

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, (954) 797-1101

**SUBJECT:** Quasi Judicial Hearing: Variance

**TITLE OF AGENDA ITEM:**

V 6-1-01, Miller Legg & Associates, Inc., Petitioner/Town of Davie, Owner, 7575 Davie Road Extension/Generally located at the northeast corner of Davie Road Extension and NW 76 Avenue, approximately 1/2 mile east of University Drive.

**REPORT IN BRIEF:**

The applicant requested that this item be tabled from the Town Council of March 21, 2001 to the Town Council meeting of April 4th.

**PREVIOUS ACTION:**

A rezoning request (ZB 6-2-01) to rezone 4.2 acres of land from RM-10, Medium Density Dwelling District to R-5, Low Medium Dwelling District for Habitat for Humanity of Broward to develop 22 single family homes in a residential development, is being considered concurrently with this request, at the Town Council meeting of August 15, 2001.

**CONCURRENCES:**

- The Planning and Zoning Board recommended approval of this item at its August 8, 2001 meeting (motion carried 5-0).

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Justification Letter, Proposed Plat, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 6-1-01**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 7/17/01**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Town of Davie  
**Address:** 6591 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954) 797-1035

**Agent:**

**Name:** Miller Legg & Associates, Inc.  
**Address:** 1800 N. Douglas Rd., Ste. 200  
**City:** Pembroke Pines, FL 33024  
**Phone:** (954) 436-7000

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**BACKGROUND INFORMATION**

**Notification Date:** August 1, 2001      **Number of Notifications:** 37

**Application History:** None

**Application Requests:** From Section 12-81 which requires a minimum lot size of 7,000 square feet in the R-5 district; to reduce the required lot size from 7,000 square feet to a minimum of 5,310 square feet and a maximum of 6,774 square feet for 12 of the 22 platted lots. From Section 12-81 which requires a minimum lot frontage of 75 feet in the R-5 district; to reduce the required lot frontage from 75 feet to a minimum of 42.76 feet to a maximum of 71.37 feet for 16 of the 22 platted lots.

**Address/Location:** 7575 Davie Road Extension/Generally located at the northeast corner of Davie Road Extension and NW 76 Avenue, approximately 1/2 mile east of University Drive.

**Future Land Plan Use Designation:** Residential (10 du/ac)

**Zoning:** RM-10, Residential Multi-family (10 du/ac)

**Proposed Rezoning:** R-5, Low Medium Density Dwelling district

**Existing Use:** Vacant land

**Proposed Use:** 22 Single Family Lots

**Parcel Size:** 4.206 gross acres (183,213.36 square feet)

**Surrounding Land Use:**

**Land Use Designation**

**North:** Vacant Land, Apt. Bldg.

Utility, Residential (16 du/ac)

**South:** City of Hollywood - Office Bldg.,  
Church

City of Hollywood

**East:** Bojman Bldg. & Vacant Land

Commercial

**West:** Harmony Village Subdiv.,  
Shopping Center

Residential (5 du/ac), Plaza  
Commercial

**Surrounding Zoning:**

**North:** CF, Community Facilities District & RM-16, Medium Density Residential District

**South:** City of Hollywood - St. of Fla. Employment Office, Church

**East:** B-1, Neighborhood Business District & B-2, Community Business District

**West:** R-5, Low Medium Dwelling District & B-2, Community Business District

## ZONING HISTORY

**Related Zoning History:**

**Harmony Village Community Redevelopment/Revitalization Plan:**

On February 7, 2001, the Town Council approved the conceptual plan for development of the "Harmony Village Community" in the Driftwood area of Davie south of Stirling Road, east of 78th Avenue, and north and west of the Davie Road Extension. This area is one of three (3) neighborhoods that were targeted by the Town in 1997 for redevelopment/revitalization, due to physical decay/blight, and significant numbers of lower-income families. The Driftwood area represents less than 1.5 percent of the Town's land area, but comprises seven (7%) percent of the entire population in Davie. There are 3,282 residents in the area, the majority of which are low/moderate income families.

The "Harmony Village Community" Redevelopment/Revitalization Plan is a multi-faceted endeavor which contains both residential and non-residential components, and sets forth a holistic approach to neighborhood revitalization which includes:

- the provision of affordable homeownership opportunities for Davie residents living in substandard mobile homes, or who are "cost-burdended" in their rent
- increased/enhanced park and recreation opportunities for at-risk youth
- the provision of educational/vocational opportunities (computer/InterNet skills)
- job training and employment opportunities
  
- affordable child care opportunities and after-school programs
- specialized Fair Housing Outreach and Education Campaigns
- physical and mental health care services for needy families
- upgraded the living conditions for Davie residents living in Public Housing

The center-piece of the Harmony Village Plan, is the development of the 22 new single-family homes affected by this rezoning. The Town is donating this land to Habitat for Humanity of Broward County, and has committed \$625,000 in Davie's SHIP Grant Funds for the predevelopment of the site. Additionally, all Park & Recreation Impact and Building Permit Fees will be waived.

While Habitat normally develops homes for families who earn less than 50% of the areas median income, this development will have a mix of incomes; and, approximately one-third of the homes will be set aside for families earning up to 80% of the median income. The design of the homes will be varied (i.e. three different site elevations), and will mirror market rate housing.

The homes will be financed by local lenders with interest-free loans payable over 20 years. No cash down-payments are required of the homeowners; however, they were required to contribute 500 hours of sweat equity in their unit. Construction costs are estimated to be \$76,478 per unit; and the development criteria was predicated on Habitat receiving the same variances as were granted for Phase I of Harmony Village.

**Previous Request on same property:** Town Council consideration of a rezoning request, rezoning 4.2 acres of land from RM-10, Medium Density Dwelling District to R-5, Low Medium Dwelling District.

## **DEVELOPMENT PLAN DETAILS**

The petitioner is proposing to construct a Habitat for Humanity community consisting of 22 detached single family homes on approximately 4.206 acres (183,213.36 square feet) of platted property. One access opening is provided to site from NW 76 Avenue.

Town Council consideration of a rezoning request is pending for the subject site, which rezones the site from RM-10, Medium Density Dwelling District to R-5, Low Medium Dwelling District.

## **Applicable Codes and Ordinances**

Section 12-81, which requires a minimum lot size of 7,000 square feet of land in R-5 districts.

Section 12-81, which requires a minimum lot frontage of 75 feet in width in the R-5 districts.

## **Comprehensive Plan Considerations**

**Planning Area:** This property falls within Planning Area 11, is bound by Griffin Road to

the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwelling units per acre. There are two single-family residential subdivisions, developed at 5 dwelling units per acre. Small commercial developments line Davie Road Extension. The Town has potable water and wastewater treatment facilities in this planning area. Florida Department of Transportation (FDOT) is in the design stage of widening Davie Road Extension.

The Town's comprehensive land use plan Objective number 19, provides the Town shall explore and implement economic incentive programs to facilitate the redevelopment of blighted areas, the "Harmony Village Community" meets this objective.

### **Broward County Comprehensive Plan Considerations**

This property falls within flexibility Zone 102. The petitioner will be required to plat this property through the Town of Davie and Broward County. Concurrency review, including roadways and utilities infrastructure will be reviewed at the time of platting. This site falls within a compact deferral area as identified by the Broward County Compact Deferral map.

### **Staff Analysis**

The Town of Davie provided its support and commitment to the redevelopment and revitalization of three (3) targeted neighborhoods within the Driftwood area in 1997. At its February 7, 2001 Town Council meeting, Council approved the conceptual plan for the development of the "Harmony Village Community" one of the targeted areas for redevelopment and revitalization.

Habitat for Humanity proposes to develop a community consisting of 22 detached single family homes on approximately 4.206 acres of platted property. This development is a significant element in the overall redevelopment and revitalization of the targeted area of Driftwood.

In the creation and design process, the goal was to create a low/moderate income affordable community that would blend with the surrounding developments and at the same time meet the goal and objective of a community with a minimum of 22 homes.

The variances requested are the minimum in view of the above criteria. The unique lot configuration provides design challenges. The variances requested are consistent with those requested during site development process of the existing "Harmony Village" Habitat project, and meet the goals of the Town of Davie and

density allowed allowed by the Town's Land Use Plan.

The Town's comprehensive land use plan Objective number 19, provides the Town shall explore and implement economic incentive programs to facilitate the redevelopment of

blighted areas, the “Harmony Village Community” meets this objective.

Staff is of the opinion that given the lot configuration, and compliance with the goals and objectives of the Town and project, the variances requested are the minimum required to develop the land and will blend with the surrounding developments.

### **Findings of Fact**

#### **Variances: Section 12-309:**

(a) There are special circumstances and conditions applying to the land for which the variance is sought; the circumstances or conditions are peculiar to such land and do not apply generally to land in the same district; said circumstances or conditions may be such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought; the alleged hardship can be considered not self-created by any person having an interest in the property;

(b) The granting of the variances may be necessary for the reasonable use of the land or building based upon the area in question and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances are in harmony with the general purpose and intent of this chapter, and are not injurious to the neighborhood or otherwise detrimental to the public welfare.

### **Staff Recommendation**

**Recommendation:** Based upon the above and the findings of fact in the positive, staff recommends approval of the variance requests.

### **Planning and Zoning Board**

**PLANNING AND ZONING BOARD RECOMMENDATION:** The Planning and Zoning Board recommended approval of the variance (motion carried: 5-0, August 8, 2001)

### **Exhibits**

Justification Letter, Proposed Plat, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

### Variance Application for the "Harmony Village Community"

- REQUEST:
- A. Minimum lot width of 42 feet, where 75 feet is required by code Section (Table) 12-81A, Conventional Single-Family Development Standards.
  - B. Minimum lot area of 5,310 s.f., where 7,000 s.f. is required by code Section (Table) 12-53 Residential Performance Standards, and Section 12-81A, Conventional Single-Family Development Standards.

#### PROJECT SUMMARY:

On February 7, 2001 the Town of Davie passed Resolution No R-2001-37 (attached) approving the conceptual plan for development of the "Harmony Village Community", located in the southern CDBD target area, known as the Driftwood Target Area. The resolution also authorized the Town Administrator and the Housing and Community Development Director to proceed with all the necessary actions to implement the plan. In creating the conceptual design for this community to meet the goal of providing low/moderate income affordable homes, this site had to consist of a minimum of twenty-two (22) lots. In order to create 22 lots for affordable homes the minimum lot width on the narrowest lot within the subdivision is 42.76' feet, and the minimum lot area on approximately three lots is 5,310 square feet. Therefore, we are requesting the above minimum lot width and lot area for this entire development. Even though the variance request is for the entire site, please note that there are ten (10) lots that exceed the minimum lot area, and there are five (5) lots that meet or exceed the minimum lot width. (See attached site plan)

Included with this variance application is a request for rezoning the property from the RM-10 district to the R-5 district, which is the district that most closely meets the design for this low/moderate affordable community.

The site consists of a portion of vacant land within Tract 64 of the "A.J. Bendle Subdivision" plat, and a portion of vacant land that was platted as the "Driftwood Estates No 21" plat. The proposed site will be replatted into one plat known as the "Harmony Village Community" plat.

The Town of Davie requires specific criteria to be reviewed for all variance requests. The following questions are provided on the rezoning application and are answered below:

1. *Whether or not there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in*

*the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self created by any person having an interest in the property.*

The special circumstances applying to this property are provided for in the Town of Davie Resolution R-2001-37 (attached). This resolution provides approval of the conceptual design for this proposed 22 single family unit subdivision located in the southern CDBG target (Driftwood) area. The resolution contains the provision for the Habitat for Humanity of Broward County to construct new single-family homes that are affordable to Davie's low/moderate income families specifically described on this subject site.

- 1. Whether or not the granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.*

In creating the conceptual design for this community to meet the goal of providing low/moderate income affordable homes, this site had to consist of a minimum of twenty-two (22) lots. The site was designed with as many of the lots meeting code as physically possible. The narrowest lot within the subdivision is 42.76' feet, and the minimum lot area on approximately three lots is 5,310 square feet. There are ten (10) lots that exceed the minimum lot area, and there are five (5) lots that meet or exceed the minimum lot width, however the variance is requested for the entire development. (See attached site plan)

- 1. Whether or the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The existing RM-10 zoning and the 10 DU/AC land use category currently provided on this property would permit a much more dense multi-family community. With the RM-5 rezoning request submitted with this variance application, this site will be less dense than currently permitted, and will be in harmony with the existing Habitat for Humanity development adjacent to this site. This site was collectively chosen by Habitat for Humanity of Broward and the Town of Davie due to the desire to expand the existing Harmony Village into a larger community. Since the site is accessible and inviting to a multi-cultural neighborhood, it was selected by the Town of Davie and Habitat for Humanity of Broward, to play a key role in the redevelopment of the Driftwood CDBG Target Area. The site is located immediately adjacent to Driftwood Park, which will house a new 8000 square foot Boys and Girls Club facility on the southeast corner. That facility will increase and enhance park and recreation opportunities and expanded programs for at-risk neighborhood youth.

*Taken from: Section 27-804 (g) of the Code of Ordinances Town of Davie, as amended.*

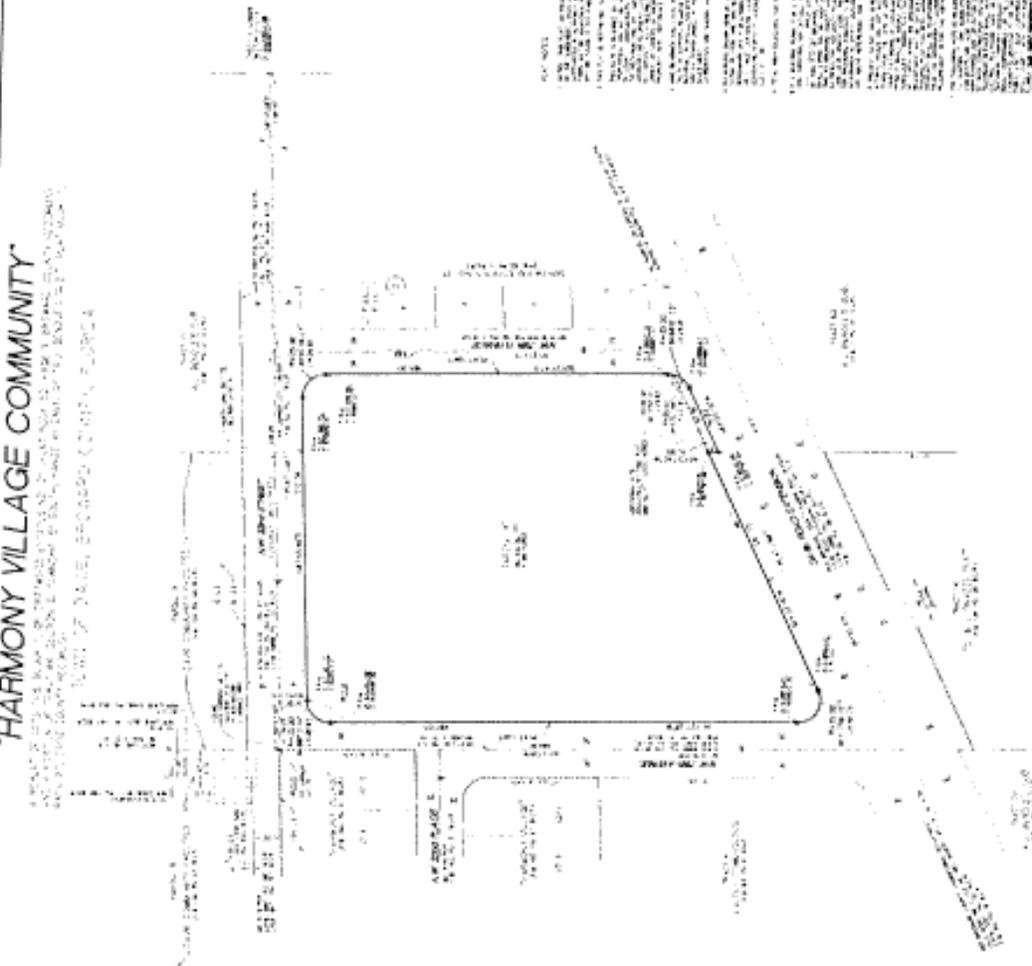


# HARMONY VILLAGE COMMUNITY

APPROXIMATELY 1000 ACRES OF LAND IN THE TOWN OF HARMONY, FLORIDA, IS BEING OFFERED FOR SALE BY THE HARMONY VILLAGE COMMUNITY. THE LAND IS LOCATED IN THE TOWN OF HARMONY, FLORIDA, AND IS BEING OFFERED FOR SALE IN LOTS OF APPROXIMATELY 1000 ACRES EACH. THE LAND IS BEING OFFERED FOR SALE IN LOTS OF APPROXIMATELY 1000 ACRES EACH. THE LAND IS BEING OFFERED FOR SALE IN LOTS OF APPROXIMATELY 1000 ACRES EACH.

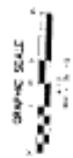
PLAT NO. 1-1

PLAT NO. 1-1

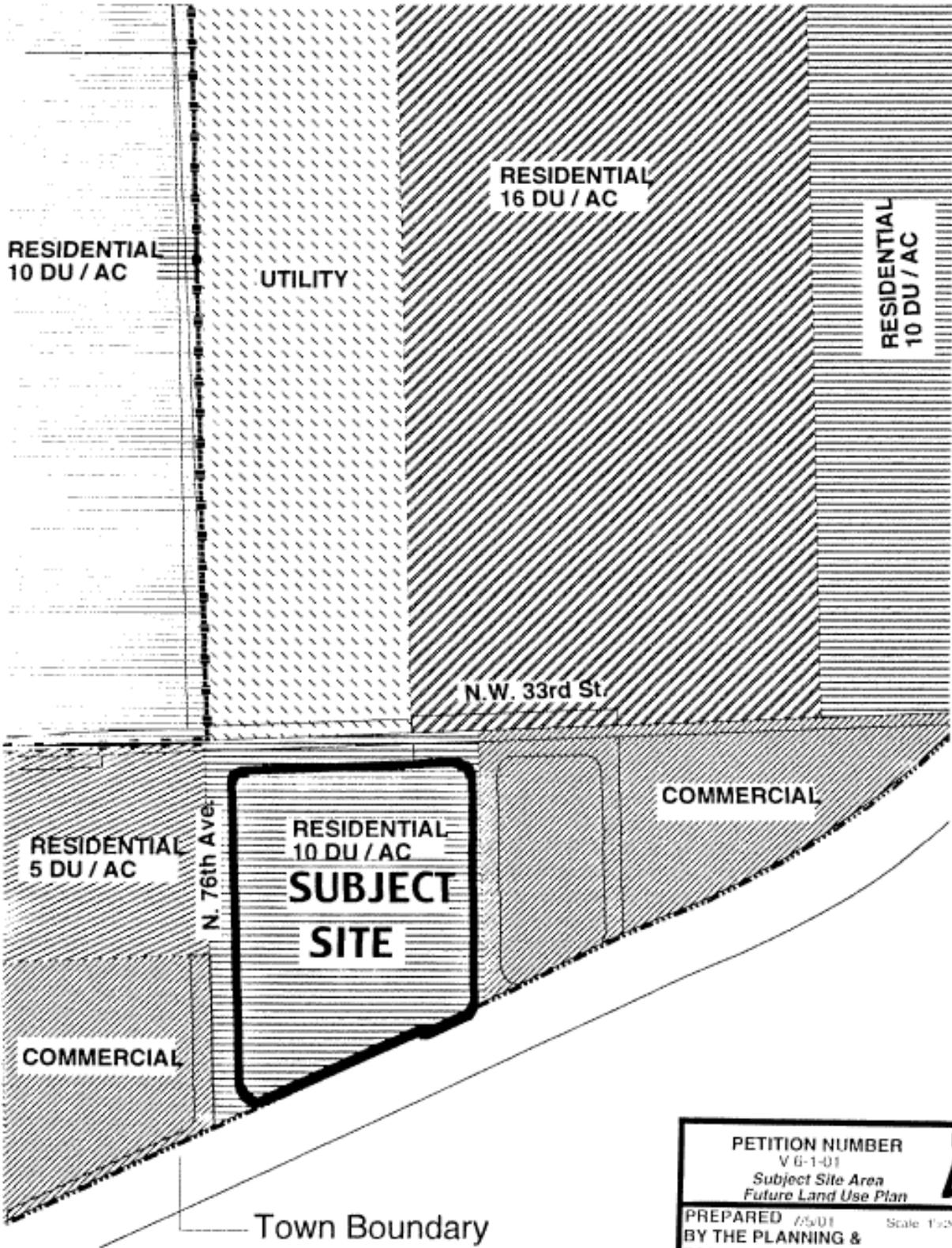


NOTES:  
 1. THE LAND IS BEING OFFERED FOR SALE IN LOTS OF APPROXIMATELY 1000 ACRES EACH.  
 2. THE LAND IS BEING OFFERED FOR SALE IN LOTS OF APPROXIMATELY 1000 ACRES EACH.  
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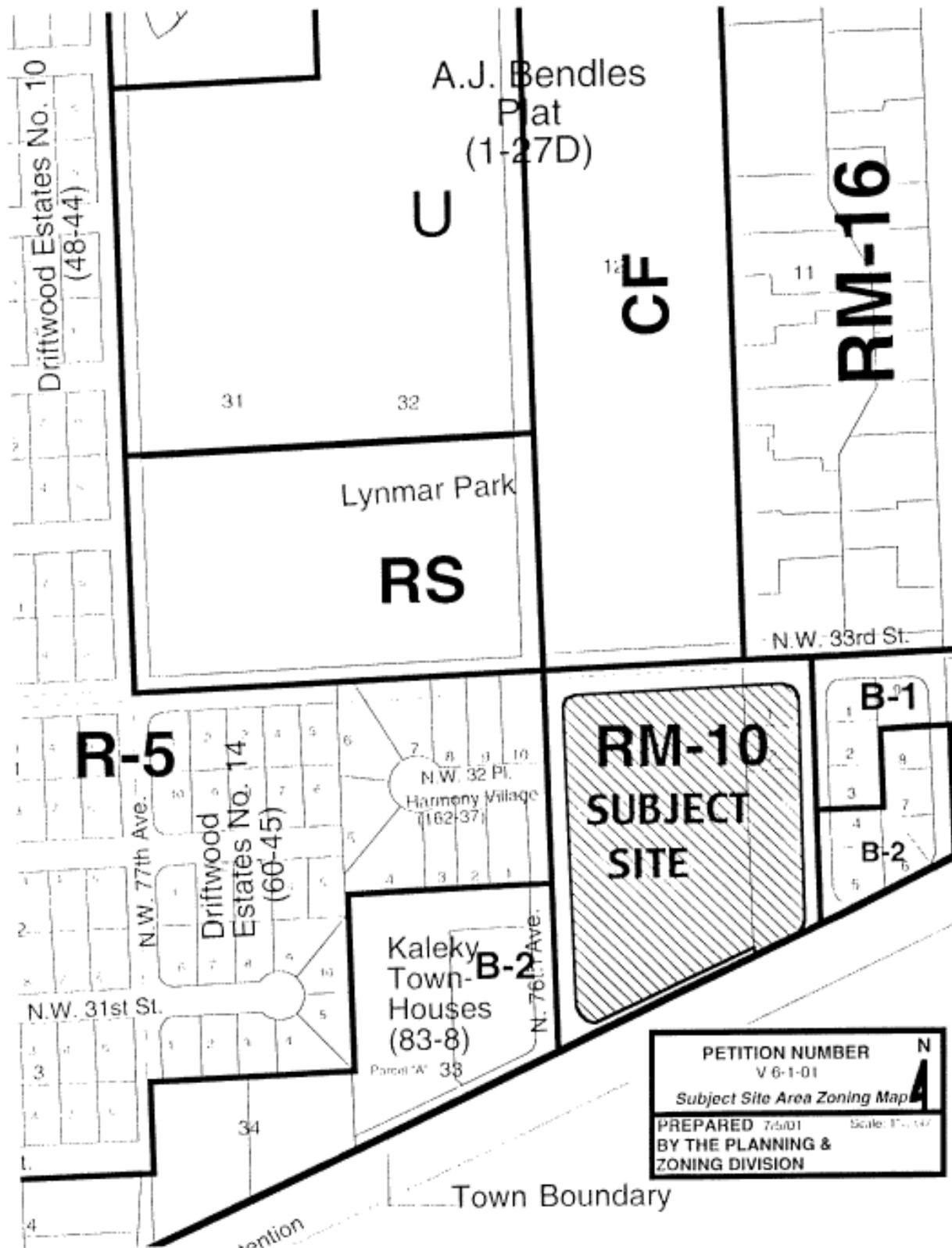
1. LOT 1  
 2. LOT 2  
 3. LOT 3  
 4. LOT 4  
 5. LOT 5  
 6. LOT 6  
 7. LOT 7  
 8. LOT 8  
 9. LOT 9  
 10. LOT 10







PETITION NUMBER V 6-1-01 <i>Subject Site Area Future Land Use Plan</i>	<b>N</b> <b>4</b>
PREPARED 7/5/01 BY THE PLANNING & ZONING DIVISION	Scale 1"=200'



Driftwood Estates No. 10  
(48-44)

A.J. Bendles  
Plat  
(1-27D)

U

CF

RM-16

31

32

Lynmar Park

RS

N.W. 33rd St.

R-5

N.W. 77th Ave.

Driftwood  
Estates No. 14  
(60-45)

N.W. 32 Pl.  
Harmony Village  
(162-37)

RM-10  
SUBJECT  
SITE

B-1

N.W. 31st St.

Kaleky  
Town-  
Houses  
(83-8)

N. 76th Ave.

B-2

B-2

34

Parcel "A" 38

PETITION NUMBER  
V 6-1-01

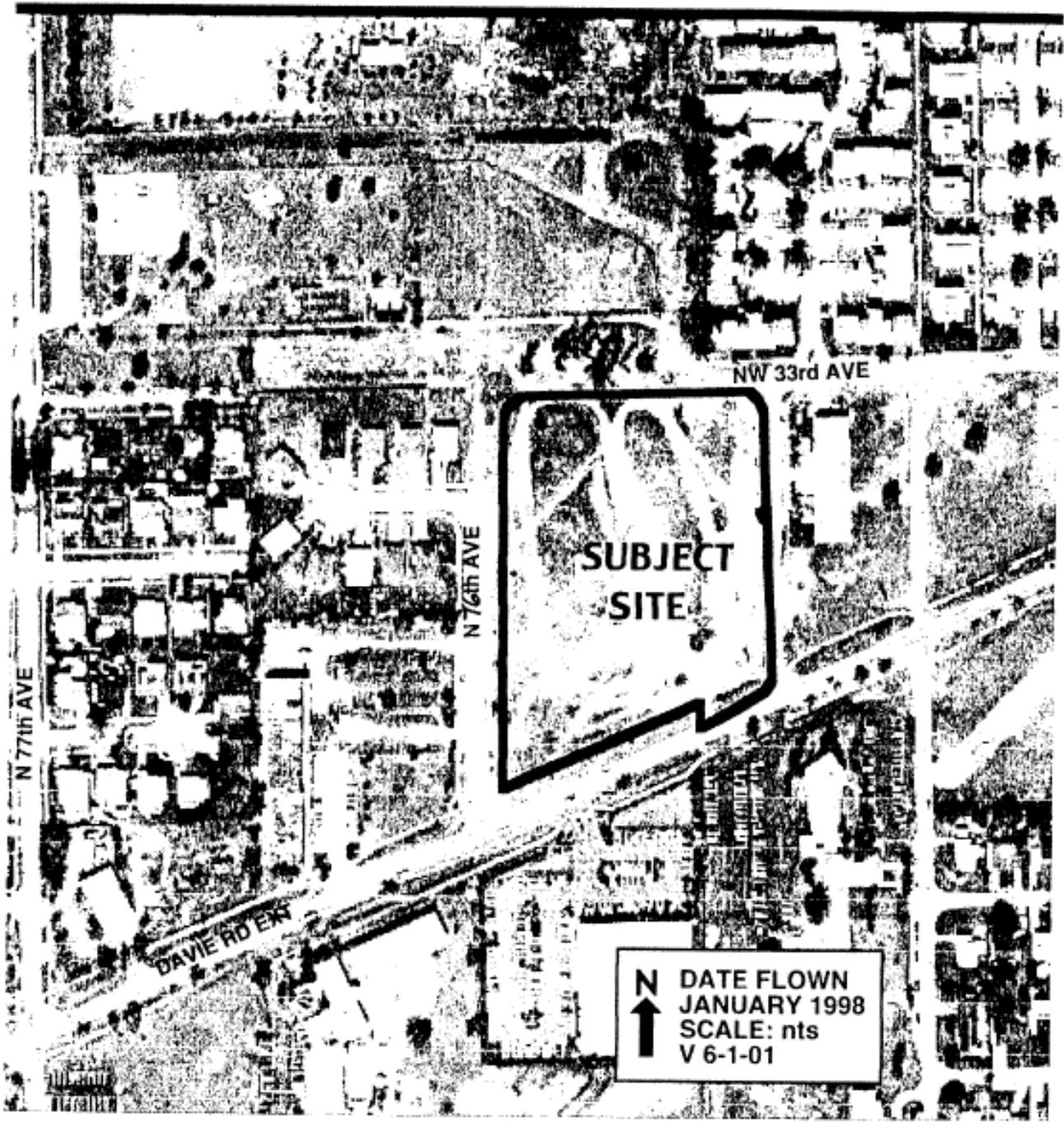
Subject Site Area Zoning Map

PREPARED 7/5/01 Scale: 1" = 100'  
BY THE PLANNING &  
ZONING DIVISION

N

Town Boundary

ention



NW 33rd AVE

**SUBJECT  
SITE**

N 7th AVE

N 7th AVE

DAVIE RD EX

**N**  
**↑**  
DATE FLOWN  
JANUARY 1998  
SCALE: nts  
V 6-1-01