TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 5-1-03 Zarbafi Estates, 5150 South Pine Island Road /Generally located on the east side of South Pine Island Road, 1700' north of Stirling Road

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner has requested to rezone 9.341 acres from: R-5, Low Medium Dwelling District to: R-3, Low Density Dwelling District, in order for the site's zoning designation to be consistent with its Future Land Use Plan Map classification. Approval of the request will allow the 9.34 acres site to be developed with twenty-eight (28) single family dwellings. The area proposed for rezoning exceeds the Land Development Code's minimum requirements needed to gain the R-3, Low Density Dwelling District zoning designation. Minimum lot size required is 12,000 square feet, and the subject site is 9.34 acres or 406,850.4 square feet. Minimum frontage is 100'; the subject site has 330' frontage.

PREVIOUS ACTIONS: None

CONCURRENCES: At the August 27, 2003, Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0 with Chair Bender absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from R-5, Low Medium Dwelling District to R-3, Low Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from R-5, Low Medium Dwelling District to R-3, Low Density Dwelling District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

b. The subject property shall be developed in substantial conformance with the conceptual site plan as shown in Exhibit "A", so long as it meets all applicable Codes and Ordinances of the Town of Davie, which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, R-3, Low Density Dwelling District;

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2003.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2003.

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

Applicant Information

Owner:		**Agent:**	
Name:	Mohammad Zarbafi	**Name:**	Ghasahem Kavanin
Address:	6310 SW 56 Street	**Address:**	11900 SW 11 Court
City:	Davie, FL 33314	**City:**	Davie, FL 33325
Phone:	(954) 275-5238	**Phone:**	(954) 224-1380

Background Information

Date of Notification: August 20, 2003 **Number of Notifications:** 25

Application History: No deferrals have been requested.

Application Request: Rezone 9.341 acres **FROM:** R-5, Low Medium Dwelling District; **TO:** R-3, Low Density Dwelling District, in order for the site's zoning designation to be consistent with its Future Land Use Plan Map classification.

Address/Location: 5150 South Pine Island Road /Generally located on the east side of South Pine Island Road, 1700' north of Stirling Road.

Future Land Use Plan Map: Residential (3 DU/AC), 9.34 acres

Proposed Density: 3 DU/AC (28 dwelling units)

Zoning: R-5, Low Medium Dwelling District

Existing Use: Abandoned agricultural use (pond, pump house, two (2) shade houses)

Proposed Use: Twenty-eight (28) single family dwellings

Parcel Size: 9.34 acres (406,850.4 square feet)

	Surrounding Uses:	**Surrounding Land Use Plan Map Designations:**
North:	Naugle's Nursery	Residential (3 DU/AC)
South:	Vacant	Community Facilities
East:	Madison Lakes (townhomes)	Residential (5 DU/AC)
West:	Single family dwellings	Residential (3 DU/AC)

Surrounding Zoning:

North: A-1, Agricultural District
South: CF, Community Facilities District
East: RM-5, Low Medium Density Dwelling District
West: R-1A, within the municipal boundaries of Cooper City

Zoning History

Related Zoning History:

Rezoning application ZB 7-1-99, was approved on June 21, 2000, changing the zoning on 19.8 acres.

- These requests included rezoning from A-1, Agricultural District and CF, Community Facilities to R-5, Low Medium Density Dwelling District and also rezoning from A-1, Agricultural District to CF, Community Facilities.

Rezoning application ZB 4-1-00, was approved on June 21, 2000, changing the zoning on 3.1 acres.

- The request included rezoning from A-1, Agricultural District to CF, Community Facilities.

A Small Scale Land Use Plan Amendment [LABC (SS) 99-4A] was approved (first reading) on August 4, 1999, to change the land use on the adjacent parcel to the south from to R-3, Residential (3 DU/AC) to CF, Community Facilities.

Previous Requests on same property:

A deed restriction was voluntarily executed per Ordinance 2000-20 that limited the land to a maximum of 42 dwelling units and limited the infrastructure and recreation improvements to serve the development parcel.

The Davie Builders parcel was part of a previous Town and County Land Use Plan Amendment request in December 1998, which sought to allow for up to 10 units per acre. The Planning and Zoning Board recommended approval with conditions, and the Town Council denied the request.

The rezoning application, ZB 7-1-99, requested the assignment of 18 reserve units to the Future Residential property. In conjunction with the rezoning applications, the petitioner had voluntarily committed the future residential property to a restrictive covenant that limited the future residential property to a density of 81 residential units. The use of reserve units are required to permit the proposed R-5 zoning district within the designated Residential (3 DU/AC) land use designation.

The variance, V 5-1-03 Zarbafi Estates, is being processed concurrently with this rezoning request.

Application Details

The petitioner has requested to rezone 9.341 acres from: R-5, Low Medium Dwelling District to: R-3, Low Density Dwelling District, in order for the site's zoning designation to be consistent with its Future Land Use Plan Map classification.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-81A of the Land Development Code, Conventional Single Family Development Standards, requires a minimum lot area of 12,000 square feet and 100' frontage.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

This request will allow the 9.34 acres site to be developed with twenty-eight (28) single family dwellings. The area proposed for rezoning exceeds the Land Development Code's minimum requirements needed to gain the R-3, Low Density Dwelling District zoning designation. Minimum lot size required is 12,000 square feet, and the subject site is 9.34 acres or 406,850.4 square feet. Minimum frontage is 100'; the subject site has 330' frontage.

Findings of Fact

Rezonings:
Section 12-307(A) (1):
The following findings of facts apply to the rezoning request:

(a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as Residential (3 DU/AC), and the comprehensive plan allows the R-3, Low Density Dwelling District designation to be applied to parcels with this land use. The Future Land Use Plan Map classification permits a maximum of 28 units which allows development at the proposed density of 3 DU/AC.

(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The requested R-3, Low Density Dwelling District is related and compatible to the adjacent zoning districts. Landscape buffers and setbacks will adequately separate the existing plant nursery to the north and vacant land designated for a community facility to the south from the proposed residential development.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing R-5, Low Medium Dwelling District boundaries were not logically drawn; the proposed designation is consistent with the Future Land Use Plan Map.

(d) The proposed change will not adversely affect living conditions in the neighborhood;

The development of this site under the R-3 Low Density Dwelling District will not have adverse impacts on the plant nursery to the north, to the vacant land designated for a community facility to the south, to the developed single family homes across Pine Island Road to the west in Cooper City, or to SW 82 Avenue to the east since no vehicular access to this road is proposed.

(e) The proposed change is not expected to create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The conceptual site plan shows no vehicular access to SW 82 Avenue. Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met.

(f) The proposed change is not expected to adversely affect other property values;

Surrounding property values are not expected to be adversely impacted by rezoning the site to R-3 Low Density Dwelling District, as this request is in compliance with the Future Land Use Plan Map classification.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Designating the site R-3 Low Density Dwelling District will not deter adjacent property owners from improving their property.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing R-5, Low Medium Dwelling District designation is not consistent with the Future Land Use Plan Map classification.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Designating the site R-3 Low Density Dwelling District will enhance the Town's tax base, as it is consistent with the Future Land Use Plan Map classification.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

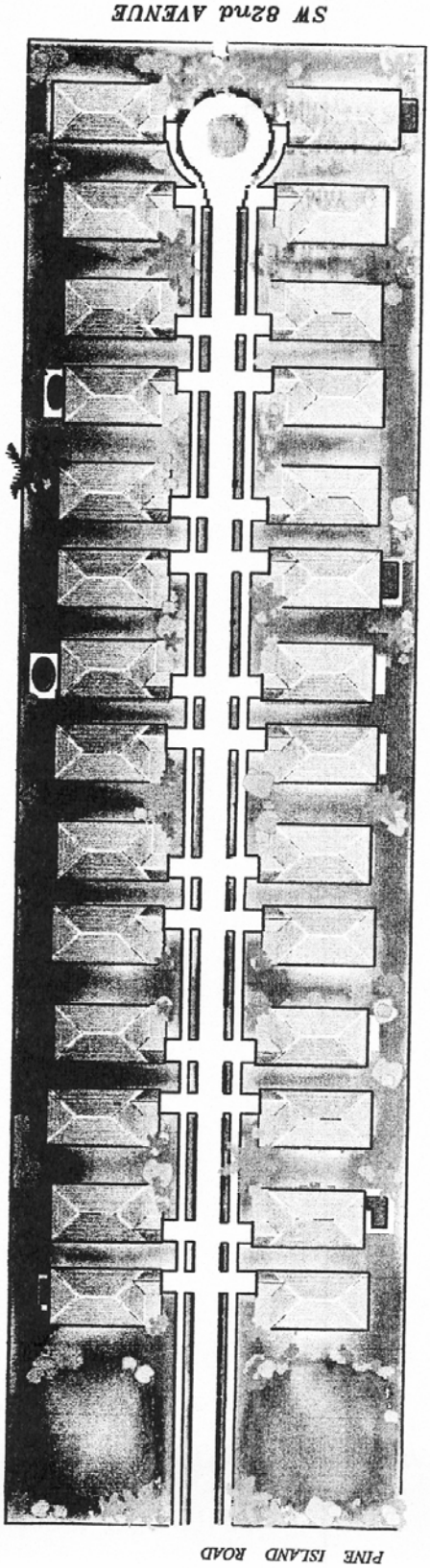
At the August 27, 2003, Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0 with Chair Bender absent).

Town Council Action

Exhibits

1. Justification
2. Conceptual Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____



ZARBAFI ESTATES

GHASEM KHAVANIN P.E.
11900 S.W. 11 CT. DAVIE FL., 33325 PHONE (954) 224-1380

JUSTIFICATION STATEMENT FOR REZONING REQUEST

(ZARBAFI ESTATES)

The subject site contains approximately 9.34 gross acres that are vacant lands. The propertyis contiguos to and will have access to the east side of Pine Island Road. Situated approximately halfway between Griffin Road and Stirling Road. To the north are lands designed to R-3, on the eastern side is SW 82 Avenue, and across that, lands was rezoned to R-5, to the south the lands are designed to R-5, and to the western side of the site is Pine Island Road, which is four (4) lane divided arterial that forms the municipal boundary for the Town.There will be no access to the project from SW 82nd Avenue.

In 1997, Broward County expanded Pine Island Road between Griffin Road and Stirling road, proximate to the amendment site, and recently to the south of Stirling Road. This 4-lane divided highway has enhanced aceess and roadway capacity in the area. The roadway now forms a directly line to I-595 and to the other municipal, making it directly accessible and more urban in the nature.

Developments along the older portion of Pine Island Road north of the site maintain densities of an average of 3.6 uints per acre in Forest Ridge, to densities of 5, 6.3, 10, and 16 units per acre, and along the south densities from A-1 to R-3, underscoring the urban nature of this roadway.

The petitioner proposes rezoning of the property to the zoning district R-3. This zoning would allow for a tota of 28 dwelling units.

A review of a rezoning amendment request should include consideration of the criteria listed in Sec. 12-307 of Land Development Code to determine if the request should be favorable reviewed. These criteria with respect to the subject requests are discussed below.

Criterion (a): The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

Policy 6-1 of the adopted comprehansive plan of the town of Davie provides that moderate density should be located proximate to the arterial roadways, available mass transit and other community facilities, and generally sited east of the Pine Island Road.The subject site meets all of these criteria and is in fact considered low density. The subject site is located proximate to arterial roadways and available mass transit. The site has immediate acess to Pine Island Road, and is located immediately east of this roadway, consistance with comprehensive

plan policies.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): The proposed change would create an isolated zoning district unrelated an incompatible with adjacent and nearly districts.

The requested rezoning to R-3 is consistent and compatible with adjacent and nearby zoning districts. To the east and south are R-5, and to the north R-3.

As a result, the requested rezoning positively satisfy this criterion.

Criterion (c): Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The current zoning designations of R-5, however, is not consistent with the land use plan.

As a result, the proposed rezoning satisfactorily addresses this criterion.

Criterion (d): the proposed change will not adversely affect living conditions in the neighborhood.

The proposed R-3 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site as a residential community that will improve the appearance of the property and serve as an asset to the surronding uses.

The rezoning request addresses this criterion.

Criterion (e): The proposed change will not create or excessively increase automobile and vehicular traffic congestion above which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

The requested rezoning from R-5 to R-3 would not result in an increase in vehicle trips, and will not increase traffic above the level already anticipated. Further, the proposed residental development will have no effect on public safety. As a result, the proposed rezoning satisfy this criterion.

Criterion (f): The proposed change will not adversely affect other property values.

The proposed rezoning will have a positive impact on the surrounding property values by providing attractive, upscale residential development.

As a result, this criterion is satisfied by the proposed rezoning request.

Criterion (g): The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations.

The balance of the land surrounding the site is designated as R-3 and R-5 for development in residential uses. The proposed change for residential use, therefor, will not be a deterrent to the improvement or development of these surrounding properties.

Criterion (h): The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrfice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the adopted comprehensive plan and, therefor, does not constitute a grant of special privilege.

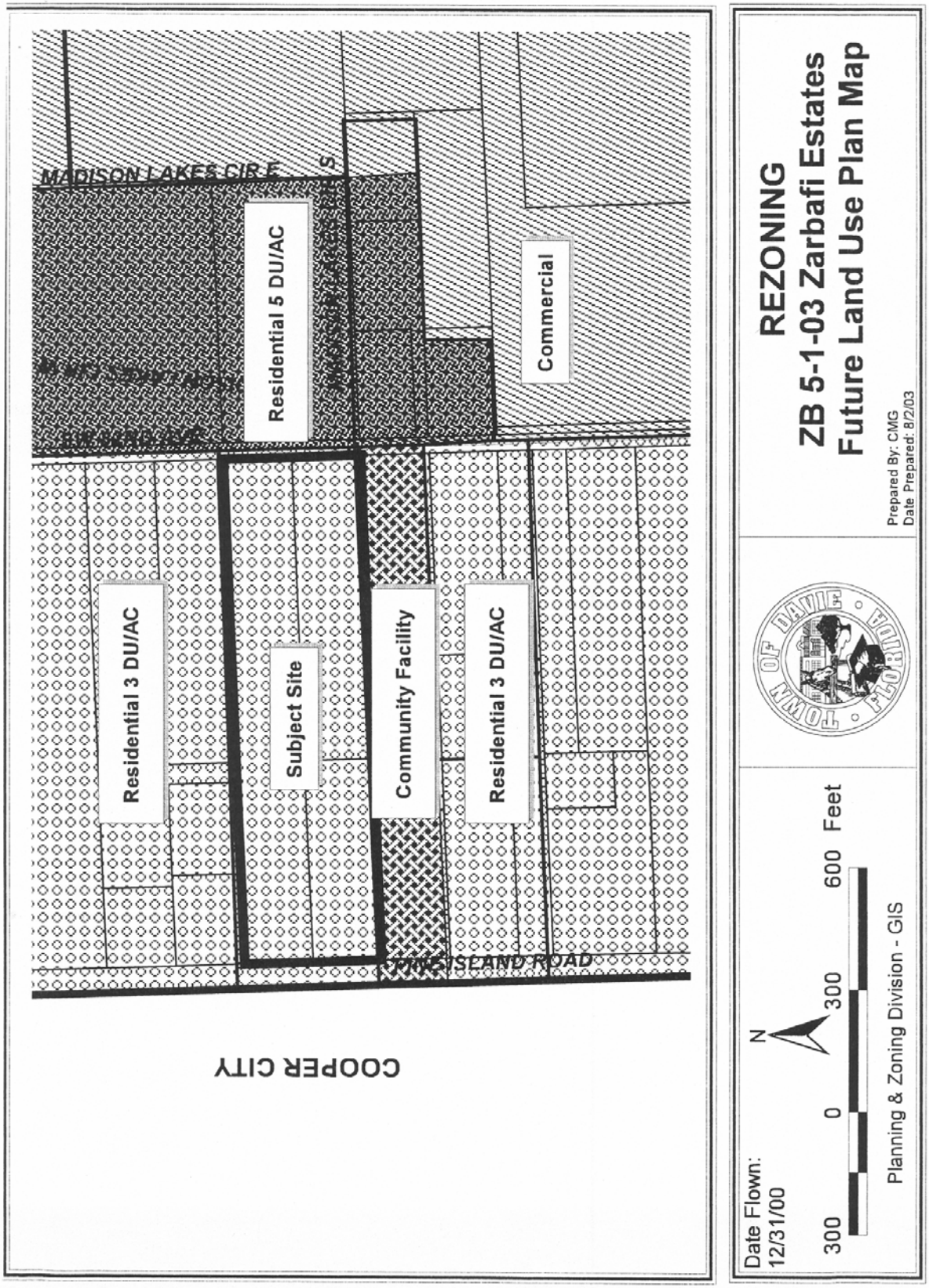
Criterion (i): There are not substantial reason why the property cannot be used in accord with existing zoning.

The existing zoning is not compatible with existing land use plan. As a result, the proposed change is requested to allow a reasonable use of the property that is consistent with surrounding development patterns.

Criterion (j): The proposed zoning designation is the most appropriate designation to enhance the town's tax base given the site location related to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed rezoning will provide the most appropriate and logical use that will contribute positively to the Town's tax base.

As has been demonstrated, the requested rezoning to R-3 is consistent with the adopted comprehensive plan and meets all of the criteria contained in Land Development Code. AS a result, this rezoning request and related assignment of reserve units merits favorable consideration.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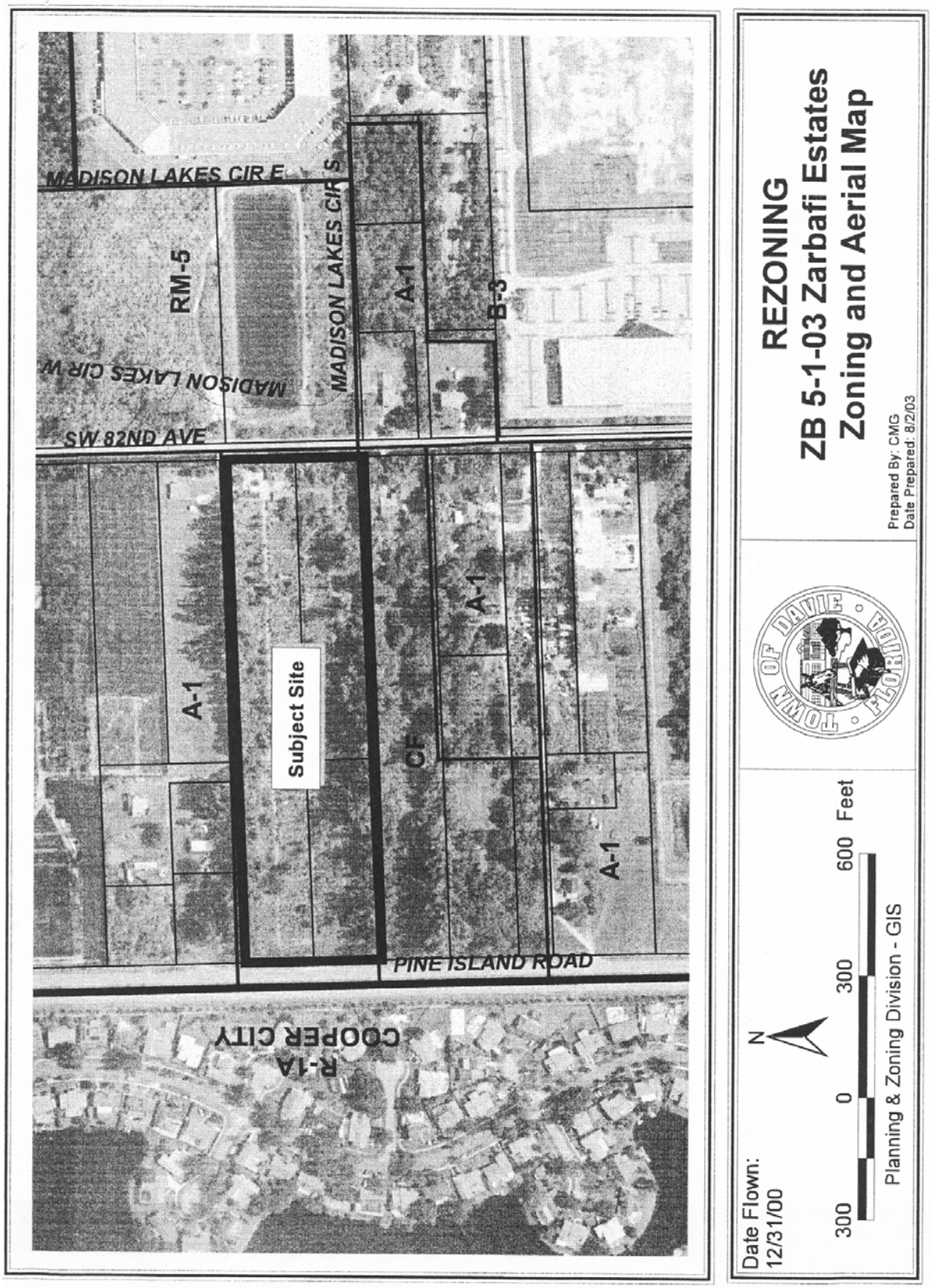
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