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ORDINANCE NO. 2021-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN TEXT REGARDING THE POMPANO BEACH JOHN KNOX VILLAGE ACTIVITY CENTER; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan);

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan text regarding the Pompano Beach John Knox Village Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on October 22, 2020, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on December 1, 2020, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held adoption public hearing on February 23, 2021, at 10:00 a.m., [also complying with the notice requirements specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and

Approved BCC 2/23/21 #47  
Submitted By Planning Council  
RETURN TO DOCUMENT CONTROL

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,  
2 and Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all  
4 matters, hereby finds that the following amendment to the Plan is consistent with the  
5 State Plan, Regional Plan, and the Plan; complies with the requirements of the  
6 Community Planning Act; and is in the best interests of the health, safety, and welfare of  
7 the residents of Broward County,

8 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
9 BROWARD COUNTY, FLORIDA:

10 Section 1. The Plan is hereby amended by Amendment PCT 20-7, which is an  
11 amendment to the Broward County Land Use Plan text regarding the Pompano Beach  
12 John Knox Village Activity Center, as set forth in Exhibit "A," attached hereto and  
13 incorporated herein.

14 Section 2. Severability.

15 If any portion of this Ordinance is determined by any court to be invalid, the  
16 invalid portion will be stricken, and such striking will not affect the validity of the  
17 remainder of this Ordinance. If any court determines that this Ordinance, in whole or in  
18 part, cannot be legally applied to any individual, group, entity, property, or circumstance,  
19 such determination will not affect the applicability of this Ordinance to any other  
20 individual, group, entity, property, or circumstance.

21 Section 3. Effective Date.

22 (a) The effective date of the plan amendment set forth in this Ordinance will  
23 be the latter of:

24

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity  
2 notifies Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued  
4 by the Administration Commission or the Department of Economic  
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration  
7 Commission finds the amendment to be in noncompliance, pursuant to  
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County  
9 Commissioners, nonetheless, elects to make the plan amendment  
10 effective notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as  
12 per Exhibit "B," the date the Declaration of Restrictive Covenants or  
13 agreement is recorded in the Public Records of Broward County.
- 14 (b) This Ordinance is effective as of the date provided by law.
- 15

16 ENACTED February 23, 2021

17 FILED WITH THE DEPARTMENT OF STATE February 24, 2021

18 EFFECTIVE February 24, 2021

19 Approved as to form and legal sufficiency:  
20 Andrew J. Meyers, County Attorney

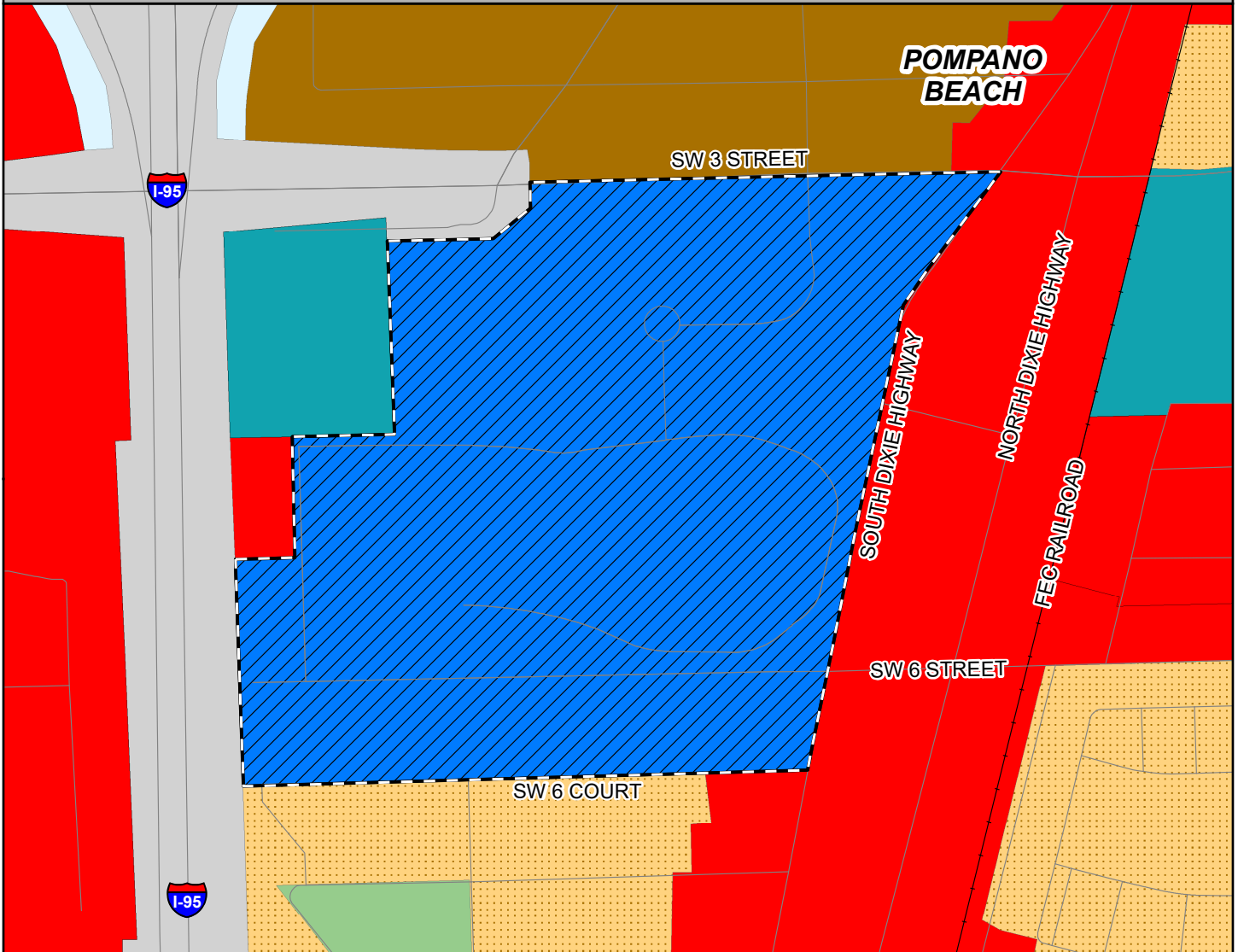
21 By /s/ Maite Azcoitia 01/14/2021  
22 Maite Azcoitia (date)  
23 Deputy County Attorney

24 MA/gmb  
PCT20-7 Pompano Beach John Knox Village Activity Center Ord  
01/14/2021  
#80041

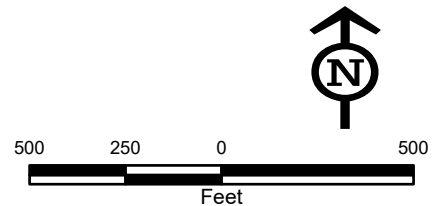
# EXHIBIT A

## BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PCT 20-7

|                           |   |
|---------------------------|---|
| <b>Current Land Use:</b>  | Activity Center   |
| <b>Proposed Land Use:</b> | Activity Center - Addition of 96,000 square feet of office use.<br>Reduction of 27,700 square feet of commercial use. |
| <b>Gross Acres:</b>       | Approximately 69.7 acres  |



- |  |   |
|--|---|
|  Site                         |  Recreation and Open Space |
|  Medium (16) Residential      |  Community                 |
|  Medium-High (25) Residential |  Transportation            |
|  Activity Center              |  Water / Primary Drainage  |
|  Commerce                     |   |



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PCT 20-7**  
**(POMPANO BEACH)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

*I. Planning Council Staff Transmittal Recommendation*

*October 13, 2020*

Planning Council staff finds 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.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

**If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.**

In addition, if the Planning Council does not require a second Planning Council public hearing and 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 BCLUP amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney 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.

**RECOMMENDATIONS/ACTIONS (continued)**

**DATE**

**II. Planning Council Transmittal Recommendation**

**October 22, 2020**

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 16-0; Blackwelder, Blattner, Breslau, Castillo, DiGiorgio, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Parness, Railey, Rich, Ryan and Stermer.)

**III. County Commission Transmittal Recommendation**

**December 1, 2020**

Approval per Planning Council transmittal recommendation.

**IV. Summary of State of Florida Review Agency Comments**

**January 6, 2021**

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

**V. County Commission Final Action**

**February 23, 2021**

Approved per Planning Council transmittal recommendation.

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 20-7**

**INTRODUCTION AND APPLICANT'S RATIONALE**

- I. Municipality: Pompano Beach
- II. County Commission District: District 4
- III. Site Characteristics
- A. Size: Approximately 69.7 acres
- B. Location: In Section 2, Township 49 South, Range 42 East; generally located south of Southwest 3 Street, west of South Dixie Highway, east of Interstate 95 and north of Southwest 6 Court.
- C. Existing Use: Retirement community
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Activity Center consisting of:  
1,224 dwelling units consisting of:  
674 high-rise units  
247 assisted dwelling unit equivalents  
216 villas  
87 garden apartments  
70,000 square feet of commercial use  
4.28 acres minimum of recreation and open space use
- B. Proposed Designation: Activity Center consisting of:  
1,224 dwelling units  
42,300 square feet of commercial use  
96,000 square feet of office use  
4.28 acres minimum of recreation and open space use
- C. Estimated Net Effect: **Addition** of 96,000 square feet of office use  
**Reduction** of 27,700 square feet of commercial use  
**No net change** to residential or recreation and open space uses

**INTRODUCTION AND APPLICANT'S RATIONALE (continued)**

V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site

- A. *Existing Uses:*                      *North:* Religious institution, multi-family residential and vacant  
*East:* Auto repair, warehouses and retail  
*South:* Auto repair, single-family residential and multi-family residential  
*West:* Interstate 95 and religious institution
- B. *Planned Uses:*                      *North:* Commerce, Community, Transportation and Medium-High (25) Residential  
*East:* Commerce  
*South:* Commerce and Medium (16) Residential  
*West:* Transportation, Commerce and Community

VI. Applicant/Petitioner

- A. *Applicant:*                              John Knox Village of Florida, Inc.
- B. *Agents:*                                 Robert B. Lochrie III, Esquire, Lochrie & Chakas, P.A.  
Leigh R. Kerr, AICP, Leigh Robinson Kerr & Associates, Inc.
- C. *Property Owner:*                      John Knox Village of Florida, Inc.

VII. Recommendation of Local Governing Body:

The City of Pompano Beach recommends approval of the proposed amendment.



# ATTACHMENT 1

## BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 20-7

### **Pompano Beach John Knox Village Activity Center**

*Acreege:* Approximately 69.7 acres

*General Location:* Generally located south of Southwest 3 Street, west of South Dixie Highway, east of Interstate 95 and north of Southwest 6 Court.

*Density and Intensity of Land Uses:*

Residential Land Uses: 1,224 dwelling units\*

Commercial Land Uses: ~~70,000~~ 42,300 square feet

Office Land Uses: 96,000 square feet

Recreation and Open Space: 4.28 acres minimum

Remarks:

~~\*Consisting of 674 high rise 1 units, 247 assisted dwelling unit equivalents, 216 villas and 87 garden apartments.~~

\*The dwelling units are age restricted via a legally enforceable declaration recorded in Broward County public records.

Note: Underlined words are proposed additions; ~~struck through~~ words are proposed deletions; double underlined words are additions proposed by Planning Council staff.

## **EXHIBIT B**

A Declaration of Restrictive Covenants is not applicable to this amendment.

STATE OF FLORIDA )

) SS

COUNTY OF BROWARD )

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance 2021-09 as the same appears of record in the minutes of said Board of County Commissioners held on the 23<sup>rd</sup> day of February, 2021 (Item 47).

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 25<sup>th</sup> day of February, 2021.



Bertha Henry  
COUNTY ADMINISTRATOR

  
\_\_\_\_\_  
Deputy Clerk

(SEAL)



Broward County



Transaction #: 11272523

Receipt #: 8771900

RECEIVED

MAR 02 2021

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Records, Taxes & Treasury Division
115 South Andrews Avenue Rm 114
Fort Lauderdale, FL 33301
Tel. (954) 831-4000 Fax (954) 357-7267
http://www.Broward.org/RecordsTaxesTreasury

Cashier Date: 2/26/2021 9:36:25AM

BROWARD COUNTY PLANNING COUNCIL
Date: 2/26/2021 9:36:30AM

(1750) DOCUMENT CONTROL
ROOM 336U, GOVERNMENTAL CENTER
FORT LAUDERDALE, FL 33301

Payment Summary

Table with 2 columns: Description, Amount. Rows: Total Fees \$0.00, Total Payments \$0.00, Total \$0.00

REF#: APPR BCC 2/23/21 #47 SUB BY PLANNING COUNCIL

1 Payment

No Charge

1 Official Record

It is the responsibility of our customers to inspect their recording receipt, to verify the accuracy of the information keyed. Should you find a mistake, please contact us immediately and the correction will be made within 24 business hours after notification. Submit corrections to: records@broward.org

Gov Orders Ordinances Petitions & Resolutions

REF#: APPR BCC 2/23/21 #47 SUB BY PLANNING COUNCIL

Instrument #: 117083519 Date: 2/26/2021 9:36:24AM

From: BROWARD COUNTY

To: POMPANO BEACH JOHN KNOX VILLAGE ACTIVITY CENTER
ORDINANCE NO 2021-09