA	2,920	2,138	D
E Copans Road	E of Dixie Highway	6LA	5,121	3,373	C

- Identify the projected level of service for the roadways impacted by the proposed amendment for the long-range planning horizons. Please utilize average daily and P.M. peak hour traffic volumes per Broward County Metropolitan Planning Organization plans and projections.

The projected level of service for the short-term (i.e., 2025) planning horizon was determined using linear interpolation of the currently available existing (2019) peak hour volumes and the long-term (2040) peak hour volumes to obtain the short-term peak hour volume. Once the interpolated value was obtained, FDOT’s 2020 *Quality/Level of Service Handbook* was used to find the appropriate level of service volumes thresholds. The level of service for the short-term planning horizon is summarized in **Table 2**.

Long-term (2040) projected level of service was determined using 2040 traffic volume forecasts obtained from the Broward Country MPO’s *Level of Service Spreadsheet-2019*. The level of service for the long-term planning horizon is summarized in **Table 3**.

TABLE2: SHORT-TERM 2025 LOS ANALYSIS						
Roadway	Segment	Existing Laneage	Maximum Service Volume	Growth Rate	2025Peak Hour Volume	2025 LOS
US 1/N Federal Highway	N of NE 10 th Street	6LA	5,390	0.65%	5,527	F
US 1/N Federal Highway	N of E Copans Road	6LA	5,390	-0.26%	5,705	F
SR 844/NE14 th Street	E of US 1/Federal Highway	4LA	2,920	0.47%	2,198	D
E Copans Road	E of Dixie Highway	6LA	5,121	1.88%	3,753	C

TABLE3: LONG-TERM 2040 LOS ANALYSIS					
Roadway	Segment	Existing Laneage	Maximum Service Volume	2040Peak Hour Volume	2040LOS
US 1/N Federal Highway	N of NE 10 th Street	6LA	5,390	6,042	F
US 1/N Federal Highway	N of E Copans Road	6LA	5,390	5,482	F
SR 844/NE14 th Street	E of US 1/Federal Highway	4LA	2,920	2,347	D
E Copans Road	E of Dixie Highway	6LA	5,121	4,703	C

- Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant may provide a traffic impact analysis for this amendment – calculate anticipated average daily and pm peak hour traffic generation for the existing and proposed land use designations. If the amendment

reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long-range planning horizon.

The trip generation potential for the amendment site was calculated using rates reported by the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 10th Edition. The existing land use designation allows for 2,500,000 square feet of commercial space. The proposed land use designation allows for a maximum of 356 dwelling units.

To provide a conservative analysis, the existing 2,500,000 square feet of commercial space was assumed to include office land uses as office land uses are expected to result in a lower trip generation estimate as compared to retail land uses. Therefore, the site trip generation potential under existing conditions was evaluated utilizing ITE LUC 710 (General Office Building). The site trip generation potential under proposed conditions was evaluated utilizing ITE LUC 221 (Multifamily Housing [Mid-Rise]).

The proposed amendment is expected to generate 263 fewer inbound trips and 1,751 fewer outbound trips, resulting in a total reduction of 2,014 trips during the P.M. peak hour. A summary of the trip generation rates and calculations is presented in **Table 4** and **Table 5**. Detailed trip generation calculations are presented as **Exhibit A**.

TABLE 4: TRIP GENERATION – EXISTING LAND USE DESIGNATION		
Land Use Code	ITE Code	PM Trips
General Office Building (2,500,000 square feet)	710	2,147
Total		2,147

Source: ITE *Trip Generation Manual*, 10th Edition.

TABLE 5: TRIP GENERATION – PROPOSED LAND USE DESIGNATION		
Land Use Code	ITE Code	PM Trips
Multifamily Housing (Mid-Rise) (356 dwelling units)	221	133
Total		133

Source: ITE *Trip Generation Manual*, 10th Edition.

4. Provide any transportation studies relating to this amendment, as desired.

No supplemental studies are being provided at this time. A site-specific Traffic Study will be prepared at a later date during the site plan entitlement process.

Exhibit A: Trip Generation Calculations

PM PEAK HOUR TRIP GENERATION COMPARISON

EXISTING MAXIMUM WEEKDAY PM PEAK HOUR TRIP GENERATION

G R O U P 1	ITE TRIP GENERATION CHARACTERISTICS				DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			MULTIMODAL REDUCTION			EXTERNAL TRIPS			INTERNAL CAPTURE			NET NEW EXTERNAL TRIPS			PASS-BY CAPTURE			NET NEW EXTERNAL TRIPS																														
	Land Use	ITE Factor	ITE Code	ITE Rate	In	Out	In	Out	Total	Percent	MR	In	Out	Total	Percent	IC	In	Out	Total	Percent	PB	In	Out	Total																															
					Percent						Trips					Trips					Trips																																		
1	General Office Building	10	710	2500	ksl	16%	84%	388	2,035	2,423	11.4%	276	344	1,803	2,147	0.0%	0	344	1,803	2,147	0.0%	0	344	1,803	2,147																														
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ITE Land Use Code							Rate or Equation							Total			388			2,035			2,423			11.4%			276			344			1,803			2,147			0.0%			0			344			1,803			2,147		
710							LN(Y) = 0.95*LN(X)+0.36																																																

PROPOSED MAXIMUM WEEKDAY PM PEAK HOUR TRIP GENERATION

G R O U P 2	ITE TRIP GENERATION CHARACTERISTICS				DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			MULTIMODAL REDUCTION			EXTERNAL TRIPS			INTERNAL CAPTURE			NET NEW EXTERNAL TRIPS			PASS-BY CAPTURE			NET NEW EXTERNAL TRIPS																														
	Land Use	ITE Factor	ITE Code	ITE Rate	In	Out	In	Out	Total	Percent	MR	In	Out	Total	Percent	IC	In	Out	Total	Percent	PB	In	Out	Total																															
					Percent						Trips					Trips					Trips																																		
1	Multi-family Residential	10	221	356	ou	61%	39%	91	59	150	11.4%	17	81	52	133	0.0%	0	81	52	133	0.0%	0	81	52	133																														
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ITE Land Use Code							Rate or Equation							Total			91			59			150			11.4%			17			81			52			133			0.0%			0			81			52			133		
221							LN(Y) = 0.96*LN(X)+0.63																																																

NET NEW TRIPS	IN	OUT	TOTAL
	-263	-1,751	-2,014

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MEANS OF TRANSPORTATION TO WORK



Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

(32+49) / 710 = 11.4%		Census Tract 302.02, Broward County, Florida	
Label	Estimate	Margin of Error	
▼ Total:	710	±157	
▼ Car, truck, or van:	554	±140	
Drove alone	472	±117	
▼ Carpooled:	82	±58	
In 2-person carpool	57	±52	
In 3-person carpool	25	±29	
In 4-person carpool	0	±13	
In 5- or 6-person carpool	0	±13	
In 7-or-more-person carpool	0	±13	
▼ Public transportation (excluding taxicab):	49	±48	
Bus or trolley bus	49	±48	
Streetcar or trolley car (carro publico in Puerto Rico)	0	±13	
Subway or elevated	0	±13	
Railroad	0	±13	
Ferryboat	0	±13	
Taxicab	0	±13	
Motorcycle	22	±23	
Bicycle	0	±13	
Walked	32	±39	
Other means	30	±49	
Worked at home	23	±18	

Table Notes

MEANS OF TRANSPORTATION TO WORK

Survey/Program:

American Community Survey

Universe:

Workers 16 years and over

Year:

2018

Estimates:

5-Year

Table ID:

B08301

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

Workers include members of the Armed Forces and civilians who were at work last week.

While the 2014-2018 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

An "**" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

EXHIBIT K

Mass Transit Service Letter



Transportation Department
TRANSIT DIVISION- Service and Strategic Planning
 1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382

VIA EMAIL

November 24, 2020

Cynthia A. Pasch, AICP
 PNC Building
 200 East Broward Boulevard, Suite 1800
 Fort Lauderdale, FL 33301

RE: Transit Verification Letter – US 1 and Copans Road LUPA

Dear Ms. Pasch:

Broward County Transit (BCT) has reviewed your correspondence dated November 3, 2020 regarding the Land Use Plan Amendment (LUPA) of the property located at the southwest corner of the US 1 and Copans Road 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 is limited to BCT 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
10	Weekday	5:10a – 11:56p	22 minutes
	Saturday	5:10a – 11:22p	30 minutes
	Sunday	8:20a – 9:35p	41 minutes
11	Weekday	5:00a – 11:47p	34 minutes
	Saturday	5:00a – 11:21p	45 minutes
	Sunday	7:00a – 9:23p	57 minutes
83	Weekday	5:45a – 9:25p	34 minutes
	Saturday	6:15a – 8:57p	60 minutes
	Sunday	9:00a – 7:46p	60 minutes
Hillsboro Beach (BCT Route 721)	Weekday	9:00a – 5:50p	60 minutes
Lighthouse Point (BCT Route 745)	Weekday	9:00a – 3:26p	60 minutes
Pompano Beach Green Route (BCT Route 708)	Weekday	9:05a – 5:02p	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 Strategic 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 Route 706)	Weekday	9:00a – 4:57p	68 minutes

BCT can accommodate additional transit demand, as described in the Mass Transit Analysis, with planned fixed route bus service to the amendment site.

As part of the 30 year, one-cent surtax for transportation, BCT will be implementing a number of fixed route bus improvements, including shorter headways and increased span of service on weekdays and weekends, for BCT Routes 10, 11 and 83, with an extension to FAU for Route 10, pending approval from Palm Beach County are specified in the Broward County Transit Development Plan (TDP) and/or Broward MPO 2040 Long Range Transportation Plan (LRTP). Planned improvements also include a bud rapid transit route on US-1, with revised headways for Route 10.

Please be advised of the following BCT bus stops that are adjacent to or within the amendment site, the needs of which will be addressed during the project’s development review process:

- 4278
- 4279
- 5524

BCT has no objections to this LUPA but recommends that any proposed 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 954-357-8381 or email me at tacrawford@broward.org if you require any additional information or clarification on this matter.

Sincerely,

Tara T. Crawford, AICP
 Senior Planner
 Service and Strategic Planning

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

EXHIBIT L

Public School Impact Analysis

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

LAND USE
SBBC-2856-2020
County No: TBD
Pompano City Center

April 9, 2020



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, 2020	Units Permitted: 0 Units Proposed: 350	Existing Land Use: Commercial																				
Name: Pompano City Center	NET CHANGE (UNITS): 350	Proposed Land Use: Mixed-Use Residential																				
SBBC Project Number: SBBC-2856-2020	<table border="1"> <thead> <tr> <th>Students</th> <th>Permitted</th> <th>Proposed</th> <th>NET CHANGE</th> </tr> </thead> <tbody> <tr> <td>Elem</td> <td>0</td> <td>10</td> <td>10</td> </tr> <tr> <td>Mid</td> <td>0</td> <td>5</td> <td>5</td> </tr> <tr> <td>High</td> <td>0</td> <td>7</td> <td>7</td> </tr> <tr> <td>Total</td> <td>0</td> <td>22</td> <td>22</td> </tr> </tbody> </table>	Students	Permitted	Proposed	NET CHANGE	Elem	0	10	10	Mid	0	5	5	High	0	7	7	Total	0	22	22	Current Zoning: B-3/PCD
Students		Permitted	Proposed	NET CHANGE																		
Elem		0	10	10																		
Mid		0	5	5																		
High		0	7	7																		
Total	0	22	22																			
County Project Number: TBD		Proposed Zoning: PD-1																				
Municipality Project Number: TBD		Section: 25																				
Owner/Developer: Burdines Real Estate, Inc.		Township: 48																				
Jurisdiction: Pompano Beach		Range: 42																				

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	568	-208	-10	73.2%
Crystal Lake Community Middle	1,583	1,583	1,339	-239	-8	84.6%
Deerfield Beach High	2,848	2,848	2,531	-315	-15	88.9%

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% LOS Capacity Adjusted Benchmark	Projected Enrollment				
				20/21	21/22	22/23	23/24	24/25
Cresthaven Elementary	568	-208	73.2%	548	531	513	496	489
Crystal Lake Community Middle	1,344	-239	84.9%	1,329	1,351	1,360	1,352	1,340
Deerfield Beach High	2,533	-315	88.9%	2,520	2,531	2,522	2,513	2,484

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/dsae/Enrollment/Proj.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	24/25	25/26	26/27	27/28	28/29
Area B - Elementary	20,187	15,834	-4,353	19,169	19,530	19,892	20,253	20,615
Area B - Middle	7,580	6,752	-828	7,820	7,911	8,002	8,092	8,183
Area B - High	12,673	10,618	-2,055	8,821	8,854	8,887	8,920	8,953

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2019-20 Contract Permanent Capacity	2019-20 Benchmark** Enrollment	Over/(Under)	Projected Enrollment		
				20/21	21/22	22/23
Somerset Pines Academy	500	451	-49	451	451	451

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 scheduled classroom additions in the Adopted DEFP that would increase the reflected FISH capacity of the school.
Crystal Lake Community Middle	There are no scheduled classroom additions in the Adopted DEFP that would increase the reflected FISH capacity of the school.
Deerfield Beach High	There no capacity additions scheduled in the ADEFP that would 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 B	
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 9.8-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 Mixed-Use Residential to allow 350 (all 2 or more bedroom) mid-rise units, which are anticipated to generate 22 additional students (10 elementary, 5 middle, and 7 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 2019-20 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 2019-20 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2019-20 – 2021-22), all the schools are expected to operate below the adopted LOS of the higher of 100% gross capacities or 110% permanent capacities through the 2021-22 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 2019-20 – 2023-24. 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 2019-20 school year is depicted herein.

Capital Improvements scheduled in the long-range section of the currently Adopted DEFP Fiscal Years 2019-20 – 2023-24 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 "B" and the elementary, middle, and high schools currently serving Planning Area "B" and their cumulative student enrollments, cumulative capacities, and pertinent student enrollment projections are depicted herein. Therefore, Planning Area "B" 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.

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT
PROJECT NUMBER: SBBC-2856-2020

04/09/2020
Date

Reviewed By:
Mohammed Rasheduzzaman
Signature
Mohammed Rasheduzzaman, AICP
Name
Planner
Title

EXHIBIT M

State of Florida Historic Preservation Review



Created: 8/25/2020

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD04087	RG	Railroad Tracks	Pompano Beach	Linear Resource - 1 Contrib Resources	Eligible	
BD04567	RG	Pompano Beach Air Park	Pompano Beach	Designed Historic Landscape - 3 Contrib Resources	Not Eligible	
BD04568	RG	Runway 15-33	Pompano Beach	Designed Historic Landscape - 3 Contrib Resources	Not Eligible	
BD04648	RG	P.B. Municipal Golf Course	Pompano Beach	Designed Historic Landscape	Insufficient Info	

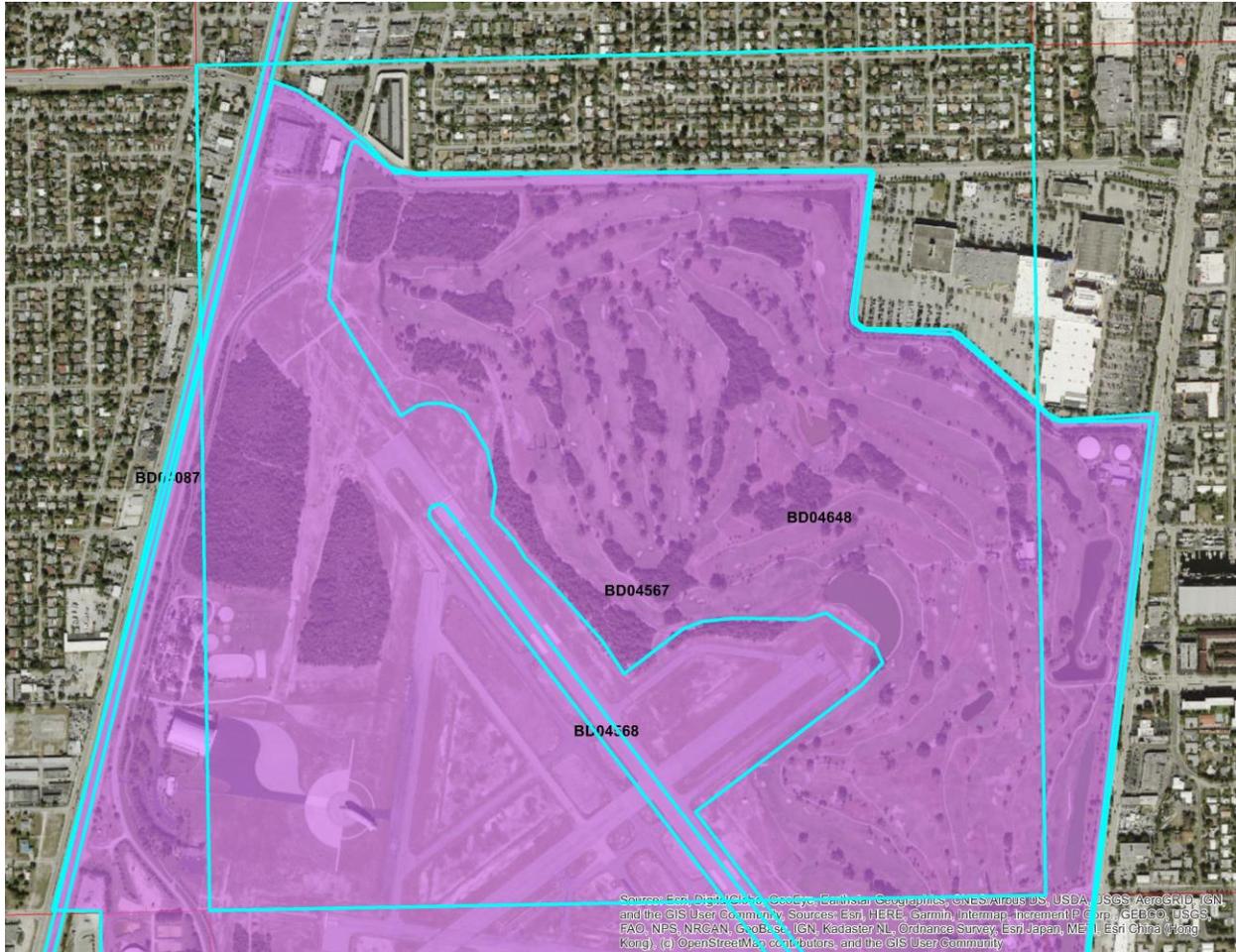


EXHIBIT N
Draft Affordable Housing Declaration

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

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ of _____, 2020, by **THE MORGAN GROUP**, _____, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF POMPANO BEACH**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of land located in the 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) 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");

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.

(c) At the time of sale of any Affordable Housing Unit, Declarant shall record a Notice of Designation of Affordable Housing Unit (an "Affordable Housing Notice") corresponding to the sale, the form of which Affordable Housing Notice is set forth on "**Exhibit B**" attached hereto and incorporated herein.

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.

4. 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 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).

5. Recordation and Effective Date.

(a) This Declaration shall not become effective ("Effective Date") until the latter of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida; however, as to each Affordable Housing Unit, the Effective Date of this Declaration shall be the date of recording of the Affordable Housing Notice corresponding to such Affordable Housing Unit. 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.

6. 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. The agreed upon venue shall be Broward County, Florida.

7. 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.

8. 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.

9. 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.

10. 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 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.

**EXHIBIT A
LEGAL DESCRIPTION
PROPERTY**

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

Notice of Designation of Affordable Housing Unit

By recordation of this Notice, THE MORGAN GROUP, hereby designates for the Restriction Period, as hereinafter defined, the following unit as an "Affordable Housing Unit," as defined by that certain Declaration of Restrictive Covenants recorded in Official Records Book ____, Page ____ of the public records of Broward County, Florida, which requires that Affordable Housing Units be sold only to persons who meet the following criteria at the time of sale: (a) 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 from Broward County, adjusted for family size; and (b) 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.

Unit Address

and/or Unit Number: _____

The restriction period of the foregoing designation is thirty (30) years from the recordation of this Notice against the applicable Affordable Housing Unit ("Restriction Period").

Witnesses:

By _____

Name typed:

Name:

Name typed:

Address:

_____ day of _____, 20__

THE MORGAN GROUP,
a _____

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 THE MORGAN GROUP, a _____, 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 _____, 2020.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT O

Conceptual Site Plan

