

# 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:** Plat, P 12-3-02 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:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BOUNDARY PLAT KNOWN AS ZARBAFI ESTATES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests approval of the Zarbafi Estates boundary plat which is restricted to twenty-eight (28) single family dwellings. The subject site consists of 9.34 acres and is zoned R-3, Low Density Dwelling District with a Future Land Use Plan Map designation of Residential 3 DU/AC. The subject site is the only portion of the unsuccessful "Davie Builders" proposal that has come in for development. Last year a portion was rezoned back to A-1, Agricultural District, and this parcel was rezoned from R-5 to R-3 and granted a variance to reduce lot area, frontage, and side setbacks so twenty-eight (28) single family dwellings could be built.

Access is provided via one (1) 50' opening at the northwest corner of the parcel to South Pine Island Road that is restricted to right turns only, with non-vehicular access lines (NVAL) on the remainder of the plat's western boundary and on the eastern boundary so that there is no vehicular access to SW 82 Avenue. Staff finds that the proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size and use.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the February 11, 2004, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration. In addition, the following conditions must be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

**Attachment(s):** Resolution, Planning Report, Future Land Use Plan Map, Zoning and Aerial Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BOUNDARY PLAT KNOWN AS ZARBAFI ESTATES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed boundary plat to be known as Zarbafi Estates was considered by the Town of Davie Planning and Zoning Board on February 11, 2004,

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

SECTION 1. The boundary plat known as Zarbafi Estates is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

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



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**Applicant Information**

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

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**Background Information**

**Application History:** The request was originally scheduled for the September 24, 2003, Planning and Zoning Board meeting, was tabled to the October 8, 2003, and then was removed from the agenda. This occurred because the applicant requested that the plat be placed on the Planning and Zoning Board agenda, but was then unable to satisfy Broward County's Development Review Report comments. It is Town policy that an application for plat approval not be considered until an applicant states that they have no objection to the Broward County Development Review Report.

**Planning and Zoning Board Recommendation:** At the February 11, 2004, Planning and Zoning Board meeting approval was recommended.

**Application Request:** Approval of the boundary plat to be known as Zarbafi Estates.

**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

**Existing/Proposed Density:** 3 DU/AC

**Zoning:** R-3, Low Density 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)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
<b>North:</b>	Naugle's Nursery	Residential (3 DU/AC)
<b>South:</b>	Vacant	Community Facilities
<b>East:</b>	Madison Lakes (townhomes)	Residential (5 DU/AC)
<b>West:</b>	Single family dwellings	Residential (3 DU/AC)
 <u>Surrounding Zoning:</u>		
<b>North:</b>	A-1, Agricultural District	
<b>South:</b>	CF, Community Facilities District	
<b>East:</b>	RM-5, Low Medium Density Dwelling District	
<b>West:</b>	R-1A, within the municipal boundaries of Cooper City	

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## Zoning History

**Related Zoning History:** 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. 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.

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:** The variance, V 5-1-03 Zarbafi Estates, from §12-81A of the Land Development Code which requires the following minimums: 12,000 square feet lot area, 100' lot frontage, 15' side yards; to: the following minimums: 10,500 square feet lot area, 75' lot frontage, 10' side yards, in order to allow the subject property to be developed with 28 single family homes, was approved on September 25, 2003.

The rezoning, ZB 5-1-03 Zarbafi Estates, changing the property from R-5, Low Medium Dwelling District to R-3, Low Density Dwelling District, was approved on October 1, 2003.

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## Application Details

The applicant's submission indicates the following:

1. *Site:* The subject site consists of approximately 9.34 acres or 406,850.4 square feet.
  2. *Restrictive Note:* A note restricting the plat to twenty-eight (28) single family dwellings.
  3. *Access:* Access is provided via one (1) 50' opening on South Pine Island Road that is restricted to right turns only, with non-vehicular access lines (NVAL) on the remainder of the plat's western boundary. There is no vehicular access to SW 82 Avenue.
  4. *Easements and Reservations:* On the eastern boundary is a 20' canal maintenance easement.
  5. *Dedications:* On the western boundary 3,209 square feet has been dedicated to right-of-way. Drainage easements will be dedicated to the Central Broward Water Control District. Details of easements and retention areas will be provided concurrently with site plan approval.
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## Applicable Codes and Ordinances

Article XII of the Land Development Code, Subdivisions and Site Plans.

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## 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)planning, 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.

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### **Staff Analysis/Findings of Fact**

Staff finds that the proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size and use.

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
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### **Planning and Zoning Board Recommendation**

At the February 11, 2004, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve (Motion carried 5-0).

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## Town Council Action

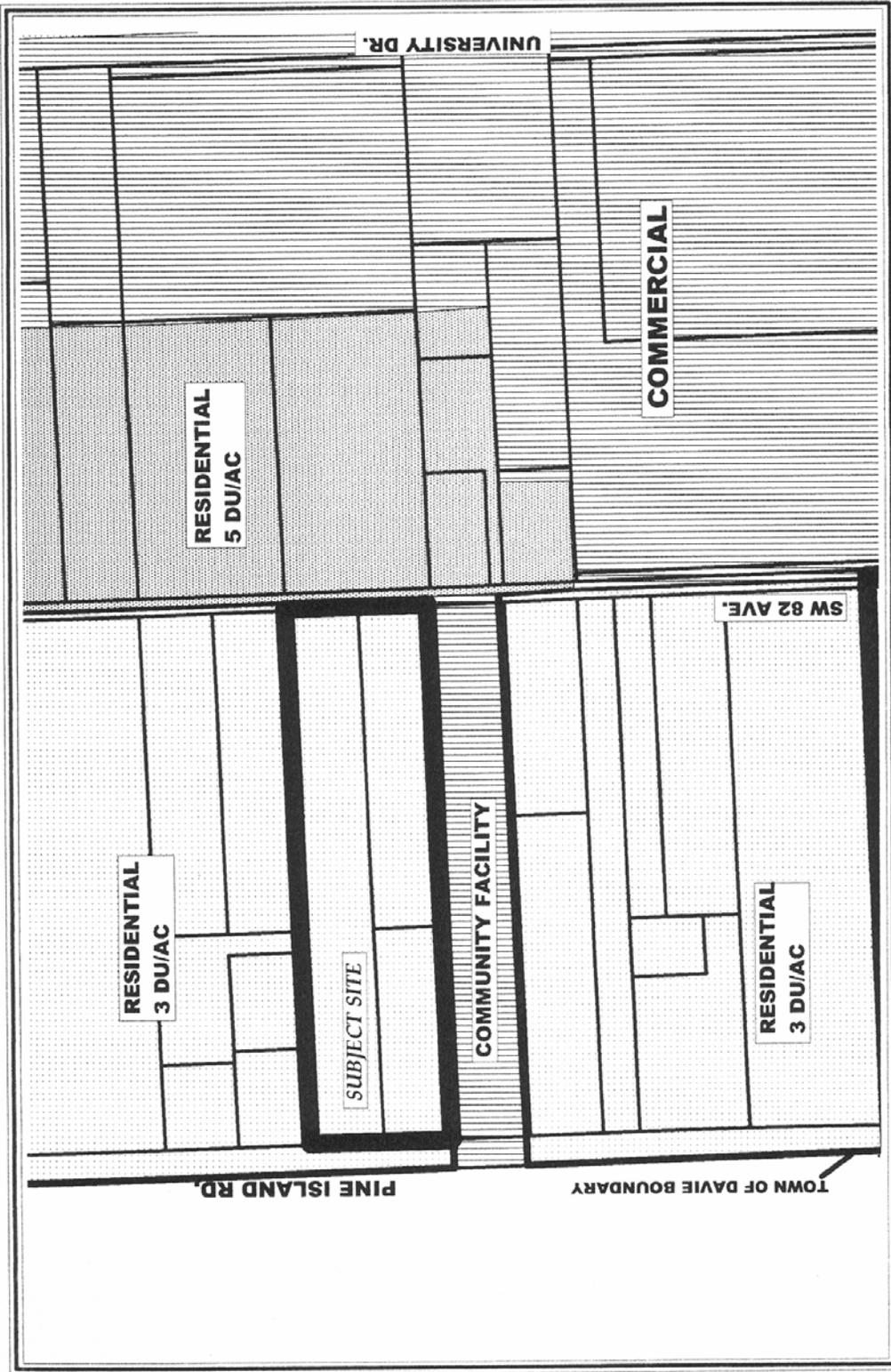
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### Exhibits

1. Plat
2. Future Land Use Plan Map
3. Zoning and Aerial Map

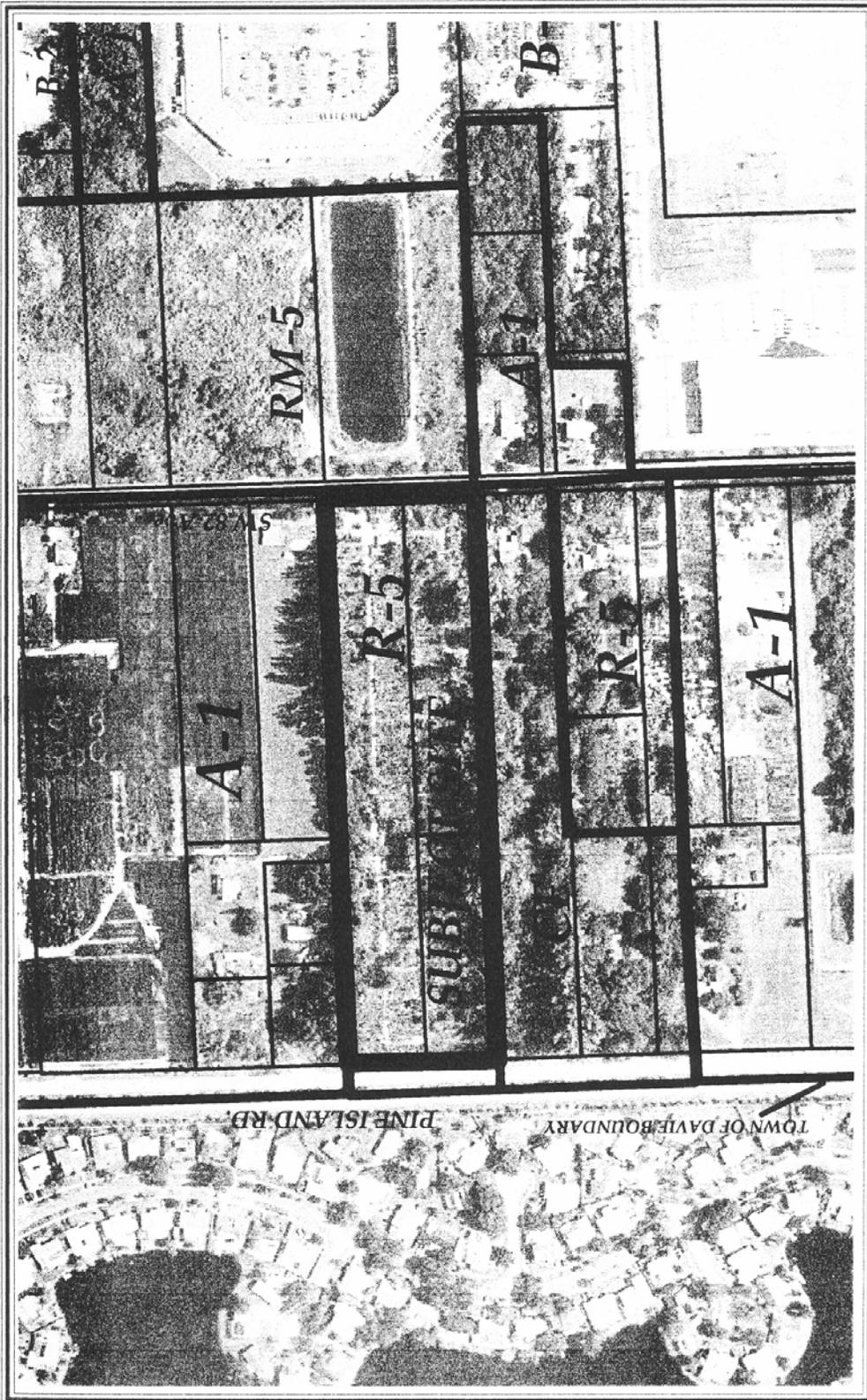
Prepared by: \_\_\_\_\_

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



Plat  
 P 12-3-02  
 Existing Future Land Use Map

**Planning & Zoning Division - GIS**



Planning & Zoning Division - GIS

Plat  
 P 12-3-02  
 Subject Site and Aerial Map  
 Date Flown: 12/31/01

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