

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: Marcie Nolan, AICP, Deputy Planning and Zoning Manager

SUBJECT: Variance, V 11-3-05/ Stiles Development Company/Moersch, 4450 South Flamingo Road/Generally located at the northeast corner of South Flamingo Road and Orange Drive.

AFFECTED DISTRICT: District 3

REPORT IN BRIEF: This request is to allow for the construction of an office and retail center consisting of 119,068 square feet and 44 townhome units located on 27 acres at the northeast corner of Orange Drive and Flamingo Road. The applicant is requesting three (3) variances from the land development code. These variances are as follows:

Variance #1: From section 12-83 of the land development code that requires a maximum building height of 35 feet; to allow a maximum building height of 55 feet.

The proposed Westridge Oaks development includes a three story office building and single story retail. The intent of the maximum building height was to provide for 3 stories. The way the maximum building height is measured is to the mean of the roofline. Here that mean is at 45 feet. Another reason for the maximum height is to ensure that proposed buildings are compatible with existing uses. Here the commercial parcel, zoned B-3 to the west also has a maximum height of 35 feet. The parcel to the east is zoned R-1 and has a maximum building height of 35 feet. The applicant has proposed two story townhomes to the east of this site. The closest residential use, other than those built concurrent with the commercial are 720 linear feet from the three-story structure.

Variance #2: From section 12-108 (C)(4) of the land development code requiring 10 foot wide curbed medians to head-to-head parking; to eliminate the buffer in certain locations on the site plan and redistribute this in other locations around the site. Over time uses that require large amounts of surface parking have requested this variance so that they can provide larger quantities of green space located strategically throughout the center for the use of patrons. In this case the applicant has provided tree lined entrances throughout the center. These buffers were not in places required by code. The applicant has provided the same quantity of landscape areas and required landscape material as required by code and placed it throughout the site.

Variance #3: From section 12-55 requiring cumulative and individual building maximums of 100,000 square feet and 40,000 square feet respectively. The applicant has proposed a total building design of 119,000 square feet. The maximum allowed by code is 100,000 square feet.

The maximum single building allowed is 40,000 square feet. The applicant has proposed a three story building of 57,930 square feet. The footprint of the building is 18,400 square feet.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 26, 2006 Planning and Zoning Board meeting the following motions were made:

Variance one: Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to deny. Motion carried 3-0 with V-C McLaughlin abstaining.

Variance two: Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to deny. Motion carried 3-0 with V-C McLaughlin abstaining.

Variance three: Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to deny. Motion carried 3-0 with V-C McLaughlin abstaining.

The Board agreed that Ms. Nolan may paraphrase their various objections which were – not to diminish the scenic corridors which the Town worked so hard to achieve, building too high (they all agreed on those two items although they differed on which corridors mattered), Chair Bender opposed to residential in the mix, Mr. Stevens thought residential was a good transition, Ms. Stenzel-Nowicki thought residential too dense and wouldn't object to more office space on the site.

FISCAL IMPACT: N/A

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

Attachment(s): Planning Report

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

Applicant Information

Owners:

Name: Barbara Moersch, Frederick P. Moersch & Marion C. Moersch
Address: 211 Pine Island Road
City: Jacksonville, AL 36265
Phone: (256) 435-8228

Applicant:

Name: Stiles Development Company
Address: 300 SE Second Street
City: Fort Lauderdale, FL 33301
Phone: (954) 627-9354

Background Information

Application History: No deferrals have been requested.

Application Request: This variance is for approval of three (3) variances:

Variance #1: From section 12-83 of the land development code that requires a maximum building height of 35 feet; to allow a maximum building height of 55 feet.

Variance #2: From section 12-108 (C)(4) of the land development code requiring 10 foot wide curbed medians to head-to-head parking; to eliminate the buffer in certain locations on the site plan and redistribute this in other locations around the site.

Variance #3: From section 12-55 requiring cumulative and individual building maximums of 100,000 square feet and 40,000 square feet respectively.

Address/Location: 4450 South Flamingo Road/Generally located at the northeast corner of South Flamingo Road and Orange Drive

Future Land Use

Plan Map Designations: Commercial & Residential (1 DU/AC)

Existing Zoning: AG, Agricultural District

Proposed Zonings: B-2, Community Business District (12.397 acres)
R-1, Estate Dwelling District (5.918 acres)
RM-5, Multi-family Low Medium Dwelling District (9.334 acres)

Existing Use: Vacant

Proposed Uses: 61,138 square feet of retail uses
57,930 square feet of office use
Forty-four (44) townhouse units

Net Parcel Size: 27.649 acres (1,204,378 square feet)

Surrounding Uses:

North: Agriculture
South: Orange Drive, then C-11 canal
East: Laurel Oaks (estate homes)
West: Flamingo Commons (commercial center)

Surrounding Future Land Use Plan Map Designations:

North: Residential (1 DU/AC)
South: Recreation/Open Space
East: Residential (1 DU/AC)
West: Commercial

Surrounding Zoning:

North: AG, Agricultural District
South: AG, Agricultural District
East: R-1, Estate Dwelling District
West: B-3, Planned Business Center District

Zoning History

Concurrent Requests: The master site plan, MSP 9-1-05 Westridge Oaks is requesting approval for 44 townhomes, 63,138 square feet of retail uses, and 57,930 square feet of office use.

The plat, P 5-4-05 Westridge Oaks, for a 27.649 acre parcel, with a note restricting development to: 44 townhouse units; 65,000 square feet of commercial use; 60,000 square feet of office use; and 5,600 square feet of bank use.

The rezoning, ZB 7-6-05, Westridge Oaks, is requesting B-2, Community Business District (12.397 acres) with a declaration of restrictive covenants; R-1, Estate Dwelling District (5.918 acres); RM-5, Multi-family Low Medium Dwelling District (9.334 acres), on a 27.649 acre parcel.

The flex application, FX 7-1-05 Westridge Oaks, is requesting the application of 44 reserve units from Flex Zone 100, leaving a total of 109 reserve units in this flex zone.

A waiver to the scenic corridor along Flamingo Drive has also been requested.

Previous Requests: The plat, rezoning, variance, and master site plan, Westridge Commons, requesting B-3, Planned Business Center District & CF, Community Facilities

District zoning, to allow the development of a 200,000 square feet commercial retail center with a gas station, was denied on November 7, 2001.

Applicable Codes and Ordinances

§12-24 (I) (4) Low Medium Density Dwelling (R-4, R-5 and RM-5) Districts: The R-4, R-5 and RM-5 Districts are intended to implement the five (5) 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 by providing for a low-medium density single-family dwelling district.

§12-24 (5) Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community.

§12-83 Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: 52,500 square feet lot area, 200' frontage and depth, 20' on sides abutting residentially zoned properties, 25' adjacent to rights-of-way, 30% open space, 40% maximum building coverage, and 35' maximum height.

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 100, which has 140 Flexibility Units and 153 Reserve units available.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

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

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance: Comprehensive Plan policies and land development regulations shall continue to encourage preservation, enhancement, and maintenance of the Town's semi-rural character and western themed downtown business district, elimination of land uses

found to be inconsistent with the character of the community and prevention of future incompatible uses.

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.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The applicant conducted meetings with the public on September 14, 2005, and September 28, 2005. Attached is the applicant's Citizen Participation Report.

Application Details

The petitioner has requested three variances.

Variance #1: From section 12-83 of the land development code that requires a maximum building height of 35 feet; to allow a maximum building height of 55 feet.

Variance #2: From section 12-108 (C)(4) of the land development code requiring 10 foot wide curbed medians to head-to-head parking; to eliminate the buffer in certain locations on the site plan and redistribute this in other locations around the site.

Variance #3: From section 12-55 requiring cumulative and individual building maximums of 100,000 square feet and 40,000 square feet respectively.

Applicable Codes and Ordinances

Section 12-83 requiring a maximum building height of 35 feet in the B-2 zoning district

Section 12-108(C)(4) Medians between double parking bays shall be a minimum width of ten (10) feet, not including curbing.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

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 17-7:* Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living environments.

Staff Analysis

Variance #1: From section 12-83 of the land development code that requires a maximum building height of 35 feet; to allow a maximum building height of 55 feet.

The proposed Westridge Oaks development includes a three story office building and single story retail. This office building is being designed as Class A office space. The architecture of the building is based upon Georgian design. This includes increased floor heights, strong rooflines, and projecting architectural elements. In this case the applicant has designed corner offices with balconies and a grand central façade with covered walkways, columns and balconies. The intent of the maximum building height was to provide for 3 stories. The way the maximum building height is measured is to the mean of the roofline. Here that mean is at 45 feet. The additional height is contemplated as enhancement features.

Another reason for the maximum height is to ensure that proposed buildings are compatible with existing uses. Here the commercial parcel, zoned B-3 to the west also has a maximum height of 35 feet. The parcel to the east is zoned R-1 and has a maximum building height of 35 feet. The applicant has proposed two story townhomes to the east of this site. The closest residential use, other than those built concurrent with the commercial are 720 linear feet from the three-story structure.

Variance #2: From section 12-108 (C)(4) of the land development code requiring 10 foot wide curbed medians to head-to-head parking; to eliminate the buffer in certain locations on the site plan and redistribute this in other locations around the site.

Over time uses that require large amounts of surface parking have requested this variance so that they can provide larger quantities of green space located strategically throughout the center for the use of patrons. In this case the applicant has provided tree lined entrances throughout the center. These buffers were not in places required by code. The applicant has provided the same quantity of landscape areas and required landscape material as required by code and placed it throughout the site.

Variance #3: From section 12-55 requiring cumulative and individual building maximums of 100,000 square feet and 40,000 square feet respectively.

The applicant has proposed a total building design of 119,000 square feet. The maximum allowed by code is 100,000 square feet.

The maximum single building allowed is 40,000 square feet. The applicant has proposed a three story building of 57,930 square feet. The footprint of the building is 18,400 square feet.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) *There are not special circumstances or conditions applying to the land or building for which the variance is sought; which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district; and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variances are sought; and that alleged hardship is self-created by any person having an interest in the property.*

This parcel is over 27 acres in size. It is a perfect square. The site is bound by three roads on the south, east and west. The applicant has proposed an upscale shopping and office center. The proposed three story office building is to be Class A space in terms of leasing rates.

Variance #1: The construction of Class A office space typically requires higher expectations with regards to architecture and amenities. The mean building height is 45 feet, 10 feet above that required by code. There are no site constraints that would prohibit the development of an office building within the 35 foot building height. Here the applicant has proposed a three story office building with higher than normal ceiling heights and other architectural enhancements that exceed the maximum building height.

Variance #2: The proposed landscape design meets the intent of the land development code. While there are no site constraints that have affected the ability to design the site, the applicant has placed landscape islands throughout the site in places that work with and compliment the site lay-out.

Variance #3: The land development code has created thresholds for maximum building development based upon zoning designations and the purpose behind such designation. As for the overall site square footage, there is no reason why the development cannot be designed to meet this requirement. While the applicant has stated it is due to the cost of the project, reducing the overall site design size would not be a detriment on the overall site design.

The maximum building size of 40,000 feet would not apply if this site was zoned B-3. However, recognizing the overall intensity by the various uses allowed in that zoning designation, the applicant chose to rezone to the B-2 designation. While there are no physical reasons that a individual building in this location could not be 40,000 square feet, the design of a three story office building exceeds this maximum requirement.

- (b) *The granting of the variance is not 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 site could be designed to meet the land development code for the variances requested. The applicant chose to let the design of the site be driven by concern for aesthetic design and architecture.

- (c) *Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and may not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The granting of the variances will be in harmony with the purpose and intent of the land development code. The building size and landscape buffers may not be perceived by the general public. The variance for the maximum building height to 55 feet will be higher than any other building along Orange Drive or Flamingo road in Davie. From the east, the building will be buffered by landscape material and from Flamingo Road, the building will look compatible with the three story building to the west.

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 April 26, 2006 Planning and Zoning Board meeting the following motions were made:

Variance one: Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to deny. Motion carried 3-0 with V-C McLaughlin abstaining.

Variance two: Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to deny. Motion carried 3-0 with V-C McLaughlin abstaining.

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The Board agreed that Ms. Nolan may paraphrase their various objections which were – not to diminish the scenic corridors which the Town worked so hard to achieve, building too high (they all agreed on those two items although they differed on which corridors mattered), Chair Bender opposed to residential in the mix, Mr. Stevens thought residential was a good transition, Ms. Stenzel-Nowicki thought residential too dense and wouldn't object to more office space on the site.

Exhibits

1. Justification
2. Site Plan
3. Citizen Participation Report
4. Future Land Use Map
5. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

WESTRIDGE OAKS

Median Parking Variance Justification

Variance to Section 12-108 (C) (4) requiring 10-foot wide curbed medians for head-to-head parking bays.

The subject site, Westridge Oaks, a New Urbanistic multi-use development, is requesting relief for the medians required between head-to-head parking spaces for the proposed Commercial (B-2) Community Business district portion. In lieu of this requirement, the Applicant is proposing a more creative provision of the required green area for the parking which is better suited to the proposed 'New Urbanism' design. This design meets the required amount of green area for this section of the code; however, it redistributes the green area allowing the Applicant to create the New Urbanism development.

This variance requests a more logical distribution of green space throughout the New Urbanistic design. The Town of Davie, while recognizing the merits of a 'humanistic' approach inherent within the New Urbanism design, does not have a provision in the code (within the Standard B-2 district) to allow for this variation without a variance to the median green areas.

Given the site context, the proposed Commercial Area has been sited along the major roadway corridors, while the remainder of the development consists of 'residential and naturalistic buffers' which are sited adjacent to the existing residential and rural portions of the site; this ensures a transition of uses to the existing conditions. The green areas within the commercial development are concentrated in larger massings of open space which are logically placed internally to provide amenities on-site, as opposed to, slivers of (10' wide) green areas which would be disconnected and create a less optimum provision of green areas. The widened massings of green provide larger areas which allow for 'healthier plant root growth', while also providing for optimized open areas dedicated to the pedestrian users. The green areas, while redistributed, still meet the intent and requirement of the green area for the District.

Within the parking areas, the terminal islands and medians are wider than required, and more logically placed for the intended uses. The median greens provided are placed in areas creating a 'filtered view' into the site along the west and east sides of the proposed buildings. The median green and terminal islands have also been emphasized at areas of pedestrian access, and adjacent to the storefront roadway to provide for an enhanced 'pedestrian experience' rather than an enhanced 'parking experience'. In fact, the intent of this type of New Urbanism attempts to minimize the vehicular use and maximize the pedestrian interaction on-site. As such, a central green entry and open courtyard is provided, and the greenway along the roadways is staggered and meandering giving a more naturalistic setting.

The New Urbanistic approach also provides smaller 'parking pods' situated around the buildings and pedestrian areas which celebrate the humanistic uses by providing widened walkways, street furnishings and pedestrianized architectural features adjacent to the buildings, as opposed to a typical strip mall commercial design of a sea of parking sited perpendicular to the building with 10-foot wide medians between head-to-head parking. These parking 'pods' are instead sited parallel to the building facades, and hence minimize the long stretches and seas of parking and asphalt typical of commercial developments. In fact, the 'smaller parking pods' also allow for a more direct and enhanced pedestrian access into the development for the proposed users. By providing wider terminal islands between the spaces, instead of parallel to the spaces; the areas of 'pedestrian nodes' are emphasized by the design, clearly defining the areas for pedestrian usage. In this manner, the parking area design is more of a 'secondary use' rather than a 'principal use', as has been for many years; driving the design of our commercial developments. Overall, the proposed design provides a more logical and creative use of the open areas with a New Urbanism setting while also meeting the green space requirements and intent of code.

A review of the Application should include a consideration of the criteria listed in *Section 12-309* of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below:

- (a) *There are special circumstances or conditions applying to the land or building 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 and conditions which are particular to, and inherent within the type of proposed design employed at Westridge Oaks which render the request for this variance for the Commercial (B-2) portion of the site. Although the Davie Comprehensive Plan encourages mixed-use development, the Davie Land Development Ordinance has no mixed-use zoning district for this type of development, hence, necessitating this variance request. The design proposes a New Urbanistic Design approach, and this variance is requested to provide for a more logical distribution of the required green space throughout the New Urbanistic design while also providing the required green area.

The Town of Davie, while recognizing the merits of a 'humanistic' approach inherent within the New Urbanism design, does not have a zoning district or other provisions in the code (within the Standard B-2 district) to allow for this variation without a variance to the median green areas. Should strict application of the code be enforced to provide medians between the head-to-head parking, the result would be disconnected 'slivers of green area' having no connection to the spaces for the pedestrianized users. The alleged hardship is not self-created; instead the Applicant proposes a more creative design solution which maximizes and integrates the open areas logically, as opposed to, creating pedestrian barriers which 'buffer the parking' rather than enhancing the pedestrian and user experience. The smaller 'pods' of parking sited parallel to the proposed buildings do not create a situation which would require medians to mask the seas of parking, as has been the situation in many of the commercial developments of the past. The request is therefore to provide for a better design overall, rather than to circumvent code requirements which are not necessarily applicable to this type of development.

- (b) *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;***

Pursuant to Land Development Code (LDC) Section 12-108, Landscaping for parking lots, Subsection (B) '*Interior landscaping shall be installed in landscape areas designated and arranged for the explicit purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating parking, circulation and service areas*'; all of these requirements and design intentions have been met within the proposed site design. Further, in Subsection (C) 3. '*Islands or medians shall be provided to separate parking bays from major internal access drives and shall have a minimum of ten (10) feet, including curbing*'; all of these requirements, as well, have been met. Lastly, per Subsection (C) 4. '*Medians between double parking bays shall be a minimum width of ten (10) feet, not including curbing*'; per this analysis, it is not conclusive that in fact medians between parking bays is required, but rather that once provided they are 10 feet in width. The green areas provided within the design meet and

most cases exceed the required minimums for all applications of this section of the code, and hence the minimum variance requested to accomplish this purpose.

- (c) ***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.***

As noted in Criteria (b) above, the granting of this variance will be in harmony with the general purpose and intent of this chapter, whilst also meeting the intent of the code. The proposed design, which by merit of the 'parking pods' sited parallel to the buildings and provision of enhanced open and pedestrian areas, will in fact create a better integrated design solution meeting the New Urbanism setting. This New Urbanism setting provides for an enhanced environment for the users, as opposed to, a buffering of parking with 'green slivers' which has created developments of 'stark' solutions to many of the commercial designs at present. In this manner, the proposed design will on the contrary be an enhancement, rather than a detriment to the public welfare.

As has been demonstrated, the requested modification to the head-to-head median buffer requirements for the proposed B-2 district commercial area is a minor variation, meeting the intent of the code and consistent with the Town's wishes to provide for New Urbanistic design. As a result, the proposed variance request merits favorable recommendation. On behalf of the Applicant, Stiles Development Company, we respectfully request your consideration of this Application.

V:\Twp-Rng-Sec\50-40-25\04-00479 (04-P5751) Westridge Commons\Docs\Variences\09-22-05 Westridge_ParkingOpenSpace_Variance (REVISED).doc

WESTRIDGE OAKS

Building Height Variance Justification

Variance to *Section 12-83* requiring a maximum building height of 35 feet.

The subject site, Westridge Oaks, a New Urbanistic multi-use development, is requesting relief from the maximum building height for the proposed Commercial (B-2) Community Business district portion. The maximum height allowed within this district is 35'-0". The proposed office building has a highest point which is an architectural embellishment, reaching 55'-0" to the peak (to the ridge of the gable); the majority of the Building, however, is 40'-0" to the deck of the mansard roof.

The Applicant has been working closely with the Town Planning Staff and the adjacent Laurel Oaks residents on this proposed design. These discussions have helped form the design which consists of a mixed-use design within a New Urbanism setting. The intent of the New Urbanistic design is to create an architectonic setting to provide for a humanistic and pedestrian friendly environment. This is accomplished by detail to design which suits the pedestrian scale, use of architectural features and detailing such as arcades, open areas, street furnishings and canopy coverings suited to invite users to a more concentrated area where 'hubs of activity' can occur. The Town of Davie, while recognizing the merits of a 'humanistic' approach inherent within the New Urbanism design, does not have a provision in the code (within the Standard B-2 district) to allow for this variation from the building height maximum without a variance.

Within this setting, the proposed office building is situated at the center of the commercial (B-2 district) component of the development to make it easily accessible by the adjacent residential users, encouraging pedestrian traffic to the retail shops, as well providing for a visual terminus and a landmark feature. As such, the office has been incorporated into the overall design fabric and provides for a central architectural element which by virtue of its use as a 'landmark feature' also exceeds the maximum height allowable within this zone. The area just outside the office element has outdoor cafes and a 'pedestrian central area'; hence the building also provides an edge and enclave for the hub of activity. The building itself is setback in excess of 325 feet to any of the roadways and will therefore not be overwhelming to those driving by on the adjacent roadways. The remainders of the commercial buildings are 40 feet in height, which is only five (5) feet beyond the maximum height of 35 feet. Even this condition will not be perceivable given the pedestrianized scaling of architectural features and canopy trees (Oaks) suited to the height of the pedestrian users. The commercial buildings are setback a minimum of 150 feet to any adjacent roadway, and hence, again will have insignificant visual impact on those driving by on the adjacent roadways.

Overall, the proposed mixed-use design provides a logical use of the site with a New Urbanism setting providing a commercial and office component fully integrated into the overall fabric of proposed uses. While the design requires variances for the maximum building height, the mixed-use design creates an optimum design solution to the overall benefit of the site aesthetically, while also creating a visual terminus and landmark feature for the entire site.

A review of the Application should include a consideration of the criteria listed in *Section 12-309* of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below:

- (a) ***There are special circumstances or conditions applying to the land or building 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 and conditions which are particular to, and inherent within the type of proposed design employed at Westridge Oaks which render the request for this variance for the Commercial (B-2) portion of the site. The design proposes a New Urbanistic Design approach, and this variance is requested to provide a more logical solution for the building heights to accomplish this design approach. As noted prior, within the New Urbanism context, a more urbanistic and architectonic setting is intended to provide for the creation of a humanistic and pedestrian friendly environment. This is accomplished by detail to design which suits the pedestrian scale, use of architectural features and detailing such as arcades, open areas, street furnishings and canopy coverings suited to invite users to a more concentrated area where 'hubs of activity' can occur. The Town of Davie, while recognizing the merits of a 'humanistic' approach inherent within the New Urbanism design, does not have a provision in the code (within the Standard B-2 district) to allow for this variation from the building height maximum without a variance.

Should strict application of the code be enforced for the maximum building height, the central office core which provides a visual terminus, as well as, a landmark feature would not be attainable and the overall design would be 'monotonous' instead of harmonious providing a design which logically suits the needs of the users. The alleged hardship is not self-created; instead the Applicant proposes a more logical design solution which integrates the open areas and buildings in a harmonious manner to create intended 'hubs of activity' for the intended users. The request is therefore to provide for a better design overall, rather than to circumvent code requirements which are not necessarily applicable to this type of development.

- (b) ***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;***

Pursuant to Land Development Code (LDC) Section 12-83, Conventional Non-residential Development Standards requires a maximum building height of 35 feet, where a maximum 55 feet to the top of an architectural (landmark) enhancement is requested. Additionally, the majority of the building heights will be only 40 feet (to the deck of the mansard roof), or 5 feet above the maximum allowable. Given the context of the designs New Urbanistic setting, the additional height will not be perceivable to the on-site users since the architectural features are designed to be suited for the pedestrian environment. This is accomplished through scaling and layering of the features and amenities towards the height of the users. Also, as seen from the distance, along the adjacent roadway corridors, the building heights, with a horizontal measurement in excess of 150 feet, will be unperceivable, having little if any visual impact from off-site as well. In order to provide for this New Urbanistic context and include a visual landmark and an

architectonic environment as envisioned, the requested relief's are the minimum required to accomplish this purpose to provide a visually coherent, as opposed to, a visually monotonous design.

- (c) 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 intent of the maximum building height within the B-2 district is to provide for a 'Neighborhood-type' business area. By virtue of the design techniques utilized in the New Urbanism setting a pedestrian scaled neighborhood design is achieved which also provides a landmark feature and fully integrates the buildings within the overall design. As noted above, the proposed heights of the buildings will be unperceivable to the on-site and off-site users due to the architectural scaling of the building coupled with landscaping, plazas, amenities and also by the distance setbacks from the adjacent roadways.

Overall, the proposed mixed-use neighborhood design provides a logical use of the site with a New Urbanism setting that is fully integrated into the overall fabric of proposed uses and creates an optimum design solution to the overall benefit of the site aesthetically. The proposed design will be in harmony with the general intent and purpose of the code, and on the contrary will be an enhancement rather than a detriment to the public welfare, while also creating a visually coherent design for the Town.

As has been demonstrated, the requested building heights for the proposed B-2 district commercial area meets the intent of the code and is also consistent with the Town's wishes to provide for New Urbanistic design within a Neighborhood (B-2) Business District. As a result, the proposed variance request merits favorable recommendation. On behalf of the Applicant, Stiles Development Company, we respectfully request your consideration of this Application.

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WESTRIDGE OAKS

Scale of Non-residential Development Variance Justification

Variance to *Section 12-55* requiring cumulative and individual building maximums of 100,000 square feet and 40,000 square feet, respectively.

The subject site, Westridge Oaks, a New Urbanistic multi-use development, is requesting relief for the maximum cumulative and individual building square footages for the proposed Commercial (B-2) Community Business district portion.

The Applicant has been working closely with the Town Planning Staff and the adjacent Laurel Oaks residents on this proposed design. These discussions have helped form the design which has condensed the commercial area of the mixed-use design to be adjacent to the major roadway corridors. The remainder of the development consists of 'residential and naturalistic buffers' which are sited adjacent to the existing residential and rural portions of the site. These areas ensure a transition of uses to the existing conditions.

The area provided for the commercial development provides a condensed use of the land to provide an 'urbanistic design'. The underlying land-use for much of the site is commercial. However, to provide a 'transitional buffer' of residential uses for the adjacent residential properties, the commercial portion of the site design has been condensed within the portion of the site adjacent to the intersection of Orange Drive and Flamingo Road. Given the cost of property values, the Applicant, in order to make this development economically viable, has needed to slightly increase the proposed Commercial square footage to approximately 119,000 square feet within the commercial portion of the design.

While providing 'outparcels' might be a solution to increasing the proposed square footage of commercial use without the need for a variance; it would come at a cost which would be detrimental to the overall design of the site. The Applicant has chosen instead to create an integrated design, in lieu of creating 'disconnected' commercial outparcels. This design approach has also been more favorably received by the Town Staff and the adjacent residents.

This variance request also concerns the maximum single building square footage requiring a maximum of 40,000 square feet. The office complex is a three-story building with a total of 60,000 square feet, exceeding this requirement. The footprint of the building however, is only 18,400 square feet. The cumulative square footage as a result of four stories has created the need for this requested variance. The proposed office building is situated at the center of the commercial component of the development to make it easily accessible by the adjacent residential users and to encourage pedestrian traffic to the retail shops as well providing for a visual terminus and a landmark feature. As such, the office has been incorporated into the overall design fabric and provides for a central architectural element which also includes an outdoor dining and plaza area. The intent of the maximum 40,000 square foot building in the Neighborhood Business (B-2) district is to discourage the 'big-box' user; however, the office use instead intends to create a 'neighborhood area' which will facilitate this design as not only a visual terminus and landmark feature for the site, but will also provide a pedestrian friendly atmosphere within a unified architectural setting.

Overall, the proposed mixed-use design provides a logical use of the site with a New Urbanism setting providing a commercial and office component fully integrated into the overall fabric of proposed uses. While the design requires variances for the maximum building square footages, the mixed-use design creates an optimum design solution to the overall benefit of the site economically, functionally and aesthetically.

A review of the Application should include a consideration of the criteria listed in *Section 12-309* of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below:

- (a) ***There are special circumstances or conditions applying to the land or building 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 and conditions which are particular to, and inherent within the type of proposed design employed at Westridge Oaks which render the request for this variance for the Commercial (B-2) portion of the site. The design proposes a New Urbanistic Design approach, and this variance is requested to provide for a more logical solution for the building massings. As noted prior, within the New Urbanism context, a more urbanistic and architectonic setting is intended to provide for the creation of a humanistic and pedestrian friendly environment. This is accomplished by detail to design which suits the pedestrian scale, use of architectural features such as arcades, open areas, street furnishings and canopy coverings suited to invite users to a more concentrated area where 'hubs of activity' can occur. The Town of Davie, while recognizing the merits of a 'humanistic' approach inherent within the New Urbanism design, does not have a provision in the code (within the Standard B-2 district) to allow for this variation in building square footage maximums without a variance. Should strict application of the code be enforced to provide for the maximum single building and cumulative square footages, the central office core which provides a visual terminus and 'landmark', as well as, as the open area in front of the building massings, would be forced to be disconnected, creating an outparcel development, such has been the situation in many of our commercial developments of the past. The alleged hardship is not self-created; instead the Applicant proposes a more logical design solution which integrates the open areas and buildings in a harmonious manner to create intended 'hubs of activity' for the intended users. The request is therefore to provide for a better design overall, rather than to circumvent code requirements which are not necessarily applicable to this type of development.

- (b) ***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;***

Pursuant to Land Development Code (LDC) Section 12-55, Scale of Non-residential Development requires a maximum 100,000 square foot cumulative building square footage where an approximate 119,000 square feet is proposed, and a maximum 40,000 square feet for an individual building where an approximate 60,000 square feet is proposed. Given the Applicant's pro-forma to provide for an economically viable development, this variance is the minimum required to make this mixed-use development a successful endeavor for the Applicant.

As stated above, while the provision of 'outparcels' might be a possible solution to increasing the proposed square footage of commercial use without the need for a variance; it would come at a cost which would be detrimental to the overall design of the site. The Applicant has chosen instead to create an integrated design, in lieu of creating 'disconnected' commercial outparcels.

(c) 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 intent of the maximum cumulative square footage criteria is to provide for a 'Neighborhood-type' commercial area. By virtue of the design techniques utilized in the New Urbanism setting a pedestrian friendly neighborhood design is achieved which fully integrates not only the commercial and office components, but also the adjacent residential and open space components of the overall design. Likewise, the intent of the maximum 40,000 square foot building in the Neighborhood Business (B-2) district is to discourage the 'big-box' user; however, the office use instead intends to create a 'neighborhood area' which will facilitate this design as not only a visual terminus and landmark feature for the site, but will also provide a pedestrian friendly atmosphere within a unified architectural setting.

Overall, the proposed mixed-use design provides a logical use of the site with a New Urbanism setting which provides a commercial and office component that is fully integrated into the overall fabric of proposed uses and creates an optimum design solution to the overall benefit of the site economically, functionally and aesthetically. The proposed design will be in harmony with the general intent and purpose of the code, and on the contrary will be an enhancement rather than a detriment to the public welfare, while also increasing the overall tax base for the Town of Davie.

As has been demonstrated, the requested building square footage and scaling for the proposed B-2 district commercial area meets the intent of the code and is also consistent with the Town's wishes to provide for New Urbanistic design within a Neighborhood (B-2) Business District. As a result, the proposed variance request merits favorable recommendation. On behalf of the Applicant, Stiles Development Company, we respectfully request your consideration of this Application.

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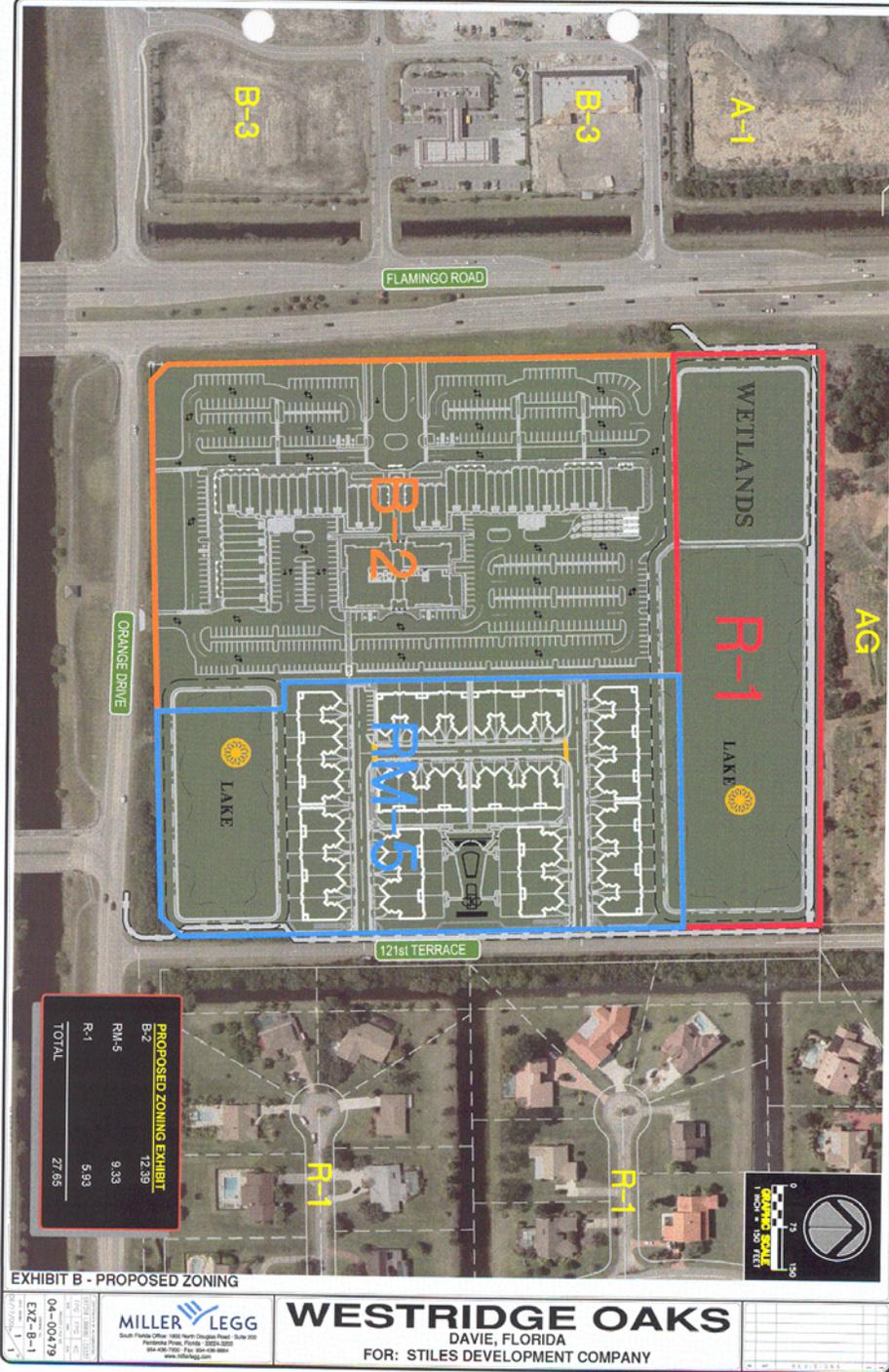


EXHIBIT B - PROPOSED ZONING

04-00479
EXZ-B-1

MILLER LEGG
South Florida Office 1800 North Douglas Road, Suite 200
Westridge Oaks, Davie, FL 33319-2200
954-476-1000 Fax 954-476-0888
www.mlegg.com

WESTRIDGE OAKS
DAVIE, FLORIDA
FOR: STILES DEVELOPMENT COMPANY





Mr. Chris Gratz
Town of Davie
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314

300 S.E. 2nd Street
Ft. Lauderdale, FL 33301
954.627.9160
954.627.9288 Fax
stiles.com
Info@stiles.com

**Re: Citizen Participation Report
Westridge Oaks**

Dear Mr. Gratz:

In accordance with the Town of Davie Citizen Participation Ordinance and the previously approved Citizen Participation Plan, we completed our two public meetings with the neighbors of the Westridge Oaks site on the evenings of September 14th and September 28th.

While the Citizen Participation meetings provided an opportunity to broaden the level of input from the residents of the Town of Davie, the meetings were by no means our first interaction with the Town residents and the Laurel Oaks Homeowners Association. Over the course of the past six months, we have met numerous times with representatives from Laurel Oaks to discuss our plans and incorporate their comments into the design presented during the Citizen Participation meetings. Only after reaching a level of comfort with the representatives of Laurel Oaks were we prepared to begin the Citizen Participation meetings.

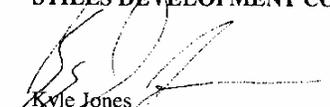
For a clear understanding of our presentation, the feedback from our neighbors, and our response to their comments, please review the attached exhibits:

- Exhibit "A" Public Meeting Notice
- Exhibit "B" Approved Citizen Participation Plan with the list of Affected Parties
- Exhibit "C" Discussion Summary and Sign-in sheet for September 14th meeting
- Exhibit "D" Discussion Summary and Sign-in sheet for September 28th meeting
- Exhibit "E" Email Correspondence between the Laurel Oaks HOA and the Developer

I trust that the information included in this report satisfies the requirements of the Citizen Participation Plan. If you have any questions or comments, please do not hesitate to contact me at (954) 627-9278 or kyle.jones@stiles.com. As always, it is a pleasure working with you.

Sincerely,

STILES DEVELOPMENT CO.


Kyle Jones
Assistant Development Manager



**NATIONAL DEVELOPER
OF THE YEAR**



MEETING NOTICE

300 S.E. 2nd Street
Ft. Lauderdale, FL 33301
954.627.9160
954.627.9288 Fax
stiles.com
Info@stiles.com

September 1, 2005

**RE: Citizen Participation Meetings
Plat, Rezoning, and Master Site Plan
Westridge Oaks**

Dear Neighbor:

I am writing to cordially invite you to a citizen participation meeting regarding the development of an exciting new live-work-play lifestyle community in the Town of Davie. The Westridge Oaks project encompasses approximately 27.6 acres at the northeast corner of Flamingo Road and Orange Drive.

At the meeting we will discuss the plat, rezoning application, and conceptual site plan. The rezoning application requests the zoning of a portion of the site be changed from the current Agricultural (AG) district to the Town's RM-5 and B-2 districts. The property has an underlying commercial land use designation and, if approved, the rezoning application will bring the property into conformance with the County land use map. Furthermore, we will present the conceptual site plan comprising approximately 44 single family attached units, 58,000 square feet of office condominium space, and 61,000 square feet of retail space.

In order to gather your input, we are holding two public hearings.

First Meeting: Date: September 14, 2005 Time: 7:00 pm
Location: Robbins Lodge
 4005 Hiatus Road
 Davie, FL 33328

Second Meeting: Date: September 28, 2005 Time: 7:00 pm
Location: Robbins Lodge
 4005 Hiatus Road
 Davie, FL 33328

If you would like to submit written comments, please send them to my attention at the address listed above. I look forward to hearing your input on the evenings of the 14th and 28th.

Sincerely,

STILES DEVELOPMENT CO.

Kyle Jones
Assistant Development Manager

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A Division of Stiles Corporation • A Full Service Real Estate Development Company
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300 S.E. 2nd Street
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June 17, 2005

Mrs. Marcie Nolan, AICP
Town of Davie, Planning and Zoning Division
Deputy Director
6591 Orange Drive
Davie, FL 33314

**Re: Citizen Participation Plan
Westridge – Rezoning Application
Davie, FL**

Dear Mrs. Nolan:

Pursuant to Section 12-319.7 of the Town of Davie Code, I hereby submit for your review and approval the Citizen Participation Plan for the Westridge Oaks project. Westridge Oaks is a planned mixed-use retail, office, and residential development at the northeast corner of Flamingo Road and Orange Drive. Please review the following items for a complete understanding of our plan to satisfy all of the requirements of the Citizen Participation Plan process:

- 12-319.7 (A) (1): With staff approval of this plan we hope to receive the list of Affected Parties.
- 12-319.7 (A) (2): We intend to notify the affected parties through direct mail and advertisements in local newspapers.
- 12-319.7 (A) (3): The proposed site plan application contemplates a mixed-use retail, office, and residential project. The proposed project will include approximately 60,750 square feet of retail space, 57,930 square feet of office space, and 44 residential units. Approximately the northern 5.9 acres of the subject property have a Residential Land Use designation and the southern 21.7 acres of the site have a Commercial Land Use designation. The entire site is zoned A-1.

As proposed, the commercial portion of the project, comprising approximately 11.9 acres, will include a grand entrance feature and plaza to encourage pedestrian connectivity and public interaction. Furthermore, the commercial section will be serviced by approximately 540 parking spaces – more parking spaces than required by code. The residential portion of the project, comprising roughly 6 acres of the site, will also encourage pedestrian travel and interaction through connected sidewalks and public open space.

The existing wetlands on the northwest portion of the site will be maintained in their current location and improved in quality. An approximately 6 acre lake will occupy

the balance of the northern portion of the site providing adequate storm water treatment and retention.

While the Town of Davie Land Use Plan encourages mixed-use development, there is no provision of the Town Code, outside of the Griffin Road Corridor, that accommodates the variety of issues present in a mixed-use project. Accordingly, several applications and requests will be accompanying the site plan application in order to accommodate the proposed mixed-use development. The accompanying items include:

- **Site Plan:** We are requesting the approval of a master site plan for the subject property.
- **B-2 Rezoning:** We propose to rezone the western approximately 11.9 acres of the Commercial Land Use area to B-2.
- **RM-5 Rezoning:** We propose to rezone roughly 9.6 acres of the eastern portion of the property with a Commercial Land Use designation to RM-5.
- **Flex Unit Allocation:** The proposed residential portion of the project contemplates 44 residential units. Therefore, we are requesting an allocation of 44 flex units.
- **Plat Approval:** We are requesting the approval of a plat for the subject property.
- **Scenic Corridor Waiver:** Section 12-282 of the Code allows waivers to be issued when the property owner can demonstrate that the regulations imposed upon the property by another governmental agency will cause there to be a hardship upon the property owner if that property owner is required to fully comply with section 12-282.

Other independent governmental agencies are imposing regulations that meet the hardship burden mentioned above. The wetlands on the northwest portion of the site restrict our ability to develop the northern section of the site and limit the total developable acreage. Moreover, the 25% water retention requirement imposed by Central Broward Water Control District further restricts the layout and the developable acreage of the project.

- **Height Variance:** Section 12-83 of the Code limits the height of buildings in the B-2 zoning district to 35 feet. The proposed office building has a tall center design feature which is 55'-0" above grade "to the ridge of the gable". The majority of the building, however, is 40'-0" above grade to the "deck of the mansard roof". Mechanical equipment and parapet walls will not exceed the exclusions established in Section 12-33 (M).
- **Maximum Square Footage Variance:** Section 12-55 of the Code limits individual buildings in the B-2 zoning district to a maximum of 40,000 square feet and limits

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cumulative building square footage to 100,000 square feet per site. We request a variance to accommodate the approximately 60,000 square foot office building and the approximately 119,000 square feet of cumulative commercial space planned for the project.

- **Parking and Open Space:** While Section 12-108 (C) (4) requires medians between double parking bays to be a minimum of ten (10) feet, including curbing, Section 12-377 (A) (5) allows Master Plans to spread the open space requirements throughout the development. Our proposed Master Plan eliminates the median between double parking bays and reallocates the open space requirement to enlarge public gathering places and improve pedestrian circulation; thereby, complying with General Purpose of the Code as provided in Section 12-375.

- **Positive Outfall:** We are requesting permission from the Laurel Oaks HOA for the connection of positive outfall for the Westridge Oaks site to the Laurel Oaks canal.

- **Wall Easement:** We are requesting an easement of sufficient width to satisfy the Town of Davie and the Florida Department of Transportation from each homeowner abutting 121st Terrace that will be impacted by the proposed wall.

12-319.7 (A) (4): We plan on disseminating information to residents through presentations, questions and answer sessions, and written materials at the Citizen Participation meetings. We will also distribute written materials to any affected parties requesting such materials that are unable to attend the public meetings.

12-319.7 (A) (5): The schedule of events will include notification of both meetings to the affected parties on or about August 1, 2005. The first Citizen Participation Meeting will be scheduled for approximately August 8, 2005, and the second meeting will be scheduled for approximately August 12, 2005. It is our intention to submit the Citizen Participation Report in a timely manner following the conclusion of our Citizen Participation program.

12-319.7 (A) (6): We will collaborate with the Town's assigned project planner to approve the Citizen Participation Plan prior to execution. Throughout the development process, we will, in a timely manner, share the agenda, minutes, and action items arising from our meetings with the affected parties.

The Citizen Participation Plan detailed above fully complies with the requirements of Section 12-319.7(A). Furthermore, the execution of this plan will afford the citizens of the Town of Davie an opportunity to actively participate in the Town's development process as desired by the stated intent of Section 12-319.5. Please review and approve the Citizen Participation Plan as submitted and provide us with the list of affected parties as described by Section 12-319.7 (A) (1).

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If you have any questions or comments, please do not hesitate to contact me at (954) 627-9278 or kyle.jones@stiles.com. As always, it is a pleasure working with you.

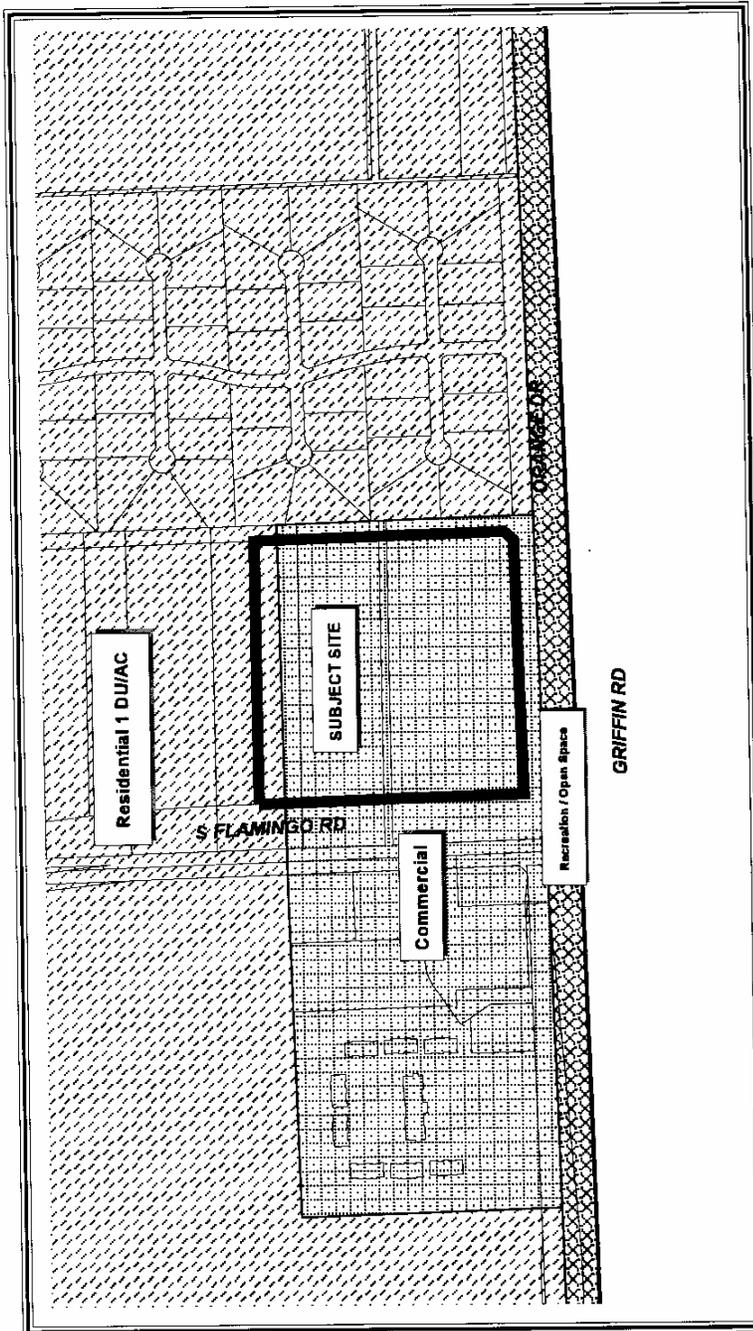
Sincerely,

STILES DEVELOPMENT CO.

Kyle Jones
Assistant Development Manager

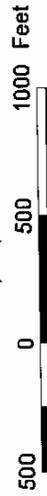
CC: Jeff Lis, Stiles Development Company
Dennis Mele, Ruden McClosky Smith Schuster & Russell, PA

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**VARIANCE
V 11-3-05
Future Land Use Map**

Prepared By: ID
Date Prepared: 4/17/06

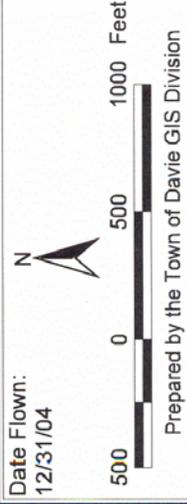


Prepared by the Town of Davie GIS Division



**VARIANCE
V 11-3-05
Zoning and Aerial Map**

Prepared By: ID
Date Prepared: 4/17/06



Date Flown:
12/31/04