

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 10-20, which is an amendment to the 1989 Broward County Land Use
16 Plan Map located in the unincorporated area of Broward County, as set forth in Exhibit
17 A, attached hereto and 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
08/03/10
24 #10-401.24
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EXHIBIT A TO ORDINANCE

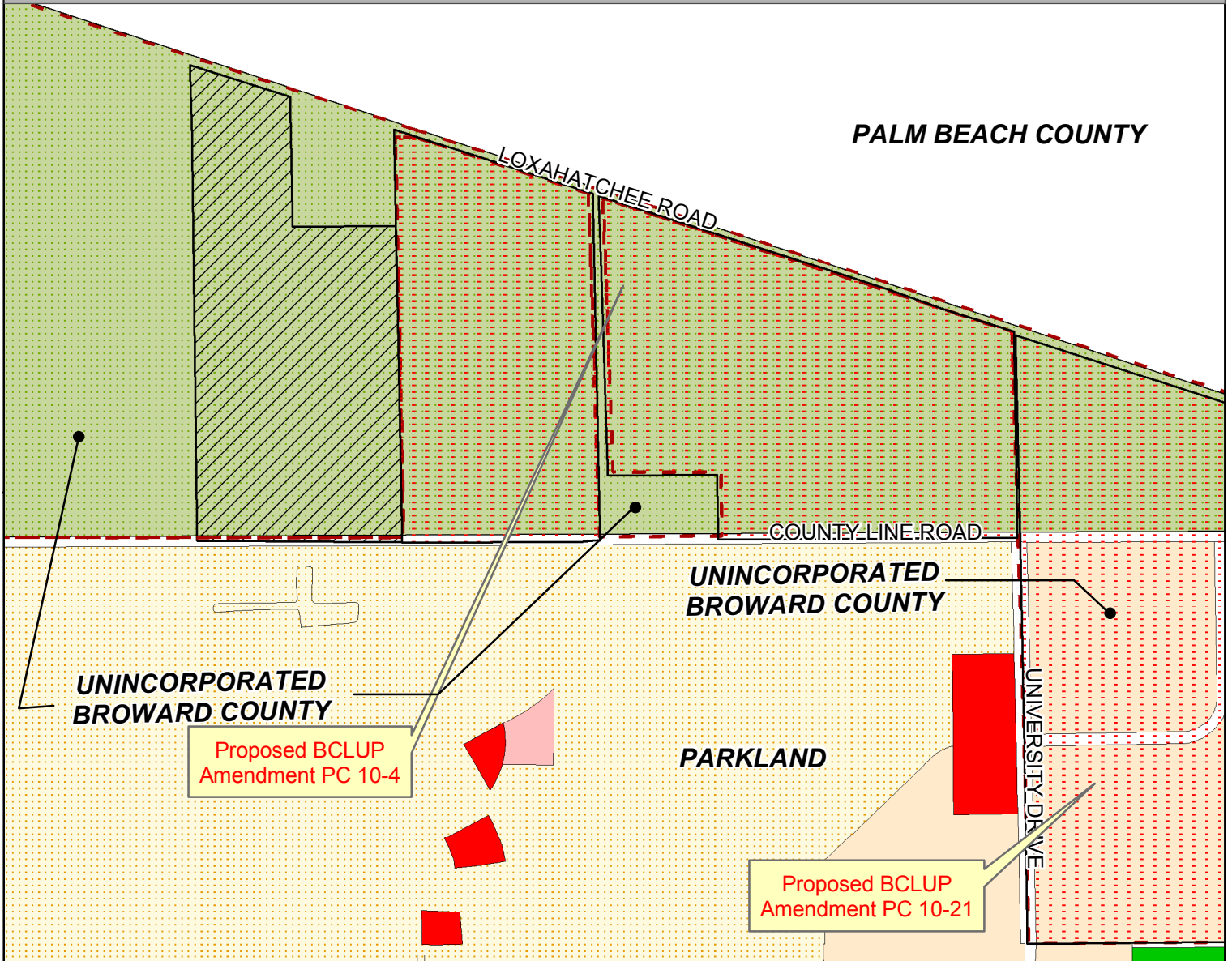
BROWARD COUNTY LAND USE PLAN
FUTURE LAND USE DESIGNATIONS

Amendment PC 10-20

Current Land Use: RURAL RESIDENTIAL-10 (PALM BEACH COUNTY) (1 DU/10 ACRES)

Proposed Land Use: LOW (2) RESIDENTIAL

Acreage: Approximately 300.0 acres



Rural Residential-10
(Palm Beach County)
1 du/10 acres

Estate (1)
Residential

Low (3)
Residential

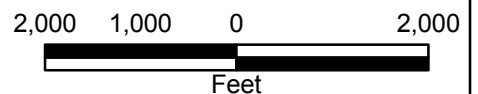
Agricultural

Commercial

Office
Park

Site

Municipal
Boundary



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 10-20
(UNINCORPORATED BROWARD COUNTY)

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. Recognizing the applicant's commitment to work with appropriate parties to address, prior to the Planning Council's second public hearing, adverse impacts to the regional transportation network resulting from the amendment, including the dedication of adjacent right-of-way as may be adopted and as part of the Trafficways Plan amendments previously initiated by the Planning Council.

Update: August 17, 2010: The applicant has committed to making a proportionate fair share contribution of approximately \$73,696 towards transit and/or roadway improvements consistent with Broward County's 2035 Long Range Transportation Plan.

The Broward Metropolitan Planning Organization (MPO) staff has determined that the fair share contribution concept is professionally acceptable, and has suggested that additional sections of Loxahatchee Road should be mitigated. The applicant has provided a response in this regard.

Planning and Redevelopment Division (PRD) has submitted comments regarding proposed traffic mitigation stating: 1) the proposal generally satisfies PRD's concerns regarding implementation; 2) mitigation payment is in addition to impact fees and adequacy requirements pursuant to Broward County Land Development Code; and 3) the applicant must enter into a Declaration of Restrictive Covenants or Voluntary Regional Transportation Agreement therein stipulating the fair share payments will be assessed for each dwelling unit on a "cost per trip" basis.

2. Recognizing the applicant's voluntary commitments to address affordable housing.

RECOMMENDATIONS/ACTIONS (continued)

DATE

3. Recognizing the applicant's voluntary commitments regarding historic/archeological resources.
4. Recognizing the applicant's voluntary commitments to provide a school site and local parks as per the proposed annexation agreement with city of Parkland.

Update: June 8, 2010: The Broward County School Board revised its report to include language regarding the donation of said school site.

The applicant has submitted correspondence regarding their commitment to provide a school site and local parks.

5. It is also recommended that the approval be conditioned on the execution, to the satisfaction of Broward County and/or the city of Parkland, and other parties if appropriate, of a legally enforceable mechanism regarding the voluntary commitments referenced above.
6. Planning Council staff also states for the record that it reaffirms the ability to revise the recommendation at the second public hearing in light of additional comments and analysis that may be received prior to the same, including water facilities/supply.

II. Planning Council Transmittal Recommendation May 27, 2010

Approval per Planning Council staff transmittal recommendation. (Vote of the board; 16-1; Yes: Bruck, Case, Castillo, Castro, G. Cooper, S. Cooper, Dinnen, DuBose, Fisher, Julian, Mallozzi, Reinstein, Ritter, Udine, Willett and Williams. No: Boisvenue.)

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 multiple comments and objections regarding the proposed amendment, primarily related to transportation, underutilization of the land and water supply.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation

August 17, 2010

It is recommended that the amendment be approved, recognizing the applicant's voluntary commitments to address impacts to historic/archeological resources, transportation network and affordable housing. 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 commitments referenced above. The applicant's voluntary commitment to the School Board and City regarding the provision of a school site, and local parks pursuant to the proposed annexation agreement with the City of Parkland is also recognized.

In addition, to further address State Review Agency comments regarding the amendment transportation analysis, Council staff recommends that the Broward County Land Use Plan (BCLUP) be amended to include the following Policy which will memorialize in the BCLUP the established standard that has been utilized since 2005 to determine transportation impact significance:

Policy 12.01.11 The impact analysis for proposed amendments to the Broward County Land Use Plan shall continue to consider as significant those regional roadway segments that are projected to experience, as a result of the net effect from the proposed amendment, an impact of three percent (3%) or greater than the p.m. peak hour level of service capacity for those regional roadway segments.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 10-20

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Unincorporated Broward County
- II. County Commission District: District 3
- III. Site Characteristics
- A. Size: Approximately 300.0 acres
- B. Location: In Sections 20 and 29, Township 47 South, Range 41 East; generally located west of University Drive (extended), between Loxahatchee Road and County Line Road.
- C. Existing Uses: Mining and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Rural Residential-10 (Palm Beach County – 1 dwelling unit per 10 acres)
- B. Proposed Designation: Low (2) Residential
- C. Estimated Net Effect: Increase of 570 dwelling units [30 dwelling units currently permitted by the Palm Beach County Land Use Plan]
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses:
- | | |
|---------------|--------------------------------------|
| <i>North:</i> | Vacant |
| <i>East:</i> | Vacant |
| <i>South:</i> | Single-family residential and vacant |
| <i>West:</i> | Vacant |
- B. Planned Uses:
- | | |
|---------------|---|
| <i>North:</i> | Rural Residential-10 (Palm Beach County) |
| <i>East:</i> | Rural Residential-10 (Palm Beach County) and proposed Low (2) Residential (per PC 10-4) |
| <i>South:</i> | Low (3) Residential (Parkland) |
| <i>West:</i> | Rural Residential-10 (Palm Beach County) |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* Dale Alan Bruschi, Ruden McClosky
- B. *Agents:* Leigh Robinson Kerr & Associates, Inc.
and John M. Milledge, P.A.
- C. *Property Owners:* Amerigo Bruschi Family Ltd. Partnerships,
Dale Bruschi and Dean Bruschi

VII. Recommendation of Local
Governing Body:

The Broward County Board of County Commissioners transmitted the amendment to the Planning Council.