

1 Environmental Protection, Department of State, Department of Transportation, Fish and
2 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
3 and Department of Education, as applicable, were considered; and

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

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

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

14 Section 1. The 1989 Broward County Land Use Plan is hereby amended by
15 Amendment PC 10-14, which is an amendment to the 1989 Broward County Land Use
16 Plan Map located in the Town of Davie, as set forth in Exhibit A, attached hereto and
17 incorporated herein.

18 Section 2. SEVERABILITY.

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

1 Section 3. EFFECTIVE DATE.

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

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

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

10 (c) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B,
11 the date the Declaration of Restrictive Covenants is recorded in the Public Records of
12 Broward County.

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

14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

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23 MA/lt
08/05/10
24 #10-401.21
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EXHIBIT A TO ORDINANCE

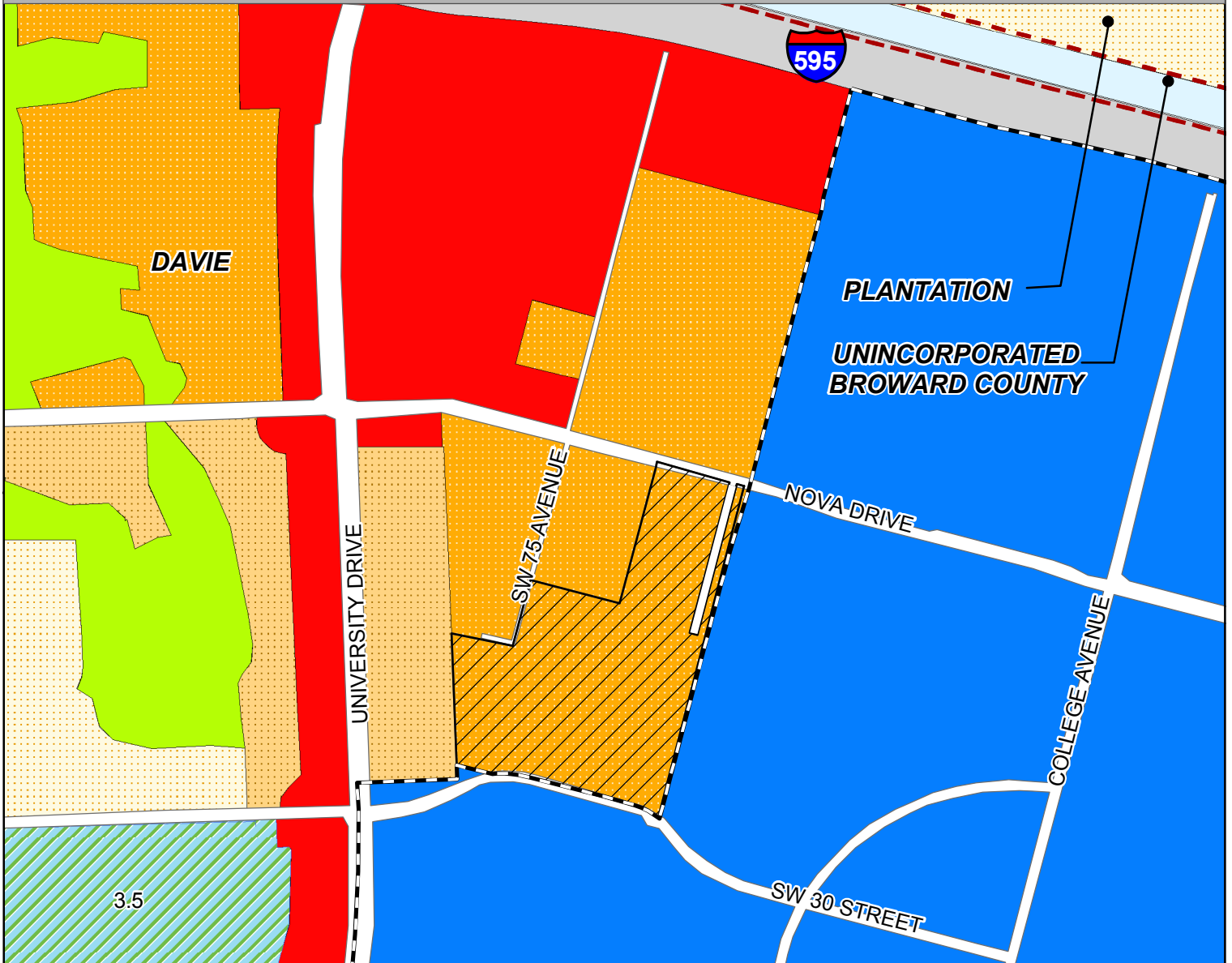
BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS

Amendment PC 10-14

Current Land Use: LOW-MEDIUM (10) RESIDENTIAL

Proposed Land Use: IRREGULAR (22) RESIDENTIAL

Acreage: Approximately 49.97 acres



Low (3)
Residential

Low-Medium (10)
Residential

Medium (16)
Residential

Commercial

Commercial
Recreation

Irregular
Residential

Regional
Activity Center

Water

Transportation

Site

Municipal
Boundary



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 10-14
(DAVIE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation May 18, 2010

Planning Council staff finds that the proposed amendment is generally consistent with the goals, objectives and policies of the Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, recognizing the applicant's voluntary commitments regarding mitigation of regional transportation impacts and restricting dwelling unit type. It is also recommended that any approval be 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; 13-3; Yes: Bruck, Castillo, G. Cooper, S. Cooper, Dinnen, DuBose, Fisher, Julian, Mallozzi, Reinstein, Ritter, Udine and Williams. No: Boisvenue, Case and Willett.)

Update: August 17, 2010: The applicant has provided correspondence regarding its proposed affordable housing commitment. Planning Council staff has received confirmation from the Town of Davie that the proposed affordable housing complies with the Town's requirements.

III. County Commission Transmittal Recommendation June 8, 2010

Approval per Planning Council transmittal recommendation.

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

The State of Florida Review Agencies issued the following comment regarding the proposed amendment.

RECOMMENDATIONS/ACTIONS (continued)

DATE

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

Comment 1: The South Florida Water Management District (SFWMD) recommends that 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.

Further, the Town should revise the information regarding its efforts to modify its Consumptive Use Permit (CUP) for potable water and include the volume of water that will be provided to the proposed amendment site and provide a timeline of development indicating when the potable water will be needed and available.

Response 1: The Town of Davie has provided a response to the South Florida Water Management District (SFWMD) comments.

Comment 2: The Florida Department of Transportation (FDOT) recommends the addition of policy language to encourage implementation of improved pedestrian access to, and comfort at, transit facilities located along existing and planned transit routes adjacent to the site.

Response 2: The property owner has proposed a modified Declaration of Restrictive Covenants, which contains language that includes inclusion and construction of pedestrian pathways within the amendment area, as well as access to sidewalks and transit facilities along Southwest 30 Street and provide a bus shelter along Southwest 30 Street at a location acceptable to Broward County Mass Transit.

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 applicant's voluntary commitment regarding mitigation of regional transportation impacts and restricting dwelling unit type. The applicant's commitment to the Town regarding the provision of affordable housing is also recognized.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 10-14

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Davie
- II. County Commission District: District 7
- III. Site Characteristics
- A. Size: Approximately 49.97 acres
- B. Location: In Section 22, Township 50 South, Range 41 East; generally located east of University Drive, between Nova Drive and Southwest 30 Street.
- C. Existing Use: Multi-family residential
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Low-Medium (10) Residential
- B. Proposed Designation: Irregular (22) Residential
- C. Estimated Net Effect: Addition of 600 dwelling units [499 dwelling units currently permitted by the Broward County Land Use Plan]
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses:
- | | |
|---------------|---|
| <i>North:</i> | Multi-family residential |
| <i>East:</i> | Multi-family residential, educational facility and vacant |
| <i>South:</i> | Athletic complex |
| <i>West:</i> | Multi-family residential |
- B. Planned Uses:
- | | |
|---------------|---|
| <i>North:</i> | Low-Medium (10) Residential |
| <i>East:</i> | Regional Activity Center |
| <i>South:</i> | Regional Activity Center |
| <i>West:</i> | Medium (16) Residential and Low-Medium (10) Residential |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

A. *Applicant:* Sunforest Apartments

B. *Agent:* Marcie Oppenheimer Nolan, Esq.

C. *Property Owner:* Equity Residential

VII. Recommendation of
Local Governing Body:

The Town of Davie recommends approval. The Town is anticipating the adoption of the corresponding local amendment by November of 2010.