

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 9-1-04 Lakeside Village at Davie, 6990 Griffin Road/Generally located on Griffin Road, east of SW 70 Avenue (Viele Road).

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-04, TERMINATING THE DECLARATION OF RESTRICTIONS ENTERED INTO BY MARGARET VIELE ON APRIL 12, 1989, ON CERTAIN LANDS WITHIN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: On April 12, 1989, Margaret Viele entered into a Declaration of Restrictions, on the property located at 6990 Griffin Road. At the time, the property was zoned, A-1, Agricultural District. The intent of this Declaration was to vest the rights to certain uses that historically occurred on the property, and for the purpose of protecting the health, safety, and welfare of the residents of the subject property and the citizens of the Town of Davie.

Specifically, the Declaration of Restrictions limits the use of the property to the following: retail sale of antiques and/or county crafts within a completely enclosed structure not to exceed 6,000 square feet in floor area; agricultural uses such as the cultivation of crops, groves and grove packing house, and sales of agricultural products produced on site. On February 2, 2000, the northern 300' of the property adjacent to Griffin Road was rezoned to Griffin Corridor District (West Gateway Use Zone 1), with the intent of shaping urban form and land use along the Griffin Road corridor.

The property was recently sold to Lakeside Village at Davie, LLC. and a development proposal for the property is currently under consideration. The Declaration of Restrictions must be terminated in order to allow any use permitted by the Griffin Corridor Regulations. Staff has no objection to the request since it is necessary in order to implement the Griffin Corridor regulations.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

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, Future Land Use Plan Map, Zoning and Aerial Map, Justification, Declaration of Restrictions

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-04, TERMINATING THE DECLARATION OF RESTRICTIONS ENTERED INTO BY MARGARET VIELE ON APRIL 12, 1989, ON CERTAIN LANDS WITHIN THE TOWN OF DAVIE; 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 to terminate the Declaration of Restrictions on certain lands within the Town entered into by Margaret Viele on April 12, 1989;

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 Declaration of Restrictions on the property herein after described be terminated:

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

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. 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 _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

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



Applicant Information

Owner/ Petitioner:

Name: Jordan Klemow, Managing Member
Lakeside Village of Davie, LLC
Address: 2001 West Sample Road, Suite 320
City: Pompano Beach, FL 33064
Phone: (954) 969-5111

Background Information

Date of Notification: The Ordinance title is being advertised on October 29, 2004; five (5) days prior to the second reading. Florida Statutes and the Town Code do not require consideration by the Planning and Zoning Board, hearing notice sign, or mail out, since the Declaration of Restrictions were voluntary and were not imposed as the result of a condition of approval for a development request.

Application History: No deferrals have been requested.

Application Request: Terminate the Declaration of Restrictions entered into by Margaret Viele on April 12, 1989, on the property located at 6990 Griffin Road.

Address/Location: 6990 Griffin Road/Generally located on Griffin Road, east of SW 70 Avenue (Viele Road).

Future Land Use Plan Map Designations: Residential (10 DU/AC), 9.03 gross acres
Residential (5 DU/AC), 17.52 gross acres
Residential (1 DU/AC), 5.77 gross acres

Existing Density: 5.9 DU/AC (182 dwelling units)

Zoning: A-1, Agricultural District and Griffin Corridor District (West Gateway Use Zone 1)

Existing Use: Vacant historic single family home, defunct orange grove

Proposed Use: Any use permitted in the Griffin Corridor District (West Gateway Use Zone 1)

Gross Parcel Size: 30.862 acres (1,344,348.72 square feet)

Net Parcel Size: 29.37 acres (1,279,357.2 square feet)

Surrounding Uses:

North: Griffin Road, C-11 Canal
South: Single family dwellings
East: Vacant FDOT parcel, Single family dwelling, Office building, Old Davie School, Single family dwellings
West: Vacant parcel (proposed James Pirtle office building) and Single family dwellings

Surrounding Future Land Use Plan Map Designations:

North: Recreation/Open Space
South: Residential (1 DU/AC)
East: Regional Activity Center
West: Commercial and Residential (3 DU/AC)

Surrounding Zoning:

North: Griffin Road, Recreation/Open Space
South: A-1, Agricultural District
East: Griffin Corridor District (Downtown Use Zone 2)
RM-10, Medium Density Dwelling District
West: Griffin Corridor District (West Gateway Use Zone 1)
R-3, Low Density Dwelling District and A-1, Agricultural District

Zoning History

Related Zoning History: The northern 300' of the property adjacent to Griffin Road was rezoned to Griffin Corridor District (West Gateway Use Zone 1) on February 2, 2000.

Previous Requests on same property: The variance, V 5-3-98 Felicella/Viele, which requested four (4) variances to allow an office building at 6900 Griffin Road to become a legal conforming structure, was denied on February 3, 1999 (Motion carried 5-0).

The rezoning, site plan, and plat, known as Brookside at Davie (Centex Homes/Miller, Legg & Associates), were denied on August 20, 2003. The request was to rezone 23.659 acres from: A-1, Agricultural District to: Griffin Corridor District (West Gateway Use Zone 1); allocating 2.455 acres of commercial flexibility adjacent to Griffin Road and assigning 35 reserve units in order to allow the development of two (2) mixed use structures and 198 multi-family condominium units.

Applicable Codes and Ordinances

§12-32.300. Griffin Corridor District.

§12-32.301. Intent, applicability and boundaries.

(A) *Intent.* This district is intended to shape urban form and land use along the Griffin Road corridor. The regulations and intent statements contained herein together comprise a policy blueprint for corridor development. Specifically, the district is intended to accomplish the following:

- (1) Result in improved living and working environments relative to typical highway commercial development patterns.
 - (2) Enhance the town's tax base by increasing property values through high-quality development, and assisting in the redevelopment of downtown.
 - (3) Promote planned developments rather than haphazard speculative development that compromises the integrity of the corridor and the economic health of the town.
 - (4) Promote land uses which attract people for specific purposes such as employment, entertainment, business needs, and shopping, as distinguished from land uses which depend largely upon pass-by traffic for business.
 - (5) Create a showcase corridor which serves as the prominent east-west thoroughfare providing a linkage between the State Road 7, Florida Turnpike, Davie Road, and University Drive corridors; the major north-south urban thoroughfares within the town.
 - (6) Protect the integrity of adjacent residential neighborhoods.
 - (7) Permit a mix of residential and nonresidential development, including mixed uses within buildings or parcels.
 - (8) Compliment rather than compete with downtown or University Drive commercial corridor development.
 - (9) Encourage visual interest by ensuring the building and visual landscapes are accented rather than their parking facilities.
 - (10) Bring buildings to the roadway and ensure proper proportioning to "enclose" the corridor, and provide a sense of place.
 - (11) Provide for preservation of historical structures.
 - (12) Provide for public amenities and pedestrian conveniences.
 - (13) Maintain flexibility so as not to restrict creativity in development and design, while producing development that adheres to the intent of the District, contributing positively to the image of the town.
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Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

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

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 18: Mixed Use Development:* The Town shall continue to maintain land development regulations that accommodate mixed-use projects, planned developments and other types of non-traditional developments to promote a diverse, imaginative and innovative living and working environment.

Application Details

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Staff Analysis

The Declaration of Restrictions must be terminated in order to allow any use permitted by the Griffin Corridor Regulations.

Findings of Fact

Approval of the request is necessary in order to implement the Griffin Corridor regulations.

Staff Recommendation

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

Planning and Zoning Board Recommendation

A recommendation from the Planning and Zoning Board is not required by the Florida Statutes or the Town Code since the Declaration of Restrictions were voluntary and were not imposed as the result of a condition of approval for a development request.

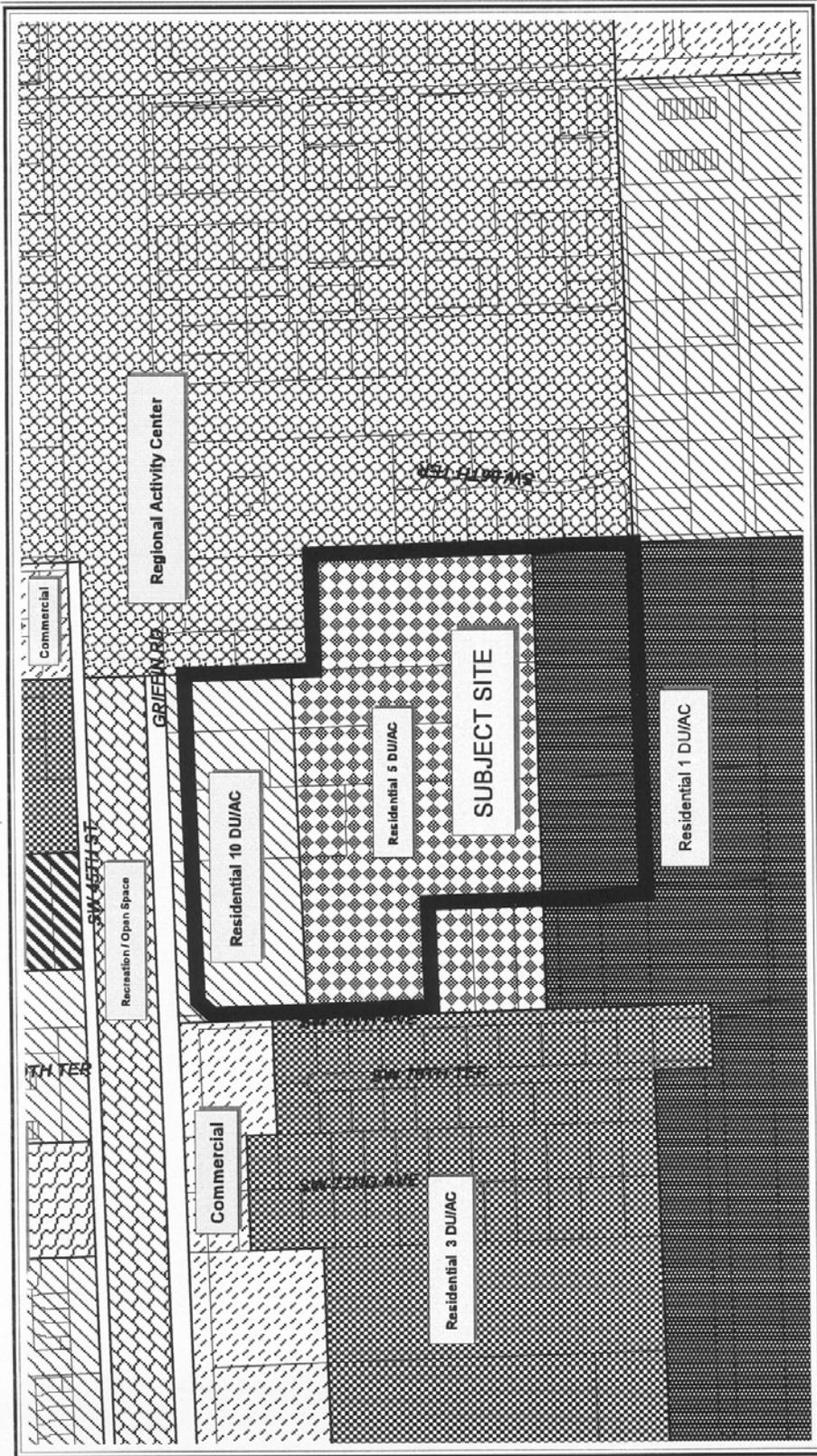
Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Justification
4. Declaration of Restrictions

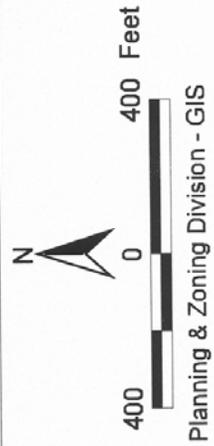
Prepared by: _____

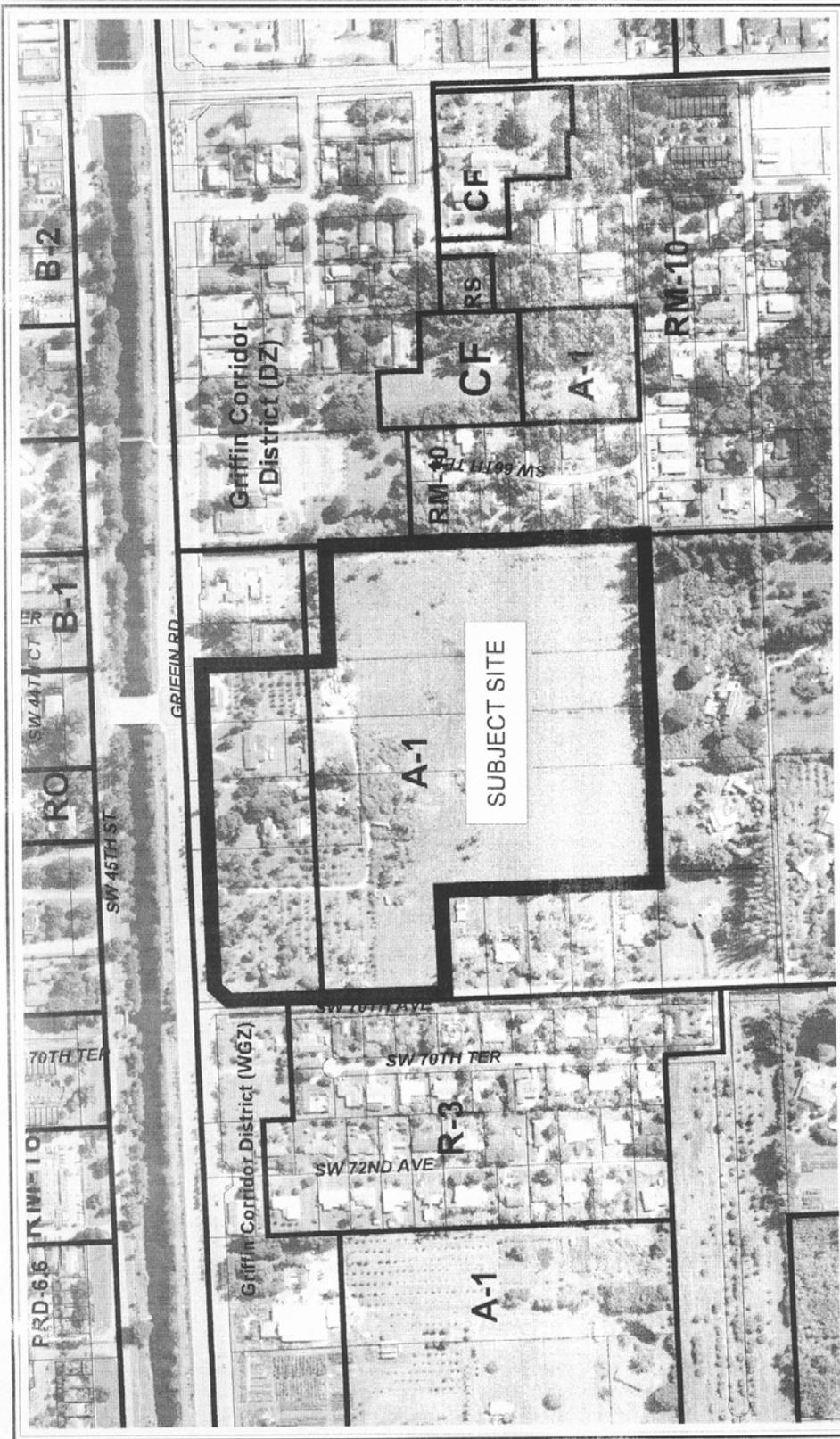
Reviewed by: _____



REZONING ZB 9-1-04 Future Land Use Map

Prepared By: ID
Date Prepared: 10/1/04





REZONING
ZB 9-1-04
Zoning and Aerial Map

Prepared By: ID
 Date Prepared: 10/1/04



Date Flown:
 12/31/02

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Planning & Zoning Division - GIS

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