



# Southwest Ranches Town Council

## REGULAR MEETING

Agenda of August 25, 2016

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Jeff Nelson	Steve Breitkreuz	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice-Mayor</u>	Freddy Fisikelli	<u>Town Financial</u>	<u>Assistant Town</u>
Doug McKay	Gary Jablonski	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**

### Quasi-Judicial Hearings

Please be advised that the following item on the Council agenda is quasi-judicial in nature. All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Council shall not assign un-sworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material or argument will be allowed unless the Council chooses to request additional testimony. The members of the Town Council will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Town Council agenda will be considered as evidence without authentication.

Anyone representing an organization must present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears during a public hearing shall identify himself or herself and give their address, and if appearing on behalf of an organization state the name and mailing address of the organization. The Council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and

place.

No notice shall be required if a hearing is continued to a fixed date, time and place. Any Applicant shall have the right to request and be granted one continuance; however, all subsequent continuance shall be granted at the discretion of the Council and only upon good cause shown.

**3. Archbishop McCarthy HS Theater Variance**

A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-072-16 BY THE ARCHDIOCESE OF MIAMI, FOR ARCHBISHOP MCCARTHY HIGH SCHOOL; GRANTING A VARIANCE FROM THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, SUBSECTION 060-080 PERTAINING TO MAXIMUM PERMITTED HEIGHT IN THE COMMUNITY FACILITY DISTRICT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE. **{TABLED FROM JUNE 23, 2016 }**

**4. Public Comment**

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

**5. Board Reports**

**6. Council Member Comments**

**7. Legal Comments**

**8. Administration Comments**

**Ordinance - 1st Reading**

- 9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN ESTABLISHING A NEW LAND USE DESIGNATION ENTITLED, "US HIGHWAY 27 BUSINESS" WITH SUPPORTING OBJECTIVES AND POLICIES; REVISING THE LISTS OF PERMITTED USES WITHIN NONRESIDENTIAL LAND USE DESIGNATIONS AND SUPPORTING OBJECTIVES AND POLICIES; MAKING REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {REQUIRES A SUPERMAJORITY VOTE - TABLED FROM JULY 28, 2016}**

## **Resolutions**

- 10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A CHANGE ORDER TO THE AGREEMENT WITH AMROAD LLC IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$14,560), TO COMPLETE THE SW 172ND AVENUE EDGE LINE STRIPING PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

## **11. Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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**Town of Southwest Ranches**  
**13400 Griffin Road**  
**Southwest Ranches, FL 33330-2628**

**(954) 434-0008 Town Hall**  
**(954) 434-1490 Fax**

**Town Council**  
**Jeff Nelson, Mayor**  
**Doug McKay, Vice-Mayor**  
**Freddy Fisikelli, Council Member**  
**Steve Breitreuz, Council Member**  
**Gary Jablonski, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muniz, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Nelson and Town Council  
**VIA:** Andy Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 8/25/2016  
**SUBJECT:** Archbishop McCarthy HS Theater Variance

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### **Recommendation**

1. The Council can choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council can choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council can table this item to seek additional information.
4. The Council can choose to approve the application subject to conditions that address any concerns that the Council may have regarding the variance request and subject to the following condition:
  - (A) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
  - (B) Pursuant to Section 140-060, the variance will expire if a permit or development order has not been issued by the Town within six (6) months from the date the variance was granted, unless the Town Administrator grants an extension for cause as authorized in Section 140-160.

### **Strategic Priorities**

## E. Cultivate a Vibrant Community

### **Background**

The high school requests a variance to exceed the 35-foot height limit (measured to the roof deck) by 8.5 feet for a height of 43.5-feet plus a 1.5-foot parapet topping out at 45.

The variance would allow construction of the final remaining portion of the building as originally conceived, in the location of the current portables, albeit reconfigured to consist of first-floor classrooms and a second-story theater (including a third-floor partial balcony).

### **Fiscal Impact/Analysis**

Not Applicable

### **Staff Contact:**

Jeff Katims, AICP

### **ATTACHMENTS:**

Description	Upload Date	Type
McCarthy Variance Resolution	8/20/2016	Resolution
Applicant Justification Letter	6/13/2016	Backup Material
staff report	6/13/2016	Backup Material
McCarthy Location Map	6/24/2016	Exhibit
agenda memo with attachments	8/18/2016	Resolution

## **RESOLUTION NO. 2016-\_\_\_\_**

**A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-072-16 BY THE ARCHDIOCESE OF MIAMI, FOR ARCHBISHOP MCCARTHY HIGH SCHOOL; GRANTING A VARIANCE FROM THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, SUBSECTION 060-080 PERTAINING TO MAXIMUM PERMITTED HEIGHT IN THE COMMUNITY FACILITY DISTRICT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Archdiocese of Miami, is the owner of Archbishop McCarthy High School, legally described as Parcel "A" of Broward Central Catholic High School, according to the plat thereof as recorded in Plat Book 163, Page 32 of the Broward County, Florida Public Records ("Property"); and

**WHEREAS**, the Applicant proposes to construct a theater over first floor classrooms measuring 43.5 feet to the roof deck and 45 feet to the top of the parapet; and

**WHEREAS**, the Property is zoned CF, Community Facility District; and

**WHEREAS**, Section 060-080 of the Town of Southwest Ranches Unified Land Development Code establishes a maximum height of thirty-five (35) feet for the CF District; and

**WHEREAS**, the Applicant requests relief from Section 060-080 in order to allow the theater building to exceed the maximum permitted height by 8.5 feet, with a 1.5-foot parapet.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That, at a duly noticed public hearing held on August 25, 2016 following the review of the staff report and all written and oral evidence received during the public hearing, the Board of Adjustment finds that the Applicant has demonstrated by competent substantial evidence that requested variance is warranted. Accordingly, the Board of Adjustment of the Town of Southwest Ranches hereby grants the Applicant's variance requests to exceed the maximum permitted height in the CF District by 8.5 feet with a 1.5-foot parapet, for a height of 43.5 feet to the roof deck and 45 feet to the top of the parapet, accordance with the following stipulated conditions:

1. The variance is granted only for the construction of a theater and classroom addition as shown in Exhibit "A" hereto, which is made a part hereof.

2. The variance shall automatically expire if the Applicant has not obtained a permit or development order from the Town within six (6) months from the effective date of this Resolution. Thereafter, the variance shall automatically expire upon occurrence of any of the conditions delineated in Section 140-060.
3. That the Applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing this application prior to issuance of a building permit for the wall. This fee includes, but, shall not be limited to expenses for engineering, planning, legal, advertising, a five percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

**Section 4.** In furtherance of Section 140-030(H) of the Town's Unified Land Development Code, the Town Clerk is hereby authorized to record a copy of this Resolution in the Public Records of Broward County, Florida

**Section 5.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 25th day of August, 2016 on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Nelson	_____	Ayes	_____
McKay	_____	Nays	_____
Fisikelli	_____	Absent	_____
Breitkreuz	_____	Abstaining	_____
Jablonski	_____		

\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

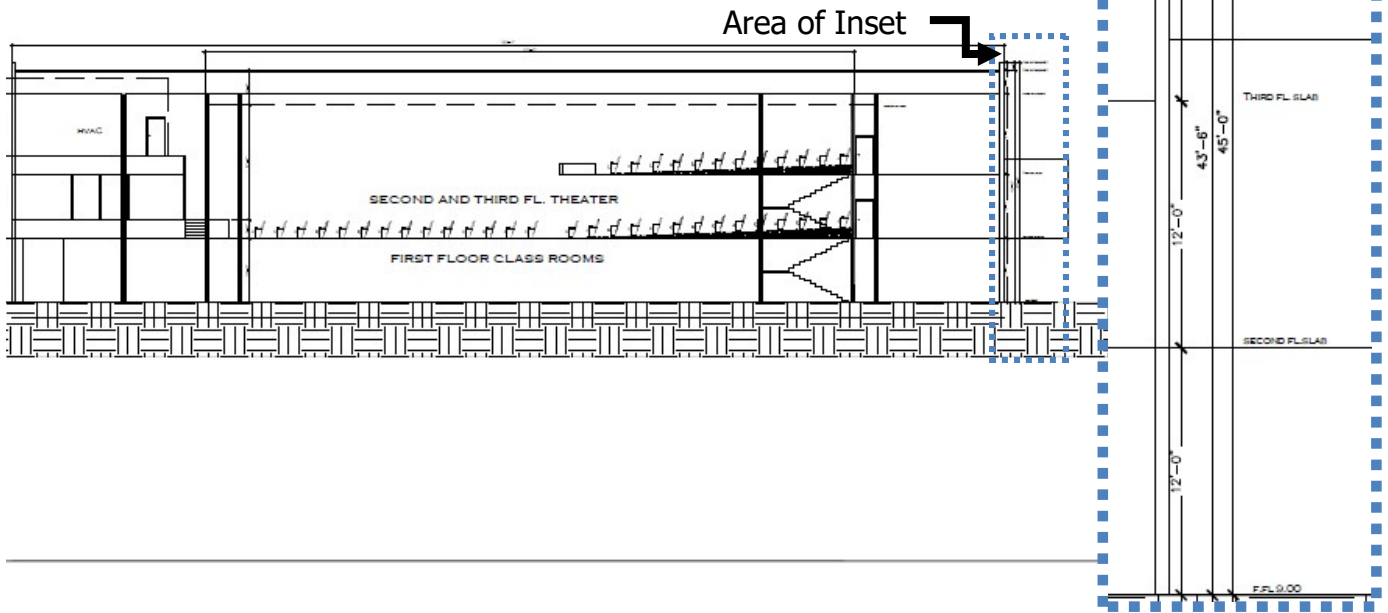
\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney



EXHIBIT "A"

ARCHBISHOP MCCARTHY  
HIGH SCHOOL  
PROPOSED THEATER AND CLASSROOM BUILDING

Inset



ARCHBISHOP MCCARTHY  
HIGH SCHOOL  
PROPOSED THEATER AND CLASSROOM BUILDING



SOUTH ELEVATION



# ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL

5-25-2016

Town of Southwest Ranches Planning and Zoning Department.

Re: Archbishop Edward A. McCarthy High School  
5451 South Flamingo Road.  
Southwest Ranches Fl.  
Request for Variance in allowable height of Construction

Mr. Katims,

Archbishop Edward McCarthy High School is requesting the ability to increase the allowable building height of Construction to be increased from the existing 35'-0" to an elevation not to exceed 45'-0"

Archbishop Edward A. McCarthy High School is a College Preparatory school that prides itself with being one of the best in the State of Florida. Archbishop McCarthy High School is currently looking to expand in its seating capacity for the students to accommodate its lengthening waiting list for admissions as well as expand on its award winning theatrical department and assembly area.

The basis of this request is that the school does not have the available land area to expand horizontally any further. Since inception the school has proposed and intended on installing a permanent 2 story classroom wing in the location requested but over time we have realized the importance of having a dedicated auditorium/theater for the student body. As this has become a necessity along with the limited available land area the only choice we have is to build vertically. The new building would replace the five existing portables that are located in the same approximate area and would be similar in exterior appearance to the existing permanent structures. The original site plan approval includes the expansion of the existing building for the same area of the property.

The additional height is required to achieve a three story structure to house 10 permanent classrooms to house the current and future student body and the Auditorium/Theater space that is desperately needed for the Campus. The Auditorium/Theater due to its nature and intended use typically requires a clear ceiling height of 25 feet from the floor to the bottom of the roof structure; as a result we are requesting the additional height variance. This would also allow for additional ceiling clearance as the floors will be sloped to assist in the line of site for the students who would be sitting at the rear of the Auditorium.

The building has been designed so it attaches to the existing east building which will provide ease of access to the new building from both, the first and second floors of the existing wing. It also will have access points on the west end that will allow for access to the existing Cafeteria. The classrooms are located on the first floor of the new building for ease of access by the students as they will be used on a daily basis.

Due to the quantity of students that are to attend Archbishop McCarthy High School the facility is requesting a 2000 seat capacity of the Auditorium/Theater. In order to accomplish this, the design includes a third floor balcony which created the necessity for the additional overall height of the building. Please refer to elevation provided for spacing requirements.

Sincerely,

Paul Fluty  
Archbishop Edward A. McCarthy High School

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**TOWN OF SOUTHWEST RANCHES  
TOWN COUNCIL AGENDA REPORT**

**DATE:** June 23, 2016

**SUBJECT:** Variance Application VA-72-2016

**ADDRESS:** Archbishop Edward A. McCarthy High School, 5451 South Flamingo Road, Southwest Ranches, FL

**LOCATION:** Generally located on Flamingo Road north of Stirling Road and South of Griffin Road.

**ZONING:** CF, Community Facility

**APPLICANT:  
(OWNER)** Archbishop Thomas Wenski

**PETITIONER:** Richard Jean

**AGENT:** Paul Fluty (General Contractor)

**REQUEST:** Variance:

FROM: Subsection 060-080-Height, establishing a maximum height of thirty-five (35) feet for all buildings and structures (except telecommunication towers and antennas, and non-residential farm buildings) in the CF District;

TO: Exceed the maximum height limit by 8.5 feet as measured to the roof deck, and an additional 1.5 feet measured to the top of the parapet, for a total height of 43.5 feet to the roof deck and 45 feet to the parapet. The variance pertains to the last phase of permanent construction for the school, which incorporates first-floor classrooms and a second-floor theater with balcony.

**EXHIBITS:** Staff Report, Applicant Justification, Aerial Photograph, Conceptual Site Plan, Elevation, Section Drawing, Lobbyist Registration and Ethics Form, and Mail Notification Radius Map and Mailing List.

## **BACKGROUND**

The subject property ("Property") is located on the west side of Flamingo Road, between Griffin Road (to the north) and Stirling Road (to the south). The Property contains approximately 32 acres of land and is zoned CF, Community Facility, and is also designated CF, Community Facilities on the Future Land Use Plan Map.

The applicant is proposing to construct a permanent addition on the south side of the school, between the cafeteria (to the west) and an existing classroom wing (to the east). This addition would consist of first-floor classrooms and a second-story theater (including a third-floor partial balcony), and would replace the five existing portable classrooms that are located in the same approximate area. The original site plan approval includes the expansion of the existing building for the same area of the property. Originally, the expansion was to include a two-story classroom wing. However, over time, the school has realized the necessity of a dedicated auditorium/theater space.

The applicant's justification letter states the need to exceed the height limit by building the theater over classrooms is a result of existing site constraints that generally preclude enlarging the school's footprint. The justification letter also states that the theater balcony portion of the addition is required to accommodate the growing number of students.

The Applicant will submit applications for site plan amendment and plat note amendment should the Council grant the variance.

## **ANALYSIS:**

The variance would allow the roof deck 8.5 feet above the maximum permitted height of 35 feet in the CF District. However, the perceived height of the building will be only 5.0 feet above the height limit because Sec. 15-030 of the ULDC allows parapet walls to extend up to 5 feet above the allowable height of a building. If the building were to comply with the height regulations, the roof deck could be 35 feet above ground level and the parapet could top out at 40 feet above ground level. As requested, the parapet would top out at 45 feet above ground level.

Section 140-020 authorizes the Town Council to grant a variance from the maximum height standards of the ULDC.

Pursuant to Section 140-030, the petitioner bears the burden of proof of demonstrating by competent substantial evidence that the evidence on the record demonstrates that the relief sought should be granted. The application is subject to quasi-judicial procedures, and as such, four affirmative votes of the Town Council are required to grant approval of the application.

Consideration of a variance request must be in conjunction with the five criteria contained in Section 140-040 of the Unified Land Development Code. These include

testimony by the applicant (see attached letter), the public and staff, as well as the following five considerations:

- (1) That special conditions and circumstances exist which are unique to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same zoning district.
- (2) That any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the ULDC, but is instead the result of one or more of the special condition(s) found above.
- (3) That literal interpretation of the ULDC would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and an undue hardship.
- (4) That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the property any special privilege that is denied to any other properties in the same zoning district.
- (5) That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

#### **STAFF RECOMMENDATION:**

1. The Council can choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council can choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council can table this item to seek additional information.
4. The Council can choose to approve the application subject to conditions that address any concerns that the Council may have regarding the variance request and subject to the following condition:
  - (A) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
  - (B) Pursuant to Section 140-060, the variance will expire if a permit or development order has not been issued by the Town within six (6) months

from the date the variance was granted, unless the Town Administrator grants an extension for cause as authorized in Section 140-160.







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**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A, Assistant Town Planner

**DATE:** August 25, 2016

**SUBJECT: Variance Application for Archbishop McCarthy High School**

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### **8/18/16 UPDATE:**

On June 23, 2016 Council deferred this item to August 25<sup>th</sup> so applicant could meet with residents and explore options for reducing height. The attachments explain how the school has been attempting to address Council's concerns. Note: applicant reduced total height from 45 to 41.5 feet, with 40 feet to roof deck and 41.5 feet. to top of parapet.

### **Recommendation**

1. The Council could deny this item finding that the applicant failed to show by competent substantial evidence it has met the requirements of the ULDC.
2. The Council could approve this item finding that the applicant has shown by competent substantial evidence it has met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with the conditions such as those listed in the staff report.

### **Strategic Priorities**

This item supports the following strategic priority as identified in the Town's adopted strategic plan: E. Cultivate A Vibrant Community

### **Background**

Applicant is requesting a variance to exceed the 35-foot height limit in the CF district to build a theater and classroom addition to the school. The classrooms would be on the ground floor with theater above. As designed, the addition measures 43.5-feet to the roof deck and 45-feet to the top of the parapet.

### **Fiscal Impact/Analysis**

Not Applicable.

**Staff Contact:** Jeff Katims

8-16-2016

Jeff Katims, AICP, CNU-A  
Managing Principal  
3350 NW 53<sup>rd</sup> Street, Suite 101  
Fort Lauderdale, FL 33309  
Phone: 954-475-3070

Mr. Katims,

As requested below is a brief description of the actions Archbishop McCarthy has taken since the original hearing date of June 23<sup>rd</sup>, 2016.

Archbishop McCarthy has been represented at 2 different HOA Meetings;

June 29, 2016

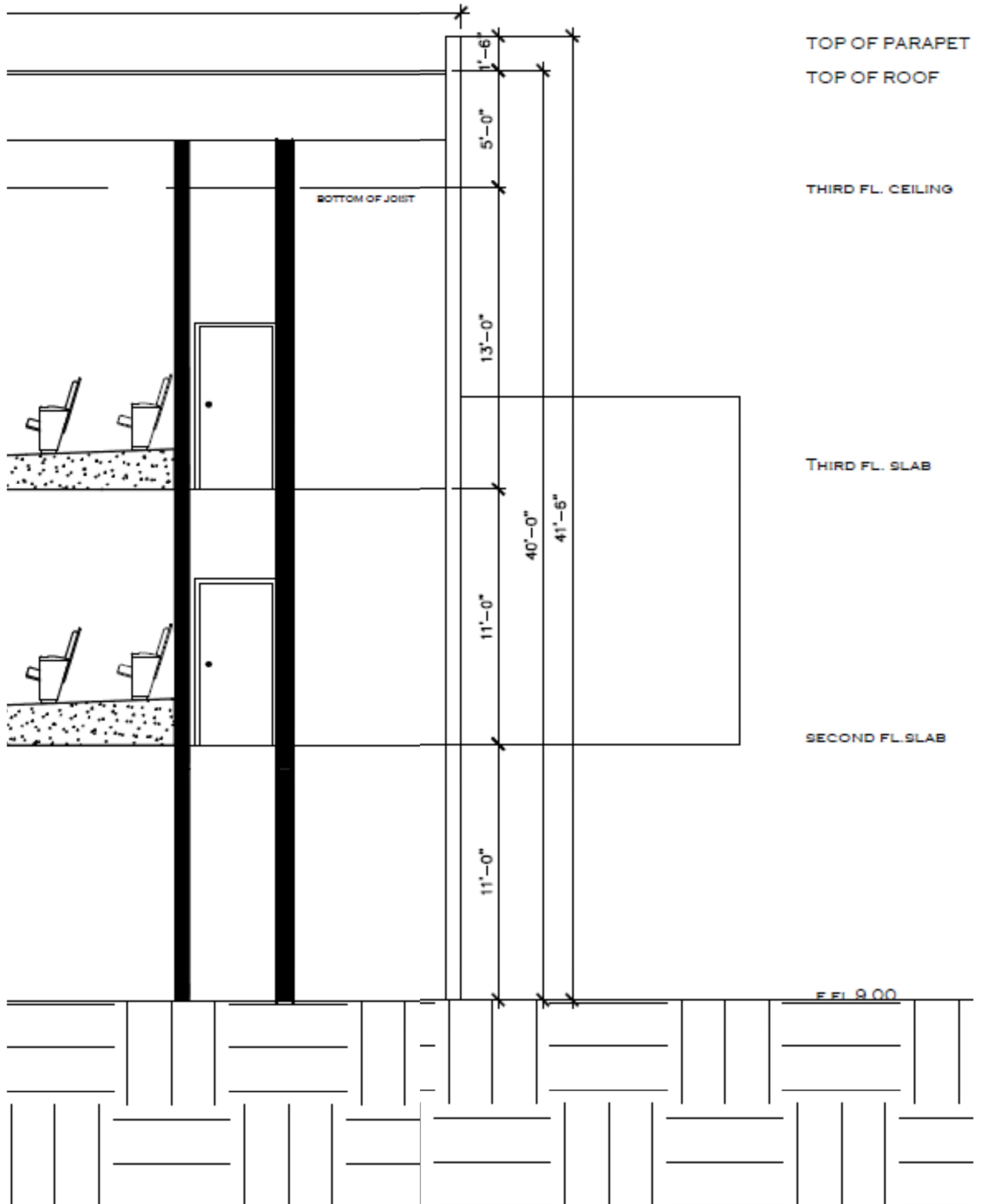
July 27, 2016

Archbishop McCarthy is having a homeowner orientation to the project at the school on 8-17-2016 at 7:00 p.m. so residents can be informed on the details of the proposed project. It will be a questions and answers type environment. This Project and invitation are advertised in the WAGGLER per the recommendation of the HOA and residents at a previous HOA meeting.

Archbishop McCarthy has lowered the roof elevation to 40' -0".

Please call me if you have any questions.

Paul Fluty  
954-298-4399



ARCHBISHOP MCCARTHY  
HIGH SCHOOL  
PROPOSED THEATER AND CLASSROOM BUILDING



SOUTH ELEVATION  
NO SCALE



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## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Nelson and Town Council  
**VIA:** Andy Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 8/25/2016  
**SUBJECT:** Ordinance creating a business land use category for US Highway 27

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### **Recommendation**

Approve the Ordinance on first reading.

### **Strategic Priorities**

A. Sound Governance

### **Background**

This proposed Ordinance creates a new land use category called, "US Highway 27 Business" in the comprehensive plan. The Ordinance establishes the new category to allow owners of land fronting US 27 to apply for a map change to US Highway 27 Business. The Ordinance also includes various housekeeping amendments.

The Town Council tabled a nearly identical ordinance on second reading in September, 2014 because a revised water and sewer policy potentially complicated the CCA litigation with Pembroke Pines. As Town administration worked to resolve the issue, the 180-day statutory time limitation on the adoption of comprehensive plan amendments ran, and the State Land Planning Agency informed the Town that it was officially withdrawing the amendment. Town administration later resolved the water and sewer extension issue, thereby eliminating the need for amending comprehensive plan policies to further limit such extensions.

Shortly thereafter, the Bergerons requested several revisions to the ordinance, primarily to allow additional light industrial uses and to allow slightly higher buildings (40 feet instead of 35) in order to accommodate current market trends for warehouses and “flex space”. Bergeron representatives attended several CPAB meetings during which the Board considered the Bergeron requests.

Additional information is provided on the attached staff memorandum

### **Fiscal Impact/Analysis**

The proposed Ordinance is a first step toward business development of the US 27 corridor, which will enhance the Town’s tax base.

### **Staff Contact:**

Jeff Katims, AICP, CNU-A, Assistant Town Planner

### **ATTACHMENTS:**

Description	Upload Date	Type
agenda memo	6/2/2016	Executive Summary
Ordinance-TA Approved	7/21/2016	Ordinance
Supplemental Memorandum	6/2/2016	Backup Material
Ordinance Exhibits	6/2/2016	Exhibit
Ordinance Exhibit	6/2/2016	Exhibit





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## COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A  
Assistant Town Planner

**DATE:** June 23, 2016

**SUBJECT: Ordinance Amending the Comprehensive Plan to Create a New  
Business Land Use Category and Related Revisions**

---

### **Recommendation**

Approval of the Ordinance on first reading/transmittal to the State Land Planning Agency.

### **Strategic Priorities**

This item supports the following strategic priority as identified in the Town's adopted strategic plan.

A. Sound Governance

Choose an item.

Choose an item.

Choose an item.

Choose an item.

### **Background**

This proposed Ordinance creates a new land use category called, "US Highway 27 Business" in the comprehensive plan. The Ordinance establishes the new category to allow owners of land fronting US 27 to apply for a map change to US Highway 27 Business. The Ordinance also includes various housekeeping amendments.

The Town Council tabled a nearly identical ordinance on second reading in September, 2014 because a revised water and sewer policy potentially complicated the CCA litigation with Pembroke Pines. As Town administration worked to resolve the issue, the 180-day statutory time limitation on the adoption of comprehensive plan

amendments ran, and the State Land Planning Agency informed the Town that it was officially withdrawing the amendment. Town administration later resolved the water and sewer extension issue, thereby eliminating the need for amending comprehensive plan policies to further limit such extensions.

Shortly thereafter, the Bergerons requested several revisions to the ordinance, primarily to allow additional light industrial uses and to allow slightly higher buildings (40 feet instead of 35) in order to accommodate current market trends for warehouses and “flex space”. Bergeron representatives attended several CPAB meetings during which the Board considered the Bergeron requests.

Additional information is provided on the attached staff memorandum.

### **Fiscal Impact/Analysis**

The proposed Ordinance is a first step toward business development of the US 27 corridor, which will enhance the Town’s tax base.

### **Staff Contact**

Jeff Katims, AICP, CNU-A, Assistant Town Planner

## **ORDINANCE NO. 2016 –**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN ESTABLISHING A NEW LAND USE DESIGNATION ENTITLED, "US HIGHWAY 27 BUSINESS" WITH SUPPORTING OBJECTIVES AND POLICIES; REVISING THE LISTS OF PERMITTED USES WITHIN NONRESIDENTIAL LAND USE DESIGNATIONS AND SUPPORTING OBJECTIVES AND POLICIES; MAKING REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council") directed the Comprehensive Plan Advisory Board of the Town of Southwest Ranches ("CPAB") to identify areas of the Town that are unsuitable or marginal for rural residential use, but which could be appropriate for nonresidential/nonagricultural use without diminishing the Town's rural character impinging upon the rural lifestyle of Town residents; and

**WHEREAS**, the CPAB identified US Highway 27 corridor as a potential light-industrial business area, as US Highway 27 is a trucking route with state-wide access that is also being studied as a freight rail corridor with state-wide access, and is buffered from the inhabitable portion of the Town by a cemetery that has an average width exceeding 500 feet; and

**WHEREAS**, the Town Council concurs that US Highway 27 is a suitable location for business development that, if properly regulated and restricted, will not detract from the Town's rural character or the rural lifestyle of the Town's residents, and will not degrade the Town's groundwater; and

**WHEREAS**, the Town Council has carefully considered a comprehensive set of policies and use restrictions that would form the framework for evaluating land use plan amendment petitions seeking the US Highway 27 Business designation, evaluating companion petitions for rezoning and site plan, and regulating the resulting development and uses; and

**WHEREAS,** the CPAB recommended additional amendments to the nonresidential/nonagricultural permitted uses and implementing policies of the adopted Comprehensive Plan in order to further protect the Town's rural character and the Town residents' rural lifestyle; and

**WHEREAS,** the CPAB recommended several text amendments of a housekeeping nature; and

**WHEREAS,** the Town Council, sitting as the Local Planning Agency of the Town of Southwest Ranches, conducted a duly noticed public hearing on July 28, 2016 to consider the amendments; and

**WHEREAS,** the Town Council has carefully considered the recommendations of the CPAB, and has determined that establishing a "US Highway 27 Business" land use designation for potential applicability to the US Highway 27 corridor would diversify the Town's tax base while protecting the Town's rural character and the rural lifestyle of the Town's residents; and

**WHEREAS,** the Town Council finds that the CPAB recommendations for revising the permitted uses and supporting policies in the comprehensive plan for other nonresidential/nonagricultural uses will further protect the Town's rural character and lifestyle.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the Future Land Use Element of the adopted Town of Southwest Ranches Comprehensive Plan is hereby amended pursuant to Exhibit "A", attached hereto and made a part hereof.

**Section 3:** That the Town Planner is hereby directed to transmit the amendments set forth herein to the State Land Planning Agency immediately following first reading of this Ordinance, and is hereby directed to transmit the adopted amendments immediately following the second and final reading of this Ordinance.

**Section 4:** That the Town Planner is hereby directed to apply to the Broward County Planning Council for recertification of the Future Land Use Element subsequent

to the effective date of this Ordinance, and that the Town Council hereby requests such recertification.

**Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 7: Effective Date.** This Ordinance shall take effect 31 days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete, unless timely challenged pursuant to sec. 163.3184(5), F.S., in which case the Ordinance shall take effect on the date that the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**PASSED ON FIRST READING** this 28<sup>rd</sup> day of July, 2016 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_ day of \_\_\_\_, 2016, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Nelson \_\_\_\_\_  
McKay \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Jablonski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

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## SUPPLEMENTAL COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A  
Assistant Town Planner

**DATE:** June 23, 2016

**SUBJECT: Ordinance Amending the Comprehensive Plan to Create a New  
Business Land Use Category and Related Revisions**

---

### BACKGROUND

Approximately four years ago, the Town Council tasked the Comprehensive Plan Advisory Board (CPAB) with investigating potential locations for commercial and industrial development, with an eye toward boosting the Town's property tax base while minimizing adverse impacts to adjacent rural residential properties and the Town's rural character and lifestyle.

The CPAB carefully and deliberately evaluated the US 27 corridor as a potential location suitable and appropriate for light industrial and limited commercial use, and then developed recommendations for amendments to the text of the comprehensive plan that would constitute a framework for evaluating and regulating such nonresidential development proposals.

### ANALYSIS

The existing future land use map of the comprehensive plan provides three specific locations for commercial or industrial development: Coquina Plaza; the Tom Thumb parcel; and the CCA parcel. No new commercial or industrial development can be permitted unless the Town Council and Broward County Board of County Commissioners adopt amendments to the Town and County future land use maps to re-designate a parcel for such use.

The comprehensive plan is very clear that the protection of the Town's rural character and lifestyle shall be the primary consideration when evaluating development proposals and changes to the future land use map or text of the comprehensive plan. Four (4) comprehensive plan policies currently form the primary framework for evaluating requests to amend the future land use map for commercial type uses:

**FLUE POLICY 1.1-b:** Land Use Plan amendments to more intensive uses within designated rural estate and rural ranch areas shall be prohibited unless the Town determines that the new use is consistent with and furthers the overall goal to protect the Town's rural lifestyle.

**FLUE POLICY 1.3-c:** The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and the Southwest Ranches Land Use Plans.

**FLUE POLICY 1.3-d:** Non-residential Land Use Plan designations shall be located on Flamingo Road, Griffin Road, Sheridan Street or US-27 and designed in a rural manner which facilitates their serving the Town's residents, but do not adversely impact existing and designated rural residential areas.

**FLUE POLICY 1.3-e:** In order to prevent future incompatible land uses, the established rural character of the Town shall be a primary consideration when amendments to the Town's Land Use Plan are proposed.

The CPAB is recommending text amendments that would revise these policies. Note that community facility uses do not require a nonresidential land use plan designation, as the Rural Ranches, Rural Estates and Agricultural land use categories allow community facilities as long as the parcels are zoned Community Facility.

In all cases, a petitioner would have to demonstrate to the satisfaction of the Town Council one of the following: that there is a Town need for such land use; that the resulting development will substantially benefit the Town; or that it is not reasonable to expect the parcel to be developed with a rural residential use.

In all cases, the applicant would be required to provide a binding list of uses including conditions of uses (ex: operating hours), and binding conceptual plan. The list of uses, conditions of use, and conceptual plan would be made part of the ordinance that changes the map designation, and therefore would be enforceable restrictions that would run with the property, regardless of ownership.







#### RECOMMENDATIONS FOR US 27 CORRIDOR

The CPAB recommends amending the text of the comprehensive plan to create a new US Highway 27 Business land use category that only landowners with property fronting US 27 would be authorized to request. US 27 frontage parcels are buffered from rural residential and agricultural properties by the cemetery, which extends from Griffin Road to Stirling Road.

The CPAB does not recommend actually changing the land use map, but instead, amending the text to establish the new category, and requiring landowners to initiate map amendments, which the Council would then evaluate for consistency with the implementation policies for the new land use category.



### Key points:

-  Limited range of “clean” light industrial uses (assembly, fabrication, warehouse), office, hotels, and limited and complimentary office/commercial.
-  Access permitted from US 27 only (corner Parcels on Griffin and Stirling could potentially access those roads).
-  40-foot maximum building height; generous floor area ratio (0.75) to allow for single-level, space-intensive uses such as warehouses.
-  Development must utilize adopted architectural style.
-  The Ordinance adds to the list of permitted uses from the original 2014 ordinance. Additional uses include contractor shops; sales and display of agricultural and construction equipment; sales and display of utility trailers and boats; a limited range of environmentally neutral light manufacturing and storage uses; and, distribution uses that can satisfy the standards for approval in the ordinance.
-  This Ordinance establishes a framework for future land development regulations. This Ordinance is not intended to enumerate all (or even most) permissible uses, nor is it intended to specify the various development regulations that will govern development. Such regulations will be the subject of a further ordinance to be incorporated into the Town’s land development regulations.

### INCIDENTAL RECOMMENDATIONS

The CPAB recommends clarifying this category to differentiate between wireless telecommunications infrastructure and commercial transmitting and receiving facilities, and to update this category to reflect the new land use category CPAB is recommending. The CPAB recommendations include several non-substantive housekeeping revisions to organizational numbering and nomenclature.

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## EXHIBIT "A"

### II. ADMINISTRATION

#### II.A. DEFINITIONS

\* \* \* \* \*

**Fabrication and assembly** – The manufacturing from standard parts of a distinct object differing from the individual components involving materials with form and substance (as opposed to liquid or gas), with a physical, as opposed to chemical, mating or joining of the individual parts.

\* \* \* \* \*

**Light Industrial Use** – Activities that are predominantly connected with light manufacturing, assembly, processing or storage of products.

**Light Manufacturing** – A use engaged in the manufacture of finished products, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, but excluding basic industrial processing.

\* \* \* \* \*

**Non-rural Land Use Plan Designation** –any land use plan designation other than a rural land use plan designation.

\* \* \* \* \*

**Rural Character** – ~~Means an~~ An area that is characterized by natural, agricultural, equestrian, pastoral or rustic uses, including single-family dwellings on large lots, developed at low densities.

**Rural Land Use Plan Designation** – any of the following land use plan designations: Agricultural; Conservation; Recreation and Open Space; Rural Ranches; and, Rural Estates.

**Rural Purposes** – ~~Means that land~~ Land that is used as a resource for agricultural, equestrian, managed forest or mining uses, or maintained in a natural state as wetlands, fields or forest, including Town open space and park parcels.

\* \* \* \* \*

# 1. GOALS, OBJECTIVES AND POLICIES

**FLUE POLICY 1.1-b:** Land Use Plan amendments to more intensive categories ~~uses within designated Rural Estate and Rural Ranch~~ areas shall be prohibited unless consistent with, and authorized by, FLUE Objective 1.3 and particularly policies 1.3-c, 1.3-d, and 1.3-e pertaining to evaluation of land use plan amendment requests; 1.8 (US Highway 27 Business Category); 1.12 (Community Facilities Category), or unless the Town Council determines that the ~~new~~ more intensive use is consistent with, and furthers the overall goal to protect the Town's rural lifestyle.

**FLUE POLICY 1.3-c:** The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and the Southwest Ranches Land Use Plans.

**FLUE POLICY 1.3-d:** New Non~~non~~-residential Land Use Plan designations may be established only on ~~Flamingo Road, Griffin Road, Sheridan Street or~~ US 27, and must be designed in a ~~rural manner which that facilitates their serving the Town's residents, but do~~ does not adversely impact existing and designated rural residential areas.

**FLUE POLICY 1.3-e:** In order to prevent future incompatible land uses, the established rural character of the Town shall be a primary consideration when amendments to the Town's Land Use Plan are proposed.

## FLUE OBJECTIVE 1.7 ~~PERMITTED USES IN~~ COMMERCIAL LAND USE CATEGORY

CONTINUE IMPLEMENTING A COMMERCIAL LAND USE CATEGORY ON THE TOWN'S FUTURE LAND USE PLAN MAP PERMITTING TYPES OF ~~NONRESIDENTIAL OR NONAGRICULTURAL~~ COMMERCIAL DEVELOPMENT ~~WHICH THAT~~ ARE COMPATIBLE WITH ADJACENT RURAL AND RESIDENTIAL LAND USES, AND WHICH WOULD SUPPORT THE COMMERCIAL-BASED ACTIVITIES ~~WHICH WOULD BE~~ THAT ARE COMPATIBLE WITH THE TOWN'S NEEDS.

Measurement: maintenance of a commercial land use category.

**FLUE POLICY 1.7-a:** ~~Permit those land uses, not to exceed a~~ Floor Area Ratio (F.A.R.) ~~=0.25~~ shall not exceed 0.25 ~~within designated Commercial land use parcels per the Permitted Uses in Future Land Use Categories subsection of this Element.~~

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1 **FLUE POLICY 1.7-b:** The Town Council shall continue implementing commercial  
2 land development regulations that are necessary to protect adjacent rural residential  
3 areas from potential negative impacts of commercial developments.  
4

5 **FLUE POLICY 1.7-c:** The Town's zoning categories shall distinguish between  
6 neighborhood and community commercial developments within their respective service  
7 areas. Regional commercial uses shall not be permitted.  
8

9 **FLUE POLICY 1.7-d:** The Commercial category is restricted to properties that were  
10 designated Commercial prior to the Town's incorporation ~~The Town shall allow~~  
11 ~~residential homes within the Town to be used for home office uses subject to proper~~  
12 ~~licensing.~~  
13

14 **FLUE POLICY 1.7-e:** Development and redevelopment of existing commercial sites  
15 shall be designed and operated so as to minimize demand for public safety services  
16 both on and off-site. This may include using Crime Prevention Through Environmental  
17 Design principles, careful selection of businesses and land uses, avoiding late night  
18 operating hours, erecting barriers adjacent to residential uses, and providing on-site  
19 security.  
20

21 **FLUE POLICY 1.7-f:** All land with a Commercial designation shall be connected to  
22 municipal water and sewer.  
23

24  
25  
26 **FLUE OBJECTIVE 1.8** ~~PERMITTED USES IN RURAL GOVERNMENTAL MIX~~  
27 ~~USE SERVICE AREAS~~ US HIGHWAY 27 BUSINESS **LAND USE CATEGORY**  
28

29 ESTABLISH AND MAINTAIN A US HIGHWAY 27 BUSINESS LAND USE CATEGORY  
30 EXCLUSIVELY FOR THE US HIGHWAY 27 CORRIDOR, ALLOWING ONLY  
31 CAREFULLY PLANNED DEVELOPMENT THAT IS DESIGNED TO BE COMPATIBLE  
32 WITH ADJACENT RURAL RESIDENTIAL LAND USES AS SUBSTANTIALLY  
33 BUFFERED BY THE EXISTING CEMETERY AND OPEN SPACE, AND WHICH  
34 WOULD BE ENVIRONMENTALLY NEUTRAL.  
35

36  
37 *Measurement: Designation of a ~~Rural Governmental Mix-Use Service Area Land Use~~*  
38 *US Highway 27 Business category.*  
39

40 **FLUE POLICY 1.8-a:** The Town has identified the US 27 Corridor as appropriate for  
41 business uses on the land use plan map. The Town created the US Highway 27  
42 Business Category for this purpose. Only parcels that front US 27 are eligible for this  
43 designation, including parcels that also front Griffin Road or Stirling Road. Parcels  
44 designated US Highway 27 Business on the land use plan map must only be developed  
45 and used in strict compliance with the following policies. The Town Council shall  
46 consider the extent to which each application submitted for land use plan amendment,  
47 rezoning and development furthers the intent and spirit of the policies hereunder in

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determining whether to approve the application. ~~Permit those land uses, not to exceed a Floor Area Ratio (F.A.R.) = 0.20, within designated Rural Mix use Service Area Land Use parcels per the Permitted Uses in Future Land Use Categories subsection of this Element.~~

**FLUE POLICY 1.8-b:** A petitioner for the US Highway 27 Business designation shall demonstrate to the satisfaction of the Town Council one of the following: that there is a Town need for such land use; that the resulting development will substantially benefit the Town; or that it is not reasonable to expect the parcel to be developed with a rural residential use.

**FLUE POLICY 1.8-c:** No US Highway 27 Business designation may border any parcel with a rural land use plan designation. This shall not apply to any rural residential parcel under unified control with a property designated US Highway 27 Business.

**FLUE POLICY 1.8-d:** There shall be no nonresidential, nonagricultural building, structure, parking, storage or use within two hundred (200) feet of an abutting local Town street other than Stirling Road, nor shall there be any such structure, parking, storage or use within two hundred (200) feet of any parcel with a rural land use plan designation, unless such parcel is under unified control with the parcel designated US Highway 27 Business. Open space use, including buffers and drainage retention for a US Highway 27 Business use is not subject to this restriction.

**FLUE POLICY 1.8-e:** Access to development shall be from US 27, Stirling Road, or Griffin Road only.

- (i)** Since U.S. 27 is a Class 2 Controlled Access Facility, the Town will not approve an application to amend the Land Use Plan Map to US Highway 27 Business until a conceptual master access management plan ("access plan") shall have been accepted by the Florida Department of Transportation (FDOT) for the entire US 27 corridor within the Town.
- (ii)** It shall be the responsibility of an applicant for such map amendment to prepare the access plan and coordinate its acceptance by FDOT and Broward County Highway Construction and Engineering Department, and to coordinate the plan with owners of all other properties with frontage on US 27.
- (iii)** The access plan, as may be amended with the consent of FDOT, shall be binding upon all properties.
- (iv)** The Town will not approve a plat application for property fronting US 27 until the applicant has submitted the plat to FDOT for review and obtained approval.

**FLUE POLICY 1.8-f:** Permit those land uses, not to exceed a Floor Area Ratio (F.A.R.) of 0.75, per the US Highway 27 Business Category permitted uses subsection of this Element.

**FLUE POLICY 1.8.g:** Buildings shall not exceed forty (40) feet in height, measured to the highest point on the building, including parapets and roof-mounted equipment, provided that the Town Council may authorize up to five (5) additional feet of height after

consideration of a line-of-site study demonstrating that the additional height will not adversely affect any property with a rural land use plan designation.

**FLUE POLICY 1.8-h:** Every development shall provide at least twenty-five percent (25%) pervious area.

**FLUE POLICY 1.8.i:** Development shall utilize extensive buffering in order to screen the development from view along any adjacent street, and shall utilize pleasing architecture and building placement to emphasize and showcase the building(s) while screening parking and outdoor storage areas behind the building or additional screening features. Developers shall provide Florida Vernacular architecture of Caribbean or Cracker style, or combination thereof. This architecture generally promotes generous roof overhangs, colonnades, porches and balconies, and sloped standing seam metal roofs. The land development regulations shall provide further architectural guidance. The Town Council may approve variations that are consistent with the Town's rural character. However, stucco walls in combination with flat, unarticulated rooflines or Mediterranean-style tile roofs that are typical of commercial development in South Florida are prohibited as a means of complying with the architectural requirement.

**FLUE POLICY 1.8-j:** Developments shall be designed and operated so as to minimize demand for public safety services both on and off-site. This may include using Crime Prevention Through Environmental Design principles, careful selection of businesses and land uses, avoiding late night operating hours, erecting barriers adjacent to rural residential uses, and providing on-site security.

**FLUE POLICY 1.8-k:** Developments shall adhere to the Town's dark-sky outdoor lighting regulations and policies, and are strongly encouraged to take additional measures that mitigate the development's ambient lighting impact on the Town. By way of example, a development could reduce the height of parking lot lighting fixtures by spacing the lower fixtures closer together, using advanced cut-off designs, and limiting the hours during which the lighting is on.

**FLUE POLICY 1.8-l:** Developments shall design primary identification signage, and specifications for individual tenant signage, that compliment and coordinate with the architecture and landscaping of the development, and that enhance the built environment.

**FLUE POLICY 1.8-m:** The land development regulations shall establish a zoning classification in the form of a planned development district, whereby the specific permitted uses, development standards and a conceptual development plan for the property are made part of the rezoning and will govern use and development of the property supplemental to regulations contained within the land development regulations. The land development regulations for the planned development district shall require that conceptual development plans incorporate all of the applicable elements of the US 27 conceptual master access management plan, which shall be adopted by reference.

**FLUE POLICY 1.8-n:** Applications for land use plan amendment to establish a US Highway 27 Business designation shall be filed concurrently with a complete application for rezoning to the applicable planned development zoning district.

**FLUE POLICY 1.8.o:** The Town shall implement land development regulations to protect adjacent rural areas from potential negative impacts of business developments.

**FLUE POLICY 1.8-p:** All land designated -US Highway 27 Business shall be connected to municipal water and sewer prior to occupancy.

**FLUE OBJECTIVE 1.17**

-----  
**EFFICIENT USE AND COORDINATION OF URBAN SERVICES**

DISCOURAGE URBAN SPRAWL, WHICH WOULD SUBSTANTIALLY INCREASE THE TOWN'S RURAL DENSITY ~~OR INTENSITY~~, AND COORDINATE WITH ADJACENT MUNICIPALITIES TO CREATE VISUAL SEPARATION OF THEIR SUBURBAN ~~COMMUNITY~~ COMMUNITIES FROM THE TOWN'S RURAL CHARACTER. ~~AND DIRECT~~ ALLOW NEW NON-RURAL LAND USE PLAN DESIGNATIONS ~~DEVELOPMENT~~ ONLY ON ~~FLAMINGO ROAD, GRIFFIN ROAD, SHERIDAN STREET, OR~~ US 27 WHERE NECESSARY ~~REGIONAL AND COMMUNITY FACILITIES AND SERVICES~~ INFRASTRUCTURE EXISTS.

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## 2. PERMITTED USES IN FUTURE LAND USE CATEGORIES

\* \* \* \* \*

### 1. AGRICULTURAL ~~USE~~CATEGORY

\* \* \* \* \*

### 2. COMMERCIAL CATEGORY

The areas designated ~~for~~ Commercial ~~use~~ on the Town's Land Use Plan Map provide land area located adjacent to limited access highways for business, office, retail, service and other commercial enterprises which support the Town and surrounding area.

Uses permitted in areas designated commercial are as follows:

- A. Retail, office and business uses.
- B. ~~Wholesale Self-storage facility, light fabricating and warehouse uses, if deemed appropriate by the local jurisdiction.~~
- C. Hotels, motels and similar lodging.
- D. Recreation and open space, ~~cemeteries~~ and commercial recreation uses.
- ~~E. Community Facilities (as defined in Article III, below)~~
- ~~F. a. A Special Residential Facility Category (2) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of two (2) reserve or flexibility units in accordance with the Special Residential Facility provisions and policies for the application of these units as contained in the "Administrative Rules Document: Broward County Land Use Plan."~~
- ~~b. Special Residential Facility Category (3) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of two (2) reserve or flexibility units in accordance with the Special Residential Facility provisions and policies for the application of these units as contained in the "Administrative Rules Document: Broward County Land Use Plan." Each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.~~
- ~~G. Non-residential agricultural uses.~~
- ~~H. Recreational vehicle park sites at a maximum density of ten (10) sites per gross acre if permanent location of recreational vehicles on the site is permitted by the local land development regulations, or twenty (20) sites per gross acre if such permanent location is prohibited by the local land development regulations; subject to allocation by the local government of available flexibility or reserve units.~~
- ~~I. Transportation facilities.~~
- ~~J. Communication facilities.~~
- ~~K. Utilities, located on the site of a commercial development as an accessory use, to the extent such utilities are confined to serving only the specific commercial development excluding landfills and electrical power plants.~~

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1  
2 **3. COMMUNITY FACILITIES ~~USE~~CATEGORY**

3  
4 \* \* \* \* \*

5  
6 **4. CONSERVATION ~~USE~~CATEGORY**

7  
8 \* \* \* \* \*

9  
10 **5. US HIGHWAY 27 BUSINESS CATEGORY**

11  
12 The US Highway 27 Business Category is intended to facilitate a limited range of “clean” light  
13 industrial and business uses along the US 27 corridor that are not a threat to the potable water  
14 quality of the Biscayne Aquifer or to the peaceful enjoyment of residential properties to the east.  
15 This category may be applied only to properties fronting the east side of U.S. Highway 27 that  
16 are buffered from parcels designated Rural Ranches, Rural Estates and Agricultural by an  
17 intervening permanent open space or community facility land use.

18  
19 The Town shall carefully consider potential environmental, traffic and quality of life impacts  
20 before changing the land use plan map designation of any parcel to US Highway 27 Business.  
21 An application for land use plan amendment to designate a property as US Highway 27  
22 Business must affirmatively demonstrate that the amendment is consistent with all of the  
23 performance standards established herein. Every such application for plan amendment shall be  
24 submitted concurrently with a rezoning application to an implementing zoning district.

25 **A. Performance Standards.**

- 26 1. Development shall not generate noise, vibration, odor, dust, fumes, smoke, glare, or  
27 night-time illumination that can be detected from any property with an Agricultural, Rural  
28 Ranch or Rural Estate land use plan map designation.
- 29 2. Municipal sanitary sewer and potable facilities must be in place, or be the subject of a  
30 binding agreement with a municipal utility to extend same to serve a parcel designated  
31 US Highway 27 Business, prior to issuance of a development permit for a principal  
32 building.
- 33 3. Development shall not involve use of any chemicals, substances or processes that  
34 create byproducts that are combustible, carcinogenic, biohazardous, or are otherwise  
35 toxic to humans or animals. The land development regulations may permit fuel storage  
36 tanks for emergency generators and for the purpose of servicing vehicles or equipment  
37 used in the regular course of business, provided that any such tanks may be required to  
38 exceed the installation, containment, inspection and other requirements of Article 27,  
39 Chapter 10, “Storage Tanks” of the Broward County Code of Ordinances, as may be  
40 amended from time to time.
- 41 4. Any use – the nature of which may be considered dangerous, or which may potentially  
42 compromise the comfort, peace, enjoyment, health or safety of the community or any  
43 property with a Rural Ranches, Rural Estate or Agricultural land use plan map  
44 designation - shall be prohibited.

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1       5. All development shall provide for north-south cross-access to abutting parcels in  
2       accordance with the conceptual master access management plan for the US-27 corridor  
3       (see FLUE Policy 1.8-e.). Such access may include dedication and construction of a  
4       frontage drive and/or site design that anticipates driveway connections or drive aisle  
5       connections with abutting properties, and which provides cross-access easements for  
6       such connections.

7  
8       B. Uses permitted in areas designated US Highway 27 Business are as follows, subject to  
9       limitations, conditions of use and review requirements established within the Unified Land  
10       Development Regulations:

11               Light industrial uses:

- 12  
13           1. Fabrication and assembly.  
14           2. Contractor shops and similar uses.  
15           3. Sales and display of agricultural equipment, construction equipment, utility trailers,  
16           boats, and similar uses.  
17           4. A limited range of light manufacturing and light industrial uses that are consistent  
18           with the performance standards set forth herein.  
19           5. Educational and scientific research businesses, excluding medical and industrial  
20           laboratories, that are consistent with the performance standards set forth herein.  
21           6. A limited range of commercial recreation uses that are consistent with the  
22           performance standards set forth herein.  
23           7. Wholesaling, warehousing and storage provided that only storage or materials and  
24           items that are consistent with the performance standards set forth herein may be  
25           permitted.  
26           8. Distribution uses that the Town determines are consistent with the performance  
27           standards set forth herein.

28               Other permitted uses:

- 29           9. Communication facilities.  
30  
31           10. Non-residential agricultural uses.  
32           11. Office uses, excluding call centers, provided that principal office uses shall not  
33           exceed twenty percent (20%) of the land area within the Town designated Industrial  
34           on the Broward County Land Use Plan.  
35           12. Utilities located on the site of a development and confined to serving only the  
36           specific development.  
37           13. Recreation and open space that does not adversely affect the suitability of adjacent  
38           US 27 frontage parcels for business use.  
39           14. One (1) residential caretaker or watchman unit within the same structure as a light  
40           industrial use.

Underlined text is new and ~~stricken~~ text is deleted

Ordinance No. 2016-\_\_\_\_

15. Retail, restaurants, personal services and other ancillary commercial uses, limited to less than fifty percent (50%) of any building occupied by a light industrial use.;

16. The following uses may also be permitted as long as the total area of these uses does not consume more than twenty percent (20%) of the land designated Industrial on the Future Broward County Land Use Plan Map (Series) within the Town, and as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for light industrial use:

a. Commercial and retail business uses, including restaurants and personal services.

b. Hotel, motel and similar lodging.

*(The following are changes to headings only)*

~~65.~~ INDUSTRIAL USE CATEGORY

~~76.~~ RECREATION AND OPEN SPACE USE CATEGORY

~~87.~~ ESTATE RESIDENTIAL USE CATEGORY

~~98.~~ RURAL ESTATES CATEGORY

~~109.~~ RURAL RANCHES CATEGORY

~~1110.~~ TRANSPORTATION USE CATEGORY

~~1244.~~ UTILITIES USE CATEGORY

~~1342.~~ WATER CATEGORY

\* \* \* \* \*

#### **1413. GENERAL LIST OF ADDITIONAL USES**

##### **A. COMMUNICATION FACILITIES**

Communication facilities such as ~~television and radio~~, satellite earth stations and relay structures, and telephone switching facilities are not specifically designated on the Town's Land Use Plan Map as a separate category. Such facilities may be permitted in areas designated under the following categories, provided that wireless telecommunication antennas and accessory equipment are permitted on Town-owned properties regardless of future land use category:

~~1A.~~ Town-owned properties;

~~2B.~~ commercial Commercial

~~3C.~~ industrial Industrial

4. US 27 Business

##### **B. SPECIAL RESIDENTIAL FACILITIES**

*(Former Sec. 14 provisions now under this heading. Subheadings A. through D. to be renumbered 1. through 4.)*

#### **14. SPECIAL RESIDENTIAL FACILITIES**

#### **15. MEDIUM DENSITY (16) RESIDENTIAL LAND USE CATEGORY**

Underlined text is new and ~~stricken~~ text is deleted

Ordinance No. 2016-\_\_\_\_



**Town of Southwest Ranches**  
**13400 Griffin Road**  
**Southwest Ranches, FL 33330-2628**

**(954) 434-0008 Town Hall**  
**(954) 434-1490 Fax**

**Town Council**  
**Jeff Nelson, Mayor**  
**Doug McKay, Vice-Mayor**  
**Freddy Fisikelli, Council Member**  
**Steve Breitreuz, Council Member**  
**Gary Jablonski, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muniz, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Nelson and Town Council  
**VIA:** Andrew D. Berns, Town Administrator  
**FROM:** Rod Ley, Town Engineer  
**DATE:** 8/25/2016  
**SUBJECT:** Change Order to Agreement with Amroad LLC for Stirling Road Striping and Signage Project

---

### **Recommendation**

To place this item on the agenda for Council consideration and approval of a change order to the agreement with Amroad LLC to be inclusive of SW 172<sup>nd</sup> Avenue edge lines as part of the Stirling Road Striping and Signage project.

### **Strategic Priorities**

- B. Enhanced Resource Management
- C. Reliable Public Safety
- D. Improved Infrastructure

### **Background**

On May 2, 2016, the Town advertised Invitation for Bid (IFB) 16-005 for the Stirling Road Striping and Signage project. On June 17, 2016, the Town received two (2) responses:

<b>Proposer</b>	<b>Amount</b>
Amroad LLC	\$40,936.86
Weekley Asphalt Paving	\$58,228.10

After reviewing the bids, it was determined that Amroad LLC was the lowest responsive and responsible bidder that met the requirements of the IFB. On July 14, 2016 the Town Council adopted Resolution 2016-

040 entering into an agreement with Amroad LLC for these improvements. The bid and contract allow for piggybacking using the same unit pricing. At the request of Town staff, Amroad LLC provided a quote in the amount of \$14,560 for the edge line striping along SW 172<sup>nd</sup> Avenue.

The Drainage and Infrastructure Advisory Board prioritized the SW 172<sup>nd</sup> Avenue edge lines as a desirable project to complete in FY 2016. Combining the projects will save the Town \$3,500 in mobilization costs.

### **Fiscal Impact/Analysis**

The Town currently has \$47,412 unencumbered of \$130,000 originally budgeted in the Fiscal Year 2016 Municipal Transportation Fund Expenditures account #101-5100-541-63360 (Infrastructure- Striping / Markers). Accordingly, this project is anticipated to be completed on schedule and within budget.

### **Staff Contact:**

Rod Ley, PE, LEED AP, CPESC  
Town Engineer

### **ATTACHMENTS:**

Description	Upload Date	Type
Exhibit "A"	8/12/2016	Exhibit
Reso	8/19/2016	Resolution

## **RESOLUTION NO.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A CHANGE ORDER TO THE AGREEMENT WITH AMROAD LLC IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$14,560), TO COMPLETE THE SW 172<sup>ND</sup> AVENUE EDGE LINE STRIPING PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town budgeted \$130,000 for Infrastructure Striping / Markers in the Municipal Transportation Fund Expenditures (101-5100-541-63360); and

**WHEREAS**, on May 2, 2016, the Town advertised Invitation for Bid (IFB) 16-005 for the Stirling Road Striping and Signage Project; and

**WHEREAS**, on June 17, 2016, the Town received two (2) responses; and

**WHEREAS**, after reviewing the bids, it was determined that Amroad LLC was the lowest responsive and responsible bidder that met the requirements of the IFB; and

**WHEREAS**, pursuant to Resolution 2016-040 the Town Council entered into an agreement with Amroad LLC for the Stirling Road Striping and Signage Project; and

**WHEREAS**, the bid and agreement allows the Town to piggyback off of its pricing; and

**WHEREAS**, the SW 172<sup>nd</sup> Avenue edge line project is specifically named in the FY 2015-2016 Town Budget; and

**WHEREAS**, the project includes, but is not limited to, the furnishing of all labor, materials, tools, equipment, machinery, expertise, services, and all else necessary for proper construction and completion of the project; and

**WHEREAS**, the cost for completing this additional work is \$14,560; and

**WHEREAS**, it has been determined to be in the public's best interest to award this additional work to Amroad LLC; and

**WHEREAS**, the Town of Southwest Ranches desires to issue a change order to the Agreement under the terms and conditions set forth hereinafter.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1.** The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council hereby approves a change order to the Agreement in the amount of Fourteen Thousand Five Hundred and Sixty Dollars (\$14,560) for Amroad LLC to provide the edge line striping along SW 172<sup>nd</sup> Avenue, as outlined in IFB 16-005 and Resolution 2016-040, in accordance with the terms and conditions contained within the procurement and the change order attached hereto as Exhibit "A", which is incorporated herein by reference.

**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to enter issue a Change Order to the Agreement in substantially the same form as that attached hereto as Exhibit "A," and to make such modifications, additions, and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4.** That this Resolution shall become effective immediately upon its adoption.

**[Signatures On Next Page]**



**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ on a motion by

\_\_\_\_\_ and seconded by \_\_\_\_\_.

Nelson \_\_\_\_\_  
McKay \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Jablonski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

\_\_\_\_\_  
Jeff Nelson, Mayor

Attest:

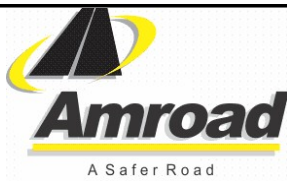
\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, Town Attorney

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## Quote

Client:	Town of Southwest Ranches	Date:	8/11/2016
Client Rep:	Emily McCord Aceti	Phone:	(954) 343 - 7453
Prep. By:	Laureano Martinez Aunon	Phone:	(813) 293 - 7976

**Project:** SW 172nd Avenue Road Striping

**Project:**

**Scope of Work:** Pavement Marking

**Bid Date:**

Pay Item No.	Description	Units	Qty	Unit Price	Price
0	Thermoplastic, Standard, White, Solid, 4"	LF	20,800.00	\$ 0.70	\$ 14,560.00
<b>Total</b>					<b>\$ 14,560.00</b>

**Notes:**

- 1) Final quantities will be determined upon completion of the work.
- 2) MOT and survey included.
- 3) Mobilizations: There will not be charges if this work can be accomplished with the original contract. If not this charge will apply:
  - a) Thermoplastic Pavement Marking: \$3,500 per mob.
- 4) Roadway should be clean and free from debris prior to the application of the roadway marking.
- 5) No pavement marking removal is included in any of the paint, thermoplastic or tape pay items listed above.
- 6) Pavement Marking Removal is not included.
- 7) N/A.
- 8) Bond is not included.
- 9) Work should be scheduled two weeks in advance (minimum).
- 10) Estimate based on current FDOT "Basis of Estimates".
- 11) Estimate does not include additional cost of CCIP or OCIP (If required).
- 12) Any additional cost (such as insurance, badges, etc.) required by Owner or Contractor is not included.
- 13) If Contractor issues a subcontract for this work, then this bid and adjoining notes will become part of the contract.