

# 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 O. Nolan, Planning Supervisor

**SUBJECT:** Quasi Judicial Hearing: Ordinance 1st Reading, ZB 1-1-04 Nova Southeastern University

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES, R-5 LOW MEDIUM RESIDENTIAL DWELLING DISTRICT, AND B-3, PLANNED BUSINESS CENTER DISTRICT TO RAC-AV, REGIONAL ACTIVITY CENTER - ACADEMICAL VILLAGE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The request is to rezone 285 acres of land to the newly adopted Regional Activity Center - Academical Village zoning district. This district is designed to implement the RAC land use category. The intent of the RAC is to encourage a synergy of uses, consistent with the definition of an academical village. This synergy results from allowing a mix of services to address the needs of students, teachers, and local residents.

The rezoning requires a master plan submitted and approved by Town Council as part of the rezoning request (attached). The master plan, as presented, meets both the intent of the zoning district and the land use category. The master plan focuses on pedestrian paths throughout the NSU campus providing the ability to walk between classes, dormitories and dining facilities. The focus of the mixed-use part of the plan is along University Drive, a major commercial corridor and consistent with the surrounding commercial zoning districts. The plan provides for residential uses adjacent to existing residential uses. The core of the campus area, planned to be rezoned to RAC-AV, is adjacent to other educational facilities and compatible with these uses.

The rezoning request is consistent with the criteria established for rezoning to the RAC-AV and consistent and compatible with the surrounding zoning districts and uses.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the January 14, 2004, Planning and Zoning Board meeting, A motion was made by Mr. Stevens with a second by Ms. Turin to approve (4-0, Mr. McLaughlin abstained).

**FISCAL IMPACT:** N/A

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

**Attachment(s):** Ordinance, Planning Report, Conceptual Site Plan, Future Land Use Plan Map, Zoning and Aerial Map, Survey

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES, R-5 LOW MEDIUM RESIDENTIAL DWELLING DISTRICT AND B-3, PLANNED BUSINESS CENTER DISTRICT TO RAC-AV, REGIONAL ACTIVITY CENTER - ACADEMICAL VILLAGE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities and B-3, Planned Business District, to RAC-AV, Regional Activity Center- Academical Village.

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

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from CF, Community Facilities and B-3, Planned Business District, to RAC-AV, Regional Activity Center- Academical Village.

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;
- b. The subject property shall be developed in substantial conformance with the master plan as shown in Exhibit "B", and approved by separate Resolution.

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, RAC-AV, Regional Activity Center- Academical Village;

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 \_\_\_\_\_, 2004.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

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



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**Applicant Information**

**Owner/Agent:**

**Name:** Nova Southeastern University  
**Address:** 3301 College Avenue  
**City:** Davie, FL 33314  
**Phone:** 954-262-8832

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**Background Information**

**Date of Notification:** Jan. 7, 2004

**Number of Notifications:** 219

**Planning and Zoning Board Recommendation:**

**Application Request:** The request is to rezone approximately 285 acres from CF, Community Facilities and B-3, Planned Business District to Regional Activity Center - Academical Village (RAC-AV) in accordance with a conceptual master plan, attached and a part of this rezoning request. This request will allow for the continued development of the Nova Southeastern Campus including a planned mixed-use development along University Drive.

**Address/Location:** The parcels of land generally located between University Drive (to the west), College Avenue (to the east), SW 30<sup>th</sup> Street & Abe Fischler Blvd. (to the north) and 37<sup>th</sup> Court (to the south) comprising 285 acres of Nova Southeastern University and shown on the Town of Davie Future Land Use Map as Regional Activity Center.

**Future Land Use Plan Map:** Regional Activity Center

**Existing Zoning:** CF, Community Facilities and B-3, Planned Business District

**Proposed Zoning:** RAC-AV, Regional Activity Center - Academical Village

**Existing Use:** Shopping Center and Nova Southeastern University Campus

**Proposed Use:** same

Parcel Size: 285 acres

**Surrounding Uses:**  
**North:** McFatter School, Nova Drive  
**South:** Single family homes  
**East:** Broward Community College  
**West:** University Drive

**Surrounding Future Land Use Plan Map Designations:**  
RAC, Regional Activity Center  
R-5, 5 DU/Acre  
RAC, Regional Activity Center  
RAC, Regional Activity Center

**Surrounding Zoning:**

**North:** CF, Community Facilities and RM-16, Medium High Dwelling District  
**South:** CF, Community Facilities and R-5, Low-Medium Dwelling district  
**East:** CF, Community Facilities  
**West:** University Drive and RM-16, Medium High Dwelling District

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### Zoning History

Nova Southeastern University has processed many requests through the Town of Davie. Starting in 1989, the Town approved the plat "University - Nova Plat." The last site plan approved was the Jim and Jan Family Center on March 7, 2003.

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### Applicable Codes and Ordinances

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

Sections 12-32.400 to 12.32.419, Regional Activity Center - Academical Village, adopted by Town Council on January 7, 2004.

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### Comprehensive Plan Considerations

**Planning Area:** The proposed project is within the planning area No. 8 characterized by older, small scale commercial development, older single-family residential neighborhoods, and newer large scale multi-family residential developments that serve the South Florida Education Center.

**Broward County Land Use Plan:**

The subject site falls within Flexibility Zone 99.

**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, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.*

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.*

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## **Application Details and Staff Analysis**

The request is to rezone 285 acres of land to the newly adopted Regional Activity Center – Academical Village zoning district. This district is designed to implement the RAC land use category. The intent of the RAC is to encourage a synergy of uses, consistent with the definition of an academical village. This synergy results from allowing a mix of services to address the needs of students, teachers, and local residents.

The rezoning requires a master plan submitted and approved by Town Council as part of the rezoning request (attached). The master plan, as presented, meets both the intent of the zoning district and the land use category. The master plan focuses on pedestrian paths throughout the NSU campus providing the ability to walk between classes, dormitories and dining facilities. The focus of the mixed-use part of the plan is along University Drive, a major commercial corridor and consistent with the surrounding commercial zoning districts. The plan provides for residential uses adjacent to existing residential uses. The core of the campus area, planned to be rezoned to RAC-AV, is adjacent to other educational facilities and compatible with these uses.

The rezoning request is consistent with the criteria established for rezoning to the RAC-AV and consistent and compatible with the surrounding zoning districts and uses.

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## **Findings of Fact**

### **Rezoning:**

#### **Section 12-307(A) (1):**

#### **The following findings of facts apply to the rezoning request:**

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

*The Future Land Use Plan Map designates the parcels as Regional Activity Center (RAC). The land use category, Regional Activity Center (RAC) is intended to promote and encourage large-scale development and redevelopment that facilitates a balanced mix of land uses, providing for educational facilities, shopping opportunities, and a wide selection of housing types to meet the needs of students, residents, employees and visitors. The RAC land use category provides for maximum thresholds for uses and does not require land use plan changes for individual parcels of land. The proposed rezoning request is consistent with the underlying land use and the*

*conceptual master plan, as submitted, further complies with the goals of the RAC.*

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

*The requested RAC-AV zoning district was created to allow for a mix of academic uses while providing adequate buffers when adjacent to residential uses. The zoning district will not be unrelated as the district seeks to balance commercial, residential and academic uses within a campus like setting.*

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

*The existing zoning district boundaries no longer reflect the growth of the NSU campus. The campus, while still functioning as a community facility (CF) has a regional impact upon the community better regulated by a zoning district (RAC-AV) intended to address and balance all the various uses occurring on site.*

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

*The rezoning to the RAC-AV will not adversely affect living conditions in the neighborhood, as the district established set buffers when adjacent to residential uses, unlike the exiting CF district.*

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

*The proposed rezoning to RAC-AV will not increase automobile traffic as the zoning district regulations provide for transit opportunities, pedestrian interaction and bicycle lanes to encourage alternative types of transportation.*

- (f) The proposed change will not adversely affect other property values;

*The proposed change will not adversely affect property values. Instead, the proposed district, which requires a conceptual master plan approval concurrent with the rezoning request, will allow adjacent property owners to know the plans for the area and plan accordingly.*

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

*The conceptual master plan will not deter other people from developing their property. Instead, as stated above, it will allow adjacent property owners to take advantage of a known and approved plan.*

(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;

*The RAC-AV is specific to the Regional Activity Land Use category and academic institutions. As such, there are few sites other than NSU that could request this zoning designation.*

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

*The current property is zoning CF, Community Facilities and B-3, Planned Business District. The NSU campus and their planned mixed-use project no longer fit the CF of B-3 zoning categories. Instead, the RAC-AV is the first zoning direct to utilize the underlying mixed-use land use category of Regional Activity Center and this project, with the master plan, meets both the intent of the land use and the zoning district.*

(j) The proposed zoning designation is 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.

*Based upon the master plan, the CF zoning district is not the most appropriate. Instead, the RAC-AV will enhance the town's tax base by allowing for the creation of a mixed-use project including a hotel and conference center.*

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### **Staff Recommendation**

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

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### **Planning and Zoning Board**

At the January 14, 2004, Planning and Zoning Board meeting, A motion was made by Mr. Stevens with a second by Ms. Turin to approve (4-0, Mr. McLaughlin abstained).

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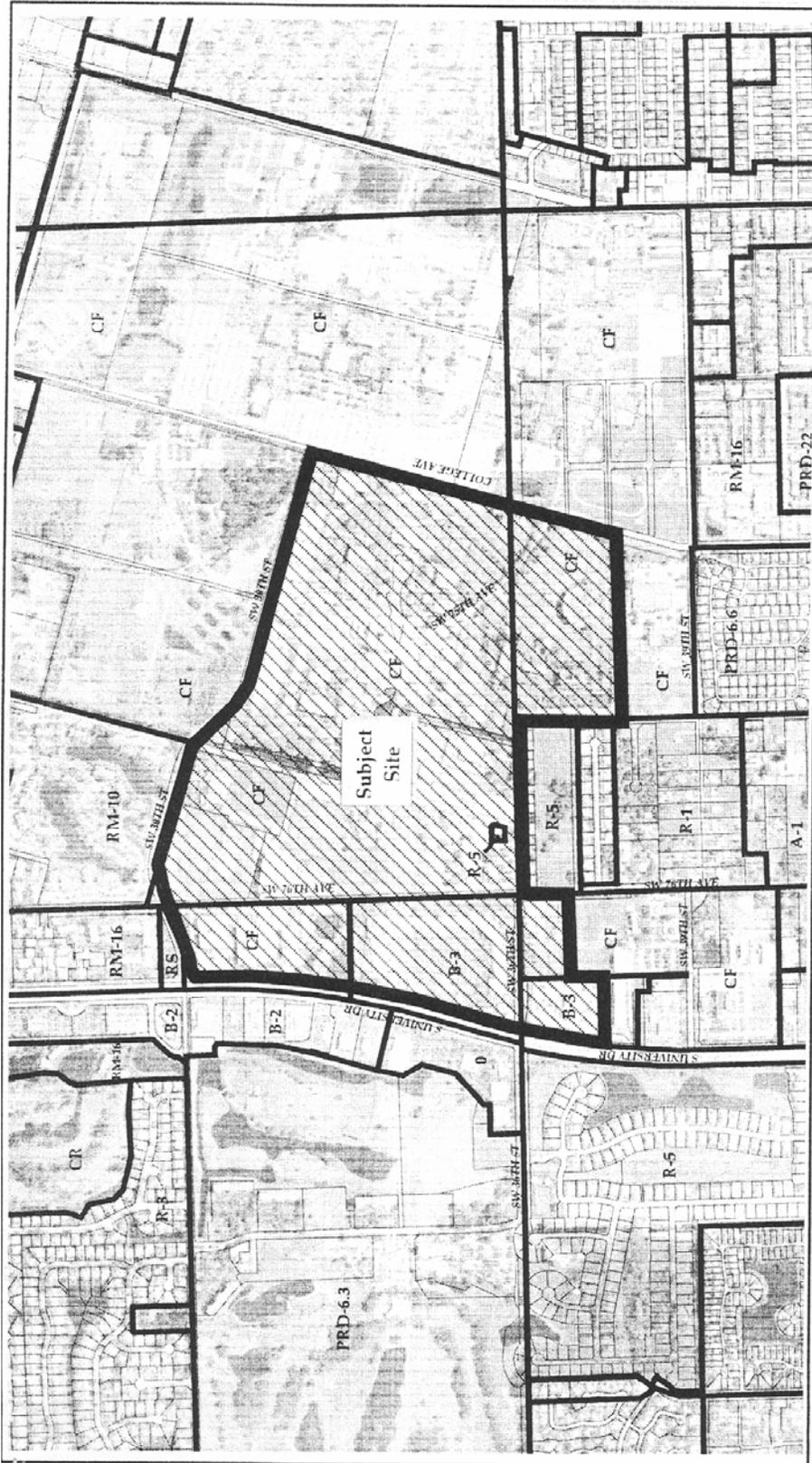
### **Exhibits**

1. Conceptual Site Plan; 2. Future Land Use Plan Map; 3. Zoning and Aerial Map
4. Survey

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

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





Date Flown:  
12/31/00



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Planning & Zoning Division - GIS



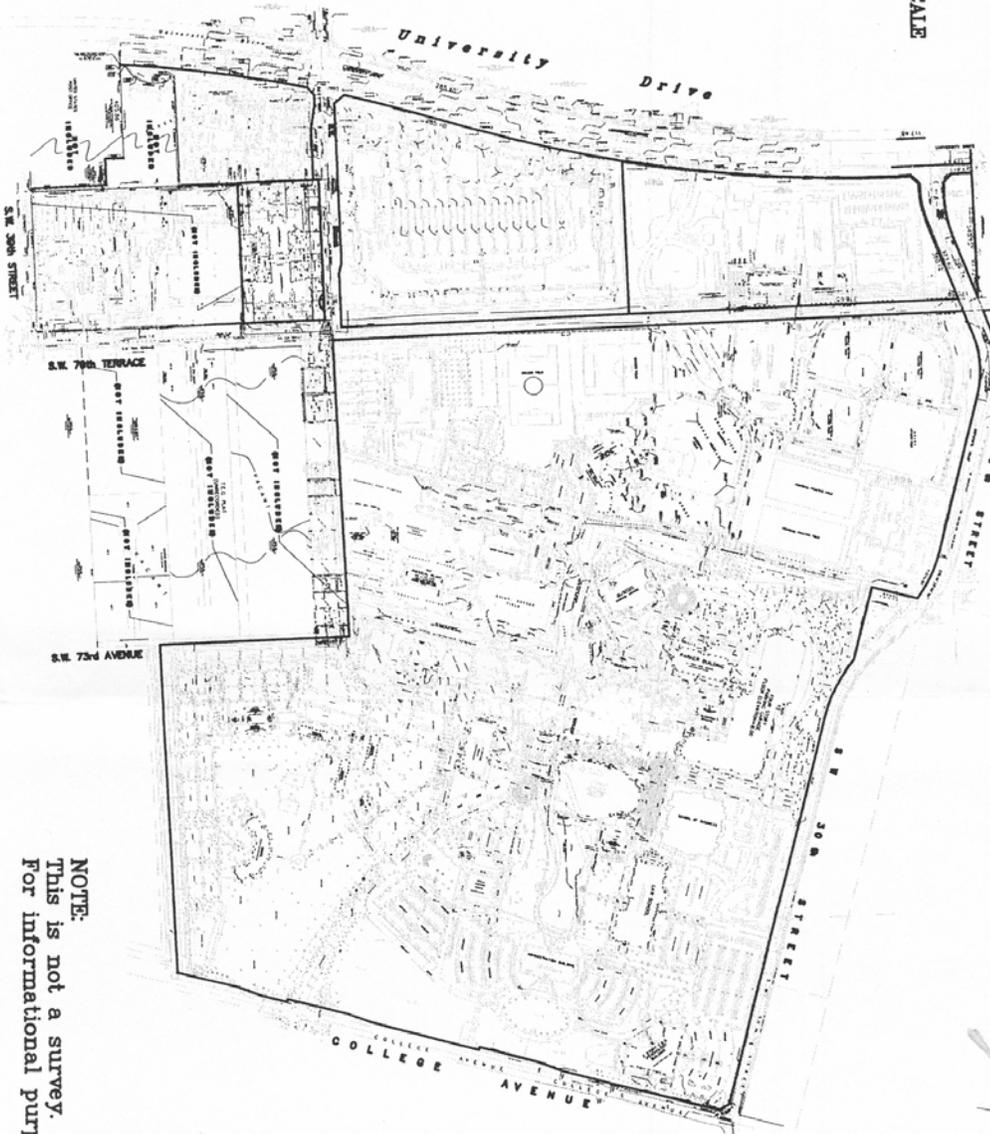
**Rezoning Application**  
**ZB 1-1-04, Nova Southeastern University**  
**Subject Site, Aerial, and Zoning Map**

Prepared By: D.M.A.  
 Date Prepared: 1-30-03

Prepared by:  
**McLAUGHLIN ENGINEERING COMPANY (L284286)**  
 400 N.E. 3rd Avenue Fort Lauderdale, Florida  
 Phone: (754) 783-7811 - www.mec400.com - Fax: (754) 783-7819

**THIS DRAWING NOT TO SCALE**

**NOVA SOUTHEASTERN UNIVERSITY COMPLEX  
 COMPOSITE DRAWING EXHIBIT**



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**NOTE:**  
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 For informational purposes only

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