

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Quasi Judicial Hearing: Variance

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: V 6-1-04, The Ridge on Nob Hill, Nob Hill Road, Generally located on the east side of Nob Hill Road and north of Tree Tops Park

The petitioner requests three variances for the development known as The Ridge on Nob Hill:

1. **FROM:** Section 12-107 (A) 5 (b) of the Land Development Code that requires a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) 14 - 16 feet high tree for every 40 linear feet or fraction thereof of street frontage. Therefore, 63 shade trees are required by code within the landscape buffer adjacent to Nob Hill Road; **TO:** reduce the required shade trees to 43 trees.
2. **FROM:** Section 12-107 (A) 5 (b) of the Land Development Code that requires a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) accent tree for every 100 linear feet or fraction thereof of street frontage. Therefore, 25 accent trees are required within the landscape buffer adjacent to Nob Hill Road; **TO:** reduce the required accent trees to 18 trees.
3. **FROM:** Section 12-107 (A) 5 of the Land Development Code that requires a landscaping buffer and street trees for single-family districts to be adjacent to public rights-of-way; **TO:** allow nine (9) buffer trees to be planted around the lake inside of the Ridge on Nob Hill development, as opposed to within the designated landscape buffer.

REPORT IN BRIEF:

The requested variances are required for approval of the proposed landscape and entrance feature modifications for the development known as The Ridge on Nob Hill. The requested variances are for the landscape buffer stretching 1,948 linear feet in Forest Ridge Single Family VII and 564 linear feet in Forest Ridge Single Family VIII, totaling 2,512 linear feet.

The approved site plan indicates 56 shade trees, 12 accent trees, and a continuous Ficus hedge within this 2,512-foot buffer. However, within this buffer only a ficus hedge has been planted east of the existing five (5) foot sidewalk. Thus, in the absence of full compliance with the approved site plan, the aforementioned variances from the Land Development Code are required.

The Ridge on Nob Hill Home Owners' Association is proposing to improve the existing landscape buffer by incorporating some shade trees and accent trees with different layers of shrubs and groundcovers. The presented landscape plan represents a tremendous upgrade from what currently exists on site.

Since there are many site constraints that would keep landscaping from being adequately placed to meet code requirements, staff finds allowing these variances would be, in effect, appropriate in this instance. Approval of the variances will improve the appearance of Nob Hill Road and providing more canopy coverage to the buffer area.

PREVIOUS ACTIONS: None

CONCURRENCES: At the August 11, 2004 Planning and Zoning Board meeting, the Board made the following motions:

- **Variance 1:** Ms. Lee made a motion, seconded by Mr. Stevens, to approve (Motion carried 5-0).
- **Variance 2:** Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 5-0).
- **Variance 3:** Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 5-0).

FISCAL IMPACT: None

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

Attachment(s): Planning Report, Justification letter, Landscape plan, Land use map, Subject site map, Aerial

Application #: V 6-1-04 The Ridge on Nob Hill
Exhibit "A"

Revisions: 8/12/04
Original Report Date: 8/5/04

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

Application Information

Owner/Petitioner:

Name: The Ridge on Nob Hill HOA

Address: The Continental Group, 2950 N 28 Terrace (Management Group)

City: Hollywood, FL 33020

Phone: (954) 926-2641

Background Information

Date of Notification: August 4, 2004 **Number of Notifications:** 355

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendation: At the August 11, 2004 Planning and Zoning Board meeting, the Board made motions to approve the requested variances.

Application Request: Three variances for the development known as the Ridge on Nob Hill:

4. **FROM:** Section 12-107 (A) 5 (b) of the Land Development Code that requires a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) 14 - 16 feet high tree for every 40 linear feet or fraction thereof of street frontage. Therefore, 63 shade trees are required by code within the landscape buffer adjacent to Nob Hill Road; **TO:** reduce the required shade trees to 43 trees.
5. **FROM:** Section 12-107 (A) 5 (b) of the Land Development Code that requires a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) accent tree for every 100 linear feet or fraction thereof of street frontage. Therefore, 25 accent trees are required within the landscape buffer adjacent to Nob Hill Road; **TO:** reduce the required accent trees to 18 trees.
6. **FROM:** Section 12-107 (A) 5 of the Land Development Code that requires a landscaping buffer and street trees for single-family districts to be adjacent to public rights-of-way; **TO:** allow nine (9) buffer trees to be planted around the lake inside of the Ridge on Nob Hill development, as opposed to within the designated landscape buffer.

Address/Location: The Ridge on Nob Hill/Generally located on the east side of Nob Hill Road and north of Tree Tops Park

Future Land Use Plan Designation: Residential (1 DU/AC) and Residential (3.6 DU/AC)

Zoning: PRD (Planned Residential Development District)

Existing Use: Single-family Homes

Proposed Use: Single-family Homes

Parcel Size: 64.59 gross acres

Surrounding Uses:

North: The Ridge and Single-family Homes

South: Tree Tops Park

East: The Ridge and Single-family Homes

West: Nob Hill Road and Single-family Homes

Surrounding Land

Use Plan Map Designations:

Residential (1 DU/AC) and
Residential (3.6 DU/AC)

Residential (1 DU/AC)

Residential (3.6 DU/AC)

Residential (1 DU/AC)

Surrounding Zoning:

North: PRD (Planned Residential Development District)

South: RS (Recreation/Open Space District)

East: PRD (Planned Residential Development District)

West: E (Estate District)

Zoning History

Related Zoning History: On February 4, 1987, the Town Council approved Ordinance 87-25 to change the land use designation for 620 acres known as Forest Ridge, from Residential (1 DU/AC) to Special Classification Residential (3.6).

On June 3, 1987, the Town Council approved Ordinance 87-70 to rezone Tract A and Tract B of Forest Ridge, from A-1, Agricultural District, to PRD, Planned Residential District. The Ridge on Nob Hill is within Tract A. The associated master site plan was approved for a maximum of 2,232 dwelling units on 620 acres.

Related Plat History: The plat, Forest Ridge Single Family VII, was approved by the Town Council on June 19, 1996 for 85 single-family homes.

The plat, Forest Ridge Single Family VIII, was approved by the Town Council on June 19, 1996 for 54 single-family homes.

Previous Requests on same property:

The Town Council approved both site plans, Forest Ridge Single Family VII and Forest Ridge Family VIII, on September 4, 1996 for a total of 139 single-family homes.

Application Details

The requested variances are required for approval of the proposed landscape and entrance feature modifications for the development known as The Ridge on Nob Hill. The Ridge on Nob Hill was approved as three subdivision site plans, Forest Ridge Single Family VI, VII and VIII, for a total of 230 homes on 93.25 gross acres. The requested variances are for the landscape buffer stretching 1,948 linear feet in Forest Ridge Single Family VII and 564 linear feet in Forest Ridge Single Family VIII, totaling 2,512 linear feet. There is a Broward County Environmentally Sensitive Land Area (the ridge area) of approximately 333 feet between these two subdivisions, which is excluded from this variance request.

The approved site plans indicate that within the 1,958-foot buffer in Forest Ridge Single Family VII, 28 Live Oaks, 12 Weeping Figs, 12 Wax Privet trees and nine (9) additional shade trees (species was not indicated) with a Ficus hedge were approved by the Town Council on September 4, 1996. In addition, within the 564 -foot buffer in Forest Ridge Single Family VIII, seven (7) shade trees with a Ficus hedge were also approved. As shown on the approved landscape plans, 56 shade trees, 12 accent trees, and a continuous Ficus hedge were planned within this 2,512-foot buffer. A 15-foot equestrian/recreation trail was also indicated along the north and west banks of the lake at the development entrance and along Nob Hill Road to the south boundary line of the development.

However, the existing buffer adjacent to Nob Hill Road is not consistent with the approved site plans. Within the 2,512-foot buffer, only a Ficus hedge has been planted east of an existing five (5)-foot sidewalk. No shade trees or accent trees are planted, as approved on the landscape plans. In addition, no equestrian/recreation trail has been provided along the north and west banks of the lake, and Nob Hill Road. Instead, a five (5)-foot sidewalk is provided along Nob Hill Road.

The Ridge on Nob Hill Home Owners' Association is proposing to improve the existing landscape buffer by incorporating some shade trees and accent trees with different layers of shrubs and groundcovers. As proposed in the landscape plan, 34 shade trees, including 17 Weeping Podocarpus, 42 Asoka Trees (counted as shade tree at 3:1 ratio), and ten (10) Sabal Palms (counted as shade tree at 3:1 ratio), and 18 Silver Buttonwoods as accent trees are shown with shrubs and groundcovers to accompany the existing Ficus hedge. Nine (9) shade trees, including six (6) Royal Poincianas and three (3) Jacarandas, are proposed around the lake.

The Town of Davie Land Development Code requires that a landscape buffer for single-family districts adjacent to public rights-of-way include one (1) 14 - 16 feet high tree for every 40 linear feet or fraction thereof of street frontage and one (1) accent tree for every 100 linear feet or fraction thereof of street frontage. Therefore, a total of 63 shade trees and 25 accent trees are required for the 2,512-foot landscape buffer. However, a total of 43 shade trees including nine (9) trees around the lake and 18 accent trees are proposed. As such, the applicant requests three variances for approval of the proposed landscape plan.

Applicable Codes and Ordinances

1. Section 12-107 (A) 5 (b) of the Land Development Code requires that a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) 14 - 16 feet high tree for every 40 linear feet or fraction thereof of street frontage.
2. Section 12-107 (A) 5 (b) of the Land Development Code requires that a landscaping buffer for single-family districts adjacent to public rights-of-way to include one (1) accent tree for every 100 linear feet or fraction thereof of street frontage.
3. Section 12-107 (A) 5 of the Land Development Code requires that a landscaping buffer and street trees for single-family districts to be adjacent to public rights-of-way.
4. Section 12-309, Review for variance.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 5. This Planning Area is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives and Policies:

Future Land Use Element, 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 and working environment.

Future Land Use Element, Policy 17-8: The Town shall use mechanisms such as code enforcement, Safe Neighborhoods District/neighborhood improvement districts, and public information programs to encourage maintenance of existing residential communities and residential structures.

Staff Analysis

The presented landscape plan represents a tremendous upgrade from what currently exists on site. However, due to the fact that the buffer was not planted as approved, the variances are required.

The subject landscape buffer stretches approximately 2,512 linear feet from the entrance to the southern boundary line of the development. The southern portion of this buffer is approximately 1,300 linear feet in length, consisting of approximately 736 feet in Forest Ridge Single Family VII and 564 Feet in Forest Ridge Single Family VIII. It is about 35 feet in width between the individual lot lines and the existing five-foot sidewalk. Within this 35 feet, there is a 10-foot landscape easement, containing the existing Ficus hedge and a chain link fence, located east of the individual lots. Located west of the landscape easement is a 10-foot utility easement containing over-head powerlines and FPL utility boxes. Streetlights are adjacent to the sidewalks and west of the utility easement. There is only a five-foot strip between the existing Ficus hedge and the utility easement suitable for additional landscaping due to the overhead powerlines and streetlight poles.

On the other side (east side) of the Ficus hedge, a berm of two (2) to five (5) feet high prohibits the planting of landscaping materials. Due to the constraints of the limited planting space and overhead powerlines, the applicant proposes to break down the existing Ficus hedge by adding Osoka trees, Sabal Palms, or Sky Vines every 70 - 100 feet. In addition, a combination of shrubs with different layers, colors and textures, including Silver Buttonwood, Cordyline "red sister", Redbuttons, and Weeping Fig, etc. are incorporated in the five-foot area in front of the Ficus hedge. The design of the landscaping is broken into sections and presents a rhythm by repeating the same landscaping materials in every other section.

The northern portion of the buffer consists of approximately 1,212 linear feet along the west side of the lake at the development entrance. There is approximately 20 feet between the existing Ficus hedge and the sidewalk. Located within this 20 feet are FPL utility boxes with underground powerlines and streetlights. The planting areas in front of the Ficus hedge are limited to five (5) feet due to the utility lines and boxes.

The applicant proposes to break down the Ficus hedge into sections by using Weeping Podocarpus or grouping of Silver Buttonwoods. The rhythm is kept by utilizing the same shrub materials in front of the Ficus Hedge as used in the southern portion. There is an open space, ranging from 65 - 200 feet in width adjacent to the west and south banks of the lake, east of the existing Ficus hedge. The applicant proposes nine (9) additional shade trees to provide more canopy coverage to the property.

The variances are results of the limited space between the existing Ficus hedge and the utility easement, and the location of the powerlines, utility boxes and streetlights. The constraints of the open space and location of the powerlines prevent large shade trees from being planted to meet the code requirements. The hardship is not self-created. Approval of the variance will benefit the general public by improving the appearance of Nob Hill Road and providing more canopies and coverage to the buffer area.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district;

The subject buffer area is approximately 2,512 linear feet in length, containing an existing Ficus hedge. The planting area is limited to five (5) feet in front of the Ficus hedge due to the existing utility easement containing overhead powerlines, FPL boxes, and streetlights west of the existing hedge. No large shade trees can be planted in this area. The southern half of this 2,512 feet has no room for planting behind the Ficus hedge due to the existing berm of two (2) to five (5) feet high between the existing homes and the hedge. Within the northern half of this buffer, there is an open space ranging from 65 feet to 200 feet in width along the west and south banks of the lake east of the existing Ficus hedge. To mitigate the required canopies, the applicant proposes to plant nine (9) shade trees around the lake.

and that said circumstance or condition may be 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;

The applicant is proposing to improve the existing buffer adjacent to Nob Hill Road. Due to the space limitation in front of the Ficus hedge, the applicant is proposing to break down the long Ficus hedge with FPL approved accent trees and palms, which are suitable for the limited planting space of five (5) feet and overhead powerlines. A combination of shrubs with different layers, textures, and colors are also incorporated to add rhythm and interest. The requested variances are necessary for approval of the proposed modification, which is designed to overcome the constraints of the existing condition. Denial of the variances may prevent the improvement of existing buffer and overall appearance of Nob Hill Road.

and the alleged hardship is not self-created by persons having an interest in the property.

The alleged hardship is not self-created due to the reasons stated above.

- (b) Granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested may be not the minimum variance that will accomplish this purpose.

Granting of the variance is necessary for the reasonable use of the land for planting trees and shrubs in a limited planting area and meets the FPL Right Trees, Right Place requirements. However, the variance

may be not the minimum variance because the applicant can plant more trees on the open space south of the lake to mitigate the required canopies.

- (c) Granting of the requested variances 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 requested variances are for the improvement of the existing buffer adjacent to Nob Hill Road, which only contains a Ficus hedge. The proposed modification will greatly increase the canopy and coverage for the buffer area, and improve the overall appearance of the existing buffer and Nob Hill Road. Granting of the variance will not be injurious to the neighborhood but improving the quality of life of the neighborhood.

Staff Recommendation

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

Planning & Zoning Board Recommendation

At the August 11, 2004 Planning and Zoning Board meeting, the Board made the following motions:

- **Variance 1:** Ms. Lee made a motion, seconded by Mr. Stevens, to approve (Motion carried 5-0).
- **Variance 2:** Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 5-0).
- **Variance 3:** Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 5-0).

Town Council Actions

Exhibits

- 1) Justification letter
- 2) Proposed Landscape Plan
- 3) Subject Site Map
- 4) Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

ENVIROSCAPES, INC.

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Hollywood, Fl. 33021
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Brwd: (954) 983-4483
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June 11, 2004

To the Zoning Department of the Town of Davie.

Chris Richter
Mike Orfanedes
Charlie Livio

Dear One and All:

It seems the demands of our life prohibit us from the time to write a simple letter. I apologize for the tardiness of this letter and hope it provides sufficient information for you to assist us in this noble project.

The Ridge on Nob Hill, Homeowners' Association Landscape Improvement Project Explanation of Special Circumstances

Issue: Request by Town Officials to articulate the special conditions and circumstances that exist within the project boundaries of the planned landscape improvement for The Ridge on Nob Hill Homeowners' Association, in order to comply with required site plan and code standards.

- **Project Site:** The project site covers an area of approximately 2512' total linear feet, and encompasses the Ficus hedge bordering Nob Hill Road, the community entryway and the lake to the south. Excluded from this area is a 333' foot of adjoining land (the Broward County Environmentally Sensitive land area) owned by Broward County.
- **Space Limitations:** When viewing the project from North to South, significantly more room is available in the northern areas of the project site surrounding the lake. Space to install any landscape material thins considerably at the midpoint of the project and is reduced to a maximum of 4 or 5 feet within the southernmost 837' feet of the project. The space constraints cannot be overcome as private property (chain link fence and houses) are to the East and easements containing a myriad of utilities exist to the West. The resulting "Plantable Area" is approximately 5' wide by 837' long and is occupied by the existing Ficus hedge. (See images 1, 2 and 3)
- **Easement Access:** During the initial planning phase of the project, each entity utilizing the swale and grass area to the west of the Ficus hedge was consulted. The plan reflects the maximum distance intrusion and plant material limitations these agencies will allow for the location.
- **Slope Impact:** In the areas where the space limitations are most extreme (southern area from midpoint) the ability to plant materials is further restricted by the berm that was erected by

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the developer to artificially elevate the Ficus hedge. The elevation of the berm ranges from 2 feet to 5 feet and thereby prohibits the planting of materials due to the resulting instability this will have on the area.

- **Florida Power and Light:** Only a small portion of the project area benefits from underground power. At the midpoint of the project site, the power lines are overhead. Although certain trees can be successfully planted below the lines and not result in interference, the limited ground space (previously explained) precludes these species.
- **Maintenance:** The southern project area is further restricted by having to maintain a minimum of 3 feet between obstacles to allow landscape equipment ingress and egress. Planting any materials will preclude proper maintenance of the area.

Acceptable Mitigation Issues:

- **Alternate Planting Site:** As the code requires 1 accent tree for every 100 feet of project area and 1 shade/canopy tree for every 40 feet, since the site limitations will not support this requirement, The Ridge on Nob Hill HOA agrees to plant the 9 additionally required trees (species: Cypress or other suitable species) in the area between the lake and hedge in the northern project area.
- **Tree Height Requirement:** As the code requires 9 trees to be a minimum of 12-14 feet tall, The Ridge on Nob Hill HOA agrees to plant a required number of trees with a minimum height of 12-14 feet within the project area.

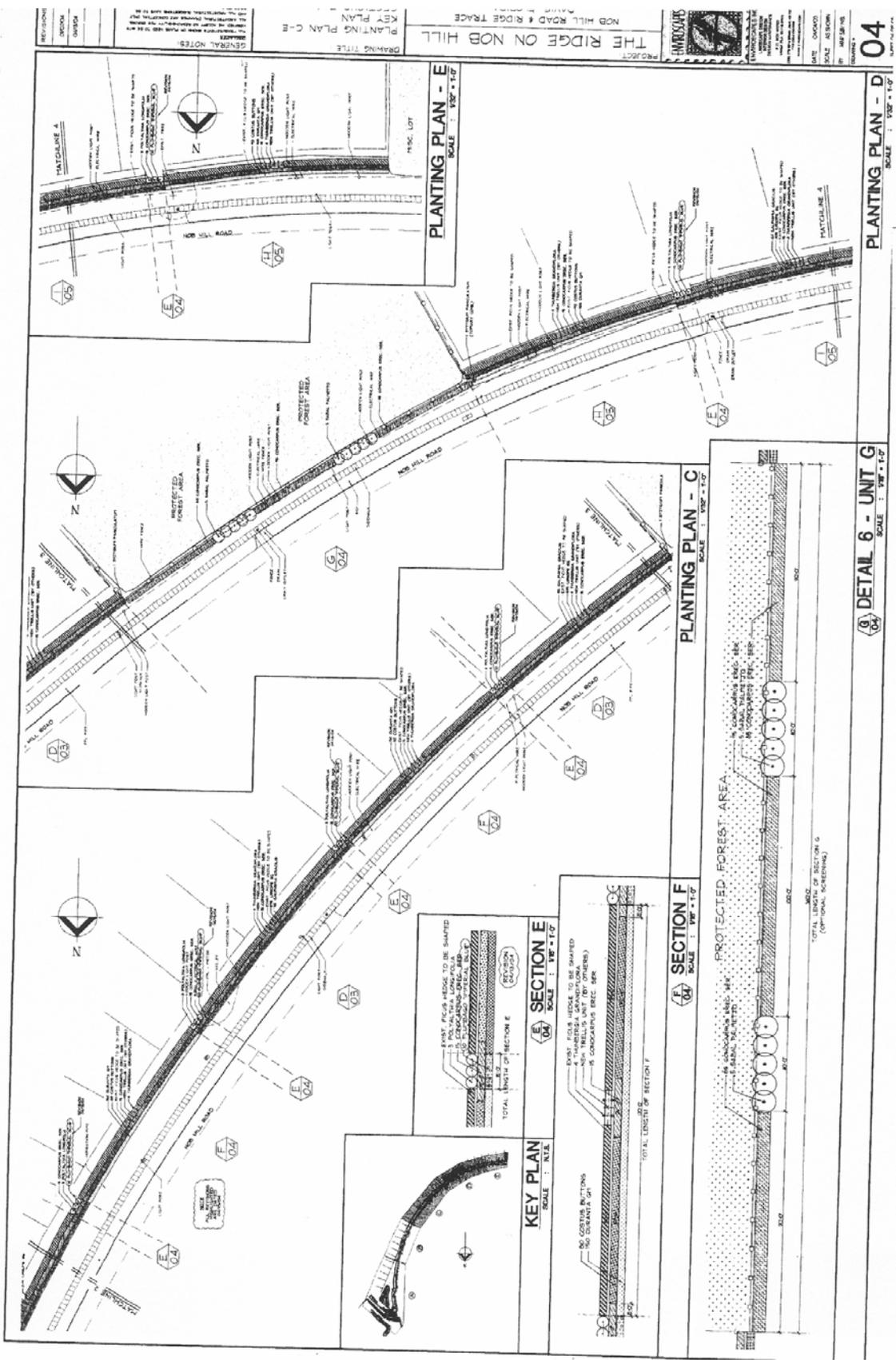
I hope the following letter will be helpful in us obtaining a variance.

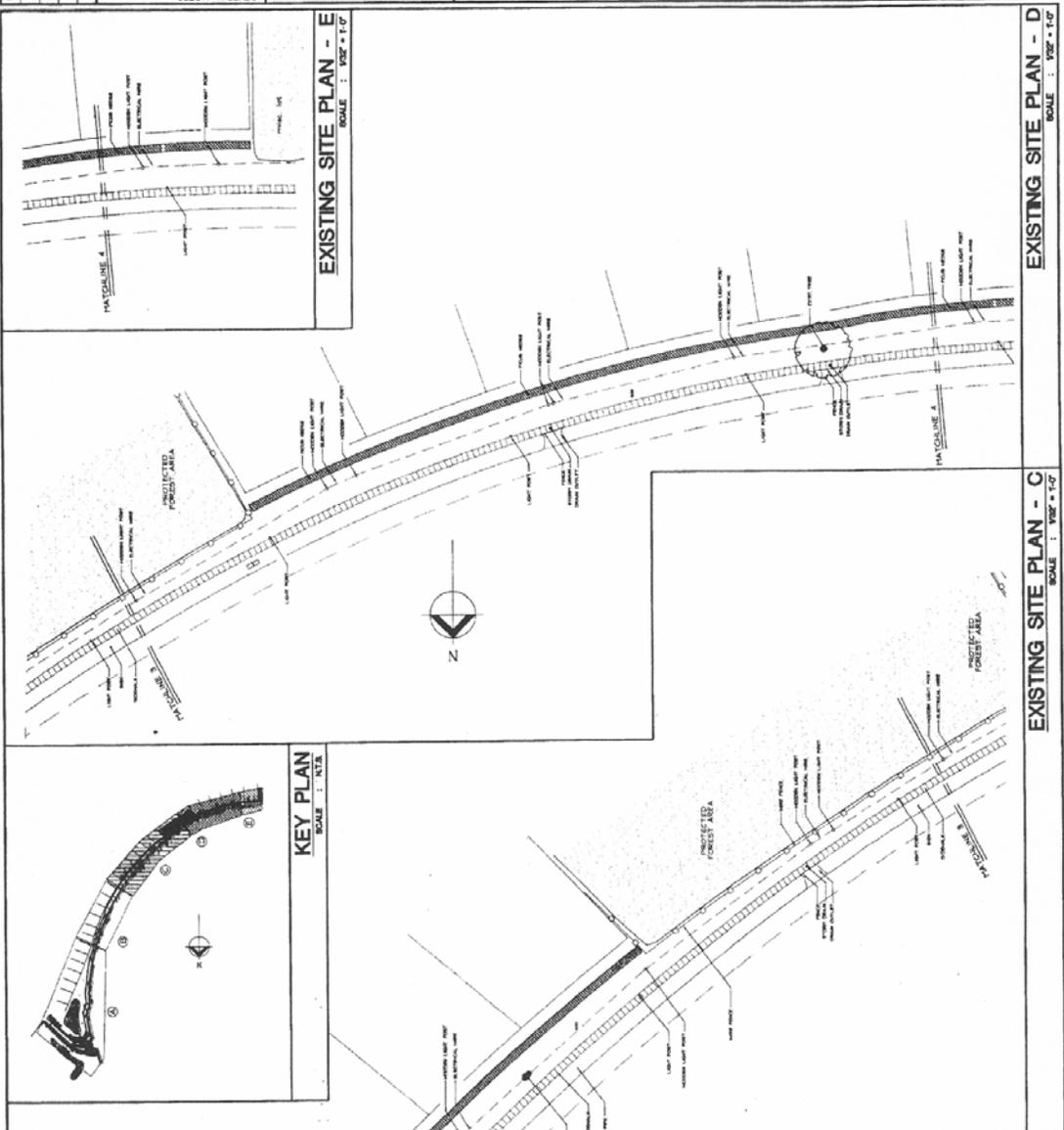
Respectfully,



Mark Drew Martin MLA, ASLA

Ridge on Nob Hill





THE RIDGE ON NOB HILL
 REMOVAL & RELOCATION LIST - NOVEMBER 2003

Quant.	Botanical Name	Common Name	Action
Trees, Palms and Bamboo.			
10	Ficus benjamina	Ficus Benjamina	Remove
4	Phoenix roebelenii (double)	Double Palm	Relocate
1	Quercus virginiana	Live Oak	Remove
3	Quercus virginiana	Live Oak	Relocate
Shrubs, Ground Cover, Accents & Associate plants			
Please see existing site plan, removal and relocation plan for specific plant material selected for removal or relocation.			
These plant material are clearly marked.			

REMOVAL & RELOCATION LIST

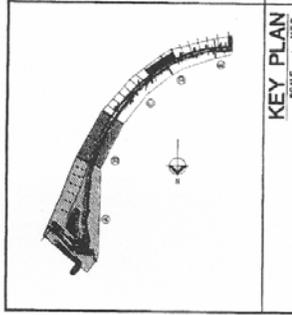
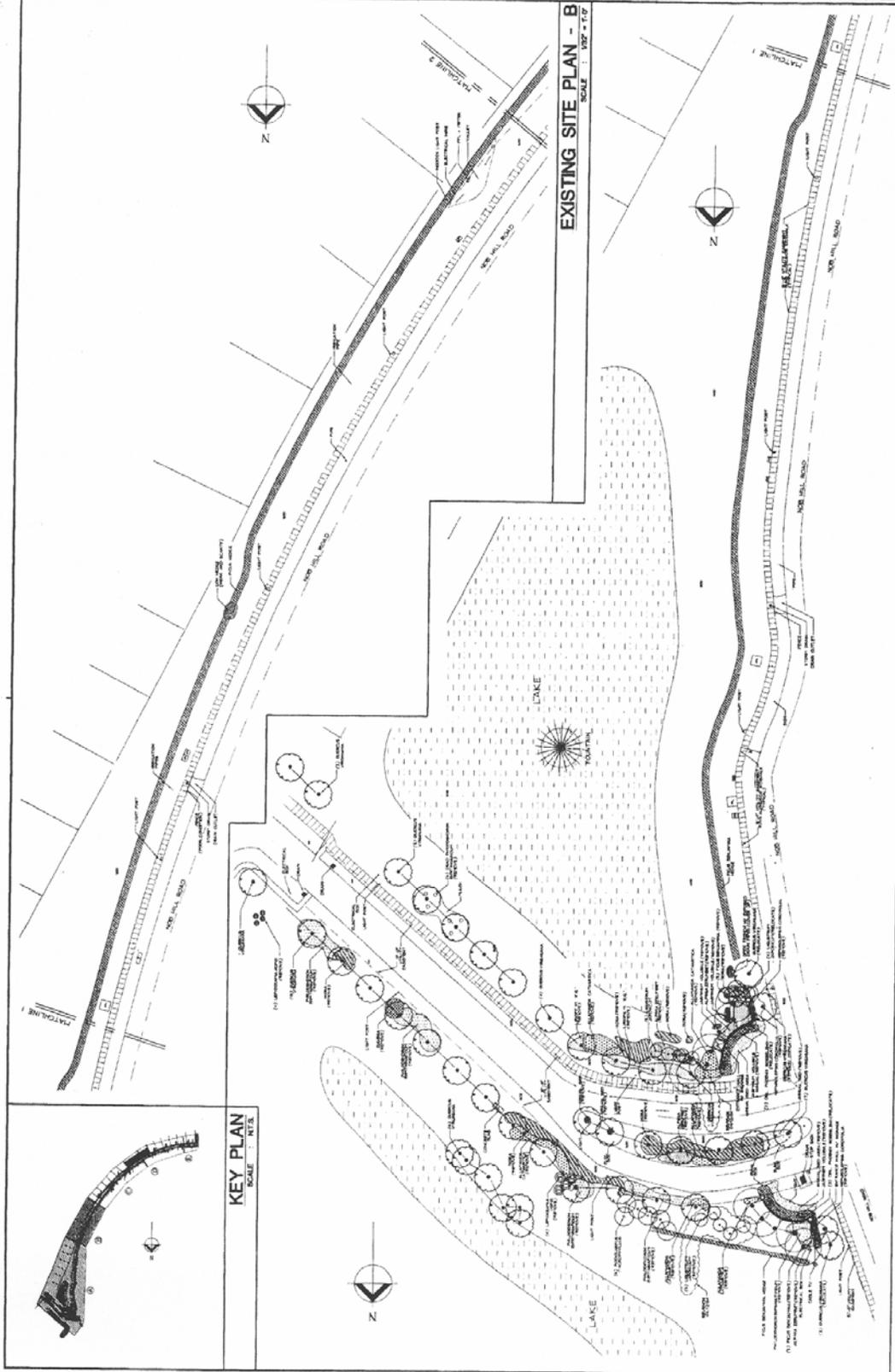
GENERAL NOTES:
 1. All work shall be in accordance with the approved plans and specifications.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. All work shall be completed within the specified time frame.
 4. The contractor shall maintain access to all adjacent properties.
 5. All materials shall be stored in a clean and organized manner.
 6. The contractor shall be responsible for the removal and relocation of all plants as indicated on the plans.
 7. All work shall be completed to the satisfaction of the architect.

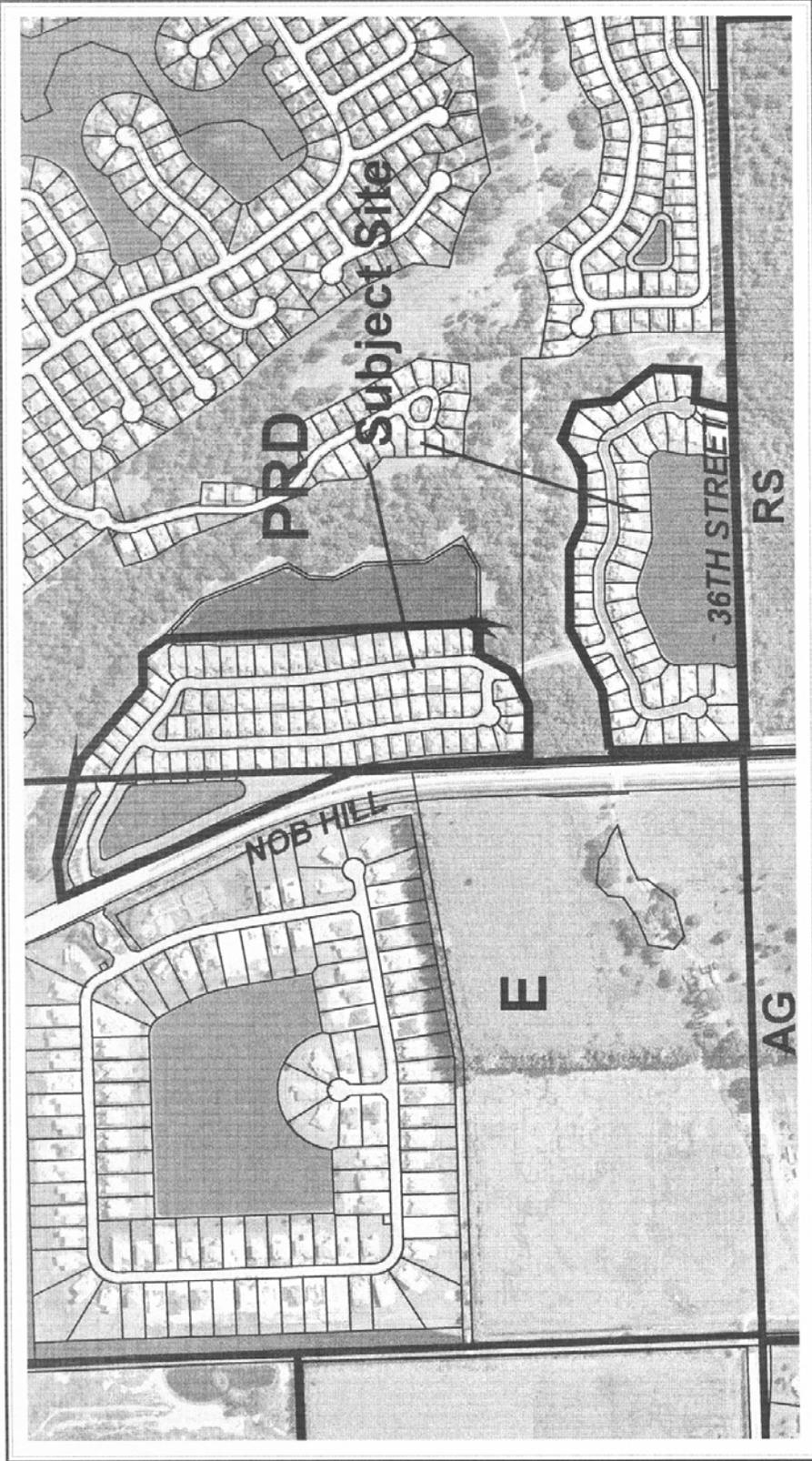
REVISIONS
DATE
BY
CHECKED
DATE
BY
SCALE
PROJECT

PROJECT: THE RIDGE ON NOB HILL
NOB HILL ROAD & RIDGE TRACE
DAVIS PLANNING

DRAWING TITLE: EXISTING SITE PLAN A/B
KEY PLAN

GENERAL NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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Date Flown:
12/31/00

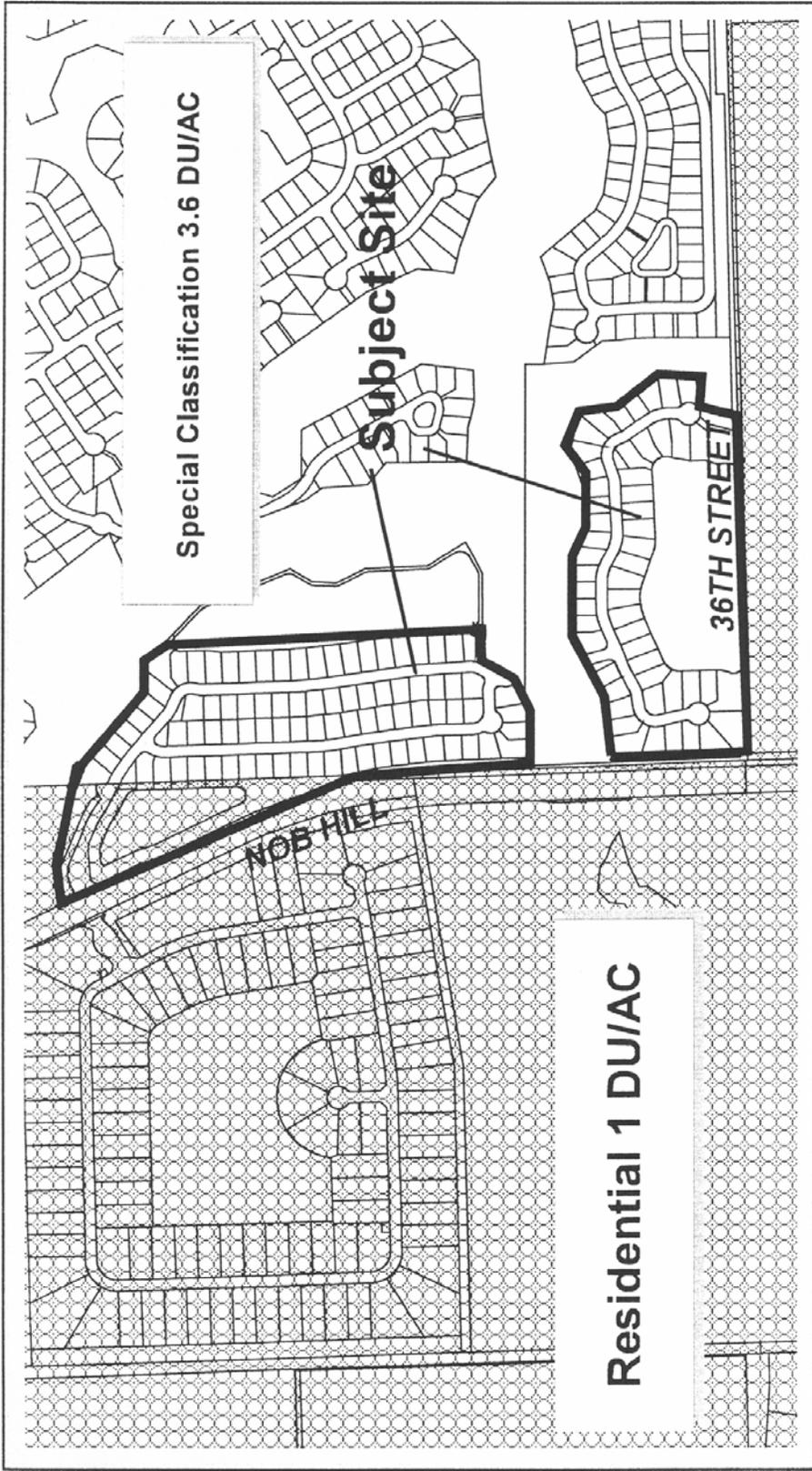


Planning & Zoning Division - GIS



VARIANCE
V 6-1-04
Zoning and Aerial Map

Prepared By: AYF
Date Prepared: 8/3/04



Date Flown:
12/31/00



Planning & Zoning Division - GIS



VARIANCE
V 6-1-04
Future Land Use Plan Map

Prepared By: AYF
Date Prepared: 8/3/04