

ORDINANCE NO. 2022-07

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 HOLLYWOOD OAKWOOD 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 Hollywood Oakwood Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearings on August 26, 2021, and December 2, 2021, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on October 5, 2021, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held an adoption public hearing on February 8, 2022, 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 Wildlife

Approved BCC 2/8/22 #238
Submitted By Planning Council
RETURN TO DOCUMENT CONTROL

1 Conservation Commission, Department of Agriculture and Consumer Services, and
2 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 State
5 Plan, Regional Plan, and the Plan; complies with the requirements of the Community
6 Planning Act; and is in the best interests of the health, safety, and welfare of the residents
7 of Broward County,

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

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12 Section 1. The Plan is hereby amended by Amendment PCT 21-5, which is an
13 amendment to the Broward County Land Use Plan text regarding the Hollywood Oakwood
14 Activity Center, as set forth in Exhibit "A," attached hereto and incorporated herein.

15 Section 2. Severability.

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

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24 Section 3. Effective Date.

1 (a) The effective date of the plan amendment set forth in this Ordinance shall
2 be the latter of:

3 (1) Thirty-one (31) days after the Department of Economic Opportunity notifies
4 Broward County that the plan amendment package is complete;

5 (2) If the plan amendment is timely challenged, the date a final order is issued
6 by the Administration Commission or the Department of Economic
7 Opportunity finding the amendment to be in compliance;

8 (3) If the Department of Economic Opportunity or the Administration
9 Commission finds the amendment to be in noncompliance, pursuant to
10 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
11 Commissioners nonetheless, elects to make the plan amendment effective
12 notwithstanding potential statutory sanctions;

13 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per
14 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
15 is recorded in the Public Records of Broward County; or

16 (5) If recertification of the municipal land use plan amendment is required, the
17 date the municipal amendment is recertified.
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1 (b) This Ordinance is effective as of the date provided by law.

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3 ENACTED February 8, 2022

4 FILED WITH THE DEPARTMENT OF STATE February 9, 2022

5 EFFECTIVE February 9, 2022

6 Approved as to form and legal sufficiency:
7 Andrew J. Meyers, County Attorney

7

8 By /s/ Maite Azcoitia 12/08/2021

9 Maite Azcoitia (date)

10 Deputy County Attorney

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PCT21-5 Hollywood Oakwood Activity Center Ord

24 #80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 21-5
(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 21-9)
(HOLLYWOOD)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

August 17, 2021

As the proposed amendment has not yet demonstrated compliance with BrowardNext - Broward County Land Use Plan (BCLUP) Policies 2.21.1 and 2.21.5 regarding Priority Planning Areas and sea level rise, Planning Council staff recommends approval subject to compliance with BCLUP Policies 2.21.1 and 2.21.5, prior to a second Planning Council public hearing, and subject to the applicant's voluntary commitment to restrict 7.5% of the proposed dwelling units (at least 285 dwelling units) as affordable housing units at the "moderate-income" level (up to 120% of median income) for a minimum of 30 years. See Attachment 1.

In addition, the applicant's acknowledgements regarding 1) any proposed improvements that would impact wetlands must be submitted to Broward County for review and approval and 2) potential historical and archaeological impacts are recognized.

However, 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. Further, effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete, including any voluntary commitments.

II. Planning Council Transmittal Recommendation

August 26, 2021

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 16-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Grosso, Hardin, Maxey, Parness, Rich, Romaner, Rosenof, Williams and DiGiorgio)

In addition, the applicant agreed to further examine its affordable housing commitment prior to the second Planning Council public hearing.

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. County Commission Transmittal Recommendation

October 5, 2021

Approval per Planning Council transmittal recommendation, recognizing the applicant's updated voluntary commitment to restrict 10% of the proposed dwelling units (at least 380 dwelling units) as affordable housing units at the "moderate-income" level (up to 120% of median income) for a minimum of 30 years. See Attachment 1.

IV. Summary of State of Florida Review Agency Comments

November 5, 2021

The Florida Department of Transportation (FDOT) has issued a technical assistance comment on the proposed amendment:

Comment: The FDOT issued the following comment for the proposed Broward County comprehensive plan amendment with DEO reference number 21-6ESR. This comment will not form the basis of a challenge. This comment is intended to strengthen the local government's comprehensive plan in order to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, Florida Statutes. The approach used by the amendment to analyze trip generation gives the appearance of a trip reduction on the roadway network. This is accomplished by applying development credit for the maximum allowable use under the current future land use designation, even though the existing traffic generated by the development is much less. A more realistic assessment is likely to reveal impacts to the adjacent roadway network, including Strategic Intermodal System (SIS) impacts to the I-95 interchange at Stirling Road. The northern access to the activity center is within the influence area of the interchange. The cumulative impacts of the activity center and the Dania Pointe development on the north side of Stirling Road on the operations of the interchange and I-95 mainline facility are of importance to the Department.

The Department has had conversations with the City of Hollywood and Broward County Traffic Engineering regarding the establishment of ongoing coordination to work more effectively with the city, county, MPO, and other transportation providers, and developers to understand development impacts of Oakwood Activity Center and other nearby developments and identify and program appropriate transportation infrastructure and services to address roadway capacity issues and mobility needs.

Response: Planning Council staff notes that the Broward County Land Use Plan (BCLUP) considers impacts to the regional transportation network based on the net difference between the existing and proposed land use designations, utilizing the Institute of Transportation Engineers (ITE) traffic equations, which is the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use. Planning Council staff further notes that the application of BCLUP Policy 2.4.12 permits locally adopted and certified non-residential intensity standards to be utilized for the traffic impact analysis of Activity Centers rather than the 10,000 square feet per acre standard for single land use to single land use analysis.

IV. Summary of State of Florida Review Agency Comments (continued) **November 5, 2021**

The City of Hollywood has adopted and the Planning Council has recertified a non-residential Floor Area Ratio (FAR) of 3.0 or 127,680 square feet per acre for its General Business land use designation (BCLUP Commerce equivalent). Using this adopted and recertified intensity standard, the current Commerce land use designation could potentially allow for over 14 million square feet of retail uses without an amendment to the BCLUP. Planning Council staff's traffic analysis utilized a more conservative FAR of 1.0, which is a reasonable development scenario consistent with the Policy. Planning Council staff notes that all new development, independent of any land use plan amendment traffic analysis, is required to comply with Broward County concurrency provisions, which is assessed at the plat/site planning stage, as well as the local government site specific analyses occurring during the municipal development process (i.e. rezoning/site plan/plat).

Further, the applicant has provided correspondence indicating that traffic impacts associated with land use amendments are determined by comparing allowable development under the proposed land use designation. The applicant acknowledges and states that the proposed development will be subject to future regulatory reviews and approvals from the City of Hollywood, Broward County and FDOT through rezoning, site plan and plat/plat note amendment applications.

V. Planning Council Staff Final Recommendation **November 22, 2021**

Planning Council staff final recommends approval, recognizing the applicant's updated commitments 1) to restrict 10% of the proposed dwelling units (at least 380 dwelling units) as affordable housing units at the "moderate-income" (up to 120% of median income) level or below, for a minimum of 30 years, as memorialized in Attachment 1 and 2) regarding BCLUP Policies 2.21.1 and 2.21.5 related to Priority Planning Areas and sea level rise, including resilient redevelopment requirements.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete, subject to the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable agreement, such as a Declaration of Restrictive Covenants, to memorialize the voluntary commitment proffered by the applicant, as an inducement for Broward County to favorably consider its application.

Further, the applicant's acknowledgements regarding 1) any proposed improvements that would impact wetlands must be submitted to Broward County for review and approval and 2) potential historical and archaeological impacts are recognized.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation (continued)

November 22, 2021

In addition, 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 BCLUP amendment. The land use plan amendment 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.

VI. Planning Council Final Recommendation

December 2, 2021

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 13-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Good, Grosso, Hardin, Maxey, Parness, Rich, Williams and DiGiorgio)

VII. County Commission Final Action

February 8, 2022

Approved per Planning Council final recommendation.

ATTACHMENT 1

Hollywood Oakwood Activity Center

Acreage: Approximately 112.5 acres

General Location: On the east side of Interstate 95, between Stirling Road and Sheridan Street.

Density and Intensity of Land Uses:

Residential Land Uses: 3,800 multi-family dwelling units*

Hotel: 625 rooms

Office Land Uses: 1,890,000 square feet

Commercial Land Uses: 1,200,000 square feet

Recreation and Open Space: 2.5 acres minimum

*At least **380 (10%)** ~~285 (7.5%)~~ of the multi-family dwelling units will be affordable at the “moderate-income” (up to 120% of the median income) level or below for a minimum of 30 years.

NOTES: Underlined words are proposed additions. ~~Struck through~~ words are proposed deletions **bold** and double-underlined words are proposed additions recommended by the Broward County Commission at the October 5, 2021, transmittal public hearing. *Italicized* and double-underlined are recommended for clarification.

EXHIBIT B

The attached draft "Declaration of Restrictive Covenants" has been submitted and is required to be executed and recorded by the applicant prior to the effective date.

ATTACHMENT

Return to: (enclose self-addressed stamped envelope)

Name: Elizabeth Adler, Esq.

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Elizabeth Adler, Esq.
Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

RECEIVED
11/15/2021

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ day of _____, 2021, by **OAKWOOD PLAZA LIMITED PARTNERSHIP**, a Delaware limited partnership ("OWNER"), which shall be for the benefit of **BROWARD COUNTY**, a political subdivision of the State of Florida ("COUNTY").

WITNESSETH:

WHEREAS, OWNER is the fee simple OWNER of land more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, OWNER is requesting that the land use plan designation on the Property be changed from Commerce and Recreation and Open Space to Activity Center to allow for redevelopment of the existing Property as well as the addition of residential development ("Application"); and

WHEREAS, OWNER has the following COUNTY Surface Water Management Licenses for the Property: Oakwood Plaza North SWM1993-043-0 and Oakwood Plaza South SWM1994-109-0 (collectively, "COUNTY Licenses"); and

WHEREAS, pursuant to Section 27-192 of the Broward County Code of Ordinances ("Code"), "Minor Redevelopment" means construction activities which involve the demolition or removal of fifty percent (50%) or less of the impervious surface of a developed area on a site; and

WHEREAS, the Property consists of over 100 acres of previously constructed and operational development; and

WHEREAS, pursuant to Section 27-194(c)3 of the Code, portions of the Oakwood Plaza Property could be redeveloped as "Minor Redevelopment" while still complying with the provisions of the original permit; and

WHEREAS, in connection with the Application, OWNER has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the COUNTY; and

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, OWNER hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. OWNER agrees that applications for development permits relating to the Property shall comply with the following:

- a. Exemptions: OWNER is entitled to utilize existing COUNTY Licenses if the work proposed on the Property qualifies for a surface water management license exemption under Section 27-194(c)(5) of the Code.
- b. Redevelopment: Notwithstanding the exemptions applicable to the Property, OWNER covenants that the drainage system requirements for all proposed redevelopment deemed Minor Redevelopment as per Section 27 of the Code shall assume a Groundwater Elevation of at least 1.5-foot NAVD. All other provisions of the original permit shall remain in effect.

3. Amendments. Except as otherwise provided herein, this Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then OWNER or OWNER(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the COUNTY. The appropriate governmental authority of the COUNTY shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then OWNER's sole expense.

4. Recordation and Effective Date. This Declaration shall not become effective and shall not be recorded in the Public Records of Broward County, Florida, until after approval by the COUNTY of the requested Application and the expiration of all appeal periods or, if an appeal is filed, the conclusion of such appeal in a manner that does not affect the COUNTY's approval of the Application. Once recorded, this Declaration shall run with the land for the sole benefit of the COUNTY and shall bind all successors-in-interest with respect to the Property. This Declaration shall not give rise to any other cause of action by any parties other than the COUNTY, and no parties other than the COUNTY shall be entitled to enforce this Declaration. Any failure by the COUNTY to enforce this Declaration shall not be deemed a waiver of the right to do so thereafter.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

6. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

7. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[THIS SPACE INTENTIONALLY BLANK]

OAKWOOD PLAZA LIMITED PARTNERSHIP,
a Delaware limited partnership
By: PLC OAKWOOD PLAZA, LLC
Its: General Partner

By: _____
Printed Name: _____
Its: _____

STATE OF _____)
) SS
COUNTY OF _____)

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Typed, printed or stamped name of Notary Public

4



Broward County

12020983

Transaction #: 12020983

Receipt #: 9460121

**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

Cashier Date: 2/10/2022 2:13:54PM

Print Date: 2/10/2022 2:14:05PM

<http://www.Broward.org/RecordsTaxesTreasury>

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

Payment Summary

Total Fees:	\$0.00
Total Payments	\$0.00
	\$0.00

REF#: APPR BCC 2/8/22 #23B 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 2/8/22 #23B SUB BY
PLANNING COUNCIL

Instrument #: **117930016** Date: **2/10/2022 2:13:53PM**

From: BROWARD COUNTY

To: ORDINANCE NO 2022-07
HOLLYWOOD OAKWOOD ACTIVITY CENTER