

**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:** Ingrid Allen, Planner II

**SUBJECT:** Application LA(TXT) 4-2-07, adoption of amendment to the  
Future Land Use Element text of the Comprehensive Plan.

**AFFECTED DISTRICT:** 1 & 2

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 4-2-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A POLICY TO THE FUTURE LAND USE ELEMENT (POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE) TO INCREASE THE THRESHOLDS AT WHICH PROJECTS WOULD HAVE TO GO UNDER REVIEW AS A DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** This item is an adoption of an amendment to the Town's Comprehensive Plan which will add two (2) policy statements (see Exhibit "A") to the Future Land Use Element allowing increased thresholds for Developments of Regional Impact (DRI) within the Regional Activity Center (RAC) land use category. The proposed amendment was approved by Town Council on July 18, 2007 and subsequently transmitted to the Department of Community Affairs (DCA). On September 27, 2007, the Town received a letter from DCA indicating that after a preliminary review of the proposed Comprehensive Plan amendment package (to include applications LA 8-1-06 Pine Island Ridge and LA 8-2-06 United Ranches), a formal review need not take place for consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C. In addition, DCA had not received any recommendation for review from the South Florida Regional Planning Council (SFRPC) or any affected person regarding the proposed amendment package. Therefore, the Objections, Recommendations and Comments (ORC) report was waived and the Town may proceed to immediately adopt the amendment.

The term “Development of Regional Impact” (DRI) is defined as any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Section 380.06, Florida Statutes, allows the thresholds for a DRI, with respect to residential, hotel, motel, office and retail developments, to be increased within the RAC land use category. Furthermore, State Statutes allow local governments to petition for an increase in thresholds within their jurisdiction.

According to the Town’s Comprehensive Plan, the RAC shall promote and encourage development or redevelopment of regional significance that facilitates mixed use development, encourages mass transit, reduces the need for automobile travel, provides incentives for quality development and gives definition to the urban form. The RAC masterplan, currently in progress, will be bringing together all of these elements of the RAC in order to create a blueprint for the area.

**PREVIOUS ACTIONS:** At the July 18, 2007 Town Council meeting, Councilmember Starkey made a motion, seconded by Mayor Truex to approve with the recommendations from staff and the Planning and Zoning Board’s recommendation about affordable housing thresholds. (Motion carried 5-0).

Ordinance # 2007-17 was approved by Town Council on July 18, 2007 which designated the RAC as an area suitable for application of increased Development of Regional Impact (DRI) thresholds pursuant to Chapter 380.

**CONCURRENCES:** At the June 27, 2007 Local Planning Agency meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve subject to additional language to be added to Policy 10-14 ...Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town. (Motion carried 4-1 with Mr. Busey being opposed. Mr. Busey’s concern was that impacts would not be reviewed by bypassing existing thresholds.)

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

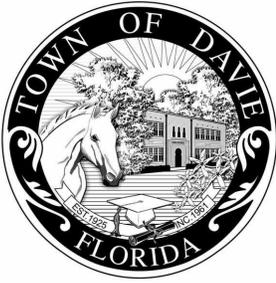
If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

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

**Attachment(s):** Staff report, Ordinance, thresholds, Exhibit "A"



Development Services Department  
Planning & Zoning Division

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**PZ 10-23-07**

**TO:** Mayor & Councilmembers

**THRU:** Gary Shimun, Town Administrator  
Mark Kutney, AICP, Development Services Director  
Marcie Nolan, Acting Planning and Zoning Manager

**FROM:** Ingrid Allen, Planner II

**SUBJECT:** Application LA(TXT) 4-2-07, adoption of amendment to the Future Land Use Element text of the Comprehensive Plan.

**AFFECTED DISTRICT:** 1 & 2

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 4-2-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A POLICY TO THE FUTURE LAND USE ELEMENT (POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE) TO INCREASE THE THRESHOLDS AT WHICH PROJECTS WOULD HAVE TO GO UNDER REVIEW AS A DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The item before you tonight is the second reading of a proposed amendment to the Town's Comprehensive Plan which will allow increase thresholds for Developments of Regional Impact (DRI) within the Regional Activity Center (RAC) land use category.

The Comprehensive Plan amendment process includes two (2) phases: the proposed phase and the adopted phase. On July 18, 2007, Town Council approved the proposed amendment LA(TXT) 4-2-07 increased DRI thresholds. As a result, staff transmitted to the Department of Community Affairs (DCA) a proposed plan amendments package to include LA(TXT) 4-2-07 increased DRI thresholds as well as LA 08-01-06 Pine Island Ridge and LA 08-02-06 United Ranches. On September 27, 2007, the Town received a

letter from DCA indicating that after a preliminary review of the proposed Comprehensive Plan amendment package, a formal review need not take place for consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C. In addition, DCA had not received any recommendation for review from the South Florida Regional Planning Council (SFRPC) or any affected person regarding the proposed amendment package. Therefore, the Objections, Recommendations and Comments (ORC) report is waived and the Town may proceed to immediately adopt the amendment. The second reading of this ordinance will be to adopt this Comprehensive Plan amendment.

The term “Development of Regional Impact” (DRI) is defined as any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Section 380.06, Florida Statutes, allows the thresholds for a DRI, with respect to residential, hotel, motel, office and retail developments, to be increased within the RAC land use category. Furthermore, State Statutes allow local governments to petition for an increase in thresholds within their jurisdiction.

The Town’s RAC has experienced steady growth in development. With projects such as “Downtown Davie” and the Nova Academical Village, the RAC has been successful in fulfilling its stated intent. According to the Town’s Comprehensive Plan, the RAC shall promote and encourage development or redevelopment of regional significance that facilitates mixed use development, encourages mass transit, reduces the need for automobile travel, provides incentives for quality development and gives definition to the urban form. The RAC masterplan, which is currently in progress, will be bringing together all of these elements of the RAC in order to create a blueprint for the area.

Given recent development patterns and population growth, the Town’s 2005 Evaluation and Appraisal Report of the Comprehensive Plan recommends addressing an increase in permitted densities and intensities within the RAC. This recommendation is consistent with the principles and objectives of the RAC masterplan and will foster future development to accommodate growth, maintain financial stability, create new jobs and afford return on invested public/private capital.

As a means of further achieving the RAC’s intent as well as the objectives of the RAC masterplan, staff proposes to add two (2) policy statements (see Exhibit “A) to the Future Land Use Element of the Comprehensive Plan that reference the RAC as an area suitable for increased DRI thresholds. Attached are the current and proposed thresholds for a DRI.

**BACKGROUND:**

Under Section 380.06(3), Florida Statutes, a local government may petition to increase the numerical thresholds of any statewide guideline and standard.

**RECOMMENDATION(S):**

Staff recommends approval of the proposed amendment to the Future Land Use Element of the Comprehensive Plan subject to the following condition:

**Attachments:** Ordinance, thresholds, Exhibit “A”

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 4-2-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A POLICY TO THE FUTURE LAND USE ELEMENT (POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE) TO INCREASE THE THRESHOLDS AT WHICH PROJECTS WOULD HAVE TO GO UNDER REVIEW AS A DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Future Land Use Element and Future Land Use Map of the Town of Davie Comprehensive Plan includes a “Regional Activity Center” designation; and

WHEREAS, the Town Council of the Town of Davie wishes to amend the Future Land Use Element of the Comprehensive Plan to increase the thresholds at which projects would have to go under review as a development of regional impact within the Regional Activity Center; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing duly advertised on June 27, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by Chapter 163.3184, F.S. on July 18, 2007 and on the date of adoption of this Ordinance; and

WHEREAS, the Town Council of the Town of Davie desires to transmit the adopted Comprehensive Plan Amendment provided herein to the State of Florida Department of Community Affairs (DCA) for their review and consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The text of the Future Land Use Element of the Comprehensive Plan is hereby amended as set forth on Exhibit “A”, attached hereto and made a part hereof.

SECTION 2. The Town Council hereby authorizes the appropriate Town officials to submit the appropriate number of copies of this ordinance and the Town's Comprehensive Plan, as amended herein, to the State of Florida Department of Community Affairs and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with and pursuant to Chapter 163, Florida Statutes.

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. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007

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MAYOR/COUNCILMEMBER

ATTEST:

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TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007



EXHIBIT "A"

FUTURE LAND USE ELEMENT

POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE

OBJECTIVE 10: The Town shall maintain, and expand if appropriate, a Regional Activity Center (RAC) designation for the area between University Drive and the Florida Turnpike, and S.R. 84 and Griffin Road.

Policy 10-13: The Town of Davie RAC, described in Objective 10, is hereby designated as a Chapter 380 Regional Activity Center under Section 380.06(2)(e), F.S. and as a geographic area suitable for the application of increased development of regional impact thresholds for office, retail and other uses that may be amended under Section 380.0651, F.S.

Policy 10-14: Parcels utilizing the increased DRI thresholds shall undergo review for local impacts by the Town at the time of application review. Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town.