

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 10-6, which is an amendment to the 1989 Broward County Land Use
17 Plan text regarding the Davie Regional Activity Center, as set forth in Exhibit A,
18 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),
24

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 10-6
(DAVIE)

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 the second Planning Council public hearing, finalization and acceptance of satisfactory mitigation to address adverse impacts to the regional transportation network resulting from the amendment.

Update: August 17, 2010: The Town of Davie has submitted correspondence amending the proposed text to reduce the proposed increases in dwelling units and commercial square footage. These reductions, as analyzed by Planning Council staff and modeled by the Broward MPO, result in no significant impacts to the regional roadway network.

2. Recognizing the town's voluntary commitment to mitigate residential development within the 60-64 dnl contour.

Update: August 17, 2010: The Town of Davie has submitted correspondence amending the proposed text to prohibit the additional dwelling units permitted by this amendment from being allocated to any area within the 60-64 dnl noise contour per the Runway 9R/27L Environmental Impact Statement, December 2008 2020 B1b.

3. Any approval is conditioned on the execution, to the satisfaction of Broward County, of a legally enforceable mechanism regarding the voluntary commitments offered by the applicant.

II. Planning Council Transmittal Recommendation

May 27, 2010

Approval per Planning Council staff transmittal recommendation. (Vote of the board; 11-5; Yes: Bruck, Castillo, G. Cooper, Dinnen, DuBose, Fisher, Mallozzi, Reinstein, Ritter, Udine and Williams. No: Boisvenue, Case, S. Cooper, Julian and Willett.)

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. County Commission Transmittal Recommendation

June 8, 2010

Approval per Planning Council recommendation, recognizing the Town's additional voluntary commitment to prohibit any new residential development associated with the additional 3,500 dwelling units within the 60 plus dnl contour.

IV. Summary of State of Florida Review Agency Comments

July 19, 2010

Comment 1: The Florida Department of Transportation (FDOT) recommends the County revise its policies within Objective 10.02.00 to include mandatory actions for local governments that want to create or amend RACs. At a minimum, the policies should address placement, types and intensities of uses in relation to transit infrastructure and ensure pedestrian and bicycle access to transit services.

Response 1: The Regional Activity Center land use designation is one of five distinct "mixed-use" categories within the Broward County Land Use Plan. Each of these five designations (Regional Activity Center, Local Activity Center, Transit Oriented Corridor, Transit Oriented Development, and Mixed Use Residential) has specific objectives and policies that differentiate them from one another, based upon the desired characteristics of the subject site. The Regional Activity Center (RAC) designation was developed to encourage development or redevelopment of areas of regional significance, such as downtowns and redevelopment areas, regional employment centers, Developments of Regional Impact (DRIs), centers for tourism, and areas surrounding regional community facilities such as airports, colleges and universities, convention centers or governmental complexes.

Although non-motorized transportation (Policy 10.02.02), public transit access (Policy 10.02.03), and pedestrian movement and safety (Policy 10.02.04) are encouraged within the guiding RAC policies, the Regional Activity Center designation was not contemplated to be solely "Transit Oriented." In this light, the Broward County Planning Council developed, and the Broward County Commission adopted, the two "Transit Oriented" designations in 2004.

The Davie RAC, originally adopted in 1998, is an established area of regional significance, characterized by several major educational institutions with related residential and non-residential uses, along with established residential, commercial and industrial areas. As the Davie RAC is approximately 2,244 gross acres in size, mandating a concentration of densities and intensities along transit routes would in effect take property rights away from parcels further from said transit routes. Herein lies a major difference between a Regional Activity Center and a Transit Oriented Corridor. The Transit Oriented Corridor designation requires areas to be designated as such be within approximately one-quarter mile of the mainline transit corridor. The existing Davie RAC, with its current boundaries, does not meet the objectives, policies and criteria to be re-designated as a Transit Oriented Corridor.

RECOMMENDATIONS/ACTIONS (continued)

DATE

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

The Regional Activity Center designation, by design, does not specify placement of uses and intensities within the RAC area, rather, each RAC is “governed by local land use plan element policies which ensure that performance and design standards are adopted within local land development regulations that provide for an interconnected street network, a safe and attractive pedestrian environment and multi-modal transit connections.” In addition, the Town of Davie has provided a response to the Florida Department of Transportation Department (FDOT) comments.

Comment 2: The FDOT recommends Broward County and the municipality involved in this proposed amendment coordinate with the MPO to identify the exact locations of mobility hubs. Specifically, the local government should work with the MPO when establishing or revising master plans for the RAC and when identifying transit facility locations and the types of vehicles that would serve those facilities.

Response 2: The Year 2035 Long Range Transportation Plan (LRTP), which was adopted by the Broward MPO on November 19, 2009, indicates the type and location of mobility hubs in the cost-feasible section. The adopted 2035 LRTP indicates a Gateway Hub at University Drive and SW 30 Street, on the RAC’s western boundary, and a Community Hub at College Avenue and Interstate 595/State Road 84, on the RAC’s northern boundary. It is Planning Council staff’s understanding that the various technologies associated with the adopted mobility hubs have not been determined. As noted in the 2035 LRTP, “the specific locations of Mobility Hubs are dependent on further planning studies to select sites based on availability of land, public-private partnership opportunities, delineation of Premium Transit services, and bike/pedestrian facilities as well as local desire.” In addition, the Town of Davie has provided a response to the Florida Department of Transportation Department (FDOT) comments.

Comment 3: The South Florida Water Management District (SFWMD) recommends that the land use plan application be revised to demonstrate that Davie has sufficient water to serve the proposed amendment. Davie’s Work Plan and Capital Improvements Schedule also will need to be revised to demonstrate that the existing and future water needs for this amendment can be met and identify the locations of the plant, water supply sources, and the time-frame for construction of the plant.

Response 3: The Town of Davie has provided a response to the South Florida Water Management District (SFWMD) comments.

Comment 4: The SFWMD recommends that the land use plan application be revised to include the information regarding efforts of Davie to modify their application to renew their CUP for potable water and to include the volume of water that will be provided to this area. Provide a timeline for development indicating when the potable water to this will be needed and available.

RECOMMENDATIONS/ACTIONS (continued)

DATE

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

Response 4: The Town of Davie has provided a response to the South Florida Water Management District (SFWMD) comments.

Comment 5: The South Florida Regional Planning Council (SFRPC) recommends that prior to adoption, specific improvements proposed for the subject area as identified in the RAC Master Plan, Land Development Regulations, and the 2035 LRTP to improve traffic flow and reduce congestion that would result from the proposed text amendment must be identified.

Response 5: The Town of Davie has amended its application to lower the proposed number of additional dwelling units and additional commercial square footage. This reduction, as analyzed and modeled by the Broward MPO, results in no significant impacts to the regional roadway network. However, the Town has identified several roadway improvements in their RAC Master Plan and Capital Improvements Element. The Town of Davie has provided a response to the South Florida Regional Planning Council (SFRPC) comments.

V. Planning Council Staff Final Recommendation August 17, 2010

It is recommended that the proposed amendment to the Broward County Land Use Plan be approved, recognizing the Town's proposed text amendment to reduce the number of residential dwelling units and commercial square footage, and prohibiting any of the additional dwelling units permitted by this amendment from being allocated to any area within the 60-64 dnl noise contour.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 10-6

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Davie
- II. County Commission District: District 7
- III. Site Characteristics
- A. Size: Approximately 2,244.0 acres
- B. Location: In Sections 14, 15, 21, 22, 23, 26, 27 and 28, Township 50 South, Range 41 East; generally bound on the north by State Road 84, on the south by Griffin Road, on the east by Florida's Turnpike and on the west by University Drive.
- C. Existing Uses: Retail, educational facilities, single-family and multi-family residential, community facilities, offices, religious institutions, industrial, cemetery, utilities, recreation and open spaces and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Regional Activity Center (RAC):
- Residential: 8,729 dwelling units
Commercial: 3,432,528 square feet
Industrial: 8,529,000 square feet
Community
Facilities: 12,388,500 square feet
Recreation and
Open Space: Minimum of 13 acres and a maximum of 340 acres

INTRODUCTORY INFORMATION (continued)

IV. Broward County Land Use Plan (BCLUP) Designations (continued)

- B. Proposed Designation:* Regional Activity Center (RAC):
- Residential: ~~12,229~~ 11,903 dwelling units
Commercial: ~~3,667,528~~ 3,532,528 square feet
Industrial: 7,629,000 square feet
Community Facilities: 12,388,500 square feet
Recreation and Open Space: Minimum of 13 acres
- C. Estimated Net Effect:* Addition of ~~3,500~~ 3,174 dwelling units consisting of:
~~2,476~~ 2,150 mid-rise dwelling units
489 high-rise dwelling units
300 garden apartment dwelling units
150 townhouse/duplex/villa dwelling units
85 single-family dwelling units
Addition of ~~235,000~~ 135,000 square feet of commercial use
Reduction of 900,000 square feet of industrial use

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

- A. Existing Uses:*
- North:* Multi-family residential and transportation
East: Transportation, single-family residential and retail
South: Retail, recreation and open space, single-family residential, multi-family residential, community facility and vacant
West: Single-family residential, multi-family residential, retail, office and vacant

Note: Underlined and ~~struck-through~~ words are changes to the amendment proposed by the Town in its July 20, 2010 correspondence.

INTRODUCTORY INFORMATION (continued)

- B. *Planned Uses:*
- North:* Low-Medium (10) Residential, Medium (16) Residential and Transportation
 - East:* Transportation, Low (3) Residential and Commercial
 - South:* Commercial, Recreation and Open Space, Low (3) Residential, Low (5) Residential, Low-Medium (10) Residential, Medium (16) Residential and Community Facilities
 - West:* Estate (1) Residential, Low (3) Residential, Irregular (3.5) Residential, Low (5) Residential, Low-Medium (10) Residential, Commercial and Office Park

VI. *Applicant/Petitioner*

- A. *Applicant:* Town of Davie
- B. *Agent:* David Quigley, Planning and Zoning Manager, Town of Davie
- C. *Property Owners:* There are numerous property owners within the amendment area.

VII. *Recommendation of Local Governing Body:*

The Town of Davie recommends approval. The Town anticipates adoption of the corresponding local amendment in September of 2010.

**BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT
PCT 10-6**

BROWARD COUNTY LAND USE PLAN

Town of Davie Regional Activity Center –~~South Florida Educational Regional Activity Center~~

Acreage: Approximately 2,244 acres

General Location: Between University Drive and Florida’s Turnpike, south of State Road 84 and north of Griffin Road

Density and Intensity of Land Uses:	Maximum Intensity	Minimum Acreage (%)	Maximum Acreage (%)
Residential Land Uses	8,729 12,229* <u>11,903*</u> dwelling units	560 acres (25%)	1120 acres (50%)

(3,174 of the 11,903 units are additional dwelling units permitted by Broward County Land Use Plan (BCLUP) amendment PCT 10-6. These units are prohibited in areas that fall within the Airport’s 60 DNL noise contour per the Runway 9R/27L Environmental Impact Statement, December 2008 2020 B1b. These units are restricted to the following unit types: 2,150 mid-rise, 489 high rise, 300 garden apartments, 150 townhouse/duplex/villa and 85 single family homes).

Commercial Land Uses	3,432,528 3,667,528 <u>3,532,528</u> sq. ft.	157 acres (0.7%)	450 acres (20%)
Industrial Land Uses	8,529,000 <u>7,629,000</u> sq. ft.	340 acres (15%)	680 acres (30%)
Community Facilities Land Uses	12,388,500 sq. ft.	680 acres (30%)	1350 acres (60%)
Recreation and Open Space	(does not apply)	13 acres (0.6%)	340 acres (15%)
		<u>Minimum</u> <u>(Wes Griffin Park is restricted to</u> <u>Recreation/Open Space Use)</u>	

*Except upon a separate action by Town Council with supermajority vote, the number of maximum residential units shall be phased as follows:

- ~~9,894~~ 9,787 prior to the year 2013
- ~~11,059~~ 10,845 prior to the year 2015
- ~~12,229~~ 11,903 prior to the year 2017

PCT 10-6 Davie Regional Activity Center
PROPOSED TEXT (continued)

- Remarks:
1. ~~New development or redevelopment involving parcels exceeding 25 acres in size, with the exception of land to be used for a community facility, shall contain a mix of compatible uses which are also compatible with adjacent existing and planned uses. The amount of residential use within the development shall not comprise less than 10 percent, nor more than 90 percent of the total gross floor area. A development shall not be required to incorporate residential use if it is planned to accommodate a balanced mix of at least 3 other types of principal uses from the following categories: retail/service; commercial entertainment; office and industrial research; educational and related research; cultural; recreation; lodging. Existing or future court orders shall take precedence over these mixed use development requirements.~~
 2. 1. The South Florida Educational Center Regional Activity Center shall maintain a land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities; including the use of mixed residential/nonresidential uses.
 3. ~~The maximum density within the Regional Activity Center shall be 22 dwelling units per gross acre.~~
 4. 2. All industrial development within wellfield zones of influence shall comply with the appropriate wellfield protection standards of Chapter 27, Article XIII, of the Broward County Code.
 5. 3. Site is a center of regional education and employment activity.

Note: Underlined words are proposed additions. ~~Struck-through~~ words are proposed deletions. Double-underlined and ~~double-struck-through~~ words are proposed additions and deletions since the County Commission's transmittal action of June 8, 2010, in order to satisfy mitigation of adverse impacts to the regional transportation network, and to prohibit additional dwelling units from being allocated within the 60+ DNL Noise Contour.