

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 10-12, which is an amendment to the 1989 Broward County Land Use
16 Plan Map located in the City of Tamarac, 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 an Agreement imposing conditions on the plan amendment or Interlocal
11 Agreement is applicable, as per Exhibit B, the date the Agreement or Interlocal
12 Agreement is recorded in the Public Records of 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 #10-401.19
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EXHIBIT A TO ORDINANCE

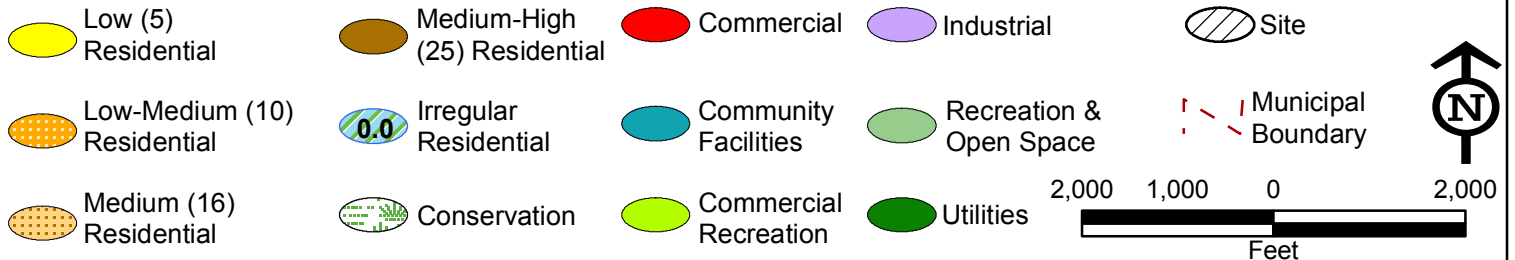
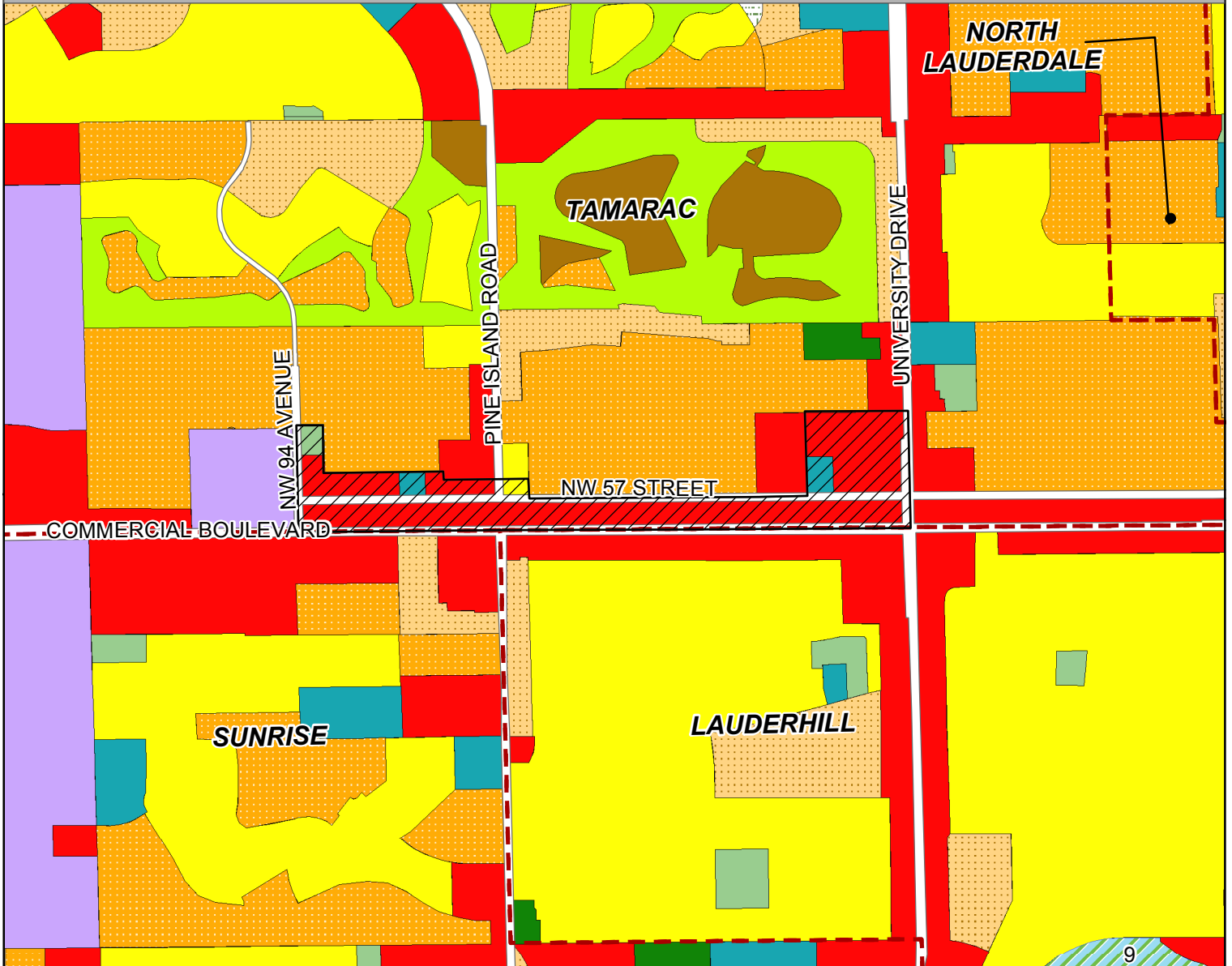
BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS

Amendment PC 10-12

Current Land Uses: 121.45 ACRES OF COMMERCIAL, 6.67 ACRES OF COMMUNITY FACILITIES, 3.21 ACRES OF RECREATION AND OPEN SPACE AND 2.24 ACRES OF LOW (5) RESIDENTIAL

Proposed Land Use: LOCAL ACTIVITY CENTER

Acreage: Approximately 133.57 acres



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

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.

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: Furthermore, 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 incorporating the referenced ATMS project into the City’s CIP during the annual update once the County’s CIP is amended to include the same.

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.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 10-12

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Tamarac
- II. County Commission District: District 3
- III. Site Characteristics
- A. Size: Approximately 133.57 acres
- B. Location: In Sections 8 and 9, Township 49 South, Range 41 East; generally located on the north side of West Commercial Boulevard, between University Drive and Northwest 94 Avenue.
- C. Existing Uses: Bank, vacant, hotel, library and retail
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designations: 121.45 acres of Commercial
6.67 acres of Community Facilities
3.21 acres of Recreation and Open Space
2.24 acres of Low (5) Residential
- B. Proposed Designation: Local Activity Center, consisting of:
875 mid-rise units
700 garden apartments
300 townhouse units
122.4 acres of commercial use
7.96 acres of community facilities use
3.21 acres (minimum) of recreation and open space use
- C. Estimated Net Effect: Addition of 1,864 dwelling units [Eleven (11) dwelling units currently permitted by the Broward County Land Use Plan]
Increase of 0.95 acres of commercial use
Increase of 1.29 acres of community facilities use
No net impact to recreation and open space use

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- A. *Existing Uses:*
- | | |
|---------------|---|
| <i>North:</i> | Multi-family residential, aquatic complex, single-family residential and retail |
| <i>East:</i> | Aquatic complex, single-family residential and retail |
| <i>South:</i> | Retail, multi-family residential, educational facility and vacant |
| <i>West:</i> | Educational facility and multi-family residential |
- B. *Planned Uses:*
- | | |
|---------------|---|
| <i>North:</i> | Low-Medium (10) Residential, Commercial and Low (5) Residential |
| <i>East:</i> | Low Medium (10) Residential and Commercial |
| <i>South:</i> | Commercial and Medium (16) Residential |
| <i>West:</i> | Industrial and Commercial |

VI. Applicant/Petitioner

- A. *Applicant:* City of Tamarac
- B. *Agent:* The Mellgren Planning Group
- C. *Property Owners:* There are numerous property owners in the subject area.

VII. Recommendation of Local Governing Body:

The City of Tamarac recommends approval. The City anticipates adoption of the corresponding local amendment in August of 2010.