

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent \_\_\_\_\_  Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Consideration/Discussion \_\_\_\_\_ Presentation \_\_\_\_\_

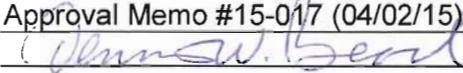
SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING THE PROPERTY LYING SOUTH OF SW 3<sup>RD</sup> STREET (POMPANO PARK PLACE) AND WEST OF SOUTH DIXIE HIGHWAY (S.R. 811) FROM B-3 (GENERAL BUSINESS) TO LAC (LOCAL ACTIVITY CENTER); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**Summary of Purpose and Why:**

These two small parcels are approximately .226 of a gross acre and .417 of a gross acre, generally located on the southwest corner of SW 3<sup>rd</sup> Street and South Dixie Highway. The property is owned by John Knox Village, Inc. The request is to change the zoning of both parcels from B-3 (General Business) to LAC (Local Activity Center). Currently the two parcels have a Commercial Future Land Use designation; however a concurrent Land Use Plan Map amendment to re-designate the parcels to LAC is an item on this same agenda. The purpose for both the rezoning and Land Use Plan amendment is to incorporate the parcels into the adjacent John Knox Village LAC. The Planning & Zoning Board recommended approval of this request in a 7-0 decision at the March 25 meeting.

- (1) Origin of request for this action: John Knox Village, Inc.
- (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	03/13/15	Approval	Memo# 15-132 
City Attorney	04/29/15	See Memo	CAC# 2015-909 

Planning and Zoning Board Approval Memo #15-017 (04/02/15)  
 City Manager  

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration
<u>Workshop</u>		
1 <sup>st</sup> Reading _____	1 <sup>st</sup> Reading _____	Results: _____
2 <sup>nd</sup> Reading _____	_____	Results: _____
_____	_____	_____
_____	_____	_____





**City Attorney's Communication #2015-909**

April 29, 2015

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

**FROM:** Gordon B. Linn, City Attorney

**RE:** Rezoning Ordinance for John Knox Village – SW Corner of SW 3<sup>rd</sup> Street and South Dixie Highway

As requested, the following form of ordinance, relative to the above-referenced matter, has been revised and is attached:

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING THE PROPERTY LYING SOUTH OF SW 3<sup>RD</sup> STREET (POMPANO PARK PLACE) AND WEST OF SOUTH DIXIE HIGHWAY (S.R. 811) FROM B-3 (GENERAL BUSINESS) TO LAC (LOCAL ACTIVITY CENTER); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

GORDON B. LINN

GBL/jrm  
l:cor/dev-srv/2015-909

Attachment

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING THE PROPERTY LYING SOUTH OF SW 3<sup>RD</sup> STREET (POMPANO PARK PLACE) AND WEST OF SOUTH DIXIE HIGHWAY (S.R. 811) FROM B-3 (GENERAL BUSINESS) TO LAC (LOCAL ACTIVITY CENTER); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds:

**SECTION 2.** That the property more particularly described in Exhibit "A" attached hereto and made a part hereof ("Property"), which property is hereby rezoned from a present zoning classification of B-3 (General Business) to LAC (Local Activity Center), as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

**SECTION 3.** That the Development Services Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

**SECTION 4.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 5.** This Ordinance shall become effective upon passage.

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

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

---

**LAMAR FISHER, MAYOR**

**ATTEST:**

---

**ASCELETA HAMMOND, CITY CLERK**

GBL/jrm  
4/29/15  
I:ord/155/2015-317

**JOHNKNOX VILLAGE**  
**Legal Description**

Parcel 1

A parcel of land in Government Lot 7, in Section 2, Township 49 South, Range 42 East, Broward County, Florida, described as follows: beginning at the intersection of the center line of Old Dixie Highway (State Road 811) as it is now located and north boundary of said Government Lot 7, for a point of beginning; thence southwesterly along centerline of said Old Dixie Highway a distance of 223.70 feet to a point; thence northwesterly on an interior angle of 97°, being measured from the preceding line, a distance of 162 feet; thence northeasterly on an interior angle of 83°, being measured from the preceding line a distance of 118.96 feet to a point; said point being located on the north boundary line of said Government Lot 7 (Race Track Road); thence easterly along the north boundary of said Government Lot 7, a distance of 203.28 feet to a point of beginning.

Parcel 2

A portion of the North one-half (N½) of the North one-half (N½) of Government Lot Seven (7), Section 2, Township 49 South, Range 42 East, Broward County, Florida, lying West of the Old Dixie Highway and more fully described as follows: Commencing at the Northwest corner of said Government Lot Seven (7); thence East along the North line of said Government Lot Seven (7), a distance of 782.67 feet; thence Southwesterly making an angle of 52° 15' in the Southwest quadrant, and parallel to the Centerline of Old Dixie Highway, a distance of 169.37 feet to the POINT OF BEGINNING; thence continuing Southwesterly, along the aforesaid course, a distance of 100 feet; thence Southeasterly making an included angle of 83° 00', a distance of 162 feet to a point on the Centerline of Old Dixie Highway, as now located; thence Northeasterly making an included angle of 97° 00' and along the said Centerline of Old Dixie Highway, a distance of 100 feet; thence Northwesterly making an included angle of 83° 00', a distance of 162 feet to the POINT OF BEGINNING; TOGETHER WITH – A parcel of land in Government Lot Seven (7), of Section 2, Township 49 South, Range 42 East, Broward County, Florida, more particularly described as follows: Beginning at the Northwest corner of the southeast one-quarter (SE¼) of Section 2, Township 49 South, Range 42 East, Broward County, Florida; thence Easterly along the one-quarter Section line of said Section 2, on an assumed bearing of East, a distance of 72.98 feet to the Centerline of Old Dixie Highway as same is now located and used; thence Northeasterly along the Centerline of Old Dixie Highway on a bearing of North 13° 18' 27" East, a distance of 2690.82 feet to a point; thence Northeasterly along the Centerline of said Old Dixie Highway on a bearing of North 36° 18' 00" East, a distance of 233.84 feet to a point; thence Northwesterly on a bearing of North 58° 42' 00" West, a distance of 25.87 feet to the POINT OF BEGINNING of this description; thence continue Northwesterly on a bearing of North 58° 42' 00" West, a distance of 150 feet; thence Northeasterly on a bearing of North 38° 18' 00" East, a distance of 50.37 feet; thence Southeasterly on a bearing of South 58° 42' 00" East, a distance of 150 feet; thence Southwesterly on a bearing of South 38° 18' 00" West, a distance of 50.37 feet to the POINT OF BEGINNING.

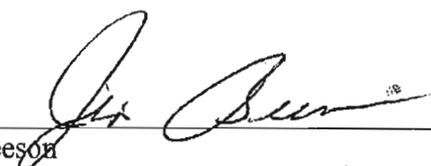
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-017**

**DATE:** April 2<sup>nd</sup>, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** REZONING – LAC (Local Activity Center) from B-3 (General Business)  
301, 321 South Dixie Highway W  
P & Z #14-13000011 John Knox Village of Florida, Inc.

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on March 25<sup>th</sup>, 2015, the Board considered the request by **JOHN KNOX VILLAGE OF FLORIDA, INC.**, requesting REZONING of the above referenced property.

It is the unanimous recommendation of the Board that the REZONING request be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-132

DATE: March 13, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Maggie Barszewski, AICP, Planner *MB*

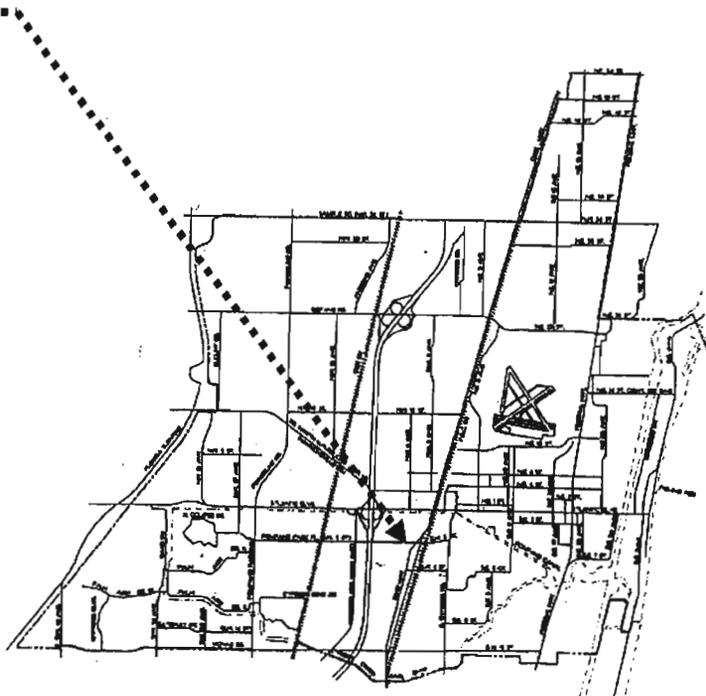
RE: John Knox Village Rezoning  
March 25, 2015 meeting

P&Z # 14-1300011

### Request

The Applicant is proposing to rezone two small parcels .226 of a gross acre and .417 of a gross acre. The request is to change the zoning of both parcels from B-3 (General Business) to LAC (Local Activity Center). The two adjacent parcels are generally located on the southwest corner of SW 3<sup>rd</sup> Street and South Dixie Highway. Currently the two parcels have a Commercial Future Land Use designation; however the applicant has submitted a concurrent Land Use Plan Map amendment to re-designate the parcels to LAC. The purpose for both the rezoning and Land Use Plan amendment is to incorporate the parcels into the adjacent John Knox Village LAC.

SW corner of SW 3 St.  
and South Dixie Hwy.



## 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

>      LAC      Local Activity Center

RAC      Regional Activity Center

Boundaries

City of Pompano Beach

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

M-1      Marina Business

M-2      Marina Industrial

>      LAC      Local Activity Center

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      Commerical Recreation

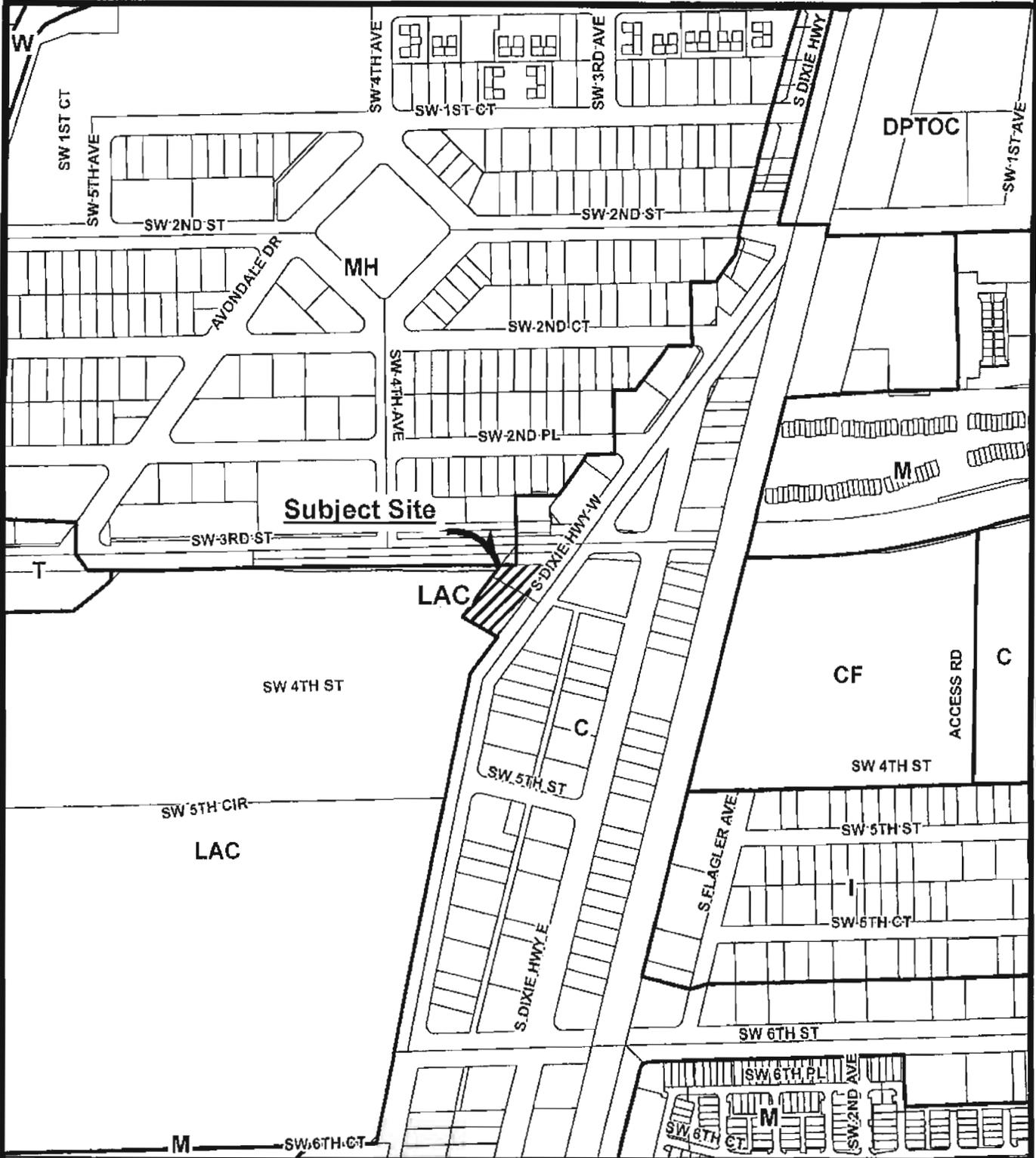
CF      Community Facilities

T      Transportation

PU      Public Utility

* <b>Existing</b>
> <b>Proposed</b>

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 417 ft

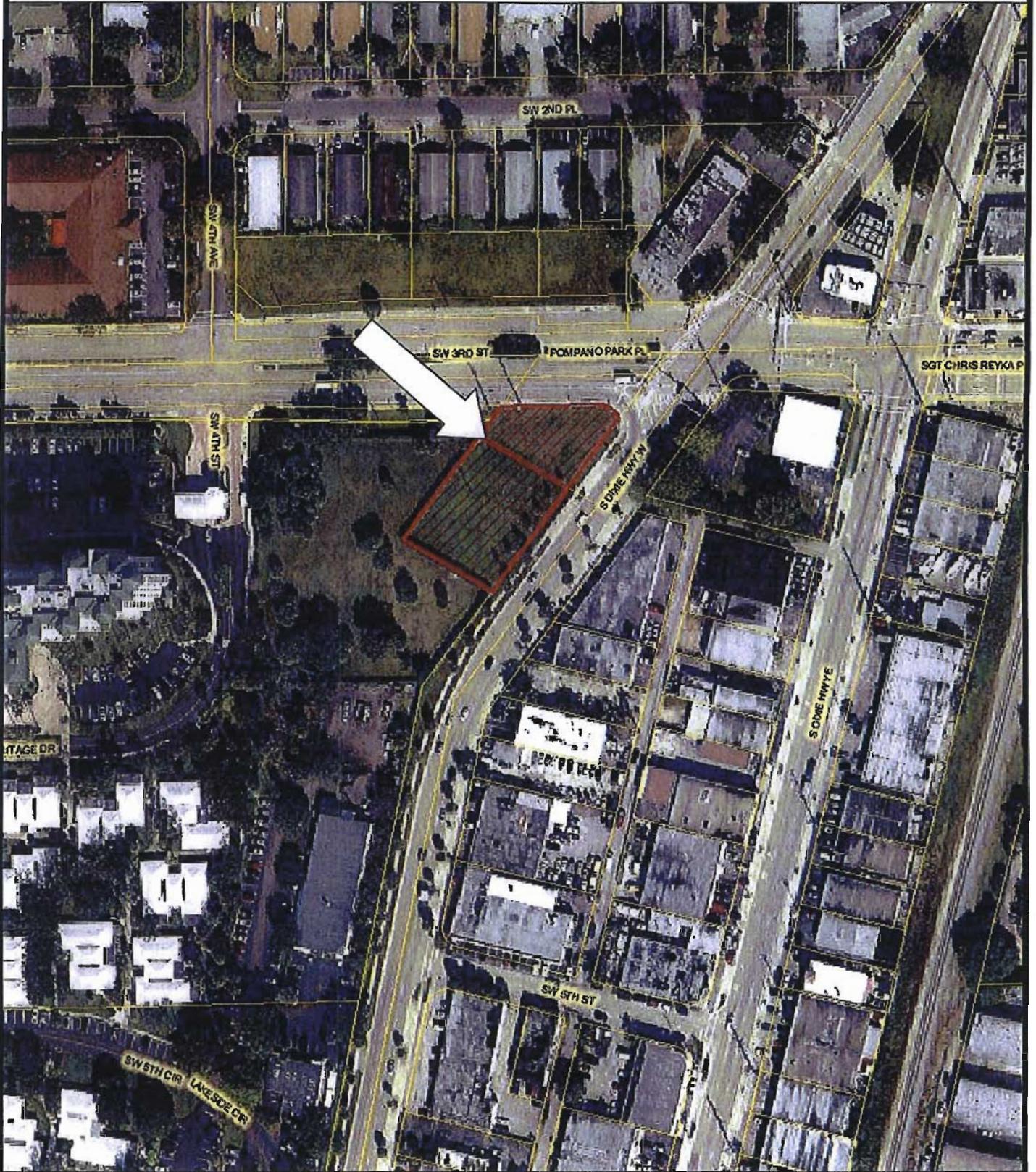
3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES





EXCERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER  
AERIAL MAP



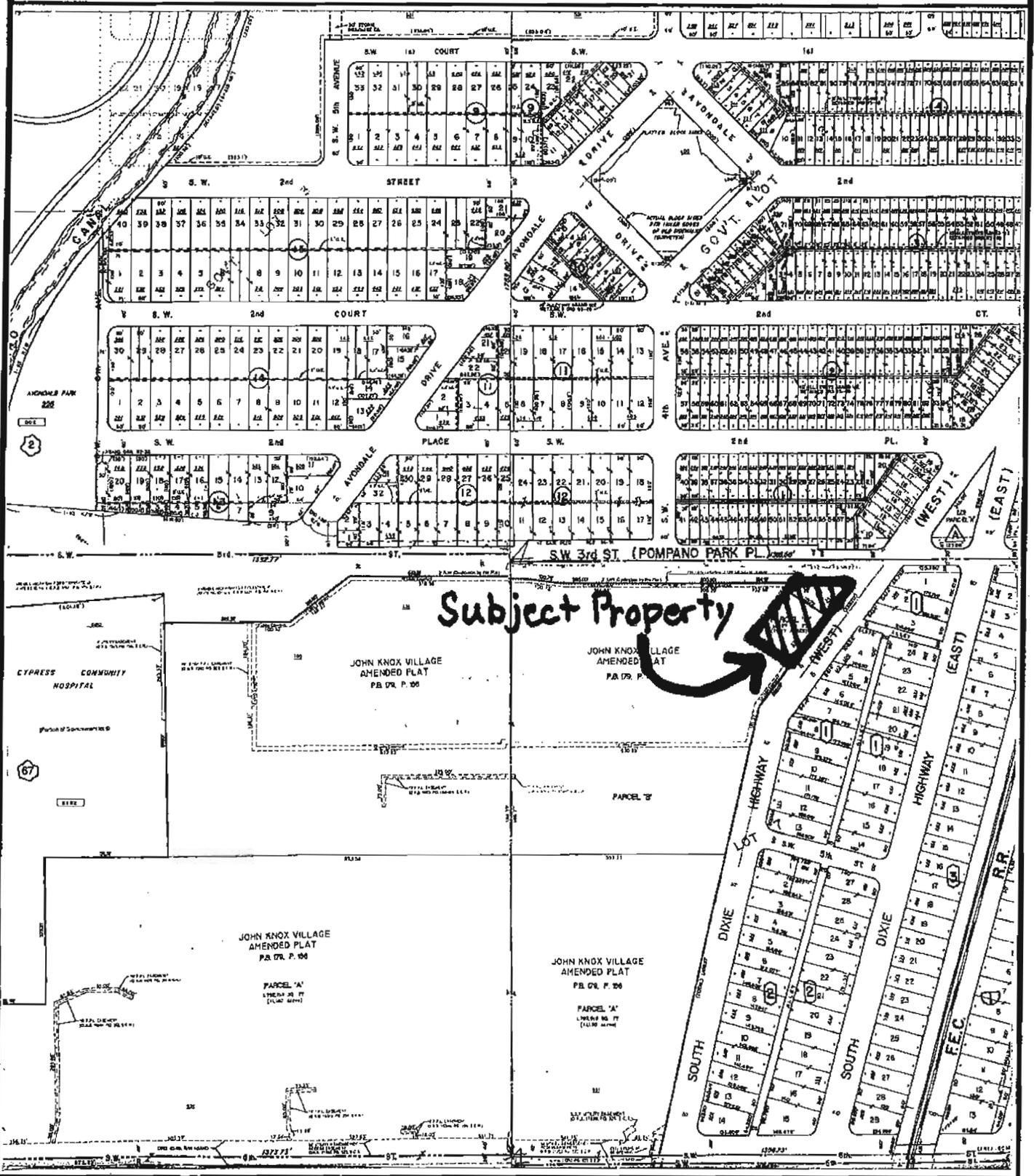
NTS

5

NORTH



# EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

↑  
NORTH

## REVIEW & SUMMARY

- A. Pursuant to Section 157.31(A) [Major Review: Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the January 21, 2015 Development Review (DRC) meeting which are summarized below:

### **Zoning – Maggie Barszewski**

Applicant can proceed with rezoning, although the final reading of any amending Ordinance must wait until the Land Use Plan Amendment changing the Land Use Category to LAC is approved.

### **CRA – Juan Ayala**

Not in the CRA district.

### **Fire Dept. – Jim Galloway**

This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

\*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

### **Engineering Dept. – Bob Lawson**

01-20-15 No Comments.

**B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:**

1. The rezoning was reviewed by DRC on January 21, 2015.
2. The property is located at on the southwest corner of SW 3<sup>rd</sup> Street and South Dixie Highway.
3. The area to be rezoned is approximately .226 and .417 of a gross acre acres or .643 total acres (approximately 28,009 square feet).
4. The Zoning and uses of adjacent properties are:  
**North:** LAC (Local Activity Center) and B-3 (General Commercial); residential and used car sales  
**South:** LAC (Local Activity Center); residential  
**East:** B-4 Heavy Commercial; auto repair  
**West:** LAC (Local Activity Center); residential
5. There is currently no access planned for this property once it is incorporated into the John Knox LAC since the parcels will be used for open space.
6. The Land Use Designation is currently (C) Commercial; however a concurrent Land Use Plan Amendment is proposing LAC (Local Activity Center).

**C. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this rezoning:**

**Policies**

**01.03.06** 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.

**01.03.12** The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

**Objective Local Activity Center**

**01.15.00** Local Activity Center: Encourage compact development reflecting characteristics which include a mixture of community serving uses such as commercial, office, employment, civic and institutional, recreation and open space and residential, characterized by an efficient infrastructure, close –knit neighborhood and sense of community, preservation of natural systems, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of a Local Activity Center land use category.

**Policies**

**01.15.03**

Park Land and/or open space that is accessible to the public must be included as a functional component within a Local Activity Center.

**01.15.12** The City shall review existing zoning and land development regulations and adopt changes necessary to implement the Local Activity Center land use designation.

**D. Recommendation:**

Given the information provided to the Board, as the findings of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

**Alternative Motion I**

Recommend approval of the rezoning request from B-3 (General Business) to LAC (Local Activity Center) based on compatibility with the following policies:

- 01.03.06 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.
- 01.03.12 The following criteria may be used in evaluating rezoning requests:
  - 1. Density;
  - 2. Design;
  - 3. Distance to similar development;
  - 4. Existing adjoining uses;
  - 5. Proposed adjoining uses;
  - 6. Readiness for redevelopment of surrounding uses; and.
  - 7. Proximity to mass transit.

**Objective Local Activity Center**

- 01.15.00 Local Activity Center: Encourage compact development reflecting characteristics which include a mixture of community serving uses such as commercial, office, employment, civic and institutional, recreation and open space and residential, characterized by an efficient infrastructure, close –knit neighborhood and sense of community, preservation of natural systems, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of a Local Activity Center land use category.

**Policies**

**01.15.03**

Park Land and/or open space that is accessible to the public must be included as a functional component within a Local Activity Center.

- 01.15.12 The City shall review existing zoning and land development regulations and adopt changes necessary to implement the Local Activity Center land use designation.

**Alternative Motion II**

Table this application for additional information as requested by the Board.

### **Alternative Motion III**

Recommend denial as the Board finds that the request is not consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.06** 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.
- 01.03.12** The following criteria may be used in evaluating rezoning requests:
  - 1. Density;
  - 2. Design;
  - 3. Distance to similar development;
  - 4. Existing adjoining uses;
  - 5. Proposed adjoining uses;
  - 6. Readiness for redevelopment of surrounding uses; and.
  - 7. Proximity to mass transit.

#### **Objective Local Activity Center**

**01.15.00** Local Activity Center: Encourage compact development reflecting characteristics which include a mixture of community serving uses such as commercial, office, employment, civic and institutional, recreation and open space and residential, characterized by an efficient infrastructure, close-knit neighborhood and sense of community, preservation of natural systems, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of a Local Activity Center land use category.

#### **Policies**

##### **01.15.03**

Park Land and/or open space that is accessible to the public must be included as a functional component within a Local Activity Center.

**01.15.12** The City shall review existing zoning and land development regulations and adopt changes necessary to implement the Local Activity Center land use designation.

### **STAFF RECOMMENDS ALTERNATIVE MOTION I**

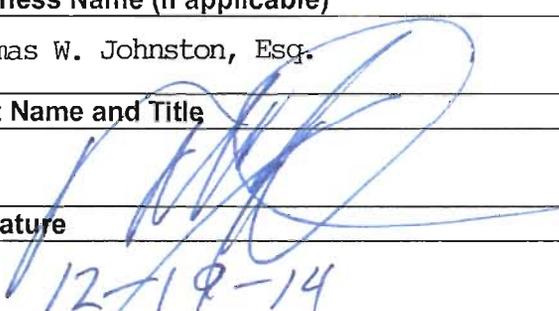
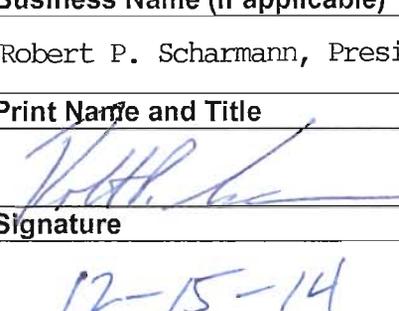


City of Pompano Beach  
 Department of Development Services  
 Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060  
 Phone: 954.786.4634 Fax: 954.786.4666

**Request for Site Specific Rezoning**

651 Village Drive		
<b>STREET ADDRESS</b>		
see attached		
<b>Subdivision</b>	<b>Block</b>	<b>Lot</b>
<b>Representative or Agent's interest in property (Owner, Lessee, Etc)</b>	Attorney at law	
<b>Has any previous application(s) been filed?</b>	Yes ___ No <u>X</u>	
<b>If Yes, give date of hearing and finding</b>		

Agent or Representative	Landowner (Owner of Record)
Johnston & Metevia, P.A.	John Knox Village of Florida, Inc.
<b>Business Name (if applicable)</b>	<b>Business Name (if applicable)</b>
Thomas W. Johnston, Esq.	Robert P. Scharmann, President/CEO
<b>Print Name and Title</b>	<b>Print Name and Title</b>
	
<b>Signature</b>	<b>Signature</b>
12-19-14	12-15-14
<b>Date</b>	<b>Date</b>
2335 E. Atlantic Blvd., Suite 301	651 Village Drive
<b>Street Address</b>	<b>Street Address</b>
Pompano Beach, FL 33062	Pompano Beach, FL 33060
<b>Mailing Address City/ State/ Zip</b>	<b>Mailing Address City/ State/ Zip</b>
954-942-6633	954-783-4020
<b>Phone Number</b>	<b>Phone Number</b>
tjwm1@aol.com	rscharmann@jkvfl.com
<b>Email</b>	<b>Email</b>
Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail	Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail

**OWNER'S CERTIFICATE**

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application for rezoning.

**Owner's Name:** John Knox Village of Florida, Inc.  
(Print or Type)

**Address:** 651 Village Drive  
Pompano Beach, FL 33060  
(Zip Code)

**Phone:** 954-783-4020

**Email address:** rscharmann@jkvfl.com

*[Signature]*  
(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this 15 day of December, 2014.

Barbara Lynne Hunt

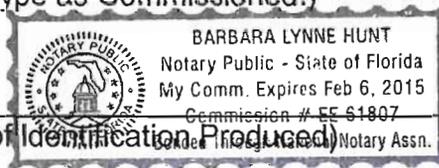
NOTARY PUBLIC, STATE OF FLORIDA

Barbara Lynne Hunt

(Name of Notary Public: Print, stamp, or Type as Commissioned.)

- Personally know to me, or
- Produced identification:

(Type of Identification Produced)





100 W. Atlantic Blvd Pompano Beach, FL 33060  
Phone: 954.786.4634 Fax: 954.786.4666

### Request for Site Specific Rezoning

**Acknowledgement receipt of the Florida  
NPDES Stormwater Permitting Program  
for Construction Activity**

I Robert P. Scharmann am the President/CEO of the proposed application for  
(Print Name) (Title)

Development approval and authorized to sign on behalf of the owner. I hereby acknowledged that I have been given a copy of the Florida National Pollutant Discharge Elimination System (NPDES) Permitting Program for construction activity.

Signature:   
Robert P. Scharmann  
Date: 12-15-14

