

MEMORANDUM

Development Services

MEMORANDUM NO. 20 - 029

DATE: January 23, 2020
TO: Asceleta Hammond, City Clerk
VIA: Greg Harrison, City Manager
VIA: David Recor, ICMA-CM, Development Services Director
Jennifer Gomez, AICP, Assistant Development Services Director
FROM: Jean E. Dolan, AICP, CFM, Principal Planner
SUBJECT: Newspaper advertisement for LIVE! Resorts Pompano Comprehensive Plan Future
Land Use Element Text Amendment – 2nd Reading February 11, 2020

19-92000002

Please advertise the attached Ordinance for the Comprehensive Plan Text Amendment (LUPA) for the LIVE! Resorts Pompano Regional Activity Center (RAC) for public hearing and second reading (adoption) at the February 11, 2020 City Commission Meeting.

The City's Code does not require any mailing for the City Commission hearings for Comprehensive Plan amendments. The published advertising requirements at the adoption stage of a Comprehensive Plan amendment, in accordance with Chapter 163.3184 are as follows:

Adoption Stage

Pursuant to Sections 163.3184(11), Florida Statutes, the governing body of the local government must consider the adoption of the plan amendment. For the second public hearing advertising, will be as follows:

- (1) Published at least 5 days before the date of the second public hearing.
- (2) The form of the published notice shall be consistent with the requirements of chapter 166 for advertising an ordinance. The published notice shall state the date, time, and place of the meeting; the title of the proposed ordinance; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (3) Though this requirement in Chapter 166 only applies to zoning map amendments, it is recommended we implement it for this land use plan amendment as well. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

Please call me at extension 4045 if you have any questions.

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE LIVE! RESORTS POMPANO REGIONAL ACTIVITY CENTER (RAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 24, 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed amendment changes the text of the Future Land Use Element of the Comprehensive Plan by changing the name of the Pompano Park South Regional Activity Center property to the LIVE! Resorts Pompano Regional Activity Center (LIVE! Resorts Pompano RAC) property which is legally described and depicted in **Exhibit A**, and revising the development rights for the renamed designation as shown below; and

Type of Land Use	FROM:	TO:
Commercial Recreation	1,822,986 SF	1,000,000 SF
Commercial	764,418 SF	300,000 SF
Office	951,350 SF	2,000,000 SF
Multi-Family Residential	1,300 Units	4,100 Units

WHEREAS, pursuant to Section 163.3184 F.S., the Planning and Zoning Board/Local Planning Agency held a duly noticed public hearing on July 24, 2019, on the proposed text amendment to the Future Land Use Element of the adopted City of Pompano Beach Comprehensive Plan, and subsequently recommended approval to the City Commission; and

WHEREAS, pursuant to Ch. 163.3184.11.b.1 & 2, Florida Statutes, the City Commission held a duly noticed public hearing on September 10, 2019, to adopt on first reading and transmit the text amendment to the Future Land Use Element of the adopted City of Pompano Beach Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3184(11)(b), F.S., this matter has been advertised at least seven days prior to the first hearing and advertised at least five days prior to the second public hearing pursuant to the requirements of Section 166.041 F.S.; and

WHEREAS, at the public hearings, the parties having an interest and all other citizens so desiring had an opportunity to be and were in fact heard; and

WHEREAS, all staff reports, minutes of meetings, findings of fact and support documents are hereby incorporated by reference; and

WHEREAS, the City Commission has considered the application in its entirety, staff reports, minutes of meetings, findings of fact and support documents and determines the request is in the best interests of the City; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the foregoing application recitals, findings of fact, minutes of meetings and all staff reports and documents are true and correct, and are hereby incorporated by reference and transmitted.

SECTION 2. That a duly noticed public hearing was held on July 24, 2019 by the Local Planning Agency in compliance with Section 163, Florida Statutes, to consider the referenced Future Land Use Text Amendment and the City Commission approved and transmitted the proposed text amendment.

SECTION 3. That the City Commission hereby approves and adopts the proposed amendment to modify the text of the Future Land Use Element of the Comprehensive Plan by

changing the name for the property legally described in **Exhibit A** with the condition of future development approvals within the LIVE! Resort Pompano RAC presented in **Exhibit B**, allowing the change to the development rights listed herein and shown below in strike-through and underline format from the text in the Future Land Use Element,

~~Pompano Park South~~ LIVE! Resorts Pompano Regional Activity Center

The ~~Pompano Park South~~ LIVE! Resorts Pompano RAC consists of the Pompano Park Racetrack and adjacent property under same ownership. The RAC is located south of Racetrack Road, between Powerline Road and the CSX Railroad, and comprises approximately 230 gross acres. The ~~Pompano Park South~~ LIVE! Resorts Pompano RAC will continue to be developed as a center of regional tourism and employment that provides direct access to mass transportation facilities. The area encompassed by the RAC must be zoned in a mixed-use zoning district that limits the density and intensity of land uses to the following:

Commercial Recreation: ~~—~~ 135 acres
 Commercial: ~~27~~ acres
 Office: ~~26~~ acres
 Residential: ~~43~~ acres
 1,050 mid-rise apartment units
 250 garden apartment units

Type of Use	Square footage/ Residential units
<u>Commercial Recreation</u>	<u>1,000,000 SF</u>
<u>Commercial</u>	<u>300,000 SF</u>
<u>Office</u>	<u>2,000,000 SF</u>
<u>Multi Family Residential</u>	<u>4,100 Units</u>

The Residential uses will may consist of stand-alone residential as well as residential units as part of mixed use Commercial and Office development within the Commercial and Office designations. Residential unit types may be re-allocated subject to a voluntary mitigation agreement with the Broward County School Board in the event of inadequate student capacity, and provided that the total number of residential units shall remain at ~~1,300~~ 4,100.

~~The maximum overall floor area ratios for nonresidential uses within the RAC shall be 0.31 for Commercial Recreation use, 0.84 for Office use, and 0.65 for Commercial use. Parking structures do not constitute floor area for the purpose of this calculation.~~

Building Heights: The Applicant will coordinate with the FAA and City of Fort Lauderdale Executive Airport for any required aviation obstruction permitting per City Code Section 155.2422;

Affordable Housing:

The land use plan amendment adopted in 2010 for this RAC created 1,300 new residential units and the LIVE! Resorts Pompano RAC land use plan amendment adopted in 2020 created 2,800

new residential units and a minimum of 15% of the total 4,100 units (615 units) are required to be affordable or the project may otherwise contribute to the implementation of the city's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the City.

The City may apply to new housing projects one or a combination of the following affordable housing strategies, without limitation:

- A. Each residential development may be required to set aside a minimum of 15% of their proposed units as affordable housing to provide all or a portion of the required 615 affordable housing units as vertically integrated affordable housing; or
- B. Until such time as all 615 affordable housing units have been provided, each residential development shall contribute in-lieu-of fees per City Ordinance 2014-19, as may be amended from time-to-time.

These funds will be used to promote one or more of the following:

- programs that facilitate the purchase or renting of the existing affordable housing stock;
- programs which facilitate the maintenance of the existing supply of affordable housing;
- programs which facilitate the use of existing public lands, or public land-banking, to facilitate an affordable housing supply;
- other programs or initiatives designed and implemented by the city to address specific affordable housing market needs and challenges in the City that may arise, including but not limited to, strategies that reduce the cost of housing production; promote affordable housing development; prevent displacement; prevent homelessness; promote economic development; and promote transit amongst low- income populations.

SECTION 4. The City Clerk is directed to transmit a certified copy of this Ordinance to the Department of Economic Opportunity and required State Agencies for review under the expedited review process allowed by Ch. 163.

SECTION 5. The City Clerk is directed to transmit a certified copy of this Ordinance to the Broward County Planning Council with the City's amended Future Land Use Element for the Planning Council to recertify the City Future Land Use Element.

SECTION 6. In the event any provision or application of this Ordinance shall be held invalid, it is the legislative intent that the other provisions and applications thereof shall not be thereby affected;

SECTION 7. All Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

SECTION 8. This Ordinance shall take effect immediately upon its passage and adoption, but the amendments shall not become effective until the Broward County Planning Council recertifies the City Comprehensive Plan as consistent with the County Land Use Plan.

PASSED FIRST READING this _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION:

Parcel 1:

All of the following described lands lying in and being a part of Section 3, Township 49 South, Range 42 East, Broward County, Florida:

The South 1/2 of the Northwest 1/4, EXCEPT the West 33 feet thereof for road right-of-way;

AND that part of the South 1/2 of the Northeast 1/4 lying West of the Seaboard Coast Line Railroad;

AND Government Lot 5, EXCEPT the West 33 feet thereof for road right-of-way, and also EXCEPT ARVIDA POMPANO PARK, as recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida;

AND that part of Government Lot 6 lying South of said Plat Book 137, Page 33;

AND that part of Government Lot 7 lying South of said Plat Book 137, Page 33 and West of the Seaboard Coast Line Railroad;

TOGETHER WITH a portion of Tract B, of the aforesaid ARVIDA POMPANO PARK;

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of the aforementioned Section 3; run

THENCE on an assumed bearing of South 00 degrees 00 minutes 26 seconds West along the West line of said Section 3, a distance of 1708.26 feet to the Northwest corner of the aforesaid Government Lot 5;

THENCE South 88 degrees 01 minutes 37 seconds East along the North line of said Government Lot 5 and along the westerly extension of the centerline of RACE TRACK ROAD and along said centerline, a distance of 1328.63 feet;

THENCE South 00 degrees 09 minutes 21 seconds East a distance of 53.03 feet to a point on the South right-of-way line of RACE TRACK ROAD as shown on the aforementioned Plat of ARVIDA POMPANO PARK;

THENCE South 88 degrees 01 minutes 37 seconds East along said South right-of-way, a distance of 571.42 feet to the Northeast corner of the lands described in Official Records Book 15678 at Page 145, of the aforesaid Public Records;

THENCE continue South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 689.71 feet to the POINT OF BEGINNING of the lands herein described;

THENCE continue along said right-of-way the following two courses and distances:

South 88 degrees 01 minutes 37 seconds East, a distance of 100.00 feet;

South 88 degrees 07 minutes 14 seconds East, a distance of 1087.87 feet to the point of the aforementioned Westerly right-of-way line of the Seaboard Coast Line Railroad;

THENCE South 13 degrees 04 minutes 16 seconds West along said Westerly right-of-way line, a distance of 2969.90 feet to a point of the South line of the aforesaid South 1/2 of the Northeast 1/4;

THENCE North 86 degrees 02 minutes 40 seconds West along said South line and the South line of the aforesaid South 1/2 of the Northwest 1/4, a distance of 3078.57 feet to a point on the East right-of-way line of POWERLINE ROAD said point being 33.00 feet by right angle measurement East of the West line of the aforesaid Northwest 1/4 of Section 3;

THENCE North 00 degrees 00 minutes 26 seconds East parallel with said West line of the Northwest 1/4 and along said East right-of-way line, a distance of 2039.93 feet to a point on the boundary on the aforesaid ARVIDA POMPANO PARK;

THENCE along said boundary the following thirteen courses and distances:

South 45 degrees 06 minutes 41 seconds East a distance of 94.55 feet;
North 89 degrees 46 minutes 38 seconds East, a distance of 1025.36 feet;
North 44 degrees 56 minutes 16 seconds East, a distance of 49.49 feet (North 44 degrees 48 minutes 39 seconds East, 49.47 feet per plat);
North 00 degrees 09 minutes 21 seconds West, a distance of 685.69 feet;
North 88 degrees 01 minutes 37 seconds West, a distance of 50.25 feet;
North 00 degrees 09 minutes 21 seconds West, a distance of 71.66 feet (71.60 feet per plat) to a point on the aforementioned South right-of-way line of RACETRACK ROAD;
South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 220.15 feet (220.20 feet per plat);
South 00 degrees 09 minutes 21 seconds East, a distance of 71.66 feet (71.60 feet per plat);
North 88 degrees 01 minutes 37 seconds West, a distance of 49.86 feet;
South 00 degrees 09 minutes 21 seconds East, a distance of 680.94 feet (680.99 feet per plat);
South 45 degrees 11 minutes 21 seconds East, a distance of 49.53 feet;
North 89 degrees 46 minutes 38 seconds East, a distance of 1241.18 feet;
North 51 degrees 23 minutes 55 seconds East, a distance of 43.24 feet;

THENCE North 00 degrees 09 minutes 21 seconds West, a distance of 710.57 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that portion conveyed to the State of Florida Department of Transportation by virtue of Warranty Deed recorded July 13, 2007 in Official Records Book 44327, Page 355, of the Public Records of Broward County, Florida.

ALSO LESS AND EXCEPT that portion located within the plat of POMPANO PARK RECINO PLAT, according to the Plat thereof, recorded in Plat Book 181, Page 22, of the Public Records of Broward County, Florida.

Parcel 2:

Parcel A of POMPANO PARK RECINO PLAT, according to the Plat thereof, recorded in Plat Book 181, Page 22, of the Public Records of Broward County, Florida.

Parcel 3:

Tract "A" of ARVIDA POMPANO PARK, according to the Plat thereof, recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida; said lands situate, lying and being in Broward County, Florida.

TOGETHER WITH:

A portion of Tract "B" of ARVIDA POMPANO PARK, according to the Plat thereof, recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida, being more particularly described as follows:

A parcel of land being a portion of Government Lots 5 and 6, Section 3, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northwest corner of said Section 3; THENCE on an assumed bearing of South along the West line of said Section 3 a distance of 1707.69 feet to a point on the North line of Government Lots 5 and 6 of said Section 3, said point also being on the Westerly extension of the centerline of Race Track

Road; THENCE S 88° 01' 37" E along said North line, and along said centerline and the extension thereof, a distance of 1328.63 feet; THENCE S 00° 09' 21" E a distance of 53.00 feet to a point on a line 53.00 feet South of and parallel with the said North line, said point also being on the South right-of-way line of Race Track Road, said point also being the POINT OF BEGINNING; THENCE S 88° 01' 37" E along said parallel line, along said South right-of-way line a distance of 571.42 feet; THENCE S 00° 09' 21" E a distance of 763.84 feet; THENCE S 89° 46' 38" W a distance of 585.81 feet; THENCE N 45° 11' 21" W a distance of 49.53 feet; THENCE N 00° 09' 21" W a distance of 680.99 feet; THENCE S 88° 01' 37" E a distance of 49.86 feet; THENCE N 00° 09' 21" W a distance of 71.60 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Broward County, Florida.

Parcel 4:

A portion of Government Lot 6 of Section 03, Township 49 South, Range 42 East; said portion also being a part of Tract "B" of ARVIDA POMPANO PARK, according to the Plat thereof recorded in Plat Book 137, at Page 33, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 3; run thence on an assumed bearing of South 00 degrees 00 minutes 26 seconds West along the West line of said Section 3, a distance of 1708.26 feet to the Northwest corner of Government Lot 5 of said Section 3; thence South 88 degrees 01 minutes 37 seconds East along the North line of said Government Lot 5 and along the Westerly extension of the centerline of RACE TRACK ROAD and along said centerline, a distance of 1328.63 feet; thence South 00 degrees 09 minutes 21 seconds East a distance of 53.04 feet to a point on the South right-of-way line of RACE TRACK ROAD as shown on the aforesaid plat of ARVIDA POMPANO PARK; thence South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 571.42 feet to the Northeast corner of lands described in Official Records Book 15678, at Page 145, of the aforementioned Public Records and the POINT OF BEGINNING of the lands herein described; thence, continuing South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 689.71 feet to a point for corner; thence South 00 degrees 09 minutes 21 seconds East a distance of 710.57 feet; thence South 51 degrees 23 minutes 55 seconds West a distance of 43.24 feet to a point on the South line of the aforementioned Tract "B", ARVIDA POMPANO PARK; thence South 89 degrees 46 minutes 38 seconds West along said South line, a distance of 655.37 feet to the Southeast corner of the aforesaid lands described in Official Records Book 15678, Page 145; thence North 00 degrees 09 minutes 21 seconds West along the East line of said lands, a distance of 763.84 feet to the Point of Beginning.

EXHIBIT B
CONDITIONS OF FUTURE DEVELOPMENT APPROVALS
WITHIN THE LIVE! RESORTS POMPANO RAC

- (1) The City will develop an Inter-local Agreement with Broward County to monitor the development activity within the LIVE! Resorts Pompano RAC and implement the process required to ensure that agreement is adopted within 6-months of the effective date of the adopted LIVE! Resorts Pompano RAC Comprehensive Plan Amendment.