

**RESILIENT ENVIRONMENT DEPARTMENT
URBAN PLANNING DIVISION
STAFF REPORT**

**Rezoning 1-Z-22 Staff Report
Hillsboro Ranches**

I. Proposed Rezoning Summary

The applicant, 4211 SP, LLC, is requesting to rezone a site on the Broward Municipal Services District (BMSD) Zoning Map from A-1: Agricultural to PDD: Planned Development District. The rezoning site is an unincorporated enclave known as the Hillsboro Ranches in an area near the City of Coconut Creek. (See Attachments A and B). The approximately 5.01 net acre site is located on the north side of NW 74 Street, between NW 44 Terrace and NW 39 Avenue.

The Future Land Use designation is Estate (1) Residential on both the BMSD and Broward County Land Use Plan maps, which would allow up to five (5) units on the property. The rezoning would allow the development of fifteen (15) single-family dwelling units. The applicant proposes to utilize 10 residential flexibility units, in accordance with the provisions of the Broward County Land Use Plan (BCLUP) and the Broward County Comprehensive Plan’s Broward Municipal Services District Element. Figure 1 includes details of the proposed rezoning.

| Figure 1: Proposed Rezoning Details | |
|--|---|
| General Location (Attachments A and B) | Hillsboro Ranches in the Hillsboro-Pines Area North Side of Northwest 74 Street, between Northwest 44 Terrace and Northwest 39 Avenue. |
| Size | 5.01 net acres (5.21 gross acres). |
| Effect of Rezoning | Increase of 10 dwelling units (15 total allowed) |
| Existing Land Use | One (1) single-family residence |
| Current Zoning District (Attachment C) | A-1: Agricultural Estate (5 dwelling units currently allowed) |
| Proposed Zoning District (Attachment D) | PDD: Planned Development District (15 dwelling units) |
| BMSD Future Land Use Map Designation (Attachment E) | Estate (1) Residential (5 dwelling units currently allowed) |
| BCLUP Future Land Use Map Designation (Attachment F) | Estate (1) Residential (5 dwelling units currently allowed) |
| Flex Allocation Request | Ten (10) dwelling units |
| Commission District | 2 – Broward County Commissioner Mark D. Bogen |
| Applicant/Agent | Leigh Kerr, Leigh Robinson Kerr & Associates, Inc |
| Property Owner | 4211 SP, LLC |
| Folio Number | 474232010150 |
| Comprehensive Plan Consistency | Consistent |

II. Staff Recommendation

The Resilient Environment Department and Urban Planning Division (UPD) recommends that the Local Planning Agency find the proposed rezoning consistent with the Broward County Comprehensive Plan and advises the applicant that:

- A wetland determination is required from the Water and Environmental Licensing Section prior to any land clearing or filling.
- A Broward County Tree Removal License will be required for any tree removal.
- Any public school facilities impacts must be mitigated during the platting and site planning processes.

III. Summary of Evaluation Criteria

Staff evaluated the applicant’s request based the eleven (11) criteria identified in Section 39-30 of the Broward County Zoning Code. Figure 2 includes a summary of staff’s evaluation. A more detailed evaluation is included in Part V. - Data and Analysis.

| Figure 2: Summary of Evaluation of Criteria | | |
|--|---|--|
| Factor | | Assessment |
| 1 | Corrects an Ambiguity or Error | No ambiguity/error exists |
| 2 | Addresses Changing Conditions | Yes |
| 3 | Applicant Testimony | <ul style="list-style-type: none"> • Information provided by the applicant in the rezoning amendment application supports the proposed amendment. • The applicant will have the opportunity to provide verbal testimony at the required public hearings. |
| 4 | Staff Recommendation | <p>Consistent with the Broward County Comprehensive Plan and acknowledging the following:</p> <ul style="list-style-type: none"> • A wetland determination is required from the Water and Environmental Licensing Section prior to any land clearing or filling. • A Broward County Tree Removal License will be required for any tree removal. • Any public school facilities impacts must be mitigated during the platting and site planning processes. |
| 5 | Public Testimony | <ul style="list-style-type: none"> • Written testimony not received. • Verbal testimony to be considered at public hearings. |
| 6 | Comprehensive Plan Consistency: Goals, Objectives, and Policies | <p>Consistent with the following goals, objectives and policies:</p> <ul style="list-style-type: none"> • Broward Municipal Services District Element <ul style="list-style-type: none"> ○ Policy BMSD 1.1.3 |

| | | |
|----|---|---|
| | | <ul style="list-style-type: none"> ○ Policy BMSD 1.1.5 ○ Policy BMSD 1.1.7 ○ Objective BMSD 1.2 ○ Policy BMSD 1.2.1 ○ Policy BMSD 1.2.2 ○ Policy BMSD 1.2.3 ● Conservation Element <ul style="list-style-type: none"> ○ Policy C6.7 ○ Policy C8.9 ● Public School Facilities Element <ul style="list-style-type: none"> ○ Policy PSF2.6 ● Recreation and Open Space Element <ul style="list-style-type: none"> ○ Objective R3 ○ Policy R3.2 ● Policy BCLUP 2.10.2 ● Policy BCLIP 2.10.11 |
| 7 | Comprehensive Plan Consistency: General Uses | Consistent |
| 8 | Protection, Conservation, or Preservation of Environmentally Critical Areas and Natural Resources | <p>No adverse impacts anticipated and acknowledging the following:</p> <ul style="list-style-type: none"> ● A wetland determination is required from the Water and Environmental Licensing Section prior to any land clearing or filling. ● A Broward County Tree Removal License will be required for any tree removal. |
| 9 | Infrastructure Capacity | Adequate. |
| 10 | Compatibility of Existing and Proposed Uses | Compatible. |
| 11 | Oceanfront Properties | No applicable. |

IV. Background

The applicant withdrew previous applications to amend the Broward Municipal Services District Future Land Use Map and rezone the property.

The application proposes to:

- Rezone the site from A-1: Agricultural Estate to PDD: Planned Development District to allow fifteen dwelling units.
- Allocate ten (10) flexibility units at the time of rezoning to PDD.

V. Data and Analysis

Section 39-30 of the Broward County Zoning Code provides for the Board of County Commissioners to consider eleven (11) factors when evaluating a rezoning request. These factors are addressed below:

A. Ambiguity/Error.

The proposed rezoning does not correct an ambiguity or error.

B. Changing Conditions.

- 1. Development Patterns.** Over time, the uses adjacent to and nearby the proposed amendment site have evolved from rural residential and agricultural uses to suburban style development. The proposed PDD would allow 15 dwelling units or approximately three (3) dwelling units per acre, which is higher than adjacent residential development. Newer development includes medium-low and low density residential, as well as planned developments. The existing developments commonly include excavated water features that serve the dual purpose of providing drainage and an amenity. Attachment G includes the proposed Master Development Plan as required by Article XX of the Zoning Code. It shows that development within proposed PDD zoning district would resemble nearby residential use by providing for low density single-family residential uses, as well an excavated water feature.

Staff finds the proposed rezoning is consistent with adjacent and nearby development patterns.

- 2. Housing Demand.** Broward County is nearly fully developed. New residential development is predominantly multiple family projects, generally accomplished through the assembly of urban infill sites and redevelopment of antiquated or derelict land uses and structures. The availability of development sites for new single-family subdivisions is limited; however, there is a continuing demand for single-family homes.

Staff finds the proposed rezoning will help meet demand for new single-family houses.

C. Testimony of Applicant.

Verbal and written testimony from the applicant will be considered by the Local Planning Agency and Board of County Commissioners at public hearings.

D. Recommendation of Staff.

See Section II-Staff Recommendation.

E. Sworn and Unsworn Testimony of the Public.

Verbal and written testimony from the public will be considered by the Local Planning Agency and Board of County Commissioners at public hearings.

F. Consistency with Goals, Objectives, and Policies of the Broward County Comprehensive Plan.

Staff finds the proposed rezoning is consistent with the Broward County Comprehensive Plan and Broward County Land Use Plan as indicated in Figure 3:

Figure 3: Comprehensive Plan Consistency
Broward Municipal Services District Element

POLICY BMSD 1.1.3 Future land uses shall be designated with consideration of appropriate topography, soil conditions, and floodplain elevation to avoid flooding, erosion, and repetitive property loss.

Analysis: Due to the potential of the site to contain jurisdictional wetlands, the applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling.

POLICY BMSD 1.1.5: Future land uses shall be coordinated with the availability of public facilities and services.

Rationale: The subject site is served by adequate public facilities.

POLICY BMSD 1.1.7: Future land uses shall be compatible with adjacent land uses and shall protect existing single-family neighborhoods from incompatible development.

Analysis: The area is predominantly planned for and developed with low density single-family dwellings. The proposed rezoning allows low density single-family residential uses.

OBJECTIVE BMSD 1.2 – Future Land Use Map Amendments Proposed amendments to the BMSD Future Land Use Map shall be evaluated based on the availability of public facilities and services, site suitability, compatibility with surrounding uses, complete streets, transportation infrastructure, affordable housing, and potential impacts on natural resources.

POLICY BMSD 1.2.1 Future land use amendments shall include the minimum amount of land needed to ensure:

1. Adequate facilities and services are available to support the uses
2. The site is suitable for the proposed use
3. Mobility options of the site are suitable for the proposed use and are designed using Complete Streets Principles outlined in the Transportation Element
4. Urban Sprawl is discouraged
5. Sufficient affordable housing is provided to meet the needs of the area
6. The proposed use is compatible with surrounding uses.

Analysis: The proposed rezoning site:

1. Is served by adequate public facilities;
2. Is suitable for single-family homes in terms of compatibility with surrounding existing and planned land uses;
3. Is suitable for single-family homes served by private passenger vehicles, since Broward County Transit does not provide or plan to provide public transit service;
4. Is appropriate for urban infill development that discourages urban sprawl;
5. Has a negligible impact on the need for affordable housing;
6. Is compatible with the nearby low density residential development.

POLICY BMSD 1.2.2 Availability and capacity of the following public facilities and services shall be considered:

1. Potable water
2. Sanitary sewer
3. Solid waste
4. Roads, sidewalks, and bicycle facilities
5. Public transit
6. Drainage
7. Parks and recreation facilities

- 8. Hurricane shelters and evacuation routes
- 9. Schools

Analysis: The proposed rezoning allows urban infill that will utilize existing available infrastructure.

POLICY BMSD 1.2.3 The following site characteristics shall be considered to determine its suitability for the proposed use:

- 1. Soils
- 2. Topography and floodplain elevations
- 3. Natural resources
- 4. Presence of historic and archaeological resources.

Analysis: Based on the available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File (FMSF), the county's archaeological consultant issued the following findings during review of the withdrawn FLUMS amendment:

- a. The proposed project will not adversely effect any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.
- b. The subject property is located within the BMSD and located within the jurisdictional boundaries of Broward County's historic preservation ordinance (BC. Ord. 2014-32).
- c. In the event that unmarked burials are discovered, Florida State Statutes, Chapter 872.05, requires "all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist."

Conservation Element

POLICY C6.7 Broward County shall continue to maintain and implement regulations that protect and preserve trees, including those in areas of native vegetative communities, and promote the use of native vegetation.

Analysis: Any proposed development that requires the removal of tree will be required to obtain a Broward County Tree Removal License.

POLICY C8.9 Broward County, through the provisions in Broward County Code of Ordinances, Chapter 27, Article XI, Aquatic and Wetland Resource Protection, shall continue to protect and conserve wetlands and the natural functions of wetlands through implementation of the Environmental Resource License Process, seek to avoid and minimize impacts to wetland function, and, where impacts are unavoidable, require replacement of lost function through mitigation.

Analysis: Due to the potential of the site to contain jurisdictional wetlands, the applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling.

Historic Preservation Component

Policy HP1.1 Broward County shall locate, identify and evaluate those sites, buildings, structures, objects, landscapes, neighborhoods and districts are associated with the archeological, historical, architectural and cultural development of the BMSD areas of the County.

Policy HP3.2 Broward County shall review all applications for public and private development and redevelopment within its jurisdiction and evaluate impacts to potential and recorded historic and cultural resources in a timely manner through the development

review processes.

Policy HP4.1 Broward County shall review development applications to determine the effect of proposed development upon cultural resources (archaeological sites, historical structures and sites, cemeteries, bridges, and districts) located within Broward County and monitor archaeological work of others within areas of County jurisdiction.

Analysis: Based on the available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File (FMSF), the county’s archaeological consultant issued the following findings during review of the withdrawn FLUMS amendment:

- a. The proposed project will not adversely effect any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.
- b. The subject property is located within the BMSD and located within the jurisdictional boundaries of Broward County’s historic preservation ordinance (BC. Ord. 2014-32).
- c. In the event that unmarked burials are discovered, Florida State Statutes, Chapter 872.05, requires “all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist.”

Public School Facilities Element

OBJECTIVE PSF2 – Concurrency Management System Broward County shall adopt a Countywide public school facilities concurrency management system for implementation of public school concurrency to ensure that public school facilities are available at the adopted LOS standard concurrent with the impact of proposed residential development.

POLICY PSF2.6 Broward County and the municipalities shall not approve a residential plat or site plan (or functional equivalent) until the School Board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the ILA, School Board Policy, and County and municipal LDRs.

Analysis: The site is served by Tradewinds Elementary, Lyons Creek Middle, and Monarch high schools. The figure below shows Monarch High School is expected to be the level-of-service standards through the 2025/26 school year.

| Public Schools Level of Service | | | |
|---------------------------------|-----------------------|--|------------------------------------|
| Type | School ¹ | Location | Meets Gross LOS 25/26 ² |
| Elementary | Tradewinds Elementary | 5400 Johnson Road Coconut Creek | Yes |
| Middle | Lyons Creek Middle | 4333 Sol Press Boulevard Coconut Creek | Yes |
| High | Monarch High | 5050 Wiles Road Coconut Creek | No |

Source:
¹ Maps and Data / By School Level (browardschools.com)
² Planning Tool for School Enrollment and Capacity (browardschools.com)

Pursuant to the Third Amended and Restated Interlocal Agreement for Public School Facility Planning, Broward County, Florida, public school concurrency review is conducted

at the time of plat or site plan application submittal. At that time, if permanent student capacity is not available at public schools to serve the proposed amendment site, the developer may be required by the School Board to mitigate impacts related to deficient capacity.

Recreation and Open Space Element

OBJECTIVE R3 – Level of Service Requirements

Ensure that parks meet the local and regional parks level-of-service standards of three acres per thousand population.

POLICY R3.2 Broward County shall continue to utilize the level of service (LOS) standard in Table R-1, which was adopted by the Board of County Commissioners to assess adequacy of service and concurrency, for the County's local and regional parks and recreation facilities.

Table R-1: Level of Services Standards for Local Parks in the BMSD and Regional Parks

| Facility Type | Level of Services Standard |
|--------------------------|--|
| Local Parks in BMSD only | Three (3) acres per 1,00 persons (minimum) |
| Regional Parks | Three (3) acres per 1,00 persons (minimum) |

Analysis:

Local Parks.

The LOS standard for local parks is three (3) acres per thousand population. The proposed rezoning will generate the need for approximately 0.14 acres of local parks. The supply of local parks is expected to be sufficient to meet the demand through at least 2045.

| Current Parks | Current Demand | Amendment Demand | Total Demand with Amendment | Surplus/Deficit |
|---------------|----------------|------------------|-----------------------------|-----------------|
| 77.47 | 44.88 | 0.14 | 45.02 | +32.45 |

Regional Parks.

The LOS standard for regional parks is three (3) acres per thousand population. The proposed rezoning will generate the need for approximately 0.14 acres of regional parks. The supply of regional parks is expected to be sufficient to meet the demand through at least 2045.

| Current Parks | Current Demand | Amendment Demand | Total Demand with Amendment | Surplus/Deficit |
|---------------|----------------|------------------|-----------------------------|-----------------|
| 7,478.65 | 5,481.02 | 0.14 | 5,486.36 | +1,992.96 |

At the time of platting, regional park impact fees are required based on the number of units permitted on the site.

Broward County Land Use Plan

POLICY BCLUP 2.10.2: 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 local land use plans. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns.

Analysis: The area is predominantly planned for and developed with low density single-family dwellings. The proposed Planned Development District allows for low density single-family residential uses.

POLICY BCLUP 2.10.11: Broward County shall promote and encourage and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within the unincorporated area, the direction of (re)development towards existing communities to capitalize on the availability and economies of existing infrastructure, the need for select neighborhood and commercial revitalization and the public need to maximize its tax base.

Analysis: The proposed rezoning allows urban infill that will utilize existing infrastructure.

G. Consistency with Densities, Intensities, and General Uses Set Forth in the Broward County Comprehensive Plan.

The Broward County Land Use Plan designates the parcel to the southeast of the proposed amendment site for Low (5) Residential and the other adjacent land for Estate (1) Residential. The rezoning and allocation of flex units allows a density of approximately three (3) dwelling units per acre, which is higher than the adjacent residential development.

| Figure 4: Site and Surrounding Future Land Uses | | |
|--|--|---|
| Location | BMSD Future Land Use (Attachment E) | BCLUP Future Land Use (Attachment F) |
| Subject Site | Estate (1) Residential | Estate (1) Residential |
| North (City) | Residential Estate 1 du/acre | Estate (1) Residential |
| East (City) | Residential Estate 1 du/acre | Estate (1) Residential |
| South (City) | Residential Estate 1 du/acre | Estate (1) Residential |
| West (City) | Residential Estate 1 du/acre | Estate (1) Residential |

Staff finds the proposed Planned Development District zoning district is consistent with the densities, intensities, and general uses set forth on the Broward Municipal Services District Future Land Use Map, as well the Broward County Land Use Plan Future Land Use Map.

H. Protection, Conservation, or Preservation of Environmentally Critical Areas and Natural Resources.

Various approvals, permits, and licenses may be required prior to development, such as tree removal permits and environmental resource licenses. During review of the now withdrawn proposed BMSD Future Land Use Map amendment application, environmental staff indicated that the site may contain County jurisdictional wetlands. A wetland determination from the Resilient Environment Department Environmental Permitting Division must be requested prior to any land clearing or filling

Staff finds that any potential harm to environmentally critical areas and natural resources will be adequately addressed through Broward County’s development review processes.

I. Infrastructure Capacity.

The capacity of infrastructure was found to be adequate during staff’s review of the withdrawn Future Land Use Plan Amendment Application 22-M1.

Staff finds infrastructure is adequate to serve the proposed amendment site. Staff recommends that before issuance of the first Certificate of Occupancy, a homeowners association shall be established to maintain common areas and infrastructure, including the 0.70-acre dry retention area located on the southeast corner of the PDD and the access road.

J. Compatibility of Existing and Proposed Uses.

The Broward County Land Use Plan defines compatibility “as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.” Staff evaluates compatibility based upon the characteristics of the proposed use in relation to the surrounding uses.

The table below shows the existing and planned uses of the site and adjacent sites.

| Figure 5: Site and Surrounding Existing Land Uses | |
|--|--|
| Location | Existing Land Use |
| Subject Site | Single-Family Residence |
| North (City) | North Broward Preparatory School (K-12) |
| East (City) | Single-Family Residences |
| South (City) | Oak Trails Park |
| West (City) | North Broward Preparatory School (PK-12) |

The property to the north is occupied by a drainage pond at the North Broward Preparatory School, to the east is single-family residential, to the south is Oak Trails Park, and to the west is undeveloped property at the North Broward Preparatory School. The proposed rezoning would allow 15 dwelling units. Attachment G includes the proposed Master Development Plan submitted by the applicant. Staff finds the proposed PDD zoning district allows residential development that is compatible with the existing and planned surrounding single-family developments in terms of density, intensity, and scale.

Staff finds the area is predominantly planned for and developed with low density single-family dwellings. The proposed rezoning allows for low density single-family residential uses.

K. Oceanfront Properties Considerations.

Not applicable.

VI. Attachments

Attachment A: Site Location Map

Attachment B: Aerial Map

Attachment C: Current Zoning District

Attachment D: Proposed Zoning District

Attachment E: Broward Municipal Services District Future Land Use

Attachment F: Broward County Land Use Plan Future Land Use

Attachment G: Proposed Master Development Plan