

1 Regional Planning Council, South Florida Water Management District, Department of
2 Environmental Protection, Department of State, Department of Transportation, Fish and
3 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
4 and Department of Education, as applicable, were considered; and

5 WHEREAS, the Board of County Commissioners after due consideration of all
6 matters hereby finds that the following amendment to the 1989 Broward County
7 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
8 County Comprehensive Plan; complies with the requirements of the Local Government
9 Comprehensive Planning and Land Development Regulation Act; and is in the best
10 interests of the health, safety, and welfare of the residents of Broward County; and

11 WHEREAS, the proposed amendment constitutes an amendment as part of
12 Broward County's permitted second annual amendments to the Plan for 2010.

13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15 Section 1. The 1989 Broward County Land Use Plan is hereby amended by
16 Amendment PCT 10-8, which is an amendment to the 1989 Broward County Land Use
17 Plan text regarding the Pompano Beach Regional Activity Center, as set forth in Exhibit
18 A, attached hereto and incorporated herein.

19 Section 2. SEVERABILITY.

20 If any portion of this Ordinance is determined by any Court to be invalid, the
21 invalid portion shall be stricken, and such striking shall not affect the validity of the
22 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
23 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
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1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 3. EFFECTIVE DATE.

4 1. The effective date of the plan amendment set forth in this Ordinance shall
5 be the latter of:

6 (a) Thirty-one (31) days after the Department of Community Affairs notifies
7 Broward County that the plan amendment package is complete;

8 (b) If the plan amendment is timely challenged, the date a final order is issued
9 by the Administration Commission or the Department of Community Affairs finding the
10 amendment to be in compliance in accordance with Section 163.32465(6), Florida
11 Statutes; or

12 (c) If a Declaration of Restrictive Covenants or Interlocal Agreement is
13 applicable, as per Exhibit B, the date the Declaration of Restrictive Covenants or
14 Interlocal Agreement is recorded in the Public Records of Broward County.

15 2. This Ordinance shall become effective as provided by law.

16 ENACTED

17 FILED WITH THE DEPARTMENT OF STATE

18 EFFECTIVE

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EXHIBIT A TO ORDINANCE

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 10-8
(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 10-11)
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

May 18, 2010

It is recommended that the proposed amendment to the Broward County Land Use Plan be approved as follows:

1. Subject to, prior to second Planning Council public hearing, finalization and acceptance of satisfactory mitigation to address adverse impacts to the regional transportation network resulting from the amendment, and recognizing the transportation improvements currently proposed by the applicant.

Update: June 8, 2010: Planning Council staff received the regional transportation network model distribution subsequent to the Planning Council transmittal hearing. Distribution of the estimated 305 additional p.m. peak hour trips on to the regional transportation network indicates that the proposed amendment will not significantly impact the operating conditions of the regional transportation network at the long-term planning horizon.

2. Recognizing the applicant's voluntary commitments to address affordable housing.
3. To ensure compliance with Broward County Land Use Plan's requirement for a broad public participation process concerning Regional Activity Centers, it is recommended that the applicant coordinate with the City to hold one or more public workshops with area residents prior to the second Planning Council hearing.

Update: August 17, 2010: The applicant has submitted correspondence describing the public participation process.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) **May 18, 2010**

4. Regarding potential historic resources, it is recommended that the applicant, prior to the Planning Council's second public hearing, coordinate with the Broward County Historical Commission and the City to further determine whether potential historic resources within the subject parcel can be identified/protected/mitigated.

Update: August 17, 2010: The applicant has submitted correspondence regarding coordinated efforts with the Broward County Historical Commission.

5. It is also recommended that the approval be conditioned on the execution, to the satisfaction of Broward County and other parties if appropriate, of a legally enforceable mechanism regarding the voluntary commitments referenced above.

II. Planning Council Transmittal Recommendation **May 27, 2010**

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 13-0; Boisvenue, Bruck, Case, Castillo, Castro, S. Cooper, Fisher, Julian, Mallozzi, Reinstein, Udine, Willett and Williams.)

III. County Commission Transmittal Recommendation **June 8, 2010**

Approval per Planning Council transmittal recommendation.

Further, the applicant made a binding commitment to provide beautifying landscaping and sidewalks along Powerline Road (western edge of property), as well as at the corner of Race Track Road and Powerline Road.

IV. Summary of State of Florida Review Agency Comments **July 19, 2010**

Comment: The proposed text amendment includes the acreage for the non-residential land uses allowed in the Pompano Park South Regional Activity Center but does not identify the amount of development that will be allowed for each non-residential use (i.e. square footage). The County should revise the Land Use Plan to include the total amount of Commercial Recreation, Commercial, and Office Development (i.e. total square footage) that will be allowed in the Regional Activity Center. (DCA)

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. Summary of State of Florida Review Agency Comments (continued) July 19, 2010

Response: The applicant submitted a response to the DCA's comments.

Further, the city has chosen to describe the amendment for the proposed mixed-use area in terms of acreage. Development within the subject area would have a potential similar to that permitted under the current land use designations which are also described as acreage. The subject amendment is consistent with other amendments often proposed that seek a change from acreage under one land use classification to another. It is respectfully noted that the subject amendment as described utilizes an acreage description format essentially the same as other amendments either already adopted in the County Land Use Plan or reviewed by DCA without objection or comment in this regard (i.e. Dania Beach Regional Activity Center adopted December 8, 2009, and the Hallandale Beach Regional Activity Center reviewed by DCA as part of Broward amendment package 10-1AR).

To further address the comment raised, it is noted that the County Plan text amendment includes the following provision to monitor development within the proposed RAC: "Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the portion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A)."

V. Planning Council Staff Final Recommendation August 17, 2010

It is recommended that the amendment be approved, recognizing the applicant's voluntary commitments to address affordable housing, and to provide beautifying landscaping and sidewalks along Powerline Road (western edge of property), as well as at the corner of Race Track Road and Powerline Road. It is also recommended that the approval be conditioned on the execution, to the satisfaction of Broward County, of a legally enforceable mechanism regarding the voluntary commitments referenced above.

Further, the applicant has stated that it will continue to coordinate with the Broward County Historical Commission to research and document the historical data related to the Pompano Park Harness Racing Track.

**BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT
PCT 10-8**

BROWARD COUNTY LAND USE PLAN

The following area has been designated Regional Activity Center within the Broward County Land Use Plan:

Arvida/Pompano Park North Regional Activity Center —~~Pompano Beach~~

Acreage: Approximately ~~238.9 acres~~ 169.0

General Location: South of Atlantic Boulevard between Powerline Road and the Seaboard Coastline Railroad.

The Pompano Park North Regional Activity Center consists of that portion of the Arvida/Pompano Park Development of Regional Impact (DRI) located north of Race Track Road. The RAC is located south of Atlantic Boulevard and north of Racetrack Road, between Powerline Road and the CSX Railroad and comprises approximately 169 gross acres. The area encompassed by the RAC must be zoned in a mixed zoning district that limits the density and intensity of land uses to the following:

Density and Intensity
of Land Uses*:

Office Land Uses	970,000 <u>248,867</u> square feet
Industrial Land Uses	1,310,000 <u>1,013,250</u> square feet
Commercial Land Uses	320,000 <u>301,273</u> square feet
Hotel	250 rooms

Remarks: ~~Site has direct access to a Tri-County Commuter Rail Station.~~

Pompano Park South Regional Activity Center

Acreage: Approximately 230.0

General Location: Located on the east side of Powerline Road, between Southwest 3 Street and North Cypress Bend Drive.

The Pompano Park South Regional Activity Center consisting of the Pompano Park racetrack, casino, and adjacent property. The RAC is located south of Racetrack Road, between Powerline Road and the CSX Railroad, and comprises approximately 230 gross acres. The area encompassed by the RAC must be zoned in a mixed-use zoning district that limits the density and intensity of the land uses to the following:

Density and Intensity
of Land Uses*:

<u>Residential</u>	<u>43 acres consisting of:</u> <u>1,050 mid-rise apartments units</u> <u>250 garden apartment units</u>
<u>Commercial Recreation Land Uses</u>	<u>135 acres</u>
<u>Commercial Land Uses</u>	<u>27 acres</u>
<u>Office Land Uses</u>	<u>26 acres</u>

*The Residential uses will consist of stand-alone residential as well as residential units as part of a mixed-use Commercial and Office development within the Commercial and Office designations. Residential units 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.

Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the proportion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A).

Note: Underlined words are proposed additions. ~~Struck through~~ words are proposed deletions.