




# BROWARD COUNTY PLANNING COUNCIL

115 SOUTH ANDREWS AVENUE, ROOM 307 ♦ FORT LAUDERDALE, FLORIDA 33301

TO: Evangeline G. Kalus, Senior Planner  
Development and Environmental Regulation Division  
Broward County Environmental Planning and Growth Management Department

FROM: Henry A. Sniezek, AICP, Executive Director 

RE: Request to Modify Adopted Broward County Land Use Plan Amendment PC 06-12 in the City of Pompano Beach (Captiva Club Plat – 079-MP-05)

DATE: July 27, 2010

This memorandum is in response to your request for comments regarding the referenced modification to the Declaration of Restrictive Covenants for Broward County Land Use Plan (BCLUP) amendment PC 06-12. Please note that our previous comments dated October 6, 2009, regarding the Captiva Club Plat, still apply. In addition, you have requested the following information:

- 1) What is the number of land use plan amendment (LUPA) voluntary commitments that have been entered into?

*Planning Council staff notes that there have been a total of 133 land use plan amendments that have included voluntary commitments/restrictions since the adoption of the Broward County Land Use Plan (BCLUP) in 1989. A total of 79 of these amendments have been since 2003. The majority of these voluntary commitments/restrictions are related to roadway, school or wetlands mitigation, age restrictions, affordable housing, and other types of commitments such as square footage or dwelling unit restrictions, NatureScape certification, buffering requirements, and archaeological surveys.*

- 2) Would a portion of the project be required to be “affordable” if this was a new land use plan amendment?

*Broward County Land Use Plan (BCLUP) amendment PC 06-12 amended the land use from “Commercial” to “Medium-High (25) Residential.” With a land area of 5.4 gross acres, the unrestricted amendment would have permitted an additional 135 dwelling units. Therefore, if this amendment was currently in process, Policy 1.07.07 of the BCLUP would apply. Policy 1.07.07 was not in effect when amendment PC 06-12 was processed. Planning Council staff notes that this Policy does not specifically require a portion of the site to be “affordable,” but instead requires the County and municipalities “to coordinate and cooperate to implement the affected municipality’s chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.” The municipality may choose from several affordable housing strategies to meet this requirement.*

- 3) Does the proposed amendment adversely impact the operating conditions of the regional roadway network?

*Planning Council staff notes that this amendment was analyzed for traffic impacts without the proposed unit restriction (i.e. from 54,000 square feet of retail use to 135 multi-family dwelling units). The traffic analysis indicated that the amendment reduced the number of projected p.m. peak hour trips on the regional transportation network by 318 trips.*

- 4) Is the maximum number of permitted dwelling units 123 or 135?

*The maximum number of dwelling units permitted by the current land use designation is 135. Please see number 2 above.*

- 5) What is the Planning Council staff's "position" with regard to this overall request?

*Planning Council staff is of the opinion that the issue of modifying the applicant's previous voluntary commitment is at the pleasure of the Broward County Commission. Further, we note that this is not a land use plan amendment application in process. As such, please note that these are staff comments and not recommendations of the Broward County Planning Council board.*

Please do not hesitate to contact me if further information is required.

HAS:DDV

cc: ✓ David M. Danovitz, AICP, Assistant Director, Development and Environmental Regulation Division, Broward County Environmental Protection and Growth Management Department

Maite Azcoitia, Deputy County Attorney  
Broward County Attorney's Office

Andrew Maurodis, Esq., Counsel  
Broward County Planning Council

Dennis Beach, City Manager  
City of Pompano Beach

Robin Bird, Director, Development Services Department  
City of Pompano Beach