

CITY COMMISSION AGENDA ITEM REPORT

DATE: August 23, 2023

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2534

AGENDA SECTION: **PUBLIC HEARING(S)**

TITLE: TO2534 - An Ordinance of the City Commission of the City of Tamarac, Florida, adopting a Small Scale Local Land use Plan Amendment to the City of Tamarac's Comprehensive Plan Future Land Use Map in accordance with Chapter 163, specifically Section 163.3187 of the Florida state statutes, for an area of approximately 3.0 net acres in size, located on the Northeast corner of Northwest 21 Avenue and West Prospect Road, addressed as 2099 West Prospect Road, fully described as Parcel "A," "Prospect Plaza" according to the plat thereof, as recorded in Plat Book 136, page 2 of the public records of Broward County, Florida, to change the future land use designation from "Low-Density Residential" to "Low-Medium Residential" in order to allocate one (1) flexibility unit to facilitate the allowance of a school use and provide consistency with the Land Development Code in accordance with the intent of the comprehensive plan of the City of Tamarac; (Case No. 1-LUA-23) authorizing transmittal of the Small Scale Land Use Map Amendment to the Department of Economic Opportunity and the Broward County Planning Council for recertification of the City of Tamarac Future Land Use Map; providing for amendment to the land use plan to reflect such change; providing for conflicts; providing for severability; and providing for an effective date.

RECOMMENDATION: The Director of Community Development recommends that the Mayor and City Commission approve the proposed Small Scale Land Use Plan Amendment request and the allocation of one (1) flexibility unit to facilitate the allowance of a school use at its August 23, 2023 meeting for first reading and at its September 13, 2023 meeting for second reading with a condition of approval (see attached Temporary Ordinance No. 2534).

BACKGROUND:

The property is currently comprised of two (2) one-story buildings connected by a covered walkway with associated parking, playground, and landscaping. Building “A” consists of nine thousand and ninety-three (9,093) square feet and Building “B” consists of nine thousand one hundred and seven (9,107) square feet totaling eighteen thousand two hundred (18, 200) square feet combined.

The subject property is the former site of the Kathleen C. Wright Charter School that occupied the space from 2010-2013 and taught kindergarten through eighth grade. In 2014, the site was approved by the City to house CHAMPS Career Prep High School with an expected enrollment of four hundred (400) students. This school never actually opened at this location for various internal reasons.

On July 11, 2018, the City Commission approved a Special Exception to allow for the use of a public, non-profit school (Excelsior Charter of Broward) in a R-1C (Single-Family Residential) Zoning District with a condition of approval that required the special exception to only remain valid during the period of which the certificate of occupancy and business license remain active (see attached Board Order). On August 9, 2018, Excelsior Charter of Broward moved from 10066 West McNab Road within the Tamarac Marketplace Shopping Center to 2099 West Prospect Road to allow the existing school to expand.

Excelsior Charter of Broward had over two hundred (200) students in Grades K through 5 and desired to increase the enrollment to four hundred fifty (450) students for Grades K through 8 at the location of Special Exception approval. During the 2020-2021 school year, Excelsior Charter of Broward served one hundred fifty-seven (157) students and was unfortunately shuttered in 2022 due to financial issues stemming from the COVID-19 pandemic. The business license for Excelsior Charter of Broward was not renewed for 2022 and expired on September 30, 2022.

The subject property was also rezoned from R-1C (Single-Family Residential) Zoning District to RE (Residential Estate) Zoning District on July 11, 2018, as part of the City-wide rezoning that accompanied the approval of the City's new Land Development Regulations. The existing Excelsior Charter of Broward school became a non-conforming use due to schools being prohibited in the RE (Residential Estate) Zoning District. Section 10-1.9(B)(4), Nonconformities, Land Development Code states, “Abandonment of Use. If a nonconforming use of land ceases for more than 60 consecutive days, the nonconforming use may not be re-established except as

permitted under §10-5.4(C), Establishment of Use.”

The existing non-conforming use of the school in the RE (Residential Estate) Zoning District ceased for more than sixty (60) days after the business license for Excelsior Charter of Broward expired on September 30, 2022. Section 10-1.9(B)(3)(b), Nonconformities, Land Development Code further states, “In any residential district, a nonconforming use may be changed only to a use permitted in the district.”

The proposed Small-Scale Land Use Plan Amendment from “Low-Density Residential” to “Low Medium Residential” will facilitate the allowance of a school use as accompanying this application is a request to change the zoning of the subject property from RE (Residential Estate) to R-3 (Multi-Family Residential) as a school use is permitted as a Special Exception in the R-3 (Multi-Family Residential).

Additionally, accompanying this application is a request for the allocation of one (1) flexibility unit. The allocation is needed to provide the residential density to allow for the proposed R-3 (Multi-Family Residential) Zoning District requested without needing to amend to the Broward County Land Use Plan and to remain consistent with the regulations outlined in the Administrative Rules Document: Broward Next.

The proposed Small Scale Local Land Use Plan Amendment only requires approval from the City and does not require evaluation by reviewing agencies defined in Section 163.3184(1)(c), Florida Statutes, as the proposed amendment involves a use of 50 acres or fewer, does not involve a text change to the City’s Comprehensive Plan, and is not located within an area of critical state concern. The proposed Small Scale Local Land Use Plan Amendment will not require an amendment to the Broward County Land Use Plan, but recertification of the City’s Future Land Use Map and Unified Flexibility Table will be required. The City will require the applicant to complete the land use map recertification process through Broward County Planning Council as a condition of approval.

Finally, accompanying this application is a request for Special Exception to allow for a proposed School use in an R-3 (Multi-Family Residential) Zoning District. The Special Exception application will be forwarded to the City Commission for approval following the public hearings by the City Commission for the Small-Scale Land Use Plan Amendment, Rezoning, and Flexibility Unit requests on first reading.

ISSUE:

Keith Poliakoff, Esquire, designated agent for the property owner, Charter BC Tamarac Prospect, LLC, is requesting approval of a Small Scale Local Land Use Plan Amendment to change the future land use designation of the subject property from “Low-Density Residential” to “Low Medium Residential” and the allocation of one (1) flexibility unit to facilitate the allowance of a school use (see attached Justification for Small-Scale Land Use Plan Amendment).

STRATEGIC GOALS:

Goal #4: Tamarac is Vibrant

ATTACHMENTS:

- 1 - Bethlehem Junior Academy SSLUPA Memo MM.doc
- 2 - Temporary Ordinance No 2534.doc
- 3 - Justification for Small-Scale Land Use Plan Amendment.docx
- 4 - Location Map.pdf
- 5 - City of Tamarac Future Land Use Map.pdf
- 6 - Application to the City of Tamarac Land Use Plan.pdf