

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 PC 10-21, which is an amendment to the 1989 Broward County Land Use
17 Plan Map located in the City of Parkland and in the unincorporated area of Broward
18 County, as set forth in Exhibit A, 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 is applicable, as per Exhibit B,
13 the date the Declaration of Restrictive Covenants is recorded in the Public Records of
14 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

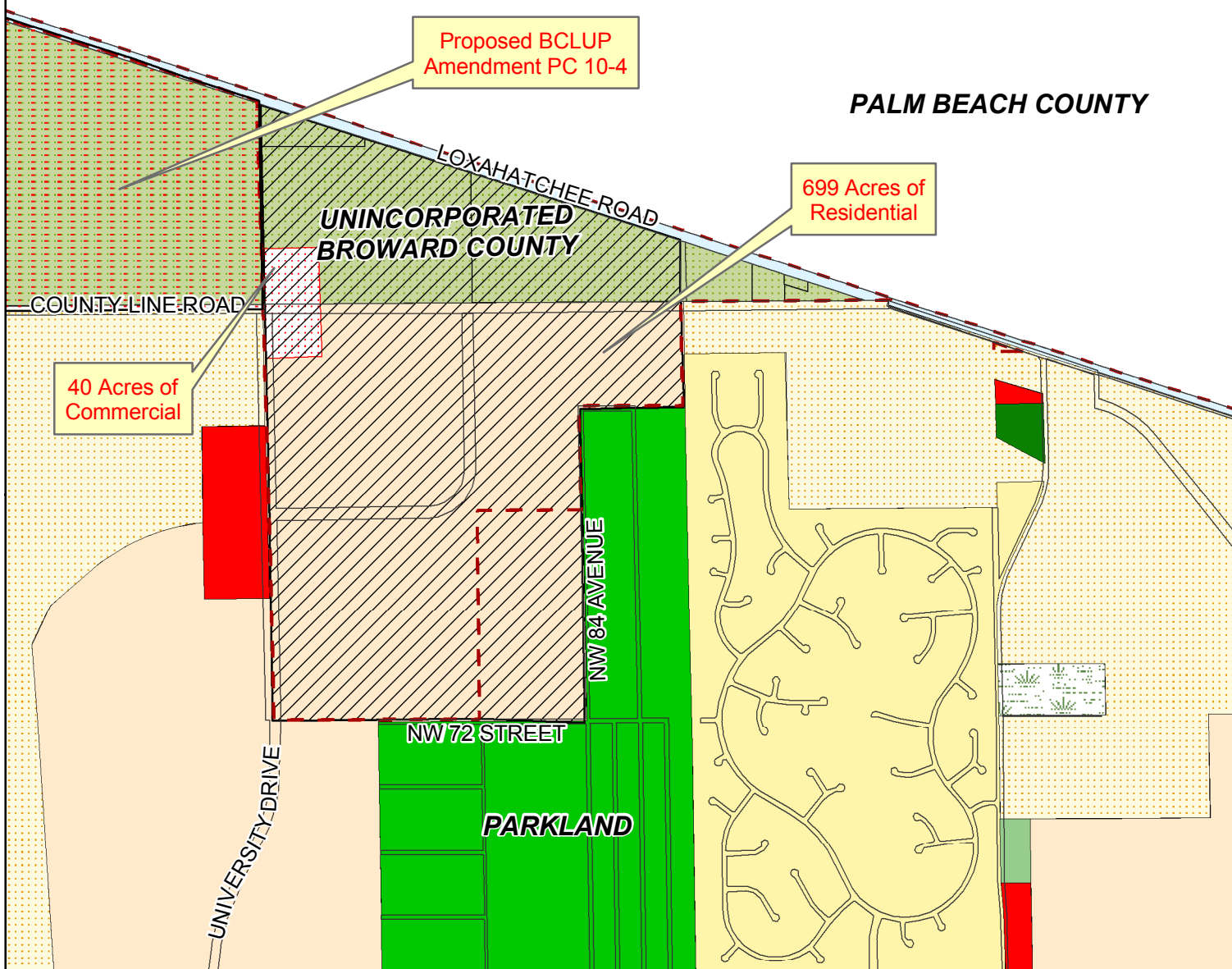
BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS

Amendment PC 10-21

Current Land Uses: 514.0 ACRES OF ESTATE (1) RESIDENTIAL, 225.0 ACRES OF RURAL RESIDENTIAL-10 (PALM BEACH COUNTY) (1 DU/10 ACRES)

Proposed Land Uses: 699.0 ACRES OF IRREGULAR (2) RESIDENTIAL WITHIN A DASHED-LINE AREA, 40.0 ACRES OF COMMERCIAL WITHIN DASHED-LINE AREA

Acreage: Approximately 739.0 acres



Rural Residential-10 (Palm Beach County) 1 du/10 acres	Low (3) Residential	Conservation Use	Water	Municipal Boundary
Estate (1) Residential	Agricultural	Recreation & Open Space	Site	
Low (2) Residential	Commercial	Utilities	2,000 1,000 0 2,000	

Feet

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 10-21
(UNINCORPORATED BROWARD COUNTY and CITY OF PARKLAND)

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 air quality/regional transportation network resulting from the amendment, including the dedication of the adjacent right-of-way along Loxahatchee Road and University Drive as may be adopted as part of the Trafficways Plan amendments previously initiated by the Planning Council.

Update: June 8, 2010: The applicant has submitted correspondence regarding a proposed alternative traffic analysis. Planning Council staff, in coordination with the Metropolitan Planning Organization (MPO) staff, is currently reviewing the analysis. Planning Council staff notes the applicant will continue to work towards finalizing acceptable mitigation to address adverse impacts to the air quality/regional transportation network resulting from the amendment.

Update: August 17, 2010: The MPO staff found the alternative traffic analysis professionally acceptable, and Planning Council staff prepared a revised analysis.

The applicant has submitted the following transportation network improvements to address the impacts to air quality: 1) right-of-way dedication for Loxahatchee Road in accordance with the Trafficways Plan, and construction of two (2) lanes of County Line Road adjacent to the property; and 2) a fair share contribution of approximately \$857,896 towards nearby transit, and/or roadway improvements consistent with Broward County's 2035 Long Range Transportation Plan. The Broward Metropolitan Planning Organization found the proposal professionally acceptable. The applicant submitted additional information regarding its proposal.

I. Planning Council Staff Transmittal Recommendation (continued) May 18, 2010

Planning and Redevelopment Division (PRD) has submitted comments regarding proposed traffic mitigation stating: 1) mitigation payment is in addition to impact fees, platting, and other requirements pursuant to Broward County Land Development Code; 2) 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 and/or square foot of commercial on a “cost per trip” basis; and 3) said agreement must also stipulate monies would be collected by Broward County Development and Environmental Regulation Division during environmental review of construction plans. The applicant has provided a response in this regard, which addresses PRD’s comments.

In addition, Environmental Planning and Growth Management Department has updated their comments to reflect the revised traffic analysis in relation to air quality impacts.

2. Recognizing the applicant’s voluntary commitments to address affordable housing.
3. Recognizing the applicant’s voluntary commitments regarding historic/archeological resources.
4. Recognizing the applicant’s voluntary commitments to provide a 40 acre school site and local parks as described in 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.

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 and transportation facilities.

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Transmittal Recommendation May 27, 2010

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 14-0; Boisvenue, Bruck, Case, Castillo, Castro, S. Cooper, DuBose, Fisher, Julian, Mallozzi, Reinstein, Udine, 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 multiple comments and objections regarding the proposed amendment, primarily related to transportation, underutilization of the land and water supply.

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, mitigate air quality/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 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 10-21

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Unincorporated Broward County and City of Parkland

- II. County Commission District: District 3

- III. Site Characteristics
 - A. Size: Approximately 739.0 acres

 - B. Location: In Sections 27 and 34, Township 47 South, Range 41 East; generally located on the east side of University Drive, between Loxahatchee Road and Northwest 72 Street.

 - C. Existing Uses: Agricultural

- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designations: 514.0 acres of Estate (1) Residential
225.0 acres of Rural Residential-10 (Palm Beach County – 1 dwelling unit per 10 acres)

 - B. Proposed Designations: 699.0 acres of Irregular (2) Residential within a Dashed-Line Area*
40.0 acres of Commercial within a Dashed-Line Area

 - C. Estimated Net Effect: Increase of 942 dwelling units [536 dwelling units currently permitted by the Palm Beach County Land Use Plan and Broward County Land Use Plan]
Increase of 40.0 acres of commercial use

*“Dashed-Line Area” means an area having a particular maximum overall allowable density of dwelling units for all land and land uses within the area for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- A. *Existing Uses:*
- | | |
|---------------|---|
| <i>North:</i> | Single-family residential (Palm Beach County) |
| <i>East:</i> | Vacant and single-family residential (Parkland) |
| <i>South:</i> | Single-family residential (Parkland) |
| <i>West:</i> | Retail, single-family residential and vacant |
- B. *Planned Uses:*
- | | |
|---------------|---|
| <i>North:</i> | Rural Residential-10 (Palm Beach County) |
| <i>East:</i> | Rural Residential-10 (Palm Beach County), Low (3) Residential (Parkland), Low (2) Residential (Parkland), Agricultural (Parkland) |
| <i>South:</i> | Agricultural (Parkland), Estate (1) Residential (Parkland) |
| <i>West:</i> | Estate (1) Residential (Parkland), Commercial (Parkland), Low (3) Residential (Parkland), Rural Residential-10 (Palm Beach County) and proposed Low (2) Residential (per PC 10-4) |

VI. Applicant/Petitioner

- A. *Applicants:* There are numerous applicants for the subject amendment.
- B. *Agent:* Richard G. Coker, Jr., Esq., Coker & Feiner
- C. *Property Owners:* There are numerous property owners in the subject amendment area.

VII. Recommendation of Local Governing Body:

The Board of County Commissioners transmitted to the Planning Council the Unincorporated portion of the amendment site. The City of Parkland recommended approval regarding the portion of the amendment site in Parkland. The City is anticipating the adoption of the corresponding local amendment by September 2010.