5.5
PUBLIC HEARING

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner III

SUBJECT: Quasi Judicial Hearing: Rezoning Application, ZB 10-1-07 Regional Activity Center (RAC)/Generally located south of I-595, west of the Florida Turnpike, west of University Drive, and north of Griffin Road, consistent with the RAC land use category designation. Also known as the Town of Davie Regional Activity Center land use category, excluding the RAC-AV and the area know as Lauderdale Little Ranches and Lauderdale Little Ranches First Addition subdivisions to the east, and a portion of SW 61st Avenue to the west.

AFFECTED DISTRICT: Districts 1 & 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1

(COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 19, 2007)

REPORT IN BRIEF: This item is a Town-initiated rezoning of the RAC from various zoning districts to six (6) new zoning districts to include: Research and Technology West (RAC-RTW); Research and Technology East (RAC-RTE); Educational (RAC-ED); Town Center (RAC-TC); Downtown Neighborhood Medium Density (RAC-ND4) and; Downtown Neighborhood Low Density (RAC-ND2). As part of the scope of services for the RAC Masterplan, Phase IV includes the creation of land development regulations and architectural design guidelines. The intent of the land development regulations as well as the Masterplan is to provide for redevelopment within the RAC that includes a multi-purpose, pedestrian friendly and interconnected mixed use village. In order to achieve this objective, the proposed land development regulations are based upon a "form-based code". A form-based code places a primary emphasis on building type, dimensions, and parking locations, and less emphasis on uses.

The proposed rezoning is consistent with the goals, objectives and policies of the Town's Comprehensive Plan which identifies the RAC as an area that shall promote and encourage large-scale redevelopment that facilitates a coordinated and balanced mix of uses.

PREVIOUS ACTIONS: At the December 5, 2007 Town Council meeting, Town Council tabled ZB 10-1-07 to the December 19, 2007 meeting. (**Motion 4-0. Councilmember Crowley was absent)**.

At the December 19, 2007 Town Council meeting Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to table item to the January 16, 2008 Town Council meeting **(Motion carried 4-0. Councilmember Crowley was absent).**

CONCURRENCES: At the November 14, 2007 Planning and Zoning Board meeting, Mr. Pignato made a motion seconded by Vice-Chair Stevens to approve (Motion carried 3-2 with Chair Bender and Mr. Busey being opposed. Chair Bender's reason for denial was a concern over the status of nonconforming uses. Mr. Busey's concern was over property owner rights).

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 application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has designated a portion of the Town as a Regional Activity Center (RAC) land use category; and

WHEREAS, the Town wishes to implement the vision of the RAC land use category through the creation of a RAC master plan; and

WHEREAS, the Town has partnered with property owners within the RAC to coordinate the RAC master plan; and

WHEREAS, this request will allow for the implementation of the adopted Regional Activity Center (RAC) master plan; and

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town's RAC land use category with the exception of the RAC-Academical Village District (RAC-AV) be changed **FROM:** various zoning districts, as aforementioned **TO:** Regional Activity Center-Research and Technology District West (RAC-RTW), Regional Activity Center-Research and Technology District East (RAC-RTE), Regional Activity Center-Educational District (RAC-ED), Regional Activity Center-Town Center District (RAC-TC), Regional Activity Center-Downtown Neighborhood District Low-Density (RAC-ND-2), and Regional Activity Center-Downtown Neighborhood District Medium-Density (RAC-ND-4), as aforementioned; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from: various zoning districts, as aforementioned to: Regional Activity Center-Research and Technology District West (RAC-RTW), Regional Activity Center-Research and Technology District East (RAC-RTE), Regional Activity Center-Educational District (RAC-ED), Regional Activity Center-Town Center District (RAC-TC), Regional Activity Center-Downtown Neighborhood District Low-Density (RAC-ND-2), and Regional Activity Center-Downtown Neighborhood District Medium-Density (RAC-ND-4), as aforementioned.

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

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as Regional Activity Center-Research and Technology District West (RAC-RTW), Regional Activity Center-Research and Technology District East (RAC-RTE), Regional Activity Center-Educational District (RAC-ED), Regional Activity Center-Town Center District (RAC-TC), Regional Activity Center-Downtown Neighborhood District Low-Density (RAC-ND-2), and Regional Activity Center-Downtown Neighborhood District Medium-Density (RAC-ND-4), as aforementioned.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2008.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2008.

ATTEST: _____

MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2008.

Exhibit "A"
Application: ZB 10-1-07/RAC
Original Report Date: 11/9/07 **Revision(s):** 11/27/07

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner
Name: Town of Davie
Address: 6591 Orange Drive
City: Davie, FL.
Phone: (954) 797-1204

Background Information

Date of Notification: November 24, 2007 **Number of Notifications:** 4,158

Petitioner's Request: To rezone the area known as the Regional Activity Center (RAC) land use category.

FROM THE FOLLOWING DISTRICTS:
MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) **TO:** REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW)

FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1)
TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED)

FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL))
TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE)

FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY

DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD)
TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4)

FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3)
TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC.

Location: Generally located south of I-595, west of the Florida Turnpike, west of University Drive, and north of Griffin Road, consistent with the RAC land use category designation.

Also known as the Town of Davie Regional Activity Center land use category, excluding the RAC-Av and the area know as Lauderdale Little Ranches and Lauderdale Little Ranches First Addition subdivisions to the east, and a portion of SW 61st Avenue to the west.

Rezoning Size: approximately 2,200 acres

Proposed Use(s): all uses are to remain unless redeveloped

	Surrounding Uses:
North:	C-11 canal
South:	Commercial and residential
East:	Florida Turnpike
West:	University Drive

	Surrounding Land Use Plan Designation:
North:	Transportation
South:	Commercial, Residential from 22 du/acre to 1 du/acre
East:	Industrial

West: Commercial, Commerce
Office and Residential 3.5 du/acre

Surrounding Zoning:

North: n/a
South: Griffin Corridor
East: M-3, M-2, M-1 and Griffin Corridor
West: PRD-6.3, CR, and R-5

Zoning History

Related Zoning History: A majority of the existing zoning designations in this area reflect zoning districts under other jurisdictions code of ordinances due to annexations.

Previous Requests on same property: The Town of Davie approved a land use plan map change for this area in 1999 via Ordinance 98-029.

Concurrent Requests on same property: The Town is also proposing the land development code regulations to implement the zoning designations through ZB(TXT) 10-1-07.

Applicable Codes and Ordinances

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

Land Development Code (Section 12-305), Rezonings, Special Permits, Variances, and Vacations or Abandonments of Rights-of-Way, the purpose of this division is to guide the processing and granting of rezonings, special permits, variances and vacations or abandonments of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Comprehensive Plan Considerations

Planning Area:
The subject property falls within Planning Areas 8, 6, and a portion of 9. Planning Area 8 is the "hear" of Davie, and is the most diverse, characterized by older, small-scale commercial development, older single family residential neighborhoods, and newer large scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). The SFEC includes Nova Southeastern University, Florida Atlantic University, Broward Community College, and McFatter Vocational School among others. The planning area also encompasses the downtown Davie Business District, where western-theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile homes communities and industrial lands.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99, 98, and 9, and a portion of 102.

Applicable Goals, Objectives & Policies:
Future Land Use Plan, Policy Group 10: Regional Activity Center

Policy 10-1: The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a coordinated and balanced mix of land uses, providing for: education facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research , training and other educational support uses; recreation; and employment opportunities, including the use of mixed residential /nonresidential land uses.

Policy 10-3: The Town shall work with the SFEC schools and Board County to develop alternative transportation modes within the RAC, including additional public transportation services, and paths for pedestrians, bicycles, and horses that link downtown, the SFEC, existing pathways and adjacent residential and employment centers.

Policy 10-4: Affordable housing, including targeting SFEC students and employees shall be encouraged within the RAC.

Policy 18-1: The Town shall encourage mixed-use developments, including residential/commercial mixed-uses in its downtown area to support downtown businesses and provide additional housing opportunities for students of the nearby colleges and universities.

Policy 19-3: mixed-use residential/commercial developer and redevelopment should be encouraged in downtown Davie.

Application Details

Over the last year and a half, the Town has been working with the major land owners in the area, the Community Redevelopment Agency (CRA), and Florida Department of Transportation (FDOT) to develop an overall master plan for the 2,200 acre Regional Activity Center (RAC) land use category. The master plan and associated regulations will shape all future development within this area.

The master plan, all three phases, has been brought before the Planning and Zoning Board for discussion in the past. As part of the master planning process, new land development code are proposed for adoption. These regulations have been reviewed by the RAC Steering Committee as well as staff.

The intent of both the master plan and the land development regulations is to provide for redevelopment of a multi-purpose, pedestrian friendly and interconnected mixed use village encouraging significant regional redevelopment. To achieve this goal, the proposed land development regulations are based upon the relatively new development regulations known as "form based codes." Form based code governs how the form relates to the public realm. The focus is not so much on individual uses, but how the buildings work together to create a sense of place.

The application is known as an administrative rezoning. This occurs when the Town is the application an rezones property, as opposed to an individual property owner. As this rezoning encompasses approximately 2,200 acre, the level of analysis shall be based upon the general characteristics of the area and not the individual parcels.

The proposed six (6) new zoning districts proposed will apply to the following portions of Davie.

The Regional Activity Center – Research and Technology West (RAC-RTW) district, is generally located north of Nova Drive and west of Davie Road.

Since this district is located closer to I-595 the heights are allowed to a maximum of 10 stories. In addition, the form recognizes that this area has existing disconnected parcels and may not able to achieve the interconnected street grid that is envisioned in the other areas.

The Regional Activity Center – Research and Technology East (RAC-RTE) district is generally located east of Davie Road and north of the proposed Oakes Road bridge.

Since this area is bound by both I-595 and the Turnpike the heights in this area are up to a maximum of 10 stories. Due to the large size of the vacant parcels in this area, larger land development patterns and blocks and fewer streets are anticipated. However, the major street connections are still required

The Regional Activity Center – Education (RAC-ED)district is generally located west of Davie Road, south of Nova Drive and borders the RAC land use category boundary on the south.

This area includes all the educational facilities of the South Florida Education Center. The focus of this area to create a distinct campus environment with centrally located parking garages so alternatives mode of transportation become viable. These alternatives include future transit routes connecting to the east-west transit corridor, campus shuttle buses, enhanced pedestrian amenities and safe bicycle routes and parking facilities. The maximum heights allowed in this district are up to 10 stories.

The Regional Activity Center Town Center (RAC–TC) district, is along Davie road south of SW 39th Street.

The regulations have been revised to be consistent with the language throughout the remainder of the proposed code and also to address any problems that have been identified. The western theme remains, however, the CRA is in the process of updating the western theme design manual. The maximum heights allowed in this district are up to 6 stories with a maximum of 4 stories along Davie Road.

The Regional Activity Center – Neighborhood District 4 (RAC–ND4) is located East of Davie Road, outside the Town Center area, south of the proposed Oakes Road bridge and north of Orange Drive.

This area is intended to provide a wide variety of housing options with various price ranges. A mix of townhouses, multi-family, duplex and single family detached houses interspersed with retail and office in identified transition zones. The regulations are intended to build upon the existing fabric of the neighborhood already in place. The maximum heights allowed in this district are up to two (2) stories.

The Regional Activity Center – Neighborhood District 2 (RAC–ND2) is located just west of the Florida Turnpike and Lauderdale Little Ranches First Addition and a portion of SW 61st Avenue to the west. This area is <u>not</u> intended to redevelop or change from its purely single family detached residential neighborhood except along Orange Drive, as is already approved. The maximum heights allowed in this district are up to two (2) stories.

Other Considerations:

Heights. The maximum height limits listed above are restricted in several important ways. First, the maximum heights are based upon the type of roadway the parcel is fronting. For example, along the transit corridors, the major public roads identified throughout the development have a maximum of four stories. Second, the frontage heights step-back (also called wedding caked) to the maximum allowed height in each district. Third, the regulations ensure that the heights do not cast shadows into exiting residential neighborhoods and provides appropriate buffers from these residential neighborhoods. Fourth, in any development, in order to achieve the maximum height, the developer must provide the town with one of the six (6) incentives the Town Council has identified as priorities.

Incentives. The Town Council has directed staff to encourage developers to meet key goals. These goals include providing affordable housing, providing workforce housing, LEED certification, increased open spaces, and increased trees caliper inches. To achieve this, when a developer attains any combinations of the listed incentives they can receive up to two additional floors of height. These incentives are listed on Table 12-32.509. For example, a project that meets the LEED gold requirements can increase the height up to 35%. A project that exceeds the required urban open space can receive up to a 50% park and recreation impact fee waiver.

Transit Oriented Corridors. The focus of this entire project is to provide great streets for the residents and visitors of Davie. The major public streets are identified in the plan.

These are Davie Road, Nova Drive from Daive Road to College, College Avenue, SW 30th Street and the future Oakes Road. These roadways have preferred street cross-sections indicating the placement of the buildings up to the road, parking facilities located in the rear or behind buildings, sidewalk widths, street tree placement, bicycle lanes, and on-street parking, if any. The regulations clearly specify where the building is placed, at the edge of the public right-of-way, creating the public places for pedestrians.

Permitted Uses. The form based code categorizes uses as types. These categories are broader than typical Euclidian zoning that permits and prohibits specific uses. Instead, the form based code approaches uses on how they interact with the public realm and their impact on the pedestrian environment. For this reason the use categories are different depending upon the district. For example, industrial uses are permitted within the RAC-RTE and RAC-RTW while these types of uses are not permitted within the RAC-TC. Another example is that multi-family housing is permitted in the districts intended for higher densities, such as along transit corridors. The RAC-ND2 does not permit the multi-family residential types since the entire neighborhood in single family.

Design and Architecture. The requirements provide for increased articulation at the pedestrian level. Primary facades are to be articulated in a stronger manner than all other facades. The design guidelines require storefronts having vertical articulation not greater than 8 feet above ground level. Windows are required to be vertical in proportion. Finish materials are to authentic as much as possible. The architectural design guidelines do not affect the western theme overlay district.

Parking. Parking lots are designed to not be visible within the transit corridors. This is accomplished by identified key locations for parking structures, parking located behind the facades of buildings and reduced required off-street parking. The overall master plan calls for on-street parking provided by the Town. In addition bicycle parking racks and other alternative modes of transportation are designed for and integrated into the overall plan. Parking requirements are further reduced when the developer is either located adjacent to a transit stop or provides changing facilities for staff.

Landscaping/ Outdoor Environment. The regulations identify the various types of open space that should be created. It also requires strong connections between these open space areas to increase the ability for alternative modes of transportation. The required open space for each development is to be designed both integrated into the overall site and the overall master plan. There are incentives, as stated above, for increased open space. Landscaping requires the use of more native plant material. Street tree requirements are a major component of the landscape plan, as in urban areas, landscaping is typically at a minimum and urban open spaces function in the alternative. There are landscape requirements for parking lots and required buffers for these areas as well.

Green Building. The Town is encouraging the use of green building principles and is even providing incentives when these are used. The use of green building applies to the following aspects of the site design process:

- Building Requirements,
- Reducing Heat Islands,
- Light Pollution,
- Stormwater Management,
- Potable Water,
- Water Conservation,
- Reducing site disturbances, and
- Alternative Energy.

The Approval Process. The approval process will follow the existing Town approval processes.

The regulations are intended to begin the redevelopment process of the RAC and allow development consistent with the underlying land use category, the RAC, and the approved RAC Master Plan. Regulations of this scale and magnitude will need to be revised as new situations arise. However, the regulations allow for a waiver process when the intent of the code can be met in an alternative method. Staff fully anticipates using this document and fine tuning it throughout the years as this plan is implemented.

Non-Conforming Uses and Buildings: This area includes parcels that have active industrial uses. The regulations have been revised to address the concerns of the affected property owners in most regards. The uses have been increased to allow M-2 uses to remain as legal uses and to increase the time a non-conforming use may continue to operate when a business has been closed. In addition, non-conforming buildings have increased thresholds to rebuild consistent with the new regulations. Currently new regulations are triggered when a building is destroyed at 20% of the assessed value. The proposed regulations provide for a threshold of 50%.

Previous Actions. This item was reviewed as a public workshop at the Local Planning Agency meeting of October 24, 2007. At that meeting comments were raised by the members of the Board as well as members of the public. A memo from the consultants is attached to respond to those questions.

Staff Analysis

The following information is staff's analysis based on the criteria established in the Town of Davie's, Land Development Code, Section 12-307(A)(1) for rezoning applications:

(a) The proposed change <u>is not</u> contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed rezoning is intended to finally implement the land use category RAC approved by Town Council in 1999.

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

The proposed change will match, to the greatest extent possible, the underlying land use category of Regional Activity Center (RAC).

(c) Existing zoning district boundaries <u>are not</u> logically drawn in relation to existing conditions on the property proposed for change;

The existing zoning district boundaries are primarily left over from various annexations. The more recent rezonings to facilitate development are logically drawn but do not utilize the goals, objectives and polices of the Regional Activity Center (RAC) land use category.

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

The proposed regulations are anticipated to improve living conditions in the area by providing for improved transit opportunities, a wide range of housing choices, a coordinated open space and greenways plan for the residents and create a sense of place for the residents of Davie to gather.

(e) The proposed change <u>may not</u> create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The land use category provided for a maximum intensity and density in the RAC. At the time any increase is proposed, the Town shall coordinate with the County and the State to ensure that all available transportation opportunities are increased in this area. The implementation of the RAC master plan will improve the vehicular traffic congestion already existing in the area.

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

The proposed change is expected to increase property values as the proposed regulations provide for flexibility in both site design and site uses.

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

The proposed change will not be a deterrent, in fact through the incentives proposed and the flexibility for developers, the proposed regulation should stimulate development and improvements in the area.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Rezoning the subject site does not give the owner a unique benefit that harms the welfare of the general public.

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

The majority of the existing zoning is no longer consistent with the underlying land use. The RAC encourages mixed-use multi story development and the majority of the existing land development regulations in this area do not allow such mix of uses.

(j) The proposed rezoning may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The goals, objectives and polices of the Town of Davie identify the RAC as the Town targeted economic redevelopment area. The adoption of this rezoning will work, overtime, to improve the Town's tax base as property owners redevelopment their property.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the following condition.

Planning and Zoning Board Recommendation

At the November 14, 2007 Planning and Zoning Board meeting, Mr. Pignato made a motion seconded by Vice-Chair Stevens to approve (Motion carried 3-2 with Chair Bender and Mr. Busey being opposed. Chair Bender's reason for denial was a concern over the status of nonconforming uses. Mr. Busey's concern was over property owner rights).

Town Council Action

At the December 5, 2007 Town Council meeting, Town Council tabled ZB 10-1-07 to the December 19, 2007 meeting. (Motion carried 4-0. Councilmember Crowley was absent).

At the December 19, 2007 Town Council meeting Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to table item to the January 16, 2008 Town Council meeting **(Motion carried 4-0. Councilmember Crowley was absent).**

Exhibits

1. Mail out notice
2. Location Map
3. Future Land Use Map
4. Aerial, Zoning Map
5. Letter from the Broward County School Board

Prepared by: _____
Reviewed by: _____

File Location: P&Z\Development Applications\Applications\ZB_Rezoning

Exhibit 1

TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314

NOTICE OF PUBLIC HEARING ON PETITION FOR A TOWN INITIATED REZONING

The Town Council of the Town of Davie proposes to adopt the following ordinance:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2),

PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Planning and Zoning Board and the Town Council of the Town of Davie will hold public hearings in the meeting room of the Davie Town Hall, 6591 Orange Drive, Davie, Florida on the dates hereinafter specified. This item will be discussed at 7:00 p.m. or as soon thereafter as practicable. Comments of any interested party relative to this matter may be submitted in writing and/or presented at the hearing.

PETITIONER: Town of Davie

DATE OF PUBLIC MEETING (WORKSHOP): October 24, 2007

DATE OF PLANNING AND ZONING BOARD HEARING: November 14, 2007

DATE OF TOWN COUNCIL HEARING: December 5, 2007

LOCATION DESCRIPTION: Land generally located south of SW 36th Street between University Drive and SW 76th Avenue; land south of the C-11 Canal; and land south of the Oakes Road alignment, extending west from the Florida Turnpike to the rear lot lines of lots fronting the west side of SW 54th Avenue.

REQUEST: Rezone the subject site **FROM:** various zoning districts, as aforementioned **TO:** Regional Activity Center-Research and Technology District West (RAC-RTW), Regional Activity Center-Research and Technology District East (RAC-RTE), Regional Activity Center-Educational District (RAC-ED), Regional Activity Center-Town Center District (RAC-TC), Regional Activity Center-Downtown Neighborhood District Low-Density (RAC-ND-2), and Regional Activity Center-Downtown Neighborhood District Medium-Density (RAC-ND-4), as aforementioned.

This request will allow for the implementation of the adopted Regional Activity Center (RAC) masterplan to include land development regulations and design standards.

THIS MATTER SHOULD BE REFERRED TO AS: ZB 10-1-07

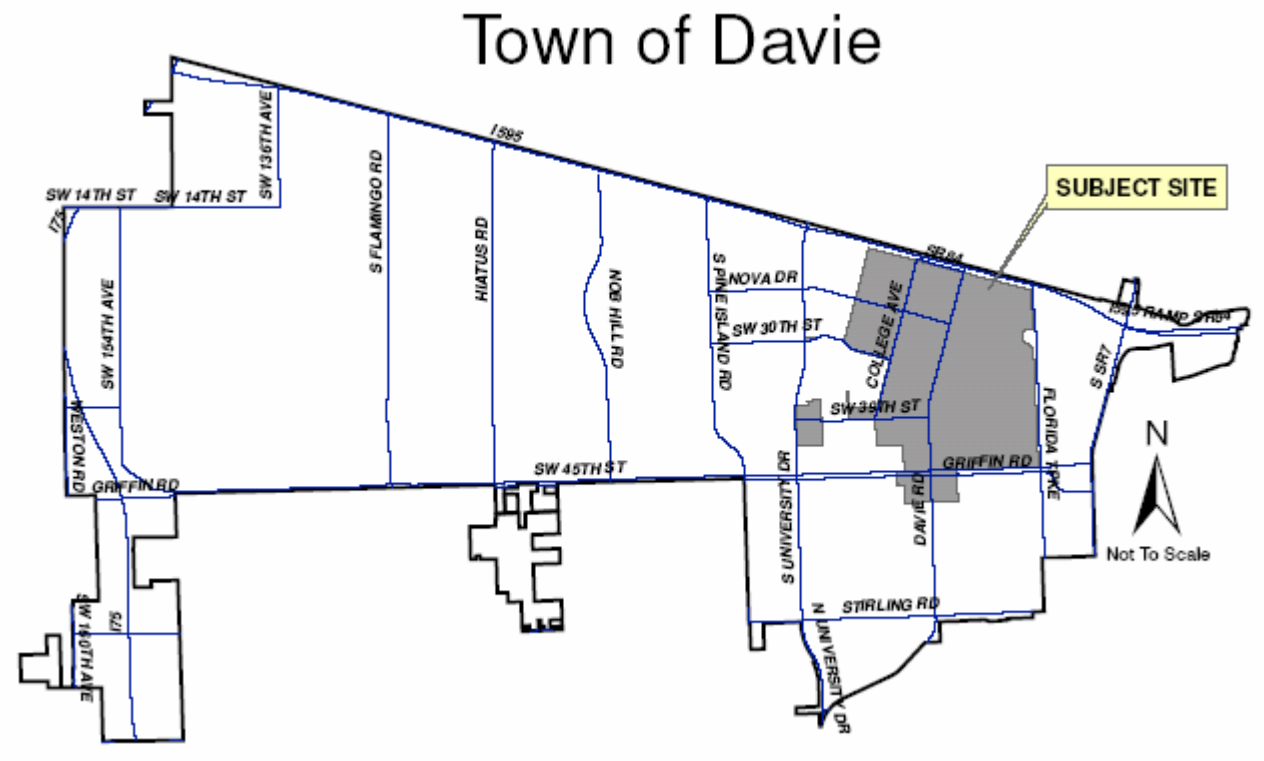
The ordinance is available for inspection at the Planning and Zoning Division. For further information, call the Planning and Zoning Division at 954-797-1103.

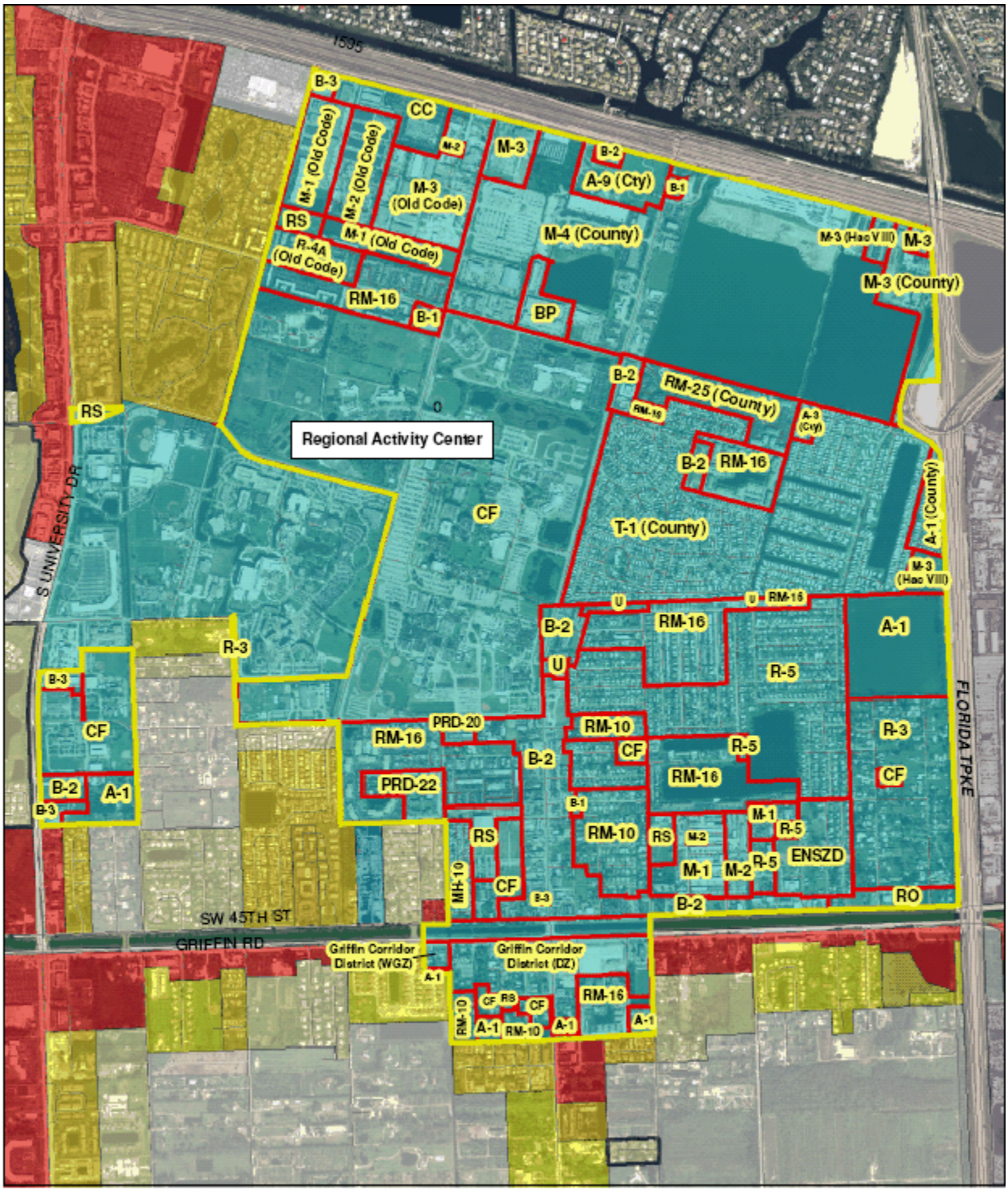
ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETINGS OR HEARINGS WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM

RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at (954)797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).

Town of Davie





Date Flown:
12/2006

Legend

Indicates RAC boundary

Indicates zoning boundaries

N

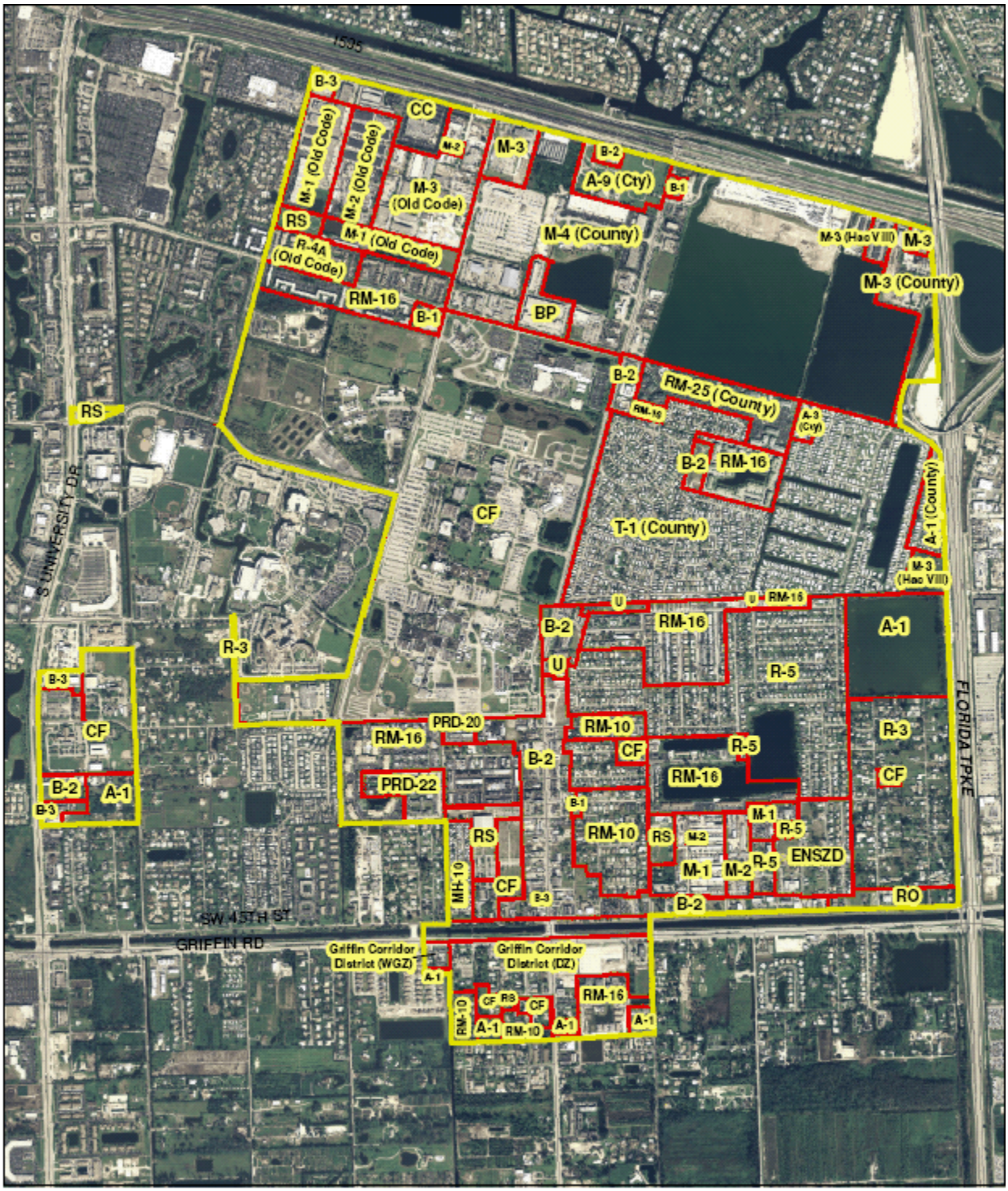
1:22,000

Prepared by the Town of Davie GIS Division

Administrative Rezoning

Future Land Use Map

Prepared by: ID
Date Prepared: 9/6/07



Date Flown:
12/2006

Legend

Indicates RAC boundary

Indicates zoning boundaries

N

1:22,000

Prepared by the Town of Davie GIS Division

Administrative Rezoning
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 9/6/07

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Sawgrass Technology Park, 1643 N. Harrison Parkway, Building H, Sunrise, Florida 33323 • TEL 754-321-8350 • FAX 754-321-8182

Chris O. Akagbosu, *Director*
Growth Management Division
Facility Management, Planning & Site Acquisition
chris.akagbosu@browardschools.com

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James F. Notter
Superintendent of Schools

November 8, 2007

Ms. Marcie Oppenheimer Nolan
Acting Development Services Director
Town of Davie
6591 Orange Drive
Davie, Florida 33314

RE: **PROPOSED TOWN OF DAVIE LAND DEVELOPMENT REGULATIONS**

Dear Ms. Nolan:

This correspondence is a follow-up to the October 26, 2007 meeting between you and District staff regarding staff's concerns about the Land Development Regulations (LDR) proposed for the Town of Davie Regional Activity Center (RAC) land use designation. Depicted below are the concerns and the conclusions reached at the meeting:

Concern #1: ***Intent and Character*** – This section of the LDR indicates that the reduction of vehicular traffic is the number one priority on College Drive and Davie Road through the utilization of transit. Dwight Eisenhower Elementary, Nova Blanche Forman Elementary, Nova Middle, Nova High Schools, and McFatter Technical Center have at least one or more entrances/exists on Davie Road. Given the goals for the corridors, the concern is that implementation of the mechanisms to ensure that the corridors are oriented towards transit use may negatively impact parent student pickup and drop-off at the cited schools.

Meeting Conclusions: The Town assures District staff that the subject LDR would not apply to District schools. However, the Town would welcome voluntary cooperation from the District, as feasible, to assist in achieving the intended goals on the corridors.

Concern #2: ***Development Pattern*** – This section of the LDR regards the park-once philosophy which would require the construction of parking structures to enable commuters to park their vehicles at the structures and utilize transit to destinations within the RAC. The concern is that this proposal would conflict with the State minimum parking requirements for District elementary, middle, and high schools. As such, the State minimum parking requirements for such schools should be taken into account. Additionally, construction and utilization of parking structures for

elementary, middle, and high school students would create security and maintenance issues for the District.

Meeting Conclusions: If feasible, the District could work cooperatively with the Town to construct parking structures at District schools for use by staff only. Furthermore, to maintain security measures at the schools and enable access and use of the structures by the general public during after school hours and non-school days, such facilities would be constructed at the edge of the school facilities.

Concern #3 ***Principals and Objectives*** – This section proposes mixed use development with ground floor retail and service uses oriented towards College Avenue and Nova Drive. The concern is that as intended, the uses would not be compatible with surrounding District elementary, middle, and high school uses.

Meeting Conclusions: The Town will further investigate the location of incompatible uses within the RAC boundaries, and ensure that such uses are not located in close proximity to District schools through enforcement of the Town's distance requirements and other feasible mechanisms.

Concern #4 ***Principals and Objectives*** - This section proposes to eliminate the existing surface parking along College Avenue and replace it with structured parking facilities. The concern is that this proposal may have a negative impact on the number of required surface parking spaces at Nova Middle and Nova High schools which are located along College Avenue.

Meeting Conclusions: If feasible, the District could work cooperatively with the Town to construct parking structures at District schools for use by staff only. Furthermore, to maintain security measures at the schools and enable access and use of the structures by the general public during after school hours and non-school days, such facilities would be constructed at the edge of the school facilities.

Concern #5 ***Permitted Uses Table -12-32.507(C)*** - Most of the uses allowed under Lodging, Food and Entertainment, Retail, and Services are not compatible with the K-12 educational setting.

Meeting Conclusions: The Town will further investigate the location of incompatible uses within the RAC boundaries, and ensure that such uses are not located in close proximity to District schools through enforcement of the Town's distance requirements and other feasible mechanisms.

Concern #6 ***Intensity of Use Standards Table -12-32.509(E)*** – This section of the LDR proposes six to ten story buildings. The concern is that areas depicted in the LDR for these types of stories are located adjacent to District elementary, middle and high schools or within close proximity of the schools. As such, the proposed heights

are not compatible with the schools setting and would negatively impact the school facilities.

Meeting Conclusions: The Town will further investigate the issue and as necessary ensure buffers around District school facilities.

Concern #7 The LDR requires that the parking requirements for educational facilities located within the RAC boundaries shall be 3 spaces per 1,000 square foot, plus 1.5 per classroom. The concern is that in the event zoning changes are required to expand District school facilities, such parking requirements could affect the District's ability to expand the facilities.

Meeting Conclusions: The Town will insert additional language in the LDR indicating that the parking requirements as stated for educational facilities would not apply to District schools located within the boundaries of the RAC.

Concern #8 ***Nonconforming Uses*** – The District is requesting additional information regarding how the proposed LDR will affect existing nonconforming uses such as District schools.

Meeting Conclusions: The Town assures District staff that the proposed LDR would not apply to District schools.

The District appreciates your taking the time to discuss and clarify these concerns and requests that the conclusions reached at the meeting be incorporated into the final LDR, as appropriate. Additionally, please call me at (754) 321-8352 or email me at chris.akagbosu@browardschools.com if you have additional questions regarding this matter.

Sincerely,

Chris O. Akagbosu, Director
Growth Management Division
Facility Management, Planning & Site
Acquisition Department

COA:coa

cc: Michael C. Garretson, Deputy Superintendent, Facilities and Construction Management
Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition
Claudia Munroe, Executive Director, Design Services
Thomas Getz, Director, Capital Planning and Programming
Shelley N. Meloni, Director, Project Management
Mohammed Rasheduzzaman, AICP, Planner, Growth Management Monitoring, Growth Management Division