



Legislation Text

File #: 19-0447, Version: 1

PH 2018-01, The purpose of this Public Hearing is to provide certain text amendments to the adopted Comprehensive Plan pertaining to the Future Land Use, Conservation, Public School Facility, and Capital Improvements Adoption Elements. (Sharon)

(See public hearing / regular agenda item number 2.)

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND

PUBLIC HEARING (PH 2018-01)

The purpose of this Public Hearing is to provide certain text amendments to the adopted Comprehensive Plan pertaining to the Conservation, Future Land Use, Public School Facility, and Capital Improvements Adoption Elements.

Section 32.082, City Code, designates the Planning and Zoning Board as the City's Local Planning Agency pursuant to State Statutes (Chapter 163). The LPA makes recommendations to the City Commission regarding adoption and amendments to the City's Comprehensive Plan.

References: Buzzard Roost, Broward Next, and Public School Facilities Third and Restated Interlocal Agreement.

CONSERVATION ELEMENT:

On December 5th, 2017, the Broward County Commission passed Resolution No. 2017-558, designating the Buzzard's Roost Archeological Site as a historic resource. The site is identified on the City's Archeological map of the Conservation Element (CE-2) as BD92. As a result of this designation, the City is proposing to amend Policy 4.17 as follows:

Policy 4.17 - New archeological sites obtained from the Florida Master Site File Inventory were added to the City's natural resources map series (Map No. CE-2, CE - Appendix - Maps - Page 1) and will be updated on an as needed basis. The City hereby designates the Buzzards Roost Archeological site a historic resource which has a Florida Master Site File Number 8BD92, consistent with the Broward County designation pursuant to Resolution No. 2017-558, adopted December 5, 2017.

The above language has been reviewed with no objection by the county's Historic Preservation Officer, Rick Ferrer. In addition, the county does not require the City to take any action on Map No. CE-2.

FUTURE LAND USE ELEMENT:

On September 13, 2018, the Broward County Commission adopted the Broward Next Land Use Plan, which was an effort by the County to comprehensively update the County's land use planning program within the context of meeting the regional challenges of the county's future and anticipated population growth. The only portions of the City's future land use element affected by the proposed county changes is with respect to the County's Flexibility Zones and Rules which facilitates the arrangement of densities and intensities within the City boundaries. Prior to adoption of Broward Next, all municipalities in the county were divided into Flexibility Zones based on location and the physical attributes including street boundaries of each zone. Within each zone, the number of available reserve units which could be assigned to a non-residentially designated parcel of land was tabulated at 2 percent of total number of units permitted by land use designation. The total number of reserve units available for assignment for all the Flexibility Zones was 396. The Flexibility rules also provided a process for conversion of land use from residential to commercial and from commercial to residential without the need to apply for a land use plan amendment. The City of Pembroke Pines was divided into 13 Flexibility Zones. After adoption of Broward Next, municipalities were given the option of collapsing all the zones into one Unified Flexibility Zone.

On April 12, 2018, the Broward County Planning Council accepted the City's request to collapse all the zones into one Unified Flexibility Zone. The adopted county changes also updated the definitions of reserve units, flexibility units and flexibility zones. Therefore, the proposed changes to the City's Future Land Use Element includes the updated definitions and references to same within the permitted uses sections of residential, commercial, office park, industrial, employment center, community facilities, special residential facilities, and rural ranches land uses as well as Policy 8.5 and 8.9 as follows

Policy 8.5 - Participate and implement Broward County's program to pool "Affordable Housing Units" (AFU's) which is equal to 10 percent of the total available flexibility and reserve units within the City. AFU's shall be deducted from the City's reserve and flexibility unit totals and shall be fixed as of the effective date of the Broward County Land Use Plan. The City may utilize available flexibility units and/or reserve and/or AFU's independent of flexibility zone boundaries, as bonus density to facilitate the provision of affordable housing in the city and county consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan." Bonus density allocated for affordable housing may exceed 100% of the maximum number of dwelling units indicated for the parcel by the city and county land use plan maps provided such bonus allocation is consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan."

Policy 8.9 - For land use plan amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the city and county land use plans (does not apply to the allocation of flexibility or reserve units), the city will coordinate and cooperate with the county to implement the city's policies, methodology, and programs to achieve and/or maintain a sufficient supply of affordable housing. The City will be required to demonstrate compliance with this policy at the time of the county's consideration of the applicable land use plan amendments.

PUBLIC SCHOOLS

In 2003, the original interlocal agreement for public school facility planning was adopted by Broward County and its municipalities and has been amended twice with respect to the adopted level of service standards for each concurrency service area that has been established as part of the county's public school concurrency program. On December 20, 2017, the City Commission adopted Resolution No. 3588 approving the Third Amended and Restated Interlocal Agreement for Public School Facility Planning between the City of Pembroke Pines, the School Board of Broward County, Broward County and other municipalities. The adopted third and restated interlocal agreement defines the level of service standard as either 100 percent gross capacity (including the counting of portables) or 110 percent of Florida Inventory of Student Houses (FISH) which does not include the counting of portables or non-permanent facilities, whichever is higher. The adopted changes necessitated associated changes to the City's and County's Public School Facilities (PSFE) and Capital Improvements (CIE) Elements. The County's changes were adopted by the County Commission on March 28th, 2019. The proposed changes are to PSFE Policies 1.2.1., 1.2.3., 1.2.8., and 1.2.10 and CIE Policy 6.2 as follows:

PUBLIC SCHOOL FACILITY ELEMENT

POLICY 1.2.1.

The City of Pembroke Pines and Broward County in collaboration with the School Board of Broward County, shall implement concurrency management systems consistent with the policies included in the Broward County and the City's Public School Facility Elements; procedures, and requirements included within the adopted Interlocal Agreement for public school facility planning (ILA), School Board Policy, and the City's land development code. The City will continue to implement and update when necessary land development regulations which ensure that all facilities will either meet the adopted level of service standards identified in the comprehensive plan elements and land development regulations, and are available concurrent with the impacts of development, or development orders and permits are specifically conditioned on the availability of the facilities and services necessary to serve the proposed development.

POLICY 1.2.3.

Consistent with the adopted Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA) the uniform district-wide LOS is established for the following school types for the purpose of establishing a uniform district-wide LOS for public schools of the same type.

1. School Type A is a bounded elementary, middle, or high school that has the equivalent of at least 10 percent of its permanent Florida Inventory of School House (FISH) capacity available onsite in relocatables. The LOS for School Type A shall be 100 percent gross capacity (including relocatables).
2. School Type B is a bounded elementary, middle, or high school that has less than the equivalent of 10 percent of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110 percent permanent FISH capacity.

POLICY 1.2.8.

The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the School Board and adopted within the city and county land development (zoning) code. The student generation rates shall be reviewed and approved by the School Board at least every three years in coordination with the city and county.

POLICY 1.2.10.

The public school concurrency approval for residential site plans shall expire if development within the site plan does not commence within 5 years following the date of City Commission and/or Planning and Zoning Board final approval. If the plat, site plan (or functional equivalent) received final approval, the development and anticipated students shall be considered vested for up to five (5) years consistent with the period of the underlying approval beginning from the date the Developer received final approval from the Local Government.

CAPITAL IMPROVEMENTS ELEMENT

POLICY 6.2

Consistent with the adopted Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA) the uniform district-wide LOS is established for the following school types for the purpose of establishing a uniform district-wide LOS for public schools of the same type.

1. School Type A is a bounded elementary, middle, or high school that has the equivalent of at least 10 percent of its permanent Florida Inventory of School House (FISH) capacity available onsite in relocatables. The LOS for School Type A shall be 100 percent gross capacity (including relocatables).
2. School Type B is a bounded elementary, middle, or high school that has less than the equivalent of 10 percent of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110 percent permanent FISH capacity.

The uniform, district-wide LOS shall be 100 percent of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year, and commencing at the 2019/20 school year, the LOS for each CSA shall be 110 percent of permanent Florida Inventory of School Housing (FISH) capacity for each public, elementary, middle and high school.

ADDITIONAL INFORMATION:

Broward County School Board staff has reviewed the proposed changes to the PSFE and CIE and have no objections.

STAFF RECOMMENDATION:

Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendments to the City Commission, Broward County Planning Council and Florida Department of Economic Opportunity with a positive recommendation.