

EXHIBIT 4

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 18-3
(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 18-5)
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

March 13, 2018

(Please see updated staff recommendation on page I-2)

Due to concerns regarding emergency shelter capacities consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policy 2.12.8 which states that “Broward County shall discourage land use plan amendments which negatively impact hurricane evacuation clearance times and/or emergency shelter capacities,” Planning Council staff is unable to support the amendment as of this writing.

It is noted that it is generally Planning Council staff’s practice to not support amendments that do not demonstrate compliance or consistency with the policies of the BCLUP, regardless of whether the amendment is being presented for the Planning Council’s first or second public hearing. It is noted that the subject amendment, along with corresponding map amendment PC 18-5, is being presented for the Planning Council’s first public hearing as part of a small scale review (less than 10 acres) and the second public hearing is traditionally scheduled for the following month.

Should the Planning Council choose to make a positive recommendation, Planning Council staff would submit that said recommendation be subject to the following:

- Recognizing the applicant’s voluntary commitment to restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips as reflected in Attachment 1 of this report, as well as Attachment 15 of corresponding map amendment PC 18-5;
- Provision of written notification to prospective renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, as well as the commitment to submit an Airspace Study Checklist to the Federal Aviation Administration (FAA). See Attachment 9 of corresponding map amendment PC 18-5;
- Recognizing the applicant’s voluntary commitment to create a hurricane evacuation contingency plan for future residential development. See Attachment 16 of corresponding map amendment PC 18-5; and
- Address consistency with BCLUP Policy 2.12.8, which may or may not include clarification of hurricane contingency plan, prior to the Planning Council’s second public hearing to the satisfaction of Broward County.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

March 13, 2018

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the voluntary commitments regarding the notification of prospective renters or buyers of proximity to Pompano Air Park airspace and submittal of an Airspace Study Checklist to the FAA, as well as the hurricane evacuation contingency plan, as proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition to the recommendations noted above, Planning Council staff recommends that the Planning Council initiate a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation.

II. Planning Council First Public Hearing Recommendation

March 22, 2018

Planning Council recommended approval of the proposed amendment subject to the 1) resolution of the issue of consistency with BCLUP Policy 2.12.8 regarding hurricane evacuation sheltering, prior to the Planning Council's second public hearing, and further subject to the applicant's voluntary commitments to 2) restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips, 3) provide written notification to potential renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, 4) submit an Airspace Study Checklist to the Federal Aviation Administration (FAA) and 5) create a hurricane evacuation contingency plan for future residential development.

In addition, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation.

(Vote of the board; 15-3; Yes: Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Moraitis, Rosenof, Rosenzweig, Ryan, Williams and Stermer. No: Blackwelder, Grosso and Udine)

III. Planning Council Staff Second Public Hearing Recommendation

April 17, 2018

Regarding concerns related to emergency shelter capacities consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policy 2.12.8, the City of Pompano Beach has provided correspondence restating its commitment to cooperating with the County and other partners to meet the emergency evacuation shelter needs of the community, as

III. Planning Council Staff Second Public Hearing Recommendation (continued) April 17, 2018

well as a commitment to provide City trained staff in the event a Broward County “Zone B” storm evacuation order is issued. See Attachments 19 and 20 of corresponding map amendment PC 18-5. Correspondence from Broward County staff indicates that the City’s commitment removes its concern regarding BCLUP Policy 2.12.8 and the potential emergency evacuation shelter impacts resulting from the proposed amendment. See Attachment 21 of corresponding map amendment PC 18-5.

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, subject to the following:

- Recognizing the applicant’s voluntary commitment to restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips as reflected in Attachment 1 of this report, as well as Attachment 15 of corresponding map amendment PC 18-5;
- Provision of written notification to prospective renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, as well as the commitment to submit an Airspace Study Checklist to the Federal Aviation Administration (FAA). See Attachment 9 of corresponding map amendment PC 18-5;
- Recognizing the applicant’s voluntary commitment to create a hurricane evacuation contingency plan for future residential development. See Attachment 16 of corresponding map amendment PC 18-5; and
- Recognizing the City of Pompano Beach’s commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event a Broward County “Zone B” storm evacuation order is issued. See Attachment 20 of corresponding map amendment PC 18-5.

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the voluntary commitments regarding the notification of potential renters or buyers of proximity to Pompano Air Park airspace and submittal of an Airspace Study Checklist to the FAA, as well as the hurricane evacuation contingency plan, as proffered by the applicant, as an inducement for Broward County to favorably consider its application.

Additionally, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. Planning Council Staff Second Public Hearing Recommendation (continued) April 17, 2018

determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the Administrative Rules Document: BrowardNext. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

IV. Planning Council Second Public Hearing Recommendation April 26, 2018

Approval per Planning Council staff recommendation, with a further recommendation that the City of Pompano Beach's voluntary commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order be formalized in a legally binding agreement. (Vote of the board; Unanimous: 16-0; Blattner, Breslau, Brunson, Castillo, DiGiorgio, Gomez, Good, Graham, Grosso, Moraitis, Rosenof, Rosenzweig, Ryan, Udine, Williams and Stermer)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 18-3

INTRODUCTORY INFORMATION/PLANNING ANALYSIS

The applicant is proposing to establish the Hidden Harbour Activity Center land use designation for 9.6 acres of land located within the City of Pompano Beach. This proposed text amendment corresponds to Broward County Land Use Plan (BCLUP) proposed map amendment PC 18-5. The proposed Activity Center is generally located on the east side of Federal Highway/U.S. 1, between Northeast 14 Street and Northeast 17 Street.

The list of uses permitted within the proposed Hidden Harbour Activity Center is included in Attachment 1. Planning Council staff notes the applicant further limited the development threshold to no more than 1,377 p.m. peak hour trips, inclusive of existing development, to address anticipated adverse impacts to the regional transportation network. See Attachment 2.

As indicated by the analysis provided in the corresponding Broward County Land Use Plan map amendment PC 18-5, Planning Council staff finds the proposal is generally in compliance with the BCLUP policies concerning the Activity Center land use designation, noting that the subject area proposes a mix of residential, retail and water-serving uses along an important transportation corridor. In addition, the applicant has stated that the purpose of the Activity Center is to provide an opportunity for redevelopment to implement the City's vision of its Transportation Corridor Studies - Transformation Plan, which encourages mixed-use redevelopment and is specifically identified for this parcel. See Attachment 11 of the corresponding map amendment PC 18-5 for an excerpt of the Transformation Plan.

However, as further indicated by the analysis provided in the corresponding Broward County Land Use Plan map amendment PC 18-5, Planning Council staff finds that the proposed amendment has not yet demonstrated consistency with BCLUP Policy 2.12.8, which states "Broward County shall discourage land use plan amendments which negatively impact hurricane evacuation clearance times and/or emergency shelter capacities," therefore Planning Council staff does not support the amendment at this time.

Update: March 22, 2018: The City of Pompano Beach has provided correspondence restating its commitment to coordinate with the County and other partners regarding emergency evacuation shelters and commits to working together to recruit public volunteers to build a temporary-evacuation shelter workforce. See Attachment 19 of corresponding map amendment PC 18-5.

Update: April 17, 2018: The City of Pompano Beach has provided additional correspondence outlining its commitment to provide City employees for service, meeting the appropriate eligibility and training requirements, consisting of four (4) evacuation shelter managers and 15 evacuation shelter support staff, in the event a Broward County

INTRODUCTORY INFORMATION/PLANNING ANALYSIS (continued)

“Zone B” storm evacuation order is issued. See Attachment 20 of corresponding map amendment PC 18-5. Correspondence from Broward County staff indicates that the City’s commitment to provide the pledged City staff as emergency shelter managers and support staff removes its concern regarding BCLUP Policy 2.12.8 and the potential emergency evacuation shelter impacts resulting from the proposed amendment. See Attachment 21 of corresponding map amendment PC 18-5.

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 18-3

ATTACHMENTS

1. Proposed Broward County Land Use Plan Text Amendment PCT 18-3
2. Correspondence from Graham Penn, Esquire, Bercow, Radell, Fernandez and Larkin, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated March 5, 2018

ATTACHMENT 1

Pompano Beach Hidden Harbour Activity Center

Acreage: Approximately 9.6 acres

General Location: East side of Federal Highway/U.S. 1, between Northeast 14 Street and Northeast 17 Street.

Density and Intensity of Land Uses:

Development growth within the Pompano Park Hidden Harbour Activity is restricted to the equivalent of no more than 1,377 peak hour traffic trips. Peak hour trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, Ninth Edition.

List of Permitted Uses:

Multi-Family Residential: 343 units maximum

Commercial Development (including, but not limited to, boat sales, offices, showrooms, and related uses): 510,000 square feet maximum

Marina Use (including boat storage, boat repair, and slips): 75,000 square feet and 15 wet slips maximum

NOTES: Underlined words are proposed additions.
Bold and Double-underlined words are proposed additions by the applicant to mitigate anticipated adverse impacts to BrowardNext - Broward County Land Use Plan Policy 2.14.9 regarding the regional transportation network.

ATTACHMENT 2



DIRECT LINE: (305) 377-6229
E-MAIL: gpenn@brzoninglaw.com
www.brzoninglaw.com



March 5, 2018

VIA ELECTRONIC MAIL AND HAND DELIVERY

Barbara Blake Boy
Director
Broward County Planning Council
15 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

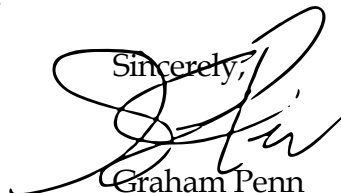
Re: PC File 18-5, AMP IV Hidden Harbour Land Use Plan Amendment.

Dear Ms. Blake Boy:

Our firm represents AMP IV Hidden Harbour, LLC (the "Applicant") in connection with the above-referenced application. I am writing to confirm an adjustment to the application in order to reduce its external impacts. I am also enclosing the City of Pompano Beach's written responses to the comments issued by the County's Environmental Protection and Growth Management Department regarding the availability of hurricane evacuation shelter capacity.

Development Limits. As you will note from the attached revised note for the proposed Pompano Beach Hidden Harbour Activity Center, the Applicant has agreed to add a total external PM peak hour trip limit of 1,377 trips to the previously proposed floor area and use limitations. The amended limits will be included in the Declaration of Restrictions proffered to the City as part of this process.

If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229 or send me an email at gpenn@brzoninglaw.com.

Sincerely,

Graham Penn

Pompano Beach Hidden Harbour Activity Center

Acreage: Approximately 9.6 acres

General Location: Located on the east side of Federal Highway, between 14th and 16th Streets.

The Pompano Park Hidden Harbour Activity must be zoned in a mixed-use zoning district that limits the density and intensity of the land uses to the following:

Multi-Family Residential: 343 units

Commercial Development (including, but not limited to, boat sales, offices, showrooms, and related uses): 510,000 square feet

Marina Use (including boat storage, boat repair, and slips): 75,000 square feet and 15 wet slips

The development within the Pompano Park Hidden Harbour Activity may not, in aggregate, generate more than 1,377 PM peak hour external vehicle trips, to be determined by the following table:

Use	Rate/Formula
Residential (ITE LUC 220)	$0.55(\text{units}) + 17.65$
Retail, including marine retail (ITE LUC 820)	$0.76 \text{Ln} (1,000 \text{ sq. ft}) + 3.31$
Office (ITE LUC 720)	$1.12(1,000 \text{ sq. ft.}) + 78.45$
Marina (ITE LUC 420)	$0.19(\text{number of berths})$
Rates and Formula established by the Institute of Transportation Engineers Trip Generation Manual, 9 th Edition.	

March 2, 2018

Barbara Blake Boy
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

Re: Pompano Beach Proposed Hidden Harbour Land Use Plan Amendment Referenced as BCLUP amendment PC 18-5

Dear Ms. Blake Boy,

We have received the memorandum dated February 2, 2018 to you from the Director of Environmental Protection and Growth Management Department (EPGMD), Henry Sniezek, regarding the Hidden Harbour Land Use Plan Amendment (BCLUP amendment PC 18-5). As you are aware, Mr. Sniezek has concerns with this amendment's impact on the demand for providing adequate public shelter. Specifically the comments indicate that EPGMD is initiating a requirement that Cities provide some level of commitment toward addressing Hurricane evacuation-shelter needs for all amendments increasing populations within the high-hazard area.

On February 15, I had a meeting with Mr. Sniezek that included representatives from our Development Services Department and our Emergency Manager to discuss the issues that have arisen with this amendment. At the meeting, we discussed the City's year round and ongoing efforts in coordinating with the County for planning, training and disaster-exercise activities. Examples of recent activities include:

- Staff having served as Chair and Co-Chair of the Broward County Emergency Coordinating Council (ECC) as well as Co-Chair for the ECC Vulnerable Population Registry (VPR) Sub-Committee.
- Staff serving on the Broward County Disaster Exercise Design Team for the June 2017 Shelter Exercise (of which the City had close to 40 participants).
- Planning and full participation in the Broward County March 2017 Terrorism Exercise.
- Active member of the Local Mitigation Working Group.
- Numerous annual emergency preparedness training sessions including Rapid Impact Assessment (RIA), Municipal Services Branch (MSB) training, WebEOC and many others.
- Acting as host for Broward County National Incident Management System (NIMS) training courses at the City's Emergency Operations Center (EOC).

Barbara Blake Boy, Broward County Planning Council

March 2, 2018

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Additionally, for the last two years, the City's Emergency Manager has held the role of Chair for the Southeast Regional Domestic Security Task Force's (SERDSTF) Emergency Management Functional Workgroup which is the group responsible for ensuring grant funding has been provided to Broward County for WebEOC, the software system used to manage the impact of disasters.

Most recently during Hurricane Irma's recovery phase, the City was instrumental in partnering with Broward County along with the State and FEMA to initiate the first Mobile Recovery Intake Center (MRIC) at one of the City's community centers to ensure the community's needs were being met. Supplies including food, water, a generator and fuel were also provided until the function was ultimately moved indoors due to the heat.

The City of Pompano Beach looks forward to continuing our work with Broward County to improve our common goals for public safety, and is fully committed to providing the level of commitment your Department and EPGMD are seeking.

Sincerely,


Greg Harrison
City Manager

Cc: Mayor Lamar Fisher
Bertha Henry, Broward County Administrator