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: David M. Abramson, Planner I

SUBJECT: ZB 6-1-04 / 04-363 / Jasmine Isles, Generally located on the northwest corner of Northwest 74th Avenue and Davie Road Extension

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO RM-10, RESIDENTIAL MULTIFAMILY MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:

The purpose of this request is to rezone the 5.68 acre (274,421 square feet) subject site from CF, Community Facility to RM-10, Residential Multifamily Medium Dwelling District. On December 15, 1993, the subject was rezoned from RM-10 Medium Density Dwelling District to CF, Community Facilities District to facilitate the construct of Pem-Mar Seventh Day Adventist Church. The church was never constructed. Consequently, the petitioner is requesting to rezone the subject site back to RM-10, Residential Multifamily Medium Dwelling District so it may accommodate the construction of fifty-six (56) affordable residential multi-family units.

The RM-10, Residential Multifamily Medium Dwelling Zoning District permits the development of residential multi-family uses, including townhouses and condominiums, as proposed for this subject site. The proposed RM-10, Residential Multifamily Medium Dwelling District zoning district may be considered compatible with the other surrounding zoning districts that range in density from B-2, Community Business District to RM-16, Medium High Dwelling District.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 8, 2004 Planning and Zoning Board, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve ZB 6-1-04 Jasmine Isles. (Motion carried 5-0)

FISCAL IMPACT: N/A

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 6-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO RM-10, RESIDENTIAL MULTIFAMILY MEDIUM 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 CF, Community Facility District to RM-10, Residential Multifamily Medium 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 CF, Community Facility District to RM-10, Residential Multifamily Medium Dwelling District:

a. The subject property is described in Exhibit "A", 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, as RM-10, Residential Multifamily Medium 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 _____, 2005.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2005.

ATTEST:

_____
MAYOR/COUNCILMEMBE R

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2005.

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

Applicant Information

Owner:
Name: Florida Conference Association of Seventh-Day Adventists
Address: P.O. Box 2626
City: Winter Park, Florida 32790
Phone: (407) 644-5000

Petitioner:
Name: Triad Housing Partners, LLC
Address: 6535 Nova Drive, Suite 106
City: Davie, Florida 33317
Phone: (954) 472-3050

Background Information

Date of Notification: November 25, 2004 **Number of Notifications:** 40

P & Z Board Recommendation: At the December 8, 2004 Planning and Zoning Board, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve ZB 6-1-04 Jasmine Isles. (Motion carried 5-0)

Application History: None

Application Request: Rezone the 5.68 acres (274,421 square feet) subject site **FROM:** CF, Community Facility **TO:** RM-10, Residential Multifamily Medium Dwelling District.

Location: Generally located on the northwest corner of Northwest 74th Avenue and Davie Road Extension

Land Use Plan Designation: Residential 10 DU/AC

Existing Zoning: CF, Community Facility

Existing Use:	Vacant land
Proposed Use:	Fifty-six (56) affordable new two-story condominiums and townhouses
Parcel Size:	5.68 acres (274,421 square feet)

	Surrounding Uses:	**Surrounding Land Use Plan Designation:**
North:	Vacant	Community Facility
South:	Vacant	Commercial
East:	Multi-family dwellings	Residential (16 DU/AC)
	San Carlos Plaza	Commercial
West:	Ehlinger Apartments	Residential (16 DU/AC)

	Surrounding Zoning:
North:	CF, Community Facility District
South:	B-2, Community Business District
East:	RM-16, Residential Multifamily – Medium High Dwelling District & B-2, Community Business District
West:	RM-16, Residential Multifamily – Medium High Dwelling District

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Zoning History

Related Zoning History:

Rezoning Application (ZB 9-3-93) On December 15, 1993, Town Council approved the Pem-Mar Seventh Day Adventist Church, from RM-10 Medium Density Dwelling District to CF, Community Facilities District, with a Declaration of Restrictions limiting the site to church purposes, not to include day care or childcare facilities.

Concurrent Request on same property:

Site Plan Application (SP 6-10-04) this application is proposing fifty-six (56) residential multifamily units on the subject site.

Delegation Request (DG 7-2-04) this application is proposing to amend the plat-restricted note from 35,000 sq. ft. of church use to twenty-eight (28) townhouse units and twenty-eight (28) garden condominiums.

Previous Request on same property:

Developers Agreement (DA 4-1-03) On May 21, 2003, Town Council approved a developers agreement for a tri-party agreement with Pem-Mar Seventh Day Adventist Church to meet county concurrency.

Master Site Plan (MSP 2-2-02) On September 4, 2002, Town Council approved a master site plan for Pem-Mar Seventh Day Adventist Church that expired after one-year.

Variance Request (V 2-2-02) On May 15, 2002, Town Council approved a variance for Pem-Mar Seventh Day Adventist Church, reducing the distance separation between houses of worship from 2,500 to 0 feet.

Site Plan Application (SP 8-1-00), Pem-Mar Seventh-Day Adventist Church received approval for this site plan application that expired after one-year.

Variance Request (V 8-1-00) On September 22, 2000, Town Council approved a variance for Pem-Mar Seventh Day Adventist Church, reducing the distance separation between houses of worship from 2,500 to 0 feet. Due to complications related to the platting process, site plan approval was not achieved prior to the expiration of the one (1) year time limit on variances.

Plat Application (P 9-2-93), On December 15, 1993 Town Council approved the plat for Pem-Mar Seventh Day Plat, with a note restricting the plat to "35,000 square feet of church use; other church related uses, such as elementary, middle, high school, preschool or day care are not permitted without approval of the Board of County Commissioners". The plat expired on April 7, 2003, because no building permits for a principal building were issued.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

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

Land Development Code, §12-24 (I) (4), Neighborhood Conservation Districts. The RM-10, Residential Multifamily Medium Dwelling District is intended to implement the ten-(10) multi dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan.

Comprehensive Plan Considerations

Planning Area: The subject site is located within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

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

Applicable Goals, Objectives & Policies:

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 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Application Details

The petitioner (Triad Housing Partners LLC) requests to rezone a 5.68 acre (274,421 square feet) parcel of land located on the northwest corner of Northwest 74th Avenue and Davie Road Extension from CF, Community Facility to RM-10, Residential Multifamily Medium Dwelling District. Approval of this request will allow a residential townhouse and condominium community known as "Jasmine Isles." This is an affordable housing project located within the Driftwood Community Development Block Grant (CDBG) Target Area. The petitioner proposes a total of twenty-six (26) townhouses and twenty-six (26) condominiums.

Staff Analysis

According to the Land Development Code, the parcel meets the minimum technical requirements for the RM-10, Residential Multifamily Medium Dwelling District zoning classification, as the minimum lot size required is three-thousand five hundred (3,500) square feet, and minimum frontage and depth is one-hundred (100) feet. In addition, the RM-10, Residential Multifamily Medium Dwelling District permits for the development of residential multi-family uses, including townhouses and condominiums, as proposed for this property.

The proposed RM-10, Residential Multifamily Medium Dwelling District zoning district is compatible with the other surrounding zoning districts. Adjacent to the east are Multi-family residential dwellings zoned RM-16, Medium High Dwelling District and San Carlos Plaza zoned B-2, Community Business District. Contiguous to the south, is a vacant parcel of land zoned B-2, Community Business District, and to the west Ehlinger Apartments zoned RM-16, Medium High Dwelling District. Neighboring to the north of the site is a vacant parcel currently zoned CF, Community Facility.

The proposed site plan has been designed with the intent of meeting the RM-10, Medium High Dwelling District. It takes into account the existing surrounding uses by providing for

adequate buffers, drainage, and access. Landscaping and a concrete wall buffer the adjacent residential communities. The proposed residential structures are located appropriately with connecting with sidewalks on both sides of the streets. The proposed rezoning and site plan demonstrate compliance with both the technical requirements and the intent of the RM-16, Medium High Dwelling District.

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 10 (DU/AC), and the comprehensive plan allows properties with these designations to be rezoned to the RM-10, Medium High Dwelling District.

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

Designating the property (RM-10, Medium High Dwelling District) will allow a multi-family residential development that is related and compatible with the adjacent developed multi-family residential developments.

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

The existing CF, Community Facility boundaries are logically drawn, and the proposed designation to R-10, Medium High Dwelling District is a valid Town of Davie zoning district.

(d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Designating the property RM-10, Medium High Dwelling District is not expected to adversely affect living conditions in the neighborhood. The design of the site has taken into account the existing adjacent multi-family family uses by providing for adequate buffers, and drainage.

(e) The proposed change will not 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;

Changing the parcel's zoning to RM-10, Medium High Dwelling District will generate less traffic than what was anticipated development, which was a House of Worship and/or school.

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

Rezoning the subject site from CF, Community Facility to RM-10, Medium High Dwelling District will have a positive impact on surrounding property values as the Town of Davie code will ensure that development will be done in accordance with the Town of Davie Land Development Regulations.

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

The proposed change will be developed in accordance with existing land development regulations. Surrounding property will be able to be developed in accordance with all existing land development regulations.

(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;

Rezoning the subject property is not a grant of special privilege per the Town's Comprehensive Plan and Land Development Code. Any property owner may request a rezoning consistent with the underlying land use plan category.

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

The existing CF, Community Facility zoning is the site's original zoning classification and plans associated with this zoning ceased. The proposed use and density allowed by the Future Land Use Plan Map designation cannot be utilized without a change in zoning.

(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 RM-10, Medium High Dwelling District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

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 December 8, 2004 Planning and Zoning Board, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve ZB 6-1-04 Jasmine Isles. (Motion carried 5-0)

Town Council

Exhibits

1. Justification
2. Future Land Use Map
3. Subject Site, Zoning and Aerial Map
4. Proposed Site Plan Sketch

Prepared by: _____ Reviewed by: _____

TRIAD HOUSING

REZONING APPLICATION

JUSTIFICATION STATEMENT

I. REASON FOR REQUEST.

1. Introduction. This is an application to rezone a 5.51 acre vacant parcel located in the Town of Davie (the "Town") on the northwest corner of Davie Road Extension and NW 74th Street (the "Property"). Triad Housing ("Triad") is requesting this rezoning to accommodate a proposed 56-unit residential multi-family project to be constructed on the Property (the "Project").

2. Land use and zoning. The Property is designated as Residential-10 (R-10) on the Town's Land Use Map which permits multi-family residential uses at a density of up to 10 dwelling units per acre. However, the Property's *existing* zoning classification - Community Facility (CF) - does not permit residential multi-family uses. Triad proposes to rezone the Property from CF to RM-10 to allow multi-family uses at a density of 10 units per acre.

II. CRITERIA FOR REVIEW OF REZONING APPLICATIONS.

In reviewing an application for rezoning, §12-307 of the Town's Code of Ordinances (the "Code"), the reviewing board shall consider the following factors, where applicable:

1. Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

According to the Town's comprehensive plan the Property is currently designated as R-10 which permits multi-family residential uses at a density of 10 dwelling units per acre. The requested zoning designation of RM-10 allows multi-family uses at the same density as that which is permitted by the R-10 land use category. Hence, the proposed change is not inconsistent with or contrary to the adopted comprehensive plan.

2. Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

The Property is bordered by the following zoning districts:

(a) RM-16 to the west (permits multi-family residential at a density of 16 dwelling units per acre;
(b) B-1 to the south
(c) B-2 to the southeast;
(d) RM-16 to the east (permits multi-family residential at a density of 16 dwelling units per acre); and
(e) CF to the north.

Because the Property is located in an area which includes other multi-family zoning districts, the proposed rezoning to RM-10 to permit multi-family uses is compatible and consistent with the nearby zoning districts and existing uses.

3. Whether the existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The Property is currently undeveloped. The current zoning district, CF, limits the use and development of the Property and primarily includes a multitude of uses that would normally generate zero dollars of tax revenue to the City. The proposed rezoning is necessary to permit residential use on the Property, a use that is desirable and logical in light of the surrounding uses. Furthermore, for another house of worship to occupy either this Property or the adjacent CF zoned property to the north of this Property, an additional (one was granted and has expired) variance would have to be sought for required distance separations.

4. Whether the proposed change will adversely affect living conditions in the neighborhood.

The proposed change to RM-10 multi-family residential is compatible with the existing multi-family zoning districts in the neighborhood. Additionally, the proposed change to residential will likely have a positive economic impact on the nearby B-1 and B-2 commercial uses by adding new consumers to the area who will support local businesses. Furthermore, in conjunction with the development of this Property the developer will be required to widen the Northwest 74th Avenue right of way from its current 15' pavement cross section to a City Standard 24' wide street with a new sidewalk running he length of the Property.

5. Whether the proposed change will 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 existing land use designation of R-10 already contemplates residential development of up to 10 dwelling units per acre. The proposed rezoning to RM-10 is consistent with the underlying land use. Hence, this proposal will not increase traffic congestion above that which is already contemplated by the existing land use designation. Public safety will not otherwise be affected by the proposed multi-family use of the Property.

6. Whether the proposed change will adversely affect other property values.

The proposed multi-family residential use is compatible with the surrounding residential and commercial uses and is consistent with the Property's underlying land use designation. The proposed rezoning to multi-family and the Project which will follow should this rezoning application be approved, will likely enhance neighboring property values, by taking an otherwise vacant, unappealing and underutilized property and converting it into an attractive residential development which will support businesses located in the nearby commercial zoning districts.

7. Whether the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Because the proposed zoning classification is similar to surrounding zoning districts this request should not deter future development of surrounding properties under the existing regulations. In fact, this proposed rezoning is a logical and desirable change from its present community facility use as a church site. By changing the zoning of this Property to residential, future development of other properties in the neighborhood will be expected to be consistent and harmonious with the residential character of this Property.

8. Whether the proposed change will constitute a grant of a special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed change will benefit not only the Property but will also benefit the general public by satisfying a rapidly growing need for residential housing and adding residents to an area who will support local businesses.

9. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

The existing CF zoning district severely limits the use and improvement of the Property as a sustainable and economically feasible development. By rezoning the property to RM-10, Triad will be permitted to develop the Property in accord with the intent of the underlying land use designation, which contemplates residential uses at a density of 10 dwelling units per acre.

10. Whether 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.

The Property is limited by existing zoning classification and the plat note which primarily restricts the Property to houses of worship– a use that enjoys certain tax benefits and exemptions. The Property's undeveloped condition coupled with the tax-exempt status for houses of worship-owned property, contribute little if anything, to the Town's tax base. If approved, this rezoning request will enhance the Town's tax base by providing a 56-unit residential development in which each homeowner will pay property taxes. Additionally, the location of the Property along the Davie Road Extension and nearby major thoroughfares will provide appropriate and adequate access to and from the development which is consistent with proper planning practices.

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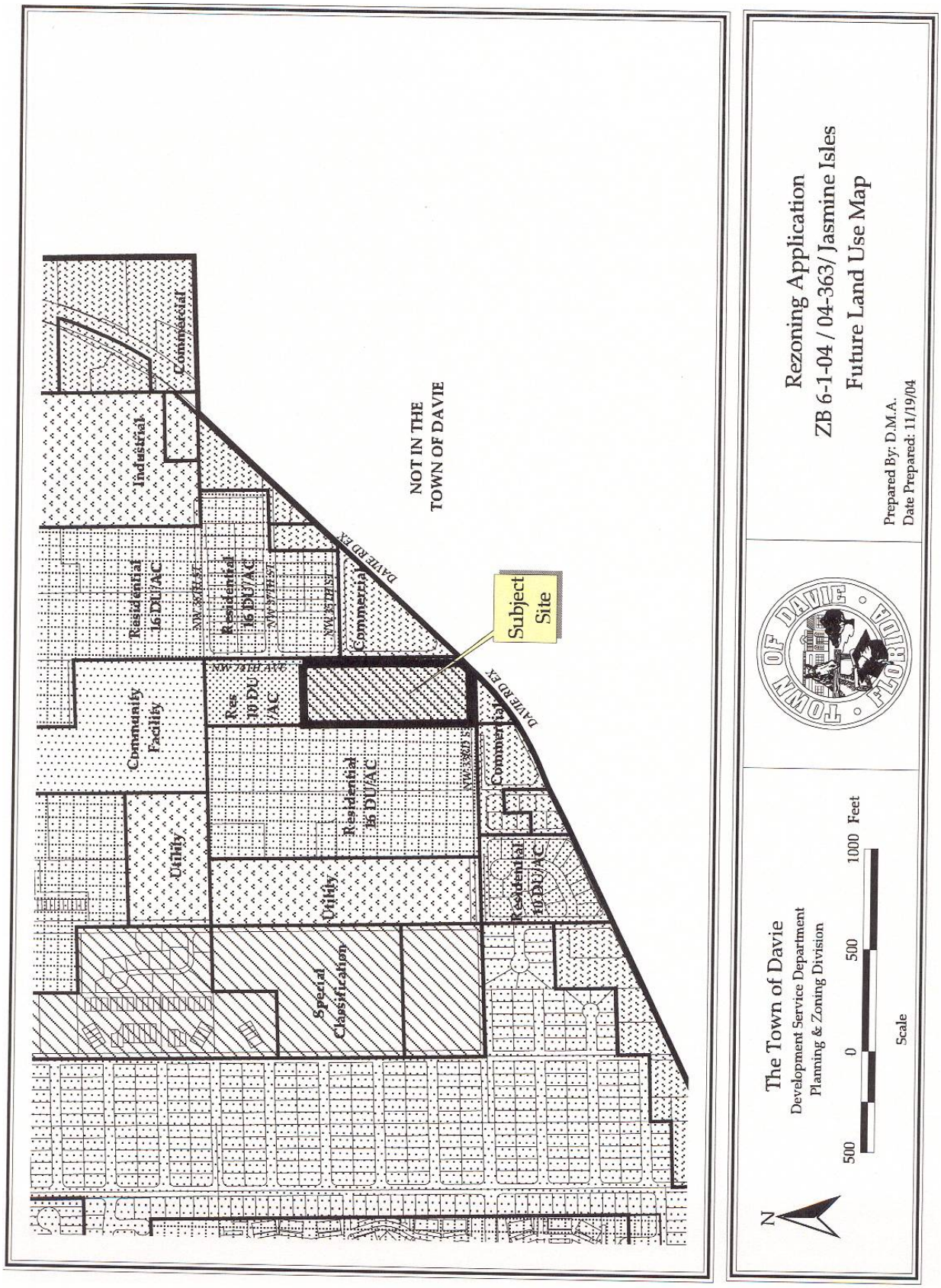
Rezoning Application
ZB 6-1-04 / 04-363/ Jasmine Isles
Future Land Use Map
Prepared By: D.M.A.
Date Prepared: 11/19/04
The Town of Davie
Development Service Department
Planning & Zoning Division
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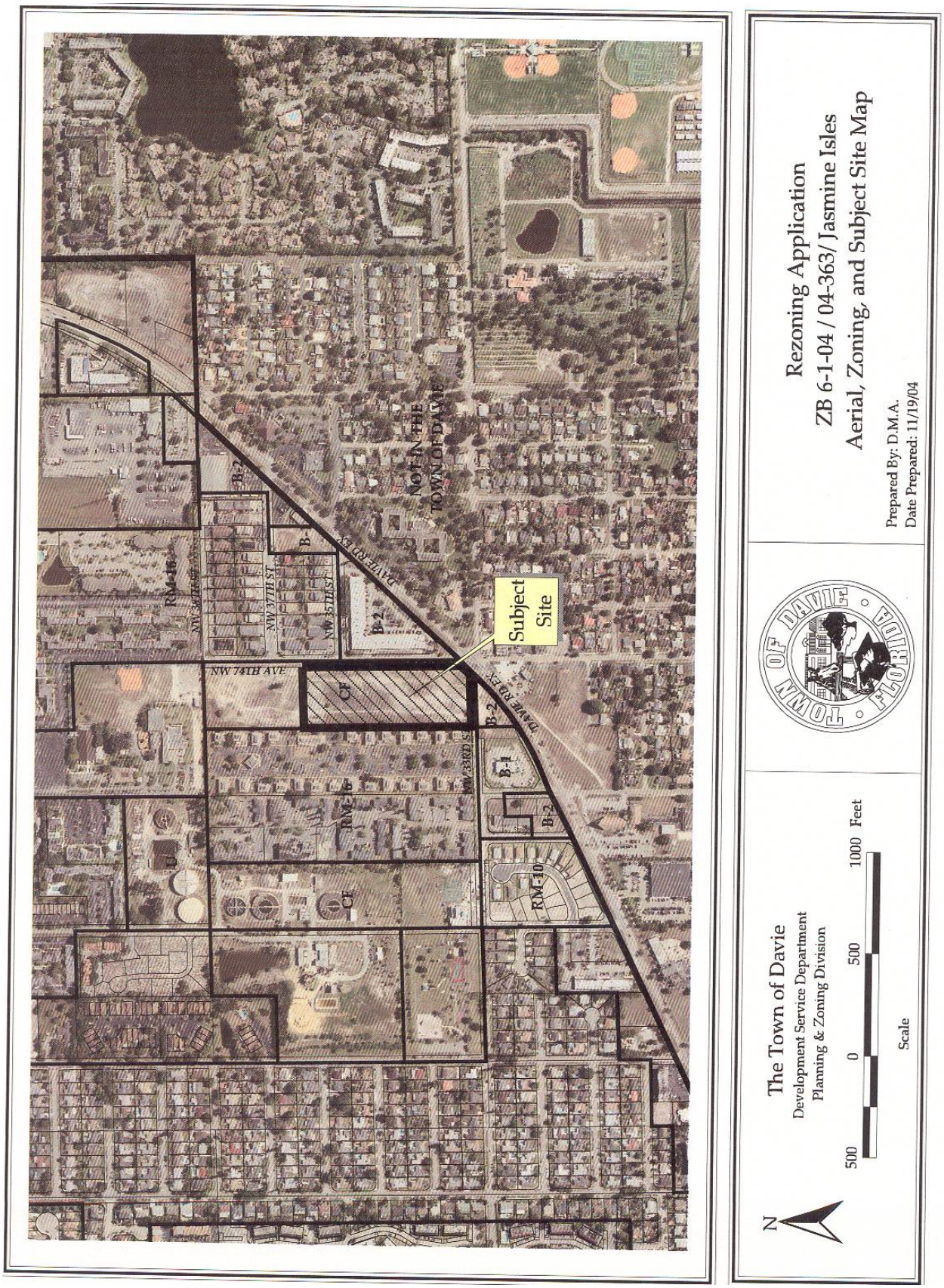
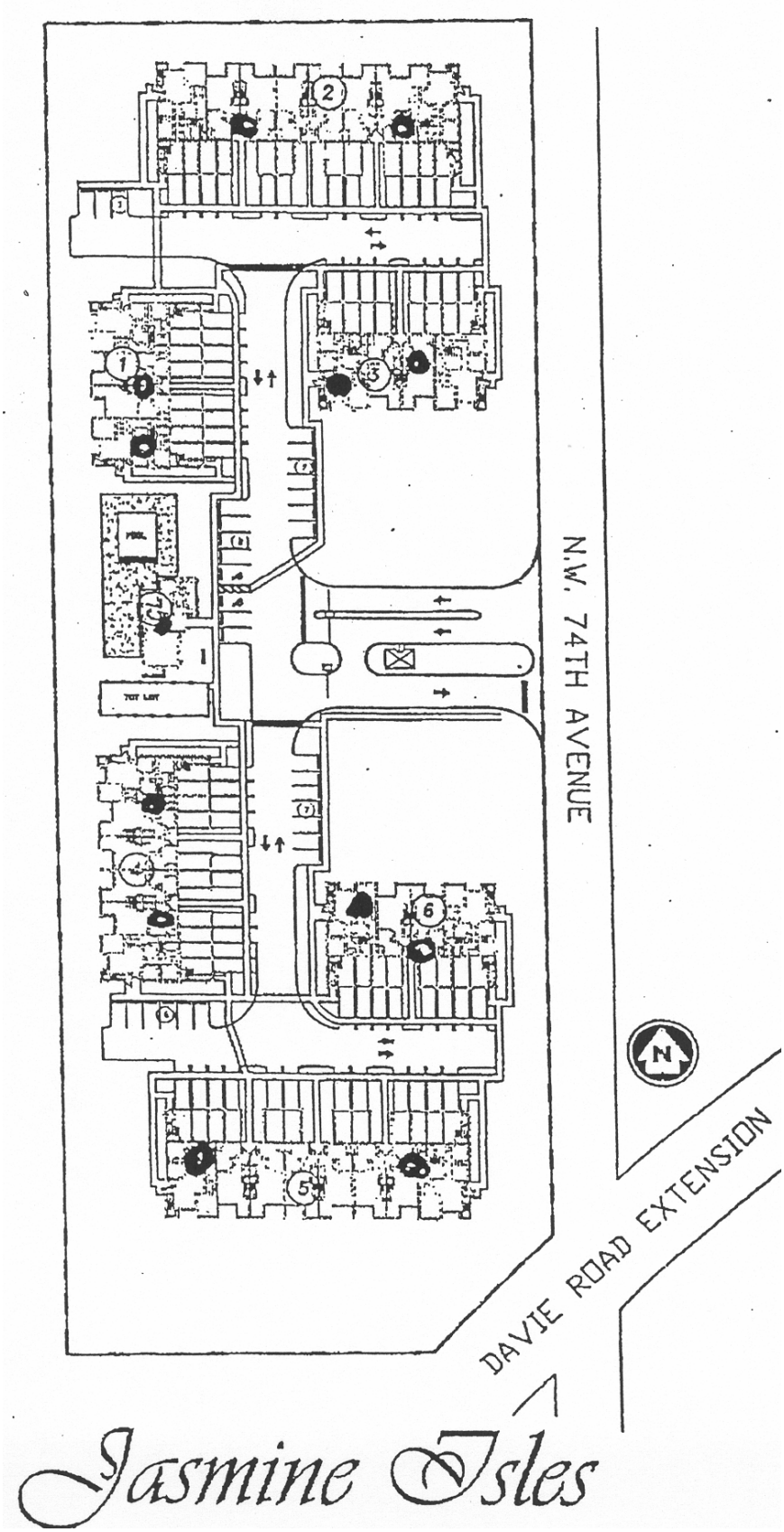
"Exhibit 3" (*Subject Site, Zoning, and Aerial Map)*



"Exhibit 4" ***(Proposed Site Plan Sketch)***



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