



# Southwest Ranches Town Council

## LOCAL PLANNING AGENCY

Agenda of April 22, 2021

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

<b><u>Mayor</u></b> Steve Breitreuz	<b><u>Town Council</u></b> Jim Allbritton Gary Jablonski David Kuczenski	<b><u>Town Administrator</u></b> Andrew D. Berns, MPA  <b><u>Town Financial</u></b> <b><u>Administrator</u></b> Martin Sherwood, CPA CGFO	<b><u>Town Attorney</u></b> Keith M. Poliakoff, J.D.  <b><u>Assistant Town</u></b> <b><u>Administrator/Town Clerk</u></b> Russell C. Muniz, MPA
<b><u>Vice Mayor</u></b> Bob Hartmann			

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

### 2. Roll Call

### Resolutions

### 3. LPA RESOLUTION FOR PLAN AMENDMENT CONSIDERATIONS

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND POLICY 1.3 TO PREVENT FUTURE INCOMPATIBLE LAND USES; PROVIDING FOR AN EFFECTIVE DATE.

### 4. LPA RESOLUTION FOR REZONING CRITERIA

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO ARTICLE 130, "ZONING MAP AMENDMENTS" OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO MODIFY CRITERIA FOR REVIEW AND APPROVAL OF REZONING REQUESTS AND MAKE REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR AN EFFECTIVE DATE.

### 5. Approval of Minutes

#### a. January 28, 2021 LPA Meeting

### 6. 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.



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

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

**Town Council**  
**Steve Breitkreuz, Mayor**  
**Bob Hartmann, Vice Mayor**  
**Jim Allbritton, Council Member**  
**Gary Jablonski, Council Member**  
**David Kuczenski, Council Member**

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

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 4/9/2021  
**SUBJECT:** LPA RESOLUTION FOR PLAN AMENDMENT CONSIDERATIONS

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### **Recommendation**

Staff recommends approval.

A. Sound Governance

### **Background**

The proposed ordinance prohibits land use map amendments that would allow a higher density than authorized in contiguous land use designations.

### **Fiscal Impact/Analysis**

N/A

### **Staff Contact:**

Jeff Katims

### **ATTACHMENTS:**

Description	Upload Date	Type
LPA Resolution for Plan Amendment Considerations	4/15/2021	Resolution

**LPA RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND POLICY 1.3 TO PREVENT FUTURE INCOMPATIBLE LAND USES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, various policies within the Future Land Use Element of the Comprehensive Plan establish general guidance for consideration of Map amendments; and

**WHEREAS**, the Town Council wishes to provide additional guidance for consideration of Map amendments; and

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, held a duly noticed public hearing on April 22, 2021; and

**WHEREAS**, the Local Planning Agency finds the amendment furthers the goals, objectives and policies of the Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1. ADOPTION OF RECITALS.** The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. RECOMMENDATION.** The Local Planning Agency recommends that the Town Council adopt the proposed amendment, attached as Exhibit "A" hereto.

**Section 3. EFFECTIVE DATE.** This Resolution shall be effective immediately upon its passage.

**PASSED** this 22nd day of April, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**(Signatures on the Following Page)**

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczenski \_\_\_\_\_

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

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Steve Breitkreuz, Mayor

Attest:

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Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, Town Attorney

38348032.1

LPA Resolution No. 2021-\_\_\_\_\_

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1 **EXHIBIT "A"**

2 **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

3

4

5 FLUE POLICY 1.3-e: In order to prevent future incompatible land uses, the

6 established rural character of the Town shall be a primary consideration when

7 amendments to the Town's Land Use Plan are proposed. Without limiting the scope

8 of this policy, it is specifically established that for the purpose of evaluating

9 applications for Future Land Use Plan Map amendment, a proposed land use plan

10 designation that has a greater maximum permitted density than any contiguous

11 residential designation is not deemed compatible and shall not be approved.

12

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2021-\_\_\_\_\_

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

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**Russell Muniz, MPA, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

### **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims, Assistant Town Planner  
**DATE:** 4/9/2021  
**SUBJECT:** LPA RESOLUTION FOR REZONING CRITERIA

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#### **Recommendation**

Staff recommends approval.

A. Sound Governance

#### **Background**

The proposed ordinance prohibits rezonings that are of higher permitted density than that of contiguous zoning districts.

#### **Fiscal Impact/Analysis**

N/A

#### **Staff Contact:**

Jeff Katims

#### **ATTACHMENTS:**

Description	Upload Date	Type
LPA Resolution Rezoning Criteria	4/15/2021	Resolution

**LPA RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO ARTICLE 130, "ZONING MAP AMENDMENTS" OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO MODIFY CRITERIA FOR REVIEW AND APPROVAL OF REZONING REQUESTS AND MAKE REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article 130 of the ULDC establishes criteria for the review and approval of rezoning requests; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council") wishes to strengthen the criteria for the evaluation of rezoning applications and make minor changes of a housekeeping nature.

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, held a duly noticed public hearing on April 22, 2021; and

**WHEREAS**, the Local Planning Agency finds the amendment is consistent with the goals, objectives and policies of the Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1. ADOPTION OF RECITALS.** The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. RECOMMENDATION.** The Local Planning Agency recommends that the Town Council adopt the proposed amendment, attached as Exhibit "A" hereto.

**Section 3. EFFECTIVE DATE.** This Resolution shall be effective immediately upon its passage.

**PASSED** this 22nd day of April, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczenski \_\_\_\_\_

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

\_\_\_\_\_  
Steve Breitkreuz, Mayor

Attest:

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

Approved as to Form and Correctness:

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

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LPA Resolution No. 2021-\_\_\_\_\_

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**EXHIBIT "A"**  
**PROPOSED ULDC AMENDMENT**

**Amendment to sec. 130-20.** Sec. 130-020, "Processing" is hereby amended as follows:

\* \* \*

- (J) In furtherance of section 5.01 of the town's Charter, all quasi-judicial items require a unanimous vote of the entire four (4) affirmative votes of the town council.

\* \* \*

**Amendment to sec. 130-30.** Sec. 130-030, "Considerations for zoning requests" is hereby amended as follows:

Sec. 130-030. - Considerations for zoning map amendments~~requests~~.

In formulating a recommendation or decision on a zoning map amendment modification, the reviewing agency shall consider and shall evaluate the modification-proposed amendment in relation to the following pertinent factors.

- (A) That the request does not meet any one of the following criteria whereby the request would be considered contract or spot zoning:
- (1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area.
  - (2) The proposal is not in the public's best interest and it only benefits the property owner.
  - (3) The proposed zoning request violates the town's comprehensive plan.
  - (4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts.

- 1 (B) ~~A zoning modification may be approved if the request is~~The request shall be  
2 consistent with one (1) or more of the following four (4) criteria:
- 3 (1) That there exists an error or ambiguity which must be corrected.
- 4 (2) That there exists changed or changing conditions which make approval  
5 of the request appropriate.
- 6 (3) That substantial reasons exist why the property cannot be used in  
7 accordance with the existing zoning.
- 8 (4) That the request would advance a public purpose, including, but not  
9 limited to, protecting, conserving, or preserving environmentally critical  
10 areas and natural resources.
- 11 (C) When determining if at least one (1) of the four (4) criteria delineated in  
12 subsection (B) ~~of this section, have has~~ been satisfied, the reviewing agency  
13 shall consider the following:
- 14 (1) That the request is compatible with surrounding zoning districts and land  
15 uses. A proposed zoning district that has a greater maximum permitted  
16 density than any contiguous residential zoning district is not deemed  
17 compatible and shall not be approved.
- 18 (2) That the request is consistent with or furthers the goals, objectives,  
19 policies, and the intent of the town's comprehensive plan and the town's  
20 future land use map.
- 21 (3) That the anticipated impact of the application would not create an  
22 adverse impact upon public facilities such as schools and streets.
- 23 (D) The reviewing agency shall also consider:
- 24 (1) The recommendation of staff.
- 25 (2) The testimony of any applicants, their agents or representatives.
- 26 (3) The facts and opinions presented to the reviewing agency during public  
27 hearings.

28 **Amendment to Sec. 130-50.** Sec. 130-050, "Further requests after withdrawal  
29 or denial" is hereby amended as follows

30 Sec. 130-050. - Further requests after withdrawal or denial.

- 31 (1) Except as set forth in subsection (2) of this section, when any request for a  
32 change of zoning district is withdrawn by the applicant after the initial public  
33 hearing or is denied by the town council, no other petition for a change of  
34 zoning on the same property shall be considered within one (1) year from the  
35 date of such withdrawal or denial.

Key: underlined text is added and ~~stricken~~ text is deleted.

- 1 (2) The town council, for good cause and to avoid undue hardship, upon ~~four~~  
2 (4) affirmative unanimous votes of the entire council, may permit the  
3 resubmission of a withdrawn application within the one (1) year period.

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2021-\_\_\_\_\_

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**LOCAL PLANNING AGENCY MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

January 28, 2021

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Vice Chair Bob Hartmann

Board Member Jim Allbritton

Board Member Gary Jablonski

Board Member David S. Kuczenski

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, Town Financial Administrator

Keith Poliakoff, Town Attorney

Local Planning Agency of the Town of Southwest Ranches was held virtually via the ZOOM Meeting platform. The meeting, having been properly noticed, was called to order by Chair Breitkreuz at 7:02 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

**3. LPA RESOLUTION FOR WATER SUPPLY PLAN UPDATE**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL APPROVE THE TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN ("WSFWP") AND ADOPT AMENDMENTS TO THE TEXT OF UTILITIES ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-3)

The following motion was made by Vice Chair Hartmann and seconded by Board Member Allbritton and passed by 5-0 roll call vote. The vote was as follows Board Members Allbritton, Jablonski, Kuczenski, Vice Chair Hartmann, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE RESOLUTION.**

**4. Approval of Minutes**

**a. November 19, 2020 Local Planning Agency Minutes (Amended)**

The following motion was made by Board Member Jablonski and seconded by Vice Chair Hartmann and passed by 5-0 roll call vote. The vote was as follows Board Member Allbritton, Jablonski, Kuczenski, Vice Chair Hartmann, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE AMENDED SET OF MINUTES.**

**5. Adjournment - Meeting was adjourned at 7:06 PM.**

*Respectfully submitted:*

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*Russell Muniz Assistant Town Administrator/Town Clerk, MMC*

*Adopted by the Town Local Planning Agency on  
this 25th day of February, 2021.*

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*Steve Breitkreuz, Chair*

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 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.