

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent       Ordinance      Resolution      Consideration/ Discussion      Presentation

**SHORT TITLE**      AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

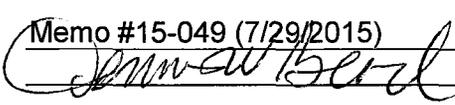
**Summary of Purpose and Why:**

The Applicant is proposing a change in the land use designation of the 9.8 gross-acre property located on the west side of N. Federal Highway, at 4411 N. Federal Highway. Currently the property has a Residential High Land Use designation. The Applicant is requesting a change in land use to a dashed-line area that will allow a maximum of 243 residential units. This small scale land use plan amendment request satisfies the conditions of the Declaration of Restrictive Covenants (Exhibit A of attached Application) entered into by the Property Owner (Jag-Star Pompano, LLC) and the City of Pompano Beach in October of 2013 for the project known as the Jefferson. The purpose of this amendment is to create 247 additional flex units for use by the City within the flex receiving area. The Planning & Zoning Board unanimously recommended approval of this amendment.

Attached memo 15-562 clarifies the correct number of flex units to be returned to the flex pool is 207 units.

- (1) Origin of request for this action: City of Pompano Beach
- (2) Primary staff contact: Robin M. Bird/ Maggie Barszewski      Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	7/1/15	Approval	Memo# 15-355 
City Attorney	8/27/15		CAC# 2015-1439 

Planning and Zoning Board  
 City Manager       Memo #15-049 (7/29/2015) 

**ACTION TAKEN BY COMMISSION:**

Ordinance Workshop	Resolution	Consideration
1 <sup>st</sup> Reading      10/13/15      Approved	1 <sup>st</sup> Reading	Results:      Results:
2 <sup>nd</sup> Reading      10/27/15		





# MEMORANDUM

## Development Services

**MEMORANDUM NO. 15-562**

DATE: October 22, 2015

TO: Robin M. Bird, Development Services Director 

FROM: Maggie Barszewski, AICP, Planner

SUBJECT: 2<sup>nd</sup> Reading of LUPA Ordinance  
Clarifying Net New Flex Units from the Jefferson Land Use Plan Amendment  
4411 N. Federal Highway

P & Z # 15-92000003

The *Net New (additional)* Flex Units to be added to the City-wide pool as a result of this Land Use Plan is 207.



**City Attorney's Communication #2015-1439**  
August 27, 2015

**TO:** Maggie Barszewski, AICP, Planner

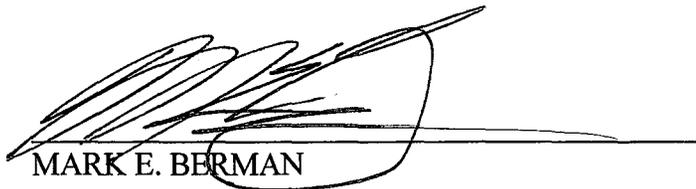
**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance Amending the Future Land Use Designation for Property Located on the West Side of Federal Highway, South of NE 43<sup>rd</sup> Court

As requested in your memorandum of August 20, 2015, Department of Development Services Memorandum #15-439, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

MEB/jrm  
l:cor/dev-srv/2015-1439

Attachment

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 163.3184 F.S., the Planning and Zoning Board/Local Planning Agency held a duly noticed public hearing on July 22, 2015 on the proposed amendments to the Future Land Use Map of the adopted City of Pompano Beach Comprehensive Plan, and subsequently recommended approval to the City Commission; and

**WHEREAS**, said amendment proposes to change a Land Use Plan map designation of 9.8 gross acres in the High Residential 46 (HR46) to a dashed-line area which will allow a maximum of 243 dwelling units, for the property legally described in Exhibit A; 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**, pursuant to Section 154.08(2) of the City's Code of Ordinances, notice of the time and place of the hearing to certain property owners as required has been mailed at least ten (10) days prior to the hearing; and

**WHEREAS**, pursuant to Ch. 163.3187, Florida Statutes, the City Commission held at least one duly noticed public hearing on the proposed amendment to the Future Land Use Map of the adopted City of Pompano Beach Comprehensive Plan; 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 duly noticed public hearing was held on July 22, 2015, by the Local Planning Agency in compliance with Section 163, Florida Statutes, to consider the referenced Future Land Use Map Amendment.

**SECTION 3.** That the City Commission hereby adopts the amendment to the City of Pompano Beach Future Land Use Map to change the land use designation from High Residential 46 (HR46) to a dashed-line designation with 243 units on 9.8 gross acres located at 4411 N. Federal Highway, as legally described in Exhibit A, attached hereto and made a part hereof, which satisfies the requirement in the Declaration of Restrictive Covenants previously executed between the City and the Property Owner and recorded in the Broward County Public Record in Official Records Book 50311, Page 1016-1022.

**SECTION 4.** That 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 Small Scale amendment 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 Map for the Planning Council to recertify the City Future Land Use Map.

**SECTION 6.** That 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.** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**SECTION 8.** That 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's Future Land Use Map as consistent with the County Land Use Plan.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

:jrm  
9/15/15  
L.:ord/2015-467

## Exhibit A - Legal Description

**PARCEL "A" POMPANO CREEK, AS RECORDED IN PB 181, PAGE 3 OF THE  
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

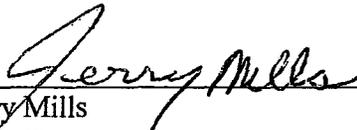
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-049**

**DATE:** July 29, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Local Land Use Plan Amendment – Jag-Star Pompano LLC  
P & Z #15-92000003 Project: The Jefferson

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on July 22, 2015, the Board considered the request by **Jag-Star Pompano LLC** requesting a LOCAL LAND USE PLAN AMENDMENT of the property located at 4411 N Federal Highway from High (H) to “Dashed-Line” Residential Limited to 243 Dwelling Units.

It is the unanimous recommendation of the Board that the LOCAL LAND USE PLAN AMENDMENT request be approved.

  
\_\_\_\_\_  
Jerry Mills  
Vice Chairman  
Planning and Zoning Board/ Local Planning Agency



# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 15-355**

DATE: July 1, 2015  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Development Services Director *RB*  
FROM: Jean E. Dolan, AICP, Planning Consultant *JED for RB*  
RE: Jefferson Property Small Scale Local Land Use Plan Amendment  
4411 N. Federal Highway

P&Z # 15-92000003

**Request**

The property owner of 4411 N. Federal Highway (Jag-Star Pompano, LLC) and the City of Pompano Beach entered into an agreement dated October 24, 2013, which is recorded in Broward County OR Book 50311, Page 990, to allow for this local land use plan amendment. Currently, the land use designation of the 9.8 acre subject property on both the City of Pompano Beach Future Land Use Map and the County's Land Use Plan is High Density Residential which allows up to 46 du/acre per the City Plan and 50 du/acre (490 units) per the County Plan, however, the Owner only built 25 units per acre (243 units). The City is requesting a change in the future land use designation to a "dashed-line area" for the property that reduces the maximum residential entitlement to the requested 243 units. By leaving the High Density designation on the County's Plan, the City will increase the pool of flexibility units for use in the City's Flex Receiving Area by 247 units.

**Proposed Development**

The Jefferson project is under construction and is nearly completed. The proposed land use designation will limit the density of the site to the 243 units shown on the approved site plan for the Jefferson project. The 247 flex units created by the local plan amendment, upon recertification by Broward County, can be used anywhere within the City's flex receiving area.

**A. Existing Land Use Designations - Density/Intensities**

The existing Residential High land use designation on the County's Plan allows for 50 du/acre or a total of 490 units. By leaving the Residential High designation on the County's Plan and reducing the density on the City's plan to 243 units, the City creates an additional 247 flexibility units.

**B. Proposed Land Use Designation - Density/Intensities**

The maximum allowable development under the proposed dashed-line land use designation is 243 units.

**C. Rationale for the Proposed Amendment**

The amendment will result in the City's Future Land Use Map reflecting what is actually built on-site and will allow the City to use the unbuilt density as flexibility units elsewhere in the City.

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# LEGEND

## FOR LAND USE PLAN

Symbol      Classification Units/ Acre

Gross Residential Density

Residential

E      Estate

L      Low

LM      Low- Medium

M      Medium

MH      Medium-High

\*      H      High

C      Commercial

CR      Commercial Recreation

I      Industrial

T      Transportation

U      Utilities

CF      Community Facilities

OR      Recreation & Open Space

W      Water

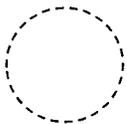
RAC      Regional Activity Center

Boundaries

City of Pompano Beach

13 Number

>



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

## FOR ZONING MAP

Symbol      District

RS-1      One-Family Residence

RS-2      One-Family Residence

RS-3      One-Family Residence

RS-4      One-Family Residence

RD-1      Two- Family Residence

RM-12      Multi-Family Residence

RM-20      Multi-Family Residence

RM-30      Multi-Family Residence

\*      RM-45      Multi-Family Residence

RM-45/HR      Overlay

RPUD      Residential Planned Unit Dev.

AOD      Atlantic Boulevard Overlay District

MH-12      Mobile Home Park

B-1      Limited Business

B-2      Neighborhood Business

B-3      General Business

B-4      Heavy Business

RO      Residence Office

M-1      Marina Business

M-2      Marina Industrial

I-1      General Industrial

I-1X      Special Industrial

O-IP      Office Industrial Park

BP      Business Parking

BSC      Planned Shopping Center

PCI      Planned Commercial / Industrial Overlay

PR      Parks & Recreation

CR      Commercial Recreation

CF      Community Facilities

T      Transportation

PU      Public Utility

\*      Existing

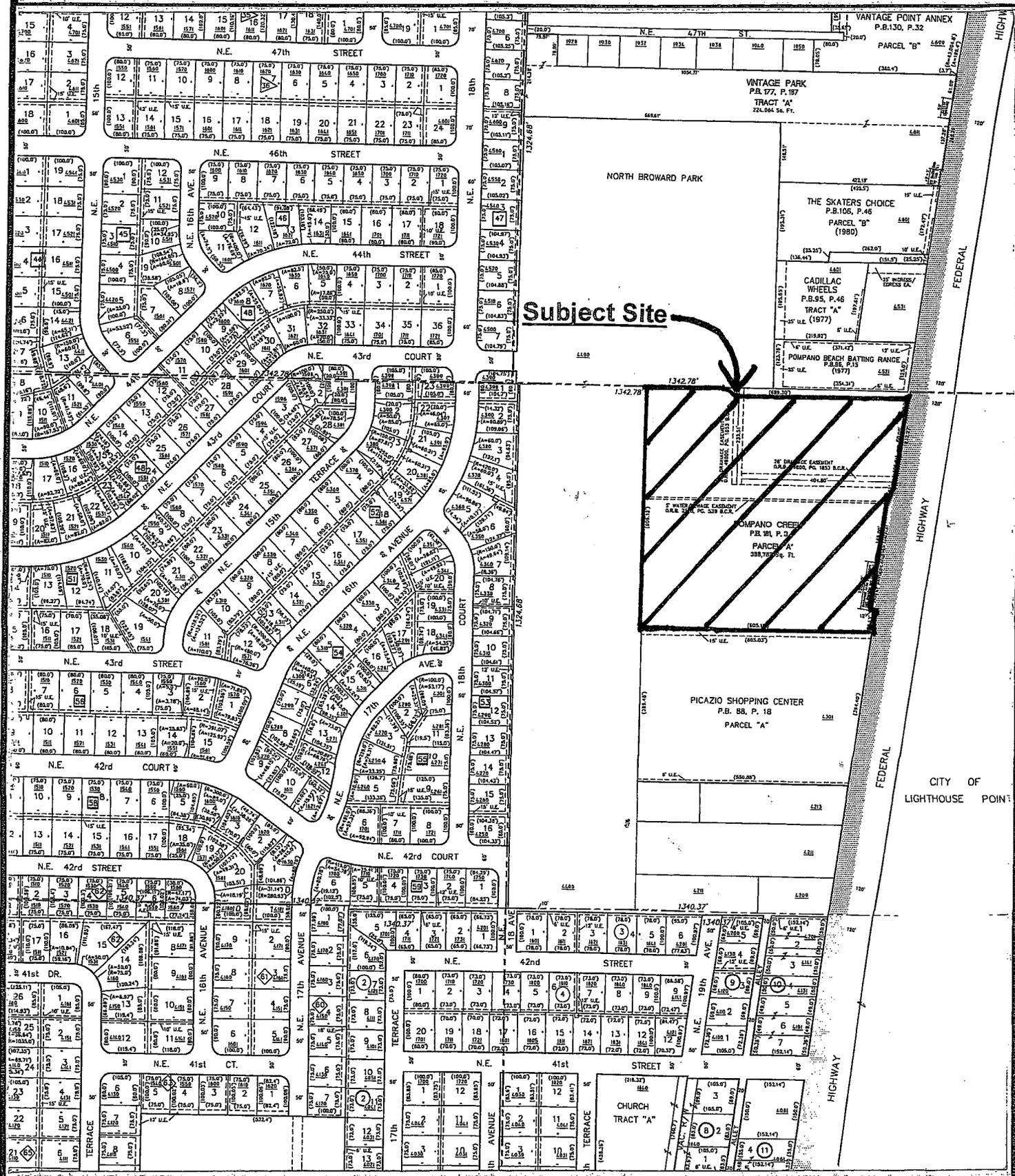
>      Proposed







# EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



Subject Site

SCALE: NTS

NORTH

**D. Surrounding Land Uses** – The subject property is surrounded by the following land use designations:

<b>Location</b>	<b>City Land Use Designation</b>	<b>County Land Use Designation</b>
North	Commercial (C) and Open Space Recreation (OR)	Commercial (C) and Parks and Recreation (PR)
South	Commercial (C)	Commercial (C)
East	Federal Highway/City of Lighthouse Point designated Commercial (C)	Commercial (C)
West	Open Space Recreation (OR)	Parks and Recreation (PR)

**E. Proposed City Land Use Designation** - The proposed land use designation is a dashed-line area with 243 units.

**F. Impact Analysis**

The proposed intensity of the amendment area is a decrease over what is currently allowed under the city’s adopted plan; the reduction in intensity is due to the change from the Residential High land use designation to a dashed-line designation limited to 243 units. By leaving the County’s Plan at Residential High, 247 flexibility units will be added to the City’s flex pool. These 247 units can be allocated anywhere within the City’s flex receiving area. The net change in total impacts from these units, therefore, will be zero for all concurrency-related utilities including Sanitary Sewer, Potable Water, Drainage, Solid Waste, Recreation and Open Space, Traffic Circulation, Mass Transit and Public Education. Any localized impacts on these facilities caused by the allocation of flex units will be evaluated at the time those units are awarded.

Natural and Historic Resources

The site does not contain any natural or historic resources.

Affordable Housing

The requirements for affordable housing units per the Broward County Land Use Plan Policy 1.07.07 do not apply for this request because this is (1) a local plan amendment only and (2) the proposed amendment is reducing the entitlements on the site.

Land Use Compatibility

The proposed dashed-line area reflects what has been built on the site and is thus compatible with the adjacent land uses.

Hurricane Evacuation Analysis

The subject property is not within a hurricane evacuation area.

Redevelopment Analysis

The property is not within a Community Redevelopment Area.

Intergovernmental Coordination

The subject property is not adjacent to any other local governments.

Consistency with Goals, Objectives and Policies of the City's Land Use Plan

The proposed intent of the amendment, which is to create additional flex units, is consistent with the following goals, objectives and policies of the Land Use Element of the Comprehensive Plan:

**Objective Major Corridor Land Use**

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

**Policies**

1.4.2 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 New Land Use Regulations**

1.7.1 Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations.

**Policies**

1.7.22 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

**Objective Hurricane Preparedness**

1.9.1 Make preparations to protect residences and businesses from hurricanes.

**Policies**

1.9.2 Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.

**Objective Urban Infill Criteria**

1.12.1 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.

**Policies**

1.12.04 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.

1.12.05 The City shall utilize flexibility units and reserve units to increase residential densities within the flex and reserve receiving areas when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive

Lands and County or regional parks in accordance with Policy 13.01.10 of the Broward County Land Use Plan.

**G. Recommendation of Approval**

Staff recommends approval of the Land Use Plan Map Amendment from the current “Residential High” Future Land Use designation to a dashed-line are with 243 units for the property legally described in Exhibit A.

**ALTERNATIVE MOTIONS:**

1) **Motion to recommend approval** of the Land Use Plan Map Amendment from the current “Residential High” Future Land Use designation to “Dashed-Line 243 Units” for the property legally described in Exhibit A.

The approval is based upon the finding that the amendment is compatible with the goals, objectives and policies in the Comprehensive Plan, specifically:

**Goal**

01.00.01 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.

**Policies**

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

01.03.05 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

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

01.06.01 Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties.

01.06.12 Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient potable water resources available and that they pose no noxious impacts to the Biscayne Aquifer.

01.07.21 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

01.07.22 The city's land development code shall include provisions to encourage or enable a variety of housing opportunities in varying price ranges, including housing for low and moderate income families in large scale residential developments.

- 2) **Motion to table** the requested Comprehensive Plan amendment to provide time for any issues raised by the Board, Staff, Applicant or the general public.
- 3) **Motion to recommend denial** as the Board finds the proposed land use change incompatible with the goals, objectives and policies in the Comprehensive Plan.

**Exhibit A**  
**Legal Description**

**PARCEL "A" POMPANO CREEK, AS RECORDED IN PB 181, PAGE 3 OF THE PUBLIC  
RECORDS OF BROWARD COUNTY, FLORIDA**

