

# 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:** Delegation Request, DG 5-2-04 Turnpike Business Center Plat a.k.a. Andrx Pharmaceuticals, Inc., 4955 Orange Drive/Generally located at the northeast corner of Orange Drive and Kean Road

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE TURNPIKE BUSINESS CENTER PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the Turnpike Business Center Plat **FROM:** "This plat is restricted to 149,334 square feet of industrial use on Tract A, and 63,140 square feet of industrial use on Tract B"; **TO:** "This plat is restricted to 304,108 square feet of industrial use on Tract A, and Tract B is designated for wetland use only."

A revision to the approved level of development for the Turnpike Business Center Plat is necessary to satisfy Broward County concurrency requirements since the facility, as built, is 212,474 square feet which exceeds the restrictive note on the plat by 29,591 square feet. The applicant states that the additional 62,935 square feet of industrial use requested is necessary to solidify permanent plans to continue and expand the operations of Andrx Pharmaceuticals, Inc. at this location.

Staff finds that the existing and proposed use of the site as a pharmaceuticals facility is consistent with the Industrial Future Land Use Plan Map designation, M-3, Planned Business Park District zoning classification, and is compatible with the surrounding area. Staff has no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

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

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

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

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE TURNPIKE BUSINESS CENTER PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the Turnpike Business Center Plat was approved by the Town Council of the Town of Davie on March 4, 1998; and

WHEREAS, the Turnpike Business Center Plat was recorded in the public records of Broward County in Plat Book 166, Page 38; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

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

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the Turnpike Business Center Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. 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.

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



**Applicant Information**

**Owner/Agent:**

**Name:** Andrx Pharmaceuticals, Inc.  
James G. Schwier, Executive Vice President Manufacturing  
**Address:** 4955 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954) 581-7500

**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the Turnpike Business Center Plat **FROM:** "This plat is restricted to 149,334 square feet of industrial use on Tract A, and 63,140 square feet of industrial use on Tract B"; **TO:** "This plat is restricted to 304,108 square feet of industrial use on Tract A, and Tract B is designated for wetland use only."

**Address/Location:** 4955 Orange Drive/Generally located at the northeast corner of Orange Drive and Kean Road

**Future Land Use Plan Designation:** Industrial

**Zoning:** M-3, Planned Industrial Park District

**Existing Use:** 242,065 square foot pharmaceuticals facility

**Proposed Use:** 305,000 square foot pharmaceuticals facility

**Parcel Size:** 15.2 acres (662,112 square feet)

**Surrounding Uses:**  
**North:** New Town Commerce Center  
**South:** Orange Drive, C-11 Canal  
**East:** Jones Open Storage Yard  
**West:** Longhorn Open Storage Yard

**Surrounding Future Land Use Plan Map Designation:**  
Industrial  
Transportation, Recreation/Open Space  
Industrial  
Industrial

**Surrounding Zoning:**

- North:** M-3, Planned Industrial Park District
  - South:** T, Transportation District
  - East:** M-4, Limited Heavy Industrial District (Hacienda Village)
  - West:** M-3, Intense Manufacturing and Industrial District (Hacienda Village)
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**Zoning History**

**Previous Requests on same property:** The plat, P 10-1-97 Turnpike Business Center Plat, was approved on March 4, 1998, and was subsequently recorded in Plat Book 166, Page 38 in the official records of Broward County.

The site plan, SP 4-2-98 Andrx Pharmaceuticals, Inc., was approved on October 7, 1998.

The variance, V 8-1-98 Andrx Pharmaceuticals, Inc., to increase the maximum building height from 35' to 45' was approved on October 7, 1998.

The variance, V 11-3-99 Andrx Pharmaceuticals, Inc., to reduce the required number of parking spaces from 802 to 444 parking spaces, was approved on February 16, 2000, with a voluntary declaration of restrictions that restricts the second floor mechanical area to use of mechanical equipment only and no business related operations requiring personnel.

The temporary use permit, TU 4-1-01 Andrx Pharmaceuticals, Inc., for a temporary refrigerated trailer, was approved on June 20, 2001.

The site plan, SP 4-2-02 Andrx Pharmaceuticals, Inc., for modifications to the elevations for the addition of mechanical equipment, was approved on June 5, 2002.

The site plan, SP 2-3-04 Andrx Pharmaceuticals, Inc., for modification to the elevations for the addition of mechanical equipment and changing the east service drive to one-way, was approved February 26, 2004.

The temporary use permit, TU 3-5-04 Andrx Pharmaceuticals, Inc., for temporary construction offices on the Longhorn Property, was approved on April 7, 2004.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 58. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** *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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### **Application Details/Staff Analysis**

A revision to the approved level of development for the Turnpike Business Center Plat is necessary to satisfy Broward County concurrency requirements. The facility, as built, is 212,474 square feet which exceeds the restrictive note on the plat by 29,591 square feet. The applicant states that the additional 62,935 square feet of industrial use requested is necessary to solidify permanent plans to continue and expand the operations of Andrx Pharmaceuticals, Inc. at this location.

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### **Findings of Fact**

Staff finds that the existing and proposed use of the site as a pharmaceuticals facility is consistent with the Industrial Future Land Use Plan Map designation, M-3, Planned Business Park District zoning classification, and is compatible with the surrounding area. Staff has no objection to the request.

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### **Staff Recommendation**

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

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### **Exhibits**

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

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

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





May 25<sup>th</sup>, 2004

Town of Davie  
Planning and Zoning Division  
6591 Orange Drive  
Davie, FL 33314-3399

Attention: Fernando Leiva and  
Chris Gratz

Re: Justification of Note Change for Andrx Pharmaceuticals  
Turnpike Business Center Tracts A and B

Dear Chris:

We are requesting the Town of Davie's approval to amend the current note(s) on our plat for the Turnpike Business Center Tracts A and B. Our current 242,065 SF facility has been constructed on Tract A, though the current plant data indicates Tract A usage limit is 149,334 SF and Tract B usage limit as 63,140 SF. We are asking your assistance with Broward County to confirm your approval of our current use on Tract A to help resolve any discrepancies in the records. As shown in the attached Broward County Application to Amend or Revise Level of Approved Department, Andrx has revised the note on Tract B to designate it for wetlands/mitigation use only.

In addition, Andrx is seeking approval for potential future expansions and to increase our current usage rights on Tract A only to a total of 305,000 SF. As detailed on the attached Overall Development Plan, our proposed expansion in Phases A, B and C will accommodate our increasing manufacturing needs and help solidify our permanent plans to continue our operations in Broward County and, most importantly, in the Town of Davie.

Please review our request and the attachments listed below. Again, we are requesting an approval letter from the Town of Davie to accompany our application to Broward County. Your cooperation is greatly appreciated.

Very Truly Yours,

ANDRX PHARMACEUTICALS, INC.

A handwritten signature in black ink that reads "James G. Schwier". The signature is written in a cursive style with a large, sweeping flourish at the end.

James G. Schwier  
Executive Vice President Manufacturing

Attachments:

- (1) Original copy of completed Town of Davie Delegation Request Application
- (1) Original copy of Broward County Application to Amend or Revise Level of Approved Development
- (1) 8.5 x 11 copy of official plat recorded in Broward County
- (3) 11 x 17 copies of official plat recorded in Broward County
- (1) \$500 check to the Town of Davie for application fees

4955 ORANGE DRIVE, FORT LAUDERDALE, FLORIDA 33314 • 954 581-7500 • FAX: 954 587-1054





