

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Quasi Judicial Hearing: Variance
V 6-2-04, 5700 University Drive/Generally located at the northeast corner
of University Drive and Stirling Road

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: V 6-2-04, Lakeside Town Shops

The petitioner requests the following Variances

1. **FROM:** Section 12-107(D)5(a) of the Town of Davie Land Development Code which requires a 30' wide landscaping buffer along University Drive for industrial and commercial districts, **TO:** reduce the landscaping buffer along University Drive for Lakeside Town Shops to a range from 5'4" to 10' wide;
2. **FROM:** Section 12-108(C)4 of the Land Development Code which requires landscaping medians between double parking bays to be a minimum of 10' wide, not including curbing, **TO:** reduce the medians between double parking bays to 0 in order to allow head-to-head parking spaces for Lakeside Town Shops for 14 out of 21 parking rows.

REPORT IN BRIEF:

The proposed Lakeside Town Shops is located at the northeast corner of University Drive and Stirling Road, west of SW 76 Avenue. The site is approximately 44.33 net acres and consists of two (2) parcels, the Wolf Family Plat and Meek Farms Plat. The applicant is proposing 272,375 square feet of retail use consisting of an 185,000-square-foot Super Target store, additional 68,875-square-foot in line retail uses, and 18,500-square-foot outparcels on the south 35.39 net acres of the Wolf Family Plat. A future bank building of 7,000 square feet and a retention pond, serving the entire development, are proposed on the north 8.94 net acres of the Meeks Farms Plat. The requested variances are necessary for approval of the proposed site plan. Concurrent with these two (2) variances listed above, the applicant has also filed a variance application (V 6-3-04), from Section 12-33 (Q) (11) of the Land Development Code that requires that an outparcel shall not be created so as to diminish the street frontage of the overall development by more than 20 percent, to allow the proposed outparcels to have 44 percent street frontage of the overall development, for a total of four (4) outparcels.

Variance 1:

The intent of the code is to provide sufficient landscape buffer including different layers of landscaping materials to separate the commercial or industrial developments from public rights-of-way. The width of the landscape buffers is according to the service level of the street. University Drive is a 200' wide arterial and the code requires a 30' wide buffer along University Drive.

The applicant has met with the residents of Exotic Acres during the course of design of the site plan. The residents requested that the landscape buffer along the east property line of the development be 30' to 50' in width. SW 76 Avenue is the designated scenic corridor and a minimum of 50' scenic corridor buffer is required from the edge of the pavement. The proposed site plan indicates that an open space ranging from 67' to 72', including a landscaping buffer ranging from 30' to 50' and a 10 feet equestrian trail, is provided. The applicant states that the residents' request creates the hardship for the west buffer along University Drive to meet the code requirements. As such, a variance is requested to reduce the required buffer from 30' to a range of 5'4" to 10' in width. The landscaping design and quantity of the planting materials within these buffer areas meet the code requirements. Some of the planting materials will be planted within the right-of-way of University Drive. This request must be approved by FDOT for the placement of landscaping materials within the University Drive right-of-way.

Variance 2:

The intent of the code to require a minimum of 10' wide landscape median between double parking bays is to ensure that enough open space with canopy and shade trees are provided within the vehicular use areas to reduce the glare and overall heat of the parking lot.

Staff has met with the applicant over the course of the project submittal to work towards a site plan encouraging pedestrian interaction between all buildings on site. The applicant has stated that the particular regulations of Target and the requests of Exotic Acres residents are the main causes for the layout of the site plan. To meet the code requirements, thirteen (13) 10' wide landscape medians for the entire parking lot are required. However, as proposed by the applicant, to encourage pedestrian interaction, four (4) large landscape medians of 15' wide, consisting 5' pedestrian walkways meandering between shade trees and accent trees, are provided. Trellises are also provided as focal points within these areas. The applicant is requesting head-to-head parking spaces without the landscape median for thirteen (13) parking rows in order to accommodate the proposed parking spaces. The site plan meets the minimum required open space of 35% for the overall development and 15% for the vehicular use area. Live Oaks and Gumbo Limbos at 14' high in the landscaping areas within the parking lots, accented by other accent trees and palms, are provided as canopy and coverage to reduce the glare and heat of the large pavements.

The applicant has stated that the two variances are needed due to the special site design request by Target and the residents. The subject site is approximately 44.33 net acres in area

and 1,225 feet wide from University Drive to SW 76 Avenue. The required parking spaces for the proposed development are 1,128 spaces and the provided parking spaces are 1,249 spaces, exceeding the code requirement by 121 spaces. One major criterion for review of a variance requires that the hardship not be self-created. If the developer reduces the size of the proposed buildings and/or parking spaces, more landscape medians and buffers could be provided to meet the code requirements, the Target requirements, and the residents' requests without a variance.

PREVIOUS ACTIONS: None

CONCURRENCES: At the July 28, 2004 Planning and Zoning Board meeting, the Board made the following motions:

Variance 1: Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the variance from Section 12-107(D)5(a) of the Land Development Code subject to the developer obtaining permission from the Florida Department of Transportation for planting within the right-of-way (Motion carried 3-0 in order to move forward to Town Council).

Variance 2: Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the variance from Section 12-108(C)4 of the Land Development Code subject to an agreement to stamp or designate pedestrian crossings (Motion carried 3-0 in order to move forward to Town Council).

FISCAL IMPACT: N/A

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

Attachment(s): Planning Report, Justification letter, Land use map, Subject site and Aerial map.

Application #: V 6-2-04 Lakeside Town Shops
Exhibit "A"

Revisions: 7/28/04
Original Report Date: 6/25/04

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

Application Information

Owner:

Name: Mary L. Wolf
Address: P. O. Box 215
City: Newville, Alabama 36353
Phone:

Petitioner:

Stiles Development Corp.
300 SE 2 Street
Ft. Lauderdale, FL 33301
(954) 627-9173

Background Information

Date of Notification: July 7, 2004 **Number of Notifications:** 148

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendations: At the July 28, 2004 Planning and Zoning Board meeting, the Board made motions to approve the two variances with conditions.

Application Request: Two variances for the proposed Lakeside Town Shops. These variances are as follows:

- 1) **FROM:** Section 12-107(D)5(a) of the Town of Davie Land Development Code which requires a 30' wide landscape buffer along University Drive for industrial and commercial districts, **TO:** reduce the landscape buffer along University Drive for Lakeside Town Shops to a range from 5'4" to 10' wide;
- 2) **FROM:** Section 12-108(C)4 of the Land Development Code which requires landscape medians between double parking bays to be a minimum of 10' wide, not including curbing, **TO:** reduce the medians between double parking bays to 0 in order to allow head-to-head parking spaces for Lakeside Town Shops.

Address/Location: 5700 University Drive/Generally located at the northeast corner of University Drive and Stirling Road

Future Land Use Plan Designation: Commercial

Zoning: UC, Urban Commercial District and CC, Commerce Center District

Existing Use: Vacant

Proposed Use: 272,375 square feet of retail use consisting of an 185,000-square-foot Target Superstore, an additional 68,875-square-foot in-line retail uses, and 18,500-square-foot outparcels.

Parcel Size: 50.45 gross acres
44.33 net acres

Surrounding Uses:

North: Nursery
South: Vacant Commercial Land/CBWCD/
Silverado Homes
East: Exotic Acres/Landscape Nursery
With Single Family Homes
West: University Creek Shops/Gas Station

Surrounding Land

Use Plan Map Designations:

Commerce/Office
Commercial,
Residential (5 DU/AC)
Residential (1 DU/AC),
Residential (10 DU/AC)
Commercial

Surrounding Zoning:

North: CC, Commerce Center District
South: B-3, Planned Business Center District /RM-5, Low Medium Density Dwelling
District/CF, Community Facilities District
East: A-1, Agricultural District/R-1, Estate Dwelling District
West: B-2, Community Business District

Zoning History

Related Zoning History: At the June 16, 2004 Town Council meeting, Town Council approved the rezoning request for the Wolf Family Plat, from CC, Commerce Center District to UC, Urban Commercial District subject to the recordation of a Declaration of Restrictive Covenant to restrict the subject property from the following uses: catering establishments, dance hall/club, game room/arcade, golf course, hotel/motel, mobile home sales, mortuary, motor fuel pumps, motorcycle shop, pawnshop, private clubs, massage parlor, adult bookstore, pinball or electronic game room, an establishment that permits nude or partially nude entertainment, or so called "head shop".

Related Plat History:

Wolf Family Plat:

On May 19, 2004, Town Council approved the delegation request (DG 12-2-03) to amend the restrictive note on the "Wolf Family Plat" **From** "This plat is restricted to 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. Commercial uses shall be restricted to restaurants, retail establishments, and personal service and shall not consume more than 20 percent of the gross floor area on this plat. Commercial/retail uses are not permitted within the warehouse/storage and/or office use without the approval of the Board of County Commissioners who shall review and address these uses for increase impacts." **To** "This plat is restricted to 275,000 square feet of commercial use."

The plat, Wolf Family Plat (Plat Book 171, Page 85), was approved by Town Council on March 16, 1999 by Resolution R 99-91. The approved plat allows for 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. This plat was approved by the Broward County Board of County Commissioners on November 7, 2000.

Meeks Farms Plat:

On May 19, 2004, Town Council approved the developers agreement (DA 3-1-04) for the findings of adequacy for Meeks Farms Plat, and amending the restrictive note on the plat **From** "This plat is restricted to 125,000 square feet of office use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increases impact." **To** "This plat is restricted to 7,000 square feet of bank use."

The plat, Meeks Farms Plat, was approved by the Broward County Commission on January 17, 1995 for 27,810 square feet of office use under the *de minimis* exception to traffic concurrency, with a requirement that a building permit be issued by January 17, 1998. On March 18, 1997, the County Commission approved a delegation request amending the note on the plat to permit 125,000 square feet of office use, with the requirement that a building permit be issued by March 18, 2002. No building permit has been issued and the County's finding of adequacy expired on March 18, 2002.

Previous Requests on same property:

Concurrent with this application, the applicant has filed the site plan application MSP 2-1-04 for the proposed development. The site plan was approved by Site Plan Committee on June 22, 2004 and is pending for Town Council review.

On July 7, 2004, Town Council approved Ordinance 2004-21 to adopt Land Use Amendment LA 3-10, to change the land use of the subject site from Commerce/Office to Commercial.

On June 16, 2004, Town Council approved the delegation request (DG 3-1-04) to amend the non-vehicular access line (NVAL) along Stirling Road to allow a 100-foot opening rather than the 50-foot opening recorded on the Wolf Family Plat.

Wal-Mart Stores East, Inc. initiated Land Use Plan Amendment, LA 00-1A, to change the land use of the subject site from Commerce/Office to Commercial. The application was denied by Town Council on May 3, 2000 by a vote of 5-0.

Application Details

The subject site is for the proposed Lakeside Town Shops located at the northeast corner of University Drive and Stirling Road, west of SW 76 Avenue and the single-family development, Exotic Acres. The site is approximately 44.33 net acres and consists of two (2) parcels, the Wolf Family Plat and Meek Farms Plat. The applicant is proposing 272,375 square feet of retail use consisting of an 185,000-square-foot Super Target store, an additional 68,875-square-foot in line

retail uses, and 18,500-square-foot outparcels on the south 35.39 net acres of the Wolf Family Plat. A future bank building of 7,000 square feet and a retention pond, serving the entire development, are proposed on the north 8.94 net acres of the Meeks Farms Plat. The requested variances are a result of the proposed site plan. Concurrent with these variances, the applicant also filed a variance application (V 6-3-04), from Section 12-33 (Q) (11) of the Land Development Code that requires that an outparcel shall not be created so as to diminish the street frontage of the overall development by more than 20 percent, to allow the proposed outparcels to have 44 percent street frontage of the overall development. The site plan was approved by Site Plan Committee on June 22, 2004 and is scheduled for Town Council review on the same agenda as the variances.

The proposed site design reflects a traditional shopping center with a large retail anchor store (Super Target) to the north, in-line retail buildings along the east property line, and a total of four (4) outparcels fronting on University Drive and Stirling Road. A large parking lot of approximately 8.83 acres, consisting of 860 parking spaces, is located in the middle of the site. The Town of Davie Land Development Code requires a minimum of 10' wide landscape median between double parking bays. The applicant is requesting a variance to reduce the landscape medians to zero (0) for 11 north-south direction parking rows and two (2) east-west direction parking rows in order to allow head-to-head parking spaces for these parking rows. The applicant proposes three (3) 15 feet wide, south-north direction landscape medians and one 15 feet wide, east-west direction landscape median to mitigate the reduced landscaping areas in the parking lot. These medians include 5' wide pedestrian walkways.

The other variance request is due to the Land Development Code requirement of 30' wide landscape buffers along University Drive. The applicant is requesting a variance to reduce the landscape buffer to a range from 5'4" to 10' in width along University Drive since there currently exists 10' to 40' wide of green space between the edge of pavement and sidewalk as part of the ultimate right-of-way for University Drive. The applicant proposes placing additional landscaping materials within the right-of-way area, through an agreement with FDOT.

Applicable Codes and Ordinances

1. Section 12-107(D)5(a) of the Town of Davie Land Development Code which requires a 30' wide landscape buffer along University Drive for industrial and commercial districts.
2. Section 12-108(C)4 of the Land Development Code which requires landscape medians between double parking bays to be a minimum of 10' wide, not including curbing.
3. Section 12-309, Review for variance.

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 and Policies:

Future Land Use Element, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of the economy.

Future Land Use Element, Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

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

Staff Analysis

Variance 1: FROM: Section 12-107(D)5(a) of the Town of Davie Land Development Code which requires a 30' wide landscape buffer along University Drive for industrial and commercial districts, TO: reduce the landscape buffer along University Drive for Lakeside Town Shops to a range from 5'4" to 10' wide.

The intent of the code is to provide sufficient landscape buffer including different layers of landscaping materials to separate the commercial or industrial developments from public rights-of-way. The width of a landscape buffer is according to the service level of the street. University Drive is a 200' wide arterial and the code requires a 30' wide buffer along University Drive.

The applicant has met with the residents of Exotic Acres during the course of design of the site plan. The residents requested that the landscape buffer along the east property

line of the development be 30' to 50' in width; the code requires a minimum 10' wide landscape buffer. The applicant states that the residents' request creates the hardship for the west buffer along University Drive to meet the code requirement. As such, a variance is requested to reduce the required buffer from 30' to a range of 5'4" to 10' in width. The landscaping design and quantity of the planting materials within these buffer areas exceed the code requirements. Some of the planting materials will be planted within the right-of-way of University Drive. This request must be approved by FDOT for the placement of landscaping materials within the University Drive right-of-way.

Variance 2: FROM: Section 12-108(C)4 of the Land Development Code which requires landscape medians between double parking bays to be a minimum of 10' wide, not including curbing, TO: reduce the medians between double parking bays to 0 in order to allow head-to-head parking spaces for Lakeside Town Shops.

The intent of the code to require a minimum of 10' wide landscape median between double parking bays is to ensure that enough open space with canopy and shade trees are provided within the vehicular use areas to reduce the glare and overall heat of the parking lot.

Staff has met with the applicant over the course of the project submittal to work towards a site plan encouraging pedestrian interaction between all buildings on site. The applicant has stated that the particular regulations of Target and the requests of Exotic Acres residents are the main causes for the layout of the site plan. To meet the code requirements, thirteen (13) 10' wide landscape medians for the entire parking lot are required. However, as proposed by the applicant, to encourage pedestrian interaction, four (4) large landscape medians of 15' wide, consisting 5' pedestrian walkways meandering between shade trees and accent trees, are provided. Trellises are also provided as focal points within these areas. The applicant is requesting head-to-head parking spaces without the landscape median for thirteen (13) parking rows in order to accommodate the proposed parking spaces. The site plan meets the minimum required open space of 35% for the overall development and 15% for the vehicular use area. Live Oaks and Gumbo Limbos at 14' high in the landscaping areas within the parking lots, accented by other accent trees and palms, are provided as canopy and coverage to reduce the glare and heat of the large areas of pavement.

The applicant has stated that the two variances are needed due to the special site design request by Target and the residents.

Finding of Facts

Variations:
Section 12-309(B)(1):

The following findings of facts apply to the variance request.

- (a) There are no special circumstances or conditions applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district;

The subject site is 1,225 feet wide from University Drive to SW 76 Avenue and approximately 44.33 net acres in area, which exceeds the minimum required lot area of 10 acres for UC, Urban Commercial District by 34.33 acres. The request by the Exotic Acres residents to provide larger landscaping buffers along the east property line is not a special circumstance since more landscape medians and buffers could be provided to meet the code requirements and the residents' request if the developer reduces the size of the proposed buildings and/or parking spaces.

and that said circumstance or condition may not 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 applicant intends to construct 272,375 square feet of retail use consisting of an 185,000-square-foot Super Target store, an additional 68,875-square-foot in line retail uses, 18,500-square-foot outparcels, and 1,249 parking spaces on the subject site. The reasonable use of the land will not be deprived since the developer can reduce the number of provided parking spaces to accommodate more landscape medians and buffers.

and the alleged hardship is self-created by persons having an interest in the property.

The alleged hardship is self-created due to the reasons stated above.

- (b) Granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

Granting of the variance is not necessary for the reasonable use of the land but to allow more parking spaces and less open space and landscaping for the proposed development. The variance is not the minimum variance for construction of the proposed development.

- (c) Granting of the requested variances 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.

To mitigate the impact of the requested variance to reduce the landscape medians, the applicant proposes four (4) large landscape medians of 15' wide, consisting 5' pedestrian walkways meandering between shade trees and accent trees. Live Oaks and Gumbo Limbos at 14' high accented by other accent trees and palms are provided in the landscaping areas within the parking lots to provide canopy and coverage to reduce the glare and heat of the large pavements. The site plan meets the minimum required open space of 35% for the overall development and 15% for the vehicular use area.

Regarding the landscape buffer along University Drive, The applicant proposes to provide part of the required buffer materials within the University Drive right-of-way. This request must be approved by FDOT. The quantity of planting materials for the buffer exceeds the code requirements for the University Drive landscape buffer.

Granting of the variance will not be injurious to the neighborhood as the majority of the landscaping materials are directly adjacent to the residents. In addition, at the residents' request, the Target store was relocated on site to provide additional noise buffers for the residents to the south and east. The applicant has received the supports from the adjacent homeowners (see attached letters).

Staff Recommendation

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

Planning & Zoning Board Recommendation

At the July 28, 2004 Planning and Zoning Board meeting, the Board made the following motions:

Variance 1: Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the variance from Section 12-107(D)5(a) of the Land Development Code subject to the developer obtaining permission from the Florida Department of Transportation for planting within the right-of-way (Motion carried 3-0 in order to move forward to Town Council).

Variance 2: Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the variance from Section 12-108(C)4 of the Land Development Code subject to an agreement to stamp or designate pedestrian crossings (Motion carried 3-0 in order to move forward to Town Council).

Town Council Actions

Exhibits

- 1) Justification letter
- 2) Supporting letters from surrounding residents
- 3) Subject Site Map
- 4) Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

**VARIANCE REQUEST
LAKESIDE TOWN SHOPS
MSP-2-1-04
(Revised 6/14/04)**

Applicant, Stiles Development Company, ("Applicant") proposes the development of property located at 5700 University Drive, in the Town of Davie ("Property"). Applicant seeks a variance from the requirements of Sections 12-107(D)(5) and 12-108(C)(4) of the Town of Davie Code of Ordinances ("Code"). Section 12-107 (D)(5) of the Code outlines the landscape buffer requirements in commercial districts. Section 12-108(C) (4) provides for the requirements for median landscaping. In order to provide a quality development on the Property, the Applicant seeks a variance from each of the Sections referenced above.

As stated below, the granting of the variances requested will adhere to the variance review criteria set forth in Section 12-309 of the Code. The Applicant will demonstrate: (1) special conditions exists which merit the variance; (2); the granting of the variance is necessary for the reasonable use of the Property; and (3) the variance is not contrary to the public interest.

I. Section 12-107 (D) (5) - Landscape Buffer:

In accordance with Section 12-107 (D)(5) of the Code, the Applicant is required to provide a 30' buffer along University Drive from the right of way line to the asphalt. The Applicant is proposing to provide a landscape buffer along University Drive which will vary in width from 30' to 50' from asphalt to asphalt including area within the right-of-way where code requirement is 30' from the property line into the property. Applicant's buffer according to this definition currently ranges from 10' at the widest point to 5' at the narrowest point but with landscaping in the right-of-way, this buffer as mentioned above will appear to range from 30' to 50' in width.

In accordance with Section 12-309 of the Code, the Applicant will demonstrate:

(1) There are special circumstances or conditions applying to the land for which the variance is sought, which circumstances or conditions are peculiar to such land or building 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 circumstance or condition which applies to this variance request is that in order to develop this parcel of land, Town Council members as well as Town of Davie staff ("staff") advised Applicant of the need to obtain the support of the adjacent property owners

("Homeowner Associations"). To that end, Applicant has obtained the support of all three Homeowner Associations. One of conditions of support, was an increased landscape buffer along the east property line. Therefore, where Code only required a 10' buffer, Applicant provided a buffer ranging from 30' to 50' in width in order to comply with the Homeowner Associations request, and still produce an aesthetically pleasing site.

(2) 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.

By providing the requested buffer to the east property line, the Applicant has obtained the necessary approval that will allow for the development of the property. Furthermore, this variance is the minimum variance requested that will still allow the Applicant to satisfy the Homeowner Associations and still construct a quality development

(3) That granting 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.

Applicant has made every effort to maintain the general intent of Code by providing the required landscaping as well as the required 10' recreational trail within the buffer that does range from 30' to 50' in width. Considering the request for the proposed buffer was made by the neighborhood, it is clear that permitting the variance requested is actually in harmony with the neighborhood, and not detrimental to the public welfare.

If this variance were to be denied, Applicant would be forced to reduce the buffer adjacent to the Homeowners in order to meet the University Drive buffer requirement. A letter of support for this variance request from Exotic Acres is being provided under separate cover.

II. Section 12-108 (C) (4) – 10' landscaping Medians between double parking bays:

In accordance with Section 12-108 (C) (4) of the Code, Applicant is required to provide 10' landscape medians between parking bays. Applicant is hereby requesting a variance from that Code section, in order to provide, pedestrian friendly pathways / wide boulevards through the parking field which allow for a better use of the landscaping than in the 10' strips at the same time these walkways that will entice pedestrians to use them rather than walking through the parking field.

In accordance with Section 12-309 of the Code, the Applicant shall demonstrate:

(1) There are special circumstances or conditions applying to the land for which the variance is sought, which circumstances or conditions are peculiar to such land or building 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.

There are special circumstances which are peculiar to this land that, should this variance not be granted, would deprive the Applicant of the reasonable use of the land. In particular, the Applicant has provided ample and upgraded landscaping throughout the Property which meets or exceeds the overall greenspace requirements established in the Code. In addition, considering the overall size of the Property and the development proposed thereupon, compliance with this section of the Code would create narrow landscape strips, which would diminish the overall aesthetics of the Property and make the addition of all of the sidewalks and pedestrian pathways unachievable.

(2) 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.

The proposed variance will allow the Applicant to provide a much more pedestrian friendly environment throughout the Property, including wide major pedestrian friendly boulevards running both north and south and east and west through the parking field. The overall benefit of this configuration allows for more useful landscaping within the pedestrian boulevards. The variance requested, is the minimum that will allow the Applicant to adhere to the intent of the Code and still provide for a quality development on the Property.

(3) That granting 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 proposed variance will be in harmony with the general purpose and intent of the Code. In fact, by allowing the Applicant to deviate from the subject Code section, the Property will be developed in such a way that will actually, benefit the community. Specifically, the development of the Property, with the Applicant's proposed pedestrian friendly boulevards and sidewalks throughout the Property makes the use of the Property safer and more enjoyable for the community in which the center will serve.

EXOTIC ACRES
HOMEOWNERS ASSOCIATION
c/o Harry Stamper
2801 Evans Street - Hollywood, FL 33020

June 8, 2004

Marci Nolan
Planning Supervisor
Town of Davie
6591 Orange Drive
Davie, Florida 33314

Via Facsimile
954.797.1204

Re: Lakeside Shoppes

Dear Ms. Nolan

Exotic Acres is strongly in favor of the variance that the Town of Davie is asking Stiles Corporation to seek for the above-referenced development. The landscape buffer on University Drive would affect the buffer on the east property line. Exotic Acres is naturally concerned and we wish to express our full support that this variance be granted.

One of our major requests to Stiles Corporation was to increase the buffer on the east, including landscaping and a lake. The site plans that Stiles has shown us include a buffer on the east side (along 76th Avenue) of 30' to 50'. This wide buffer was very important to all the residents of Exotic when we backed the overall plan. Reducing the buffer on University will not affect any residents negatively. Stiles Corporation has complied with our request while providing the Town of Davie with a plan for a first class project.

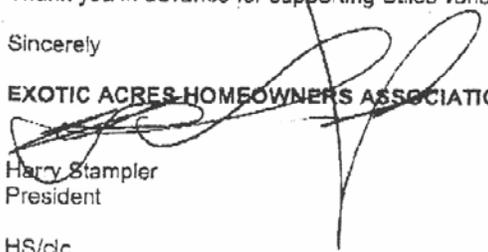
Denial of this variance would force a shift of the entire plan to the east - buffered by our homes, a residential development. The buffer would increase on University Drive, a major commercial corridor.

Please consider the Exotic Acres residents opinion. Also remember that Stiles worked and re-worked their plan to make ALL surrounding residents happy. Increasing the eastern buffer to more than code requirement was a major reason why the Exotic Acres Board of Directors gave its unanimous support to Stiles in its efforts to re-zone.

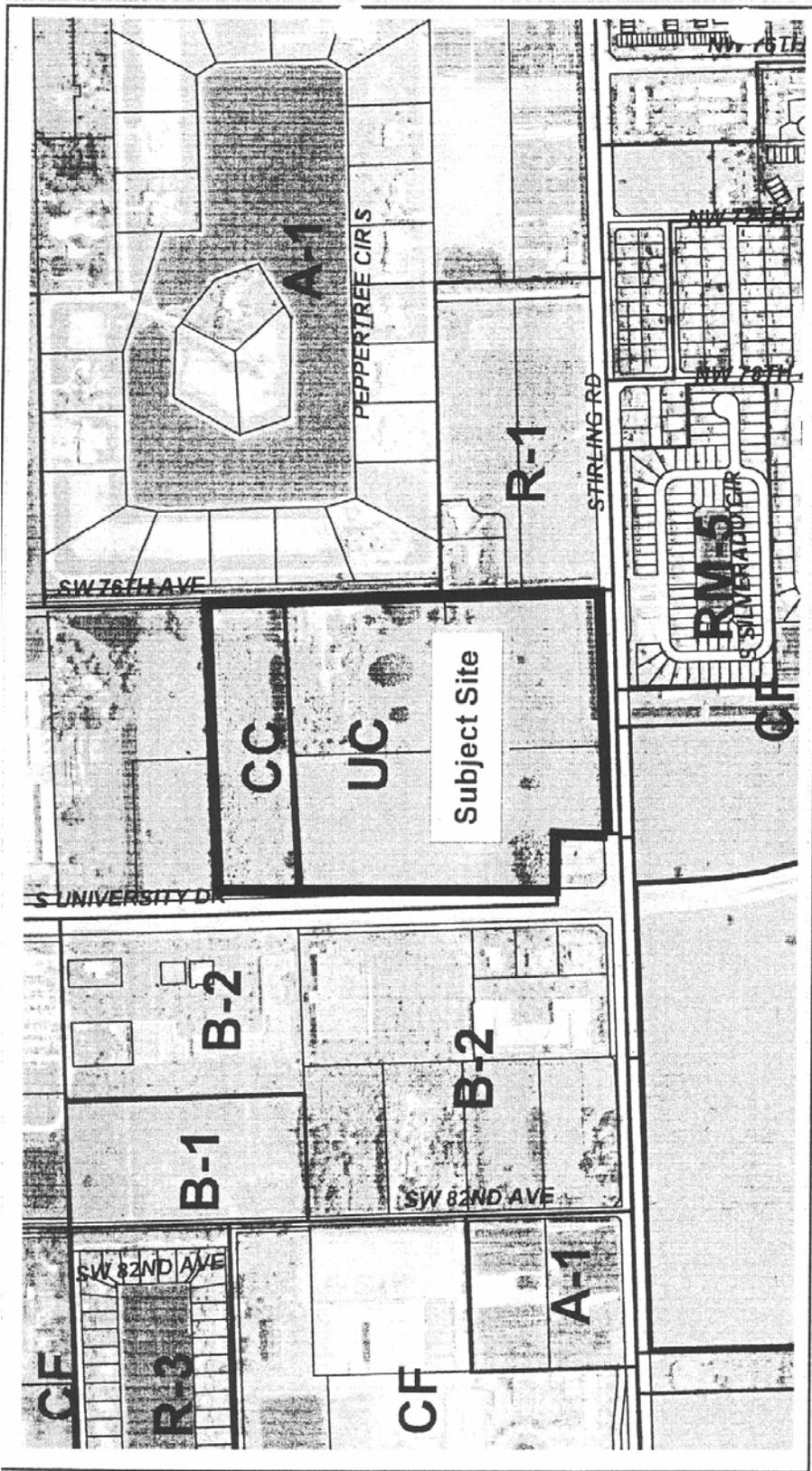
Thank you in advance for supporting Stiles variance.

Sincerely

EXOTIC ACRES HOMEOWNERS ASSOCIATION


Harry Stamper
President

HS/dc



Date Flown:
12/31/00



500 0 500 1000 Feet

Planning & Zoning Division - GIS

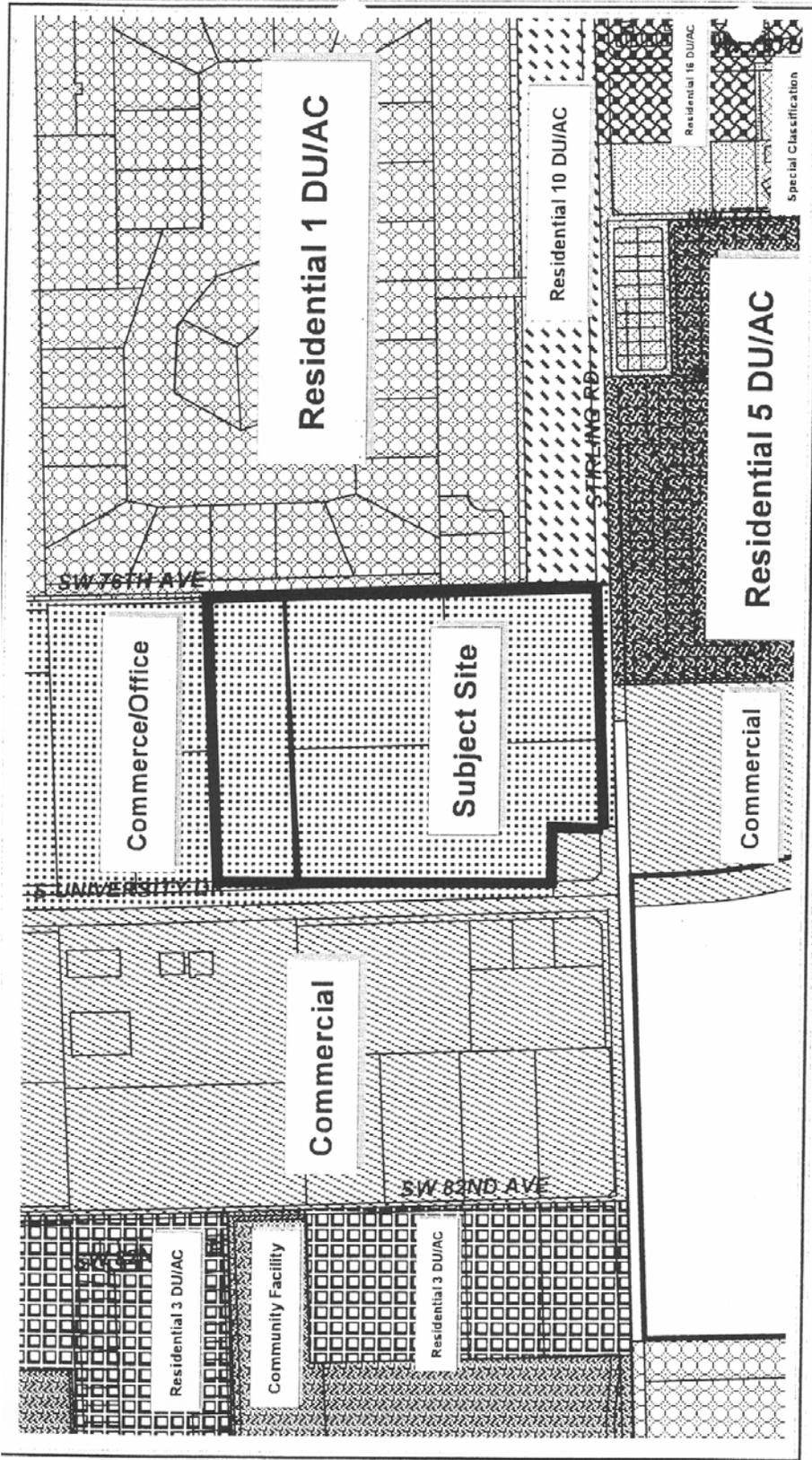


VARIANCE

V 6-2-04 & V 6-3-04

Zoning and Aerial Map

Prepared By: AYF
Date Prepared: 3/10/04



Date Flown:
12/31/00



Planning & Zoning Division - GIS



VARIANCE
V 6-2-04 & V 6-3-04
Future Land Use Map

Prepared By: AYF
Date Prepared: 3/10/04

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