

# 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:** Site Plan, SP 6-8-04 Flamingo Commons Parcel G/Howard Zimmerman, 12557 Orange Drive/Generally located at the northwest corner of Flamingo Road and Orange Drive

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:**

SP 6-8-04 Flamingo Commons Parcel G, 12557 Orange Drive (B-3)

**REPORT IN BRIEF:** The applicant requests approval of the site plan for a two story office building, located on "Parcel G" within the development known as "Flamingo Commons", at the northwest corner of Flamingo Road and Orange Drive. The proposal is for 32,000 square feet of office space.

The design of the building matches the northern classic colonial architectural style theme of "Flamingo Commons" with brick stucco applied to the elevations, grayish brown flat shake concrete roof, crown fascia molding, decorative medallions, white aluminum railings, with off white grey, and white smooth stucco accents and banding. Access is provided by two (2) openings to the internal to the existing "Flamingo Commons" private drive. There are 68 parking spaces being provided on the site, including four (4) handicapped spaces, with cross access to the parking lot to the north which was constructed with surplus parking spaces. A total of 409 parking spaces are provided with 401 being required for the uses on "Parcel E" and "Parcel G". A sidewalk connection from Orange Drive to the building is being provided.

This proposed office building can be considered compatible with both existing and allowable uses on the adjacent properties. To the north is an existing office complex, to the south is Orange Drive, to the west is a retention area, and to the east is a vacant commercial parcel approved to have a private school (Montessori Institute of Broward).

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the January 11, 2005, Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Aucamp, to approve based on the planning report and 1) that the parking dimensions on the north side of the building be corrected to allow the correct depth of the handicapped spaces; 2) the sidewalks shown on site to be pavers; 3) the Ligustrum tree at the west side entry to be substituted with a Pigeon Palm; 4) the striping at the two parking spaces at the northeast corner is to show two spaces; and 5) the colors that are represented on

the buildings are to match the existing building as approved in the overall master plan.  
(Motion carried 5-0)

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. In addition, the following conditions must be met prior to final site plan approval.

1. Provide one third of the cost for corridor study performed by the URS Corporation and contribute to the \$140,000 that is to be provided for improvements to Orange Drive as agreed to at the December 15, 2004 Town Council meeting.
2. Provide a hold harmless and indemnification agreement which states that the Town of Davie is not responsible for any damages or injuries that may occur due to the location of the dumpsters, location of the access opening, and includes a signed and sealed statement from a professional engineer which certifies that the design of the site meets minimum safe design standards. It is further recommended that this agreement be prepared and executed by the owner and reviewed by the Town Attorney prior to recordation in the official records of Broward County.

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

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



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**Applicant Information**

**Owner:**

**Name:** Flamingo Commons South, LLC.  
**Address:** 12555 Orange Drive  
**City:** Davie, FL 33330  
**Phone:** (954) 862-1440

**Agent:**

**Name:** Howard Zimmerman, Manager  
Flamingo Commons, LLC.  
**Address:** 12555 Orange Drive  
**City:** Davie, FL 33330  
**Phone:** (954) 862-1440

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**Background Information**

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

**Site Plan Committee Recommendation:** This item was recommended for approval with conditions at the January 11, 2005, Site Plan Committee meeting.

**Application Request:** Approval of the site plan for a two story office building on Flamingo Commons Parcel G.

**Address/Location:** 12557 Orange Drive/Generally located at the northwest corner of Flamingo Road and Orange Drive

**Future Land Use Plan Map:** Commercial

**Zoning:** B-3, Planned Business Center District

**Parcel Size:** 2.301 acres (100,232 square feet)

**Existing Use:** Vacant outparcel

**Proposed Use:** Office building

**Surrounding Land**

	<b><u>Surrounding Uses:</u></b>	<b><u>Use Plan Map Designations:</u></b>
<b>North:</b>	The Crexent Business Center	Commercial
<b>South:</b>	Orange Drive, Linear Park	Recreation/Open Space
<b>East:</b>	Vacant (private school, SP 4-3-04 M.I.B.)	Commercial
<b>West:</b>	Grove Creek	Commercial

	<b><u>Surrounding Zoning:</u></b>
<b>North:</b>	B-3, Planned Business Center District
<b>South:</b>	B-3, Planned Business Center District
<b>East:</b>	A-1, Agricultural District
<b>West:</b>	B-3, Planned Business Center District

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## **Zoning History**

**Zoning, Variance, and Vacation History:** This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement. The agreement entitles the owner to use Broward County parking requirements, allows the amount of water surface in open space to be 25 percent, and allows parcels to be developed with 20% minimum open space.

The rezoning, ZB 11-2-95, changing 28 acres of the site from: A-1, Agricultural District to: B-3, Planned Business Center District was approved on November 2, 1995.

The rezoning, ZB 11-2-99, changing 0.93 acres adjacent to Flamingo Road, from: A-1, Agricultural District to B-3, Planned Business Center District, was approved on December 5, 2000.

The variance, V 1-1-00, reducing minimum lot size and depth of the B-3, Planned Business Center District, to rezone 0.93 acres adjacent to Flamingo, and to reduce the minimum building separation for two (2) locations on Flamingo Commons Parcel A, was approved on March 6, 2000.

The vacation, VA 3-1-00, vacating an easement between the ICE Plat and ICE II Plat, was approved on May 17, 2000.

**Plat History:** The plat, 12-1-95, ICE Plat, was approved by Town Council on April 2, 1996, and was subsequently recorded in Plat Book 165, Page 21, of the official records of Broward County on July 8, 1998.

The plat, 12-2-99 ICE II Plat, was approved by Town Council on June 21, 2000, and was subsequently recorded in Plat Book 170, Page 136, of the official records of Broward County on November 6, 2001.

**Traffic Concurrency Agreements:** A traffic concurrency agreement related to the ICE Plat was approved by Resolution No. R-96-397, on December 12, 1996, but was not approved by the other contracting parties.

A traffic concurrency agreement related to the ICE Plat was approved by Resolution No. R-97-436, on December 17, 1997.

An amendment to a traffic concurrency agreement related to the ICE Plat, was approved by Resolution No. 98-013, on January 7, 1998.

An agreement for the provision of a lien for the security to secure the required subdivision improvements for the ICE Plat was approved by Resolution No. 98-197, on June 30, 1998.

**Delegation Requests:** The delegation request, DG 7-1-97, was approved by Resolution No. 97-277, to revise certain openings and associated turn lane configurations, on August 20, 1997.

The delegation request, DG 7-2-99, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: 210,000 square feet of commercial use", was approved on September 1, 1999. This request was not approved by Broward County.

The delegation request, DG 11-1-99, for an 80' opening on Flamingo Road (to support right turn in and right turn out) centered 110' south of the east 1/4 section line of Section 26-50-40 was approved on December 1, 1999 (Resolution No. 99-359). The ICE Plat was originally approved with a 60' access opening (to support right turn in and right turn out) centered 110' south of the east 1/4 section line of Section 26-50-40, but upon recording the plat the opening was deleted by the applicant.

The delegation request, DG 9-3-01, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: "110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2, and 90,000 square feet of commercial use on Parcel A-3", was approved on December 4, 2001. This request was not approved by Broward County.

The delegation request, DG 8-1-02, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: "This plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of mini-warehouse use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3", was approved on August 21, 2002.

**Site Plan History:** The site plan, SP 12-9-99 Flamingo Commons, for a 28 acre joint venture master plan, designed for office/retail use, was approved on March 15, 2000.

The site plan, SP 6-2-00 Flamingo Petroleum, for 7,050 square feet of gas station, carwash, and retail on Flamingo Commons Parcel B, was approved on February 21, 2001.

The site plan, SP 6-5-01 Shoppes at Flamingo Commons, for a 23,245 square foot retail plaza on Parcel C, was approved on October 3, 2001. No construction permit was secured and the site plan expired.

The site plan, SP 10-2-01 Stor-All, for a 91,061 square foot mini-warehouse on Flamingo Commons Parcel D, was approved on March 19, 2002.

The site plan, SP 7-2-02 Blockbuster Plaza, for an 11,498 square foot retail plaza on Flamingo Commons Parcel A, was approved on November 20, 2002.

The site plan modification, SP 9-3-03 Blockbuster Plaza, to change the landscape planter area and retail bay configuration, was approved on September 25, 2003.

The site plan, SP 4-3-04 Montessori Institute of Broward, for a private school on Flamingo Commons Parcel F, was approved on November 3, 2004.

The site plan, SP 5-8-04 Strike Zone Plaza for bank and multi-tenant building, was approved on December 15, 2004, subject to applicants for SP 4-3-04, SP 5-8-04, and SP 6-8-04 providing \$140,000 for improvements to Orange Drive, and \$15,150 to URS Corporation for the Orange Drive traffic study.

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### **Applicable Codes and Ordinances**

§12-24 (J) (6) of the Land Development Code, Planned Business Center (B-3) District. The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-3, Planned Business Center District requires the following minimums: lot area of 43,560 square feet, 150' frontage, 200' depth, 25' setbacks on all sides except 50' on sides abutting residentially zoned, occupied, or Land Use Plan designated properties, and the following maximums: height 35', 40% building coverage. The "ICW" settlement agreement entitles the owner to 20% minimum open space and may use Broward County parking requirements if desired.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**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

The applicant's SUBMISSION indicates the following:

1. *Site:* The applicant requests approval of the site plan for a two story office building, located on "Parcel G" within the development known as "Flamingo Commons", at the northwest corner of Flamingo Road and Orange Drive. The proposal is for 32,000 square feet of office space.
2. *Buildings:* The design of the building matches the northern classic colonial architectural style theme of "Flamingo Commons" with brick stucco applied to the elevations, grayish brown flat shake concrete roof, crown fascia molding, decorative medallions, white aluminum railings, with off white grey, and white smooth stucco accents and banding.
3. *Access and Parking:* Access is provided by two (2) openings to the internal to the existing "Flamingo Commons" private drive. There are 68 parking spaces being provided on the site, including four (4) handicapped spaces, with cross access to the parking lot to the north which was constructed with surplus parking spaces. A total of 409 parking spaces are provided with 401 being required for the uses on "Parcel E" and "Parcel G". A sidewalk connection from Orange Drive to the building is being provided.
4. *Lighting:* A lighting plan showing that 0.5 foot candles spillover at the property lines has not be exceeded has been provided.
5. *Landscaping:* The site plan shows 34,018 square feet (0.78 acres) or 34 percent of open space (20 percent minimum allowed by the "ICW" settlement agreement). The existing landscape buffer required for "Flamingo Commons" contains alternating plantings of Live Oak, Gumbo Limbo, Purple Orchid, Yellow Poinciana, Cocoplum hedge, and, Arboricola hedge. The landscape islands in the parking lot contain Live Oak, and Gumbo Limbos are being used in the landscape areas adjacent to the building. Foxtail Palms and ground covers are being used adjacent to the building, and beds of annual flowers are used to highlight the entrances to the building. Awabuki Viburnum has been used around the dumpster enclosures.
6. *Drainage:* The subject property lies within Central Broward Water Control District. Approval from the District is required in order to implement the proposed drainage improvements.

7. **Temporary Uses:** A temporary construction trailer and storage area are located adjacent to the retention area and the Flamingo Commons private drive. Approval of the site plan shall be deemed as the approval for the Temporary Use Permit for this use for a period of time not to exceed one (1) year.
8. **Compatibility:** This proposed office building can be considered compatible with both existing and allowable uses on the adjacent properties. To the north is an existing office complex, to the south is Orange Drive, to the west is a retention area, and to the east is a vacant commercial parcel approved to have a private school.

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## **Significant Development Review Agency Comments**

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

**Planning and Zoning:** Relocate proposed dumpster, provide sidewalk connection to Orange Drive, label covered parking areas. *(These have been provided.)*

**Engineering:** Delineate sight triangles, provide minimum 25' turning radii, provide sidewalk to the Orange Drive right-of-way, remove dumpsters in the site visibility triangles on Parcel E, revise eastern access opening to align with the existing opening to the office complex, and provide improvements to the Orange Drive adjacent to the site. *(The applicant has refused to modify the dumpster locations or the location of the eastern internal access opening since they were previously approved and have been constructed. Staff has agreed to allow the existing conditions to remain subject to the provision of a hold harmless and indemnification agreement which states that the Town of Davie is not responsible for any damages or injuries that may occur due to the location of the dumpsters, location of the access opening, and includes a signed and sealed statement from a professional engineer which certifies that the design of the site meets minimum safe design standards.)*

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## **Staff Analysis**

The proposed site plan is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

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## **Findings of Fact**

Staff finds that the site plan is in conformance with all applicable Codes and Ordinances. The development, as proposed, is compatible with the surrounding properties.

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## **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. In addition, the following conditions must be met prior to final site plan approval:

1. Provide one third of the cost for corridor study performed by the URS Corporation and contribute to the \$140,000 that is to be provided for improvements to Orange Drive as agreed to at the December 15, 2004 Town Council meeting.
2. Provide a hold harmless and indemnification agreement which states that the Town of Davie is not responsible for any damages or injuries that may occur due to the location of the dumpsters, location of the access opening, and includes a signed and sealed statement from a professional engineer which certifies that the design of the site meets minimum safe design standards. It is further recommended that this agreement be prepared and executed by the owner and reviewed by the Town Attorney prior to recordation in the official records of Broward County.

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### **Site Plan Committee Recommendation**

At the January 11, 2005, Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Aucamp, to approve based on the planning report and 1) that the parking dimensions on the north side of the building be corrected to allow the correct depth of the handicapped spaces; 2) the sidewalks shown on site to be pavers; 3) the Ligustrum tree at the west side entry to be substituted with a Pigeon Palm; 4) the striping at the two parking spaces at the northeast corner is to show two spaces; and 5) the colors that are represented on the buildings are to match the existing building as approved in the overall master plan. (Motion carried 5-0)

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### **Town Council Action**

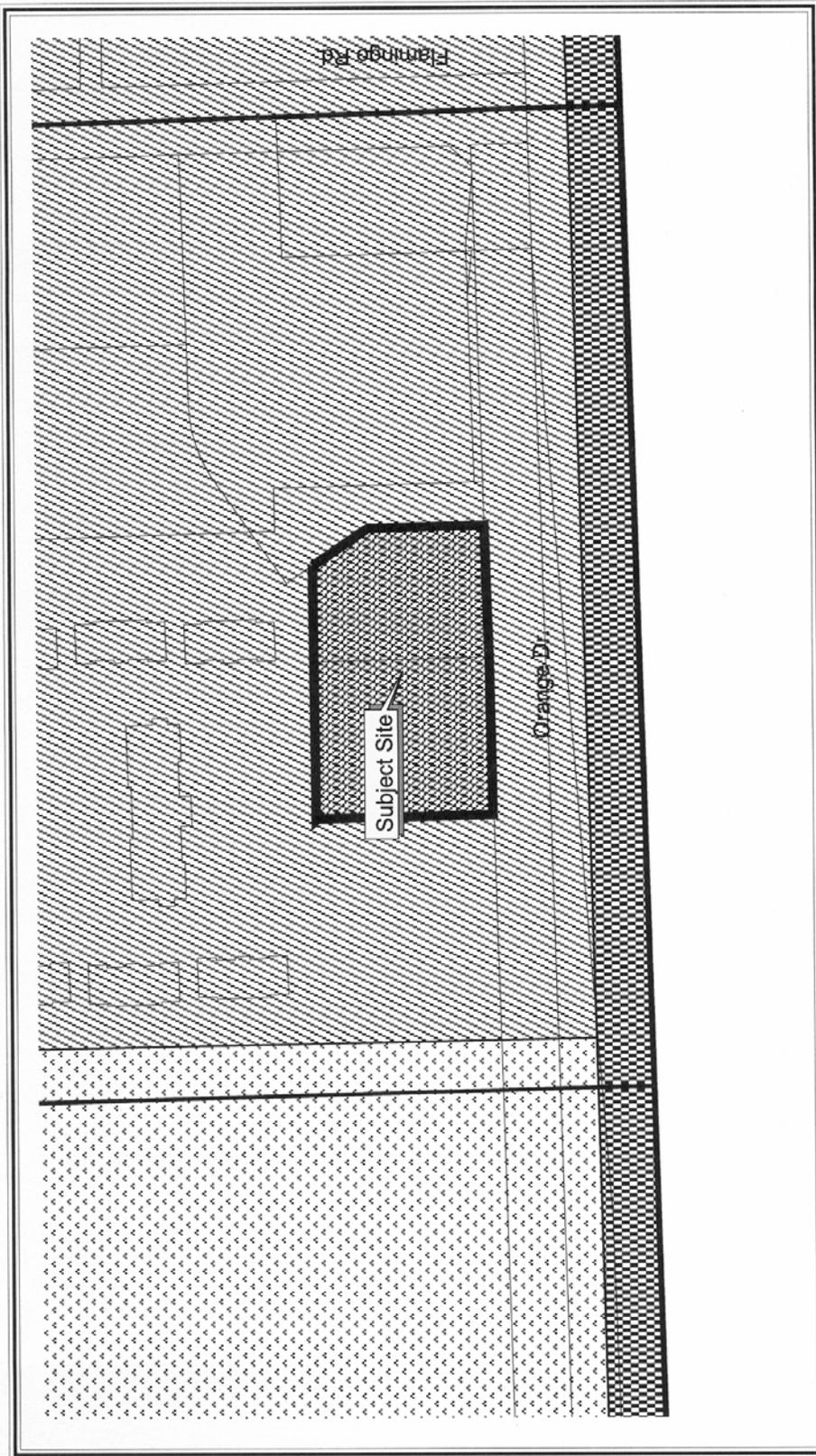
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#### **Exhibits**

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

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

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

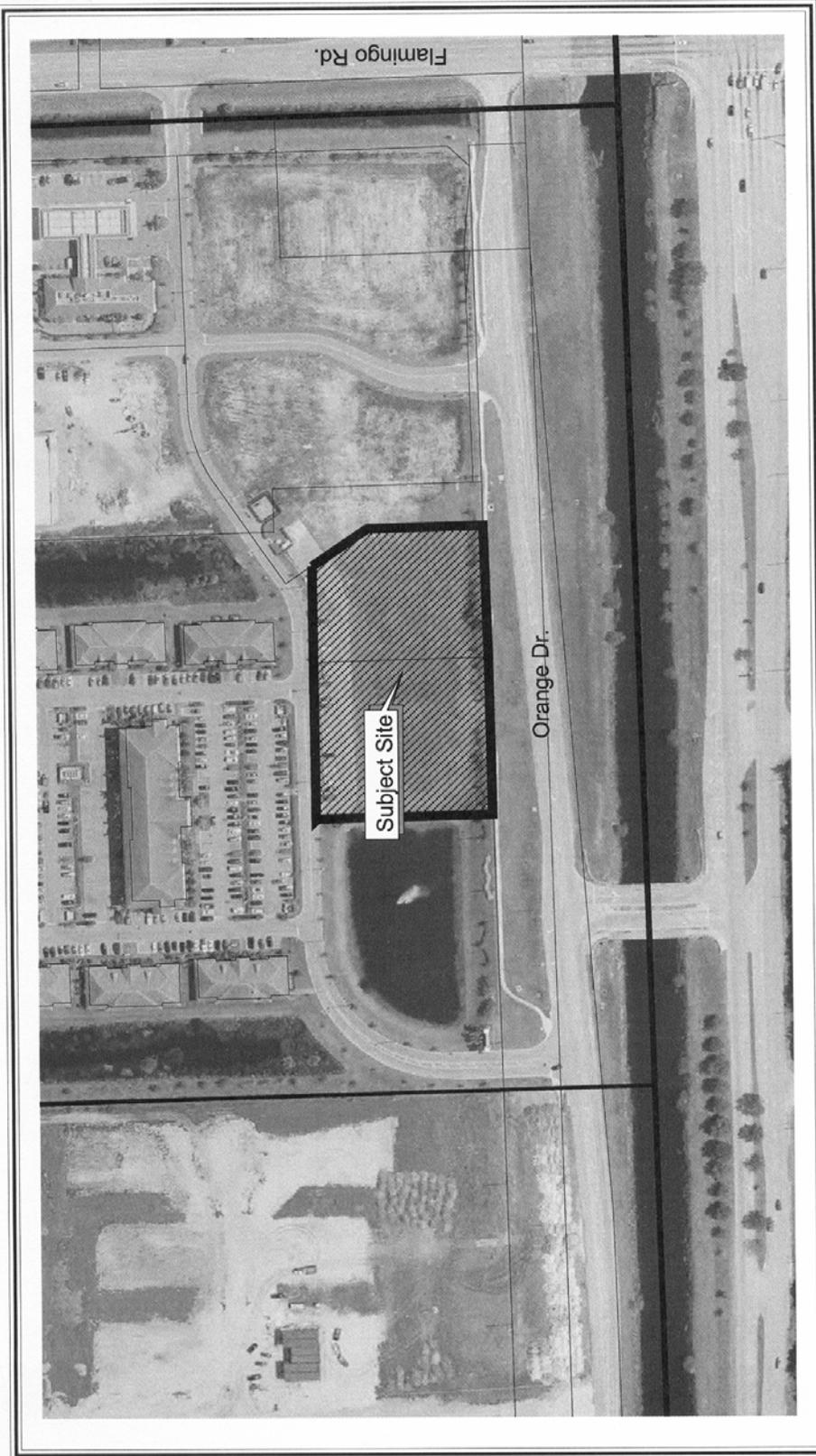


The Town of Davie  
 Development Service Department  
 Planning & Zoning Division



Site Plan Application  
 SP 6-8-04 / Flamingo Commons  
 Future Land Use Map

Prepared By: A.J.P.  
 Date Prepared: 1/6/04



<p style="text-align: center;"> <b>Site Plan Application</b>  <b>SP 6-8-04 / Flamingo Commons</b>  <b>Aerial, Zoning, and Subject Map</b> </p> <p style="text-align: right;">         Prepared By: A.J.P.          Date Prepared: 1/6/04       </p>		<p style="text-align: center;"> <b>The Town of Davie</b>          Development Service Department          Planning &amp; Zoning Division       </p> <div style="display: flex; align-items: center;">   </div> <p style="text-align: right; margin-right: 10px;">Scale</p>
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