

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 10-9, which is an amendment to the 1989 Broward County Land Use
17 Plan text regarding the Tamarac Local Activity Center, as set forth in Exhibit A, attached
18 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

19

20

21

22

23

MA/lt
08/05/10
#10-401.31
g:\div2\mx\ma10\comp plan\pct10-9ord new way.doc

24

EXHIBIT A TO ORDINANCE

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 10-9
(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 10-12)
(TAMARAC)

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 to the Broward County Land Use Plan be approved, recognizing the applicant's voluntary commitment to mitigate transportation impacts.

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 commitment pertaining to mitigation of transportation impacts offered by the applicant.

Further, it is recommended that the applicant (the City of Tamarac) revise the cost estimate to reflect the fair share contribution of the actual cost of the full ATMS system, not the fair share contribution of the fiber optic component, prior to the second Planning Council public hearing.

Update: August 17, 2010: The City of Tamarac has provided additional information regarding the cost of the ATMS. Planning Council staff has received confirmation from the Broward County Metropolitan Planning Organization staff indicating that the proposal is acceptable.

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, DuBose, Fisher, Julian, Mallozzi, Reinstein, Willett and Williams)

III. County Commission Transmittal Recommendation June 8, 2010

Approval per Planning Council transmittal recommendation.

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. Summary of State of Florida Review Agency Comments

July 19, 2010

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

Comment 1: The Florida Department of Community Affairs (DCA) states that while the proposed text amendment includes the acreage for the non-residential uses allowed within the proposed amendment area, it does not identify the amount of development that will be allowed for each non-residential land use (i.e. square footage.). The DCA recommends that the County revise the Land Use Plan to include the total amount of Commercial and Community Facilities development (i.e. total square footage) that will be allowed in the “Local Activity Center” (LAC).

Response 1: Planning Council staff notes that 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).”

Last, an issue of potential floor area ratios (FAR) may be raised within the context of the comment. In this regard, the city may consider including a maximum FAR for individual land uses within the municipal land use plan amendment, although it is recognized that such a maximum would not require or result in all development to be built at such FAR.

RECOMMENDATIONS/ACTIONS *(continued)*

DATE

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

Response 1 (continued): Further, the City of Tamarac has provided additional information and notes that it has reduced the maximum FAR from 3.0 to 1.0 within the proposed LAC, in order to address the DCA comments.

Comment 2: The Florida Department of Transportation (FDOT) recommends the County revise its policies within Objective 10.03.00 to include mandatory actions for local governments that want to create or amend “Local Activity Centers” (LAC’s). 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. In addition, FDOT recommends Broward County and the City incorporate the identified Advanced Traffic Management System (ATMS) project fair share contribution into their Capital Improvement Plans (CIP). FDOT further recommends that Broward County and the City of Tamarac coordinate with the Metropolitan Planning Organization (MPO) to identify the exact locations of mobility hubs.

Response 2: Broward County Land Use Plan (BCLUP) Objective 10.03.00 includes several policies noting that the local government shall include and/or require design guidelines and policies regarding pedestrian and bicycle paths and encourage internal transit systems. Further, Policy 10.03.02 specifically states that “all land uses in a “Local Activity Center” (LAC) shall be directly accessed via pedestrian ways, and accessible to existing and future alternate public transportation modes, including bicycle and transit.” It is noted that placement of uses, types and intensities within the LAC area are not required to be specified by the BCLUP.

Planning Council staff notes that 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 Community Hub at the intersection of University Drive and Commercial Boulevard. 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.”

The agent for the City of Tamarac has provided correspondence that it will coordinate with the MPO to identify the exact locations of the mobility hubs within the proposed LAC as well as incorporate the referenced ATMS project into the CIP during the annual update once the County’s CIP is amended to include the same.

RECOMMENDATIONS/ACTIONS (continued)

DATE

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 to mitigate transportation impacts.

**BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT
PCT 10-9**

BROWARD COUNTY LAND USE PLAN

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

City of Tamarac Local Activity Center

Acreage: Approximately 133.57 acres

General Location: Located on the north side of West Commercial Boulevard between, University Drive and Northwest 94 Avenue.

Density and Intensity
of Land Uses*:

<u>Residential Land Uses:</u>	<u>1,875</u>	<u>dwelling units**</u>
<u>Non Residential Land Uses:</u>		
<u>Commercial</u>	<u>122.4</u>	<u>acres (max.)</u>
<u>Community Facilities</u>	<u>7.96</u>	<u>acres (min.)</u>
<u>Recreation and Open Space***</u>	<u>3.21</u>	<u>acres (min.)</u>

Remarks: * 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).

** The assumed dwelling unit breakdown is as follows: 300 townhouses, 700 garden apartments, and 875 mid-rise apartments, however, dwelling units from any given category (ex: townhouse, garden apartment, etc.) may be substituted for dwelling units of another type provided that the substitution results in the same or lesser student generation using the county's adopted student generation rates.

PCT 10-9
Page Two

*** Park acreage includes Swim Central Park Addition.
Acquisition of the Swim Central Park Addition site was
accommodated through the Broward County Safe Parks and
Land Preservation Bond Program.

Note: Underlined words are proposed additions.