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: Annie Feng, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 5-3-04, Matrix University, LLC./John Voigt, 5250 and 5270 University Drive, Generally located on the east side of University Drive and south of Griffin Road

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; RESCINDING ORDINANCE NO. 84-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The subject site is a 4.77-acre vacant parcel fronting on University Drive and south of Griffin Road. The petitioner is requesting to rezone the site from B-3, Planned Business Center District to RM-10, Medium Density Dwelling District. As part of the rezoning request, the applicant also requests to release the deed restriction running with the property, which limits the property to certain uses and was required at the time when the property was rezoned from A-1 to B-3 zoning district with the commercial flexibility assigned to the property through Ordinance No. 84-16.

This request will allow the 4.77 net acres to be developed for a maximum of 47 townhouses. The proposed development will include 2.26 acres immediately east of the subject site, zoned A-1, Agricultural District with an underlying Future Land Use designation of Residential (3 DU/AC). This 2.26-acre vacant land is not included in this rezoning application; however, it will be used as retention and recreation areas for the proposed townhouses on the subject site.

The parcel exceeds the Land Development Code's minimum requirements for RM-10, Medium Density Dwelling District. The minimum required lot size is 3,500 square feet, and the subject site is 207,781.2 square feet, or 4.77 net acres. The minimum required lot frontage is 100 feet, and the subject site has 337 feet of lot frontage.

The Future Land Use Plan Map designates the parcel Residential (10 DU/AC). The requested zoning classification, RM-10, Medium Density Dwelling District, allows for multi-family dwelling units including townhouses to be developed at a density of 10 units per acre. Upon approval for the rezoning and rescinding Ordinance No. 86-16 that assigned the commercial

flexibility rezoning, the Town will regain 4.77-acre commercial flexibility acres back to Flexibility Zone 102 and the property will return to the Residential (10 DU/AC) Future Land Use Designation.

The proposed townhouses with the requested RM-10 zoning district may be considered compatible with the surrounding uses and zoning districts. The subject site is located in an area mixed of commercial, multi-family and single-family residential uses. To the north is a vacant parcel zoned B-3 with underlying Future Land Use designation of Residential 10 DU/AC, to the south is FPL Substation, to the east is a vacant parcel under the same ownership and a single-family home within A-1 zoning district, and to the west is University Drive with commercial developments.

PREVIOUS ACTIONS: None

CONCURRENCES: At the October 27, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

At the September 22, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve the rezoning (Motion carried 2-2 with Mr. Stevens absent, thereby automatically tabling this item to October 13, 2004).

The October 13, 2004 Planning and Zoning Board meeting was cancelled, therefore, this item is automatically tabled to the October 27, 2004 Planning and Zoning Board meeting.

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, Justification, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; RESCINDING ORDINANCE NO. 84-16; 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 B-3, Planned Business Center District to RM-10, Medium Density Dwelling District;

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;

WHEREAS, Ordinance No. 84-16 was adopted by the Town Council on April 16, 1986 to rezone the subject property from A-1, Agricultural District to B-3, Planned Business Center District by assigning 4.77 acres commercial flexibility to the subject site;

WHEREAS, upon approval for the rezoning and rescinding Ordinance No. 86-16 that assigned the commercial flexibility, the Town will regain 4.77 acres of commercial flexibility acreage back into Flexibility Zone 102 and the property will return to the Residential (10 DU/AC) Future Land Use Designation.

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 B-3, Planned Business Center District to RM-10, Medium Density Dwelling District:

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 RM-10, Medium Density Dwelling District.

SECTION 3. That Ordinance No. 84-16 is hereby rescinded:

a. The subject property hereby returns to the Residential (10 DU/AC) Future Land Use Designation.
b. The Town hereby regains 4.77 acres of commercial flexibility acreage back into Flexibility Zone 102.

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.

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

Applicant Information

Owner:		**Agent:**	
Name:	Matrix University, LLC.	**Name:**	John Voigt
Address:	1424 Collins Avenue	**Address:**	1177 SE 3 Avenue
City:	Miami Beach, FL 33139	**City:**	Ft. Lauderdale, FL 33316
Phone:	(305) 531-3488	**Phone:**	(954) 762-3400

Background Information

Date of Notification: September 15, 2004 **Number of Notifications:** 139

Application History: At the October 27, 2004 Planning and Zoning Board meeting, the Board made a motion to approve the rezoning application.

Application Request: Rezone 4.77 acres **FROM:** B-3, Planned Business Center District; **TO:** RM-10, Medium Density Dwelling District. The purpose of this request is to allow construction for a maximum of 47 townhouses on the subject site.

Address/Location: 5250 & 5270 University Drive/Generally located on the east side of University Drive and south of Griffin Road

Future Land Use Plan Map Designation: Residential (10 DU/AC) with 4.77 acres of commercial flexibility applied to the site.

Existing Zoning: B-3, Planned Business Center District

Proposed Zoning: RM-10, Medium Density Dwelling District

Existing Use: Vacant

Proposed Use: 47 townhouses

Parcel Size: 4.77 net acres
5.22 gross acres

	Surrounding Uses:	Surrounding Land Use Plan Map Designations:
North:	Vacant	Residential (10 DU/AC)
South:	FPL Substation	Utility
East:	Vacant and Single-family Home	Residential (3 DU/AC)
West:	University Drive and Nursery	Commercial

Surrounding Zoning:

North:	B-3, Planned Business Center District
South:	U, Utilities District
East:	A-1, Agricultural District
West:	B-3, Planned Business Center District

Zoning History

On April 16, 1986, Town Council adopted Ordinance No. 86-16 to rezone the subject site from A-1, Agricultural District to B-3, Planned Business Center District by assigning 4.77 acres commercial flexibility to the subject site. The rezoning approval was subject to a deed restriction limiting the property for the following uses: business office and studios, medical and professional office and medical laboratories, drug store, restaurants and coffee shops, personal services, bank and savings and loans, art gallery, travel agent, real estate office, insurance office, private schools up to 3,000 square feet, office supplies and equipment sales.

Application Details

The subject site is a 4.77-acre vacant parcel fronting on University Drive and south of Griffin Road. The petitioner is requesting to rezone the site from B-3, Planned Business Center District to RM-10, Medium Density Dwelling District. As part of the rezoning request, the applicant also requests to release the deed restriction running with the property, which limits the property to certain uses.

The purpose of this request is to allow construction of a maximum of 47 townhouses on the subject site.

Applicable Codes and Ordinances

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

Section 12-24 (J) (6) of Land Development Code provides the intent of RM-10 zoning district.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits

of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)platting, 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 Uses 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.

Staff Analysis

This request will allow the 4.77 net acres to be developed with a maximum of 47 townhouses. The proposed development will include 2.26 acres immediately east of the subject site, zoned A-1, Agricultural District with the underlying Future Land Use Designation of Residential (3 DU/AC). This 2.26-acre vacant land is not included in this rezoning application; however, it will be used as retention and recreation areas for the proposed townhouses on the subject site.

The parcel exceeds the Land Development Code's minimum requirements for RM-10, Medium Density Dwelling District. The minimum required lot size is 3,500 square feet, and the subject site is 207,781.2 square feet, or 4.77 net acres. The minimum required lot frontage is 100 feet, and the subject site has 337 feet of lot frontage.

Land Use and Zoning: The Future Land Use Plan Map designates the parcel Residential (10 DU/AC). The requested zoning classification, RM-10, Medium Density Dwelling District,

allows for multi-family dwelling units including townhouses to be developed at a density of 10 units per acre. As part of the rezoning request, the applicant also requests to release the deed restriction running with the property, which limits the property to certain uses and was required at the time when the property was rezoned from A-1 to B-3 zoning district. Upon approval for the rezoning and rescinding Ordinance No. 86-16 that assigned the commercial flexibility rezoning, the Town will regain 4.77 acres of commercial flexibility acreage back into Flexibility Zone 102 and the property will return to the Residential (10 DU/AC) Future Land Use Designation.

Compatibility: The proposed townhouses with the requested RM-10 zoning district may be compatible with the surrounding uses and zoning districts. The subject site is located in an area mixed with commercial, multi-family and single-family residential uses. To the north is a vacant parcel zoned B-3 with an underlying Future Land Use Designation of Residential 10 DU/AC, to the south is the FPL Substation, to the east is a vacant parcel under the same ownership and a single-family home within A-1 zoning district and an underlying Future Land Use Designation of Residential (3 DU/AC), and to the west is University Drive and commercial developments.

Findings of Fact

Rezonings:
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 parcel as Residential (10 DU/AC), and the comprehensive plan allows townhouses to be developed at a density of 10 dwelling units per acre. Upon approval of the rezoning, the deed restriction will be released and the commercial flexibility will be rescinded. Therefore, the proposed change will be consistent with the comprehensive plan.

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

The requested RM-10, Medium Density Dwelling District, is related and compatible with the adjacent residential zoning district to the east. Although the vacant parcel immediately north of the subject site is zoned B-3 with the underlying Residential (10 DU/AC) Future Land Use Designation, there are multi-family apartments located further north of this parcel. Therefore, the proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing B-3 district boundaries are logically drawn in relation to existing conditions on the subject property. However, this zoning classification is not consistent with the underlying Residential (10 DU/AC) land use classification and would not allow the parcel to be developed for townhouses.

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

The proposed change is more compatible with the single-family home to the east than a commercial use. To the north is a vacant parcel, to the south is the FPL Substation, and to the west is University Drive. Therefore, the proposed change is not expected to adversely affect living conditions in the neighborhood.

(e) The proposed change is not expected to 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 traffic generated by a maximum of 47 townhouses is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. University Drive is a 200-foot arterial on the Broward County Trafficways Plan. Prior to County and Town of Davie approval of the plat, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts.

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

Surrounding property values will not be adversely impacted by development of this vacant site as the proposed townhouses are more compatible with the single-family uses to the east as a transition to University Drive and commercial uses to the west and have no impact on the FPL Substation to the south and the vacant land to the north.

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

Development of the subject site will not deter development or improvement of adjacent parcels as to the east is a vacant parcel under the same ownership and an existing single family home, to the south is the FPL Substation, and to the north is a vacant parcel zoned B-3 with the Residential (10 DU/AC) Future Land Use Designation.

(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;

This request is a privilege for any property owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification consistent with the underlying Residential (10 DU/AC) Future Land Use Designation. Therefore, the proposed change does not constitute a grant of special privilege to the property owner as contrasted with the welfare of the general public.

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

The subject site could be developed according to the existing zoning district standards with the commercial flexibility. However, the rezoning will allow the property to be developed for a maximum of 47 townhouses which is consistent with the underlying Residential (10 DU/AC) Future Land Use Designation; and the Town will regain 4.77-acre commercial flexibility units to the Flexibility Zone 102.

(j) The proposed zoning designation may not be the most appropriate designations to enhance the Town's tax base given the site 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 proposed zoning designation may not be the most appropriate designation to enhance the Town's tax base as the Town's policy is to retain commercial zoning for development of commercial properties. However, additional residential units may also increase the ability to retain and expand the economic sectors of our community.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the October 27, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

At the September 22, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve the rezoning (Motion carried 2-2 with Mr. Stevens absent, thereby automatically tabling this item to October 13, 2004).

The October 13, 2004 Planning and Zoning Board meeting was cancelled, therefore, this item is automatically tabled to the October 27, 2004 Planning and Zoning Board meeting.

Town Council Action

Exhibits

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

Prepared by: _____ Reviewed by: _____

LAW OFFICES
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OF COUNSEL

VIA FAX

October 20, 2004

Ms. Annie Feng
Planner II
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

Re: Matrix University, LLC

Dear Annie:

As I am sure you recall, at the Planning & Zoning Board meeting for this application which was held on Wednesday, September 22, 2004, the Board raised questions as to the financial impact on the Town of Davie of rezoning the subject property from B-3, commercial, to R-10, multi-family residential. Our position was at that time and still remains that the Town of Davie does not lose any revenues or incur any additional expenses as a result of this rezoning.

First, the commercial designation for the land is not lost, but rather is transferrable to another five acre parcel as a result of the use of flexibility units. The parcel was originally rezoned from residential to commercial using 4.77 flex units. It is my understanding that Flexibility Zone 102, where the property is located, has no further flex units available. By reversing the flex rezoning and restoring the residential zoning on the property,

the Town regains 4.77 flex acres to utilize within that zoning district. This means in effect that the Town is not losing commercial acreage but rather relocating that acreage to a different residential parcel, where commercial otherwise would not be allowable. This position notwithstanding, we have commissioned an expert analysis of the issue assuming that the commercial units were lost for good.

Enclosed please find a copy of a document entitled "Annual Revenue Analysis Comparing Residential to Mixed Use Office and Commercial in the Town of Davie, Florida", prepared by Christopher Wallace of Munilytics. His analysis utilizes the most intensive commercial development that the site would support, while allowing for parking, setbacks, and stormwater retention requirements. His findings are that 47 high-end townhouses would provide significantly more revenue to the Town of Davie than would the mixed use office and commercial project. The study also considers expenses associated with each use and determines that even though the expenses to the Town are greater with a residential project, the Town would still significantly benefit with the residential development proposed versus any other commercial development that could be placed upon the subject parcels.

Not a part of the report is the traffic consideration. For platting the property, a commercial development would place significant additional vehicle trips on the already overburdened roadways. The traffic for a residential development obviously is significantly less than a commercial/office mixed use project and would not create a traffic concurrency problem.

Finally, it is anticipated that the relatively small residential development would have a minimal impact on school concurrency, although the developer will be required to pay substantial educational impact fees at the time of recording of the plat. At this point, neither the site plan nor the platting process has actually begun.

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Thank you for your consideration of this additional information. Please contact me should you have any questions.

Sincerely,

JOHN D. VOIGT
For the Firm

JDV/kdr
enc.

cc: Matrix University, LLC

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Residential Townhome Project
Town of Davie
Matrix University LLC

ANNUAL REVENUE ANALYSIS COMPARING RESIDENTIAL TO MIXED USE OFFICE AND COMMERCIAL IN THE TOWN OF DAVIE, FLORIDA

October 12, 2004

Munilytics

Munilytics

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Report Commission

This report was commissioned by University Matrix LLC, in support of a proposed $17,815,000 residential townhome project to be located on University Drive between Stirling Road and Griffin Road. The project will develop two separate parcels with 47 townhomes. The existing zoning is B-3 and Agricultural. For the purposes of this study, and to illustrate the value of the tax base once developed as proposed, a comparison to an alternate use has been prepared. The alternative project is a presumed mixed-use office/commercial parcel, also with onsite retention of stormwater, but absent wetlands mitigation. It would not be financially feasible provide wetlands mitigation for the mixed-use option. Accordingly, the parcel abutting SW 76th Avenue would be sold off if the project were developed in the alternate scenario. A mock up of the site suggests that the best alternate use would be a combination 3,800 square foot commercial out parcel combined with a 38,000 square foot office building. Because of development code requirements for drainage, parking, setbacks, etc., this combination represents the most intense alternate development. The purpose of this analysis is to forecast the annual revenue and likely marginal expenses that will accrue to Town of Davie's General Fund once the project is completed. The analysis further compares those revenues and expenses to the revenues and expenses of the alternative mixed-use proposal. One-time revenues such as impact fees, development fees, building permit, and engineering fees have not been forecast. Development fees, building permit fees, and engineering fees are generally self-liquidating in that the expenses associated with the provision of those services should approximate the charges for services against the project. Impact fees do not recur and are restricted as to use. Also, they represent an offset against the Town's capital costs. This report was prepared using the most up-to-date information provided by the Town and represents, at a moment in time, the likely revenue the Town would receive from the Project's completion.

Study Conclusions

The study concludes that the Town of Davie should expect to annually receive approximately $78,000 more in General Fund revenues, net of marginal expenses, if the property is developed as a residential townhome project instead of a theoretical mixed-use office/commercial site. Neither proposal would have an incremental impact on fire rescue service as the infrastructure is already in place to support this development. Police costs should not be any different between the two uses, though costs have been forecast in this analysis. The residential project would, however, impact the Town's recreational services while the alternate proposal would not any impact. Because the Town greatly subsidizes recreational services, a cost net of program revenues has been included in this analysis. The residential project is more valuable to the Town than the alternate assumed commercial/office use because it achieves a vertical tax base that is not available to the assumed commercial proposal because development requirements such as set backs, parking, and drainage. The residential option achieves greater value because the building values will be greater than those for commercial/office. Additionally, though not part of this report, it seems likely that the existing nearby retail uses will become more valuable when the additional residential units are built. Highlights of the report include:

- The proposed residential use would net the Town about $94,000 annually.
- The proposed project would not impact fire services financially as the infrastructure already exists in the area.

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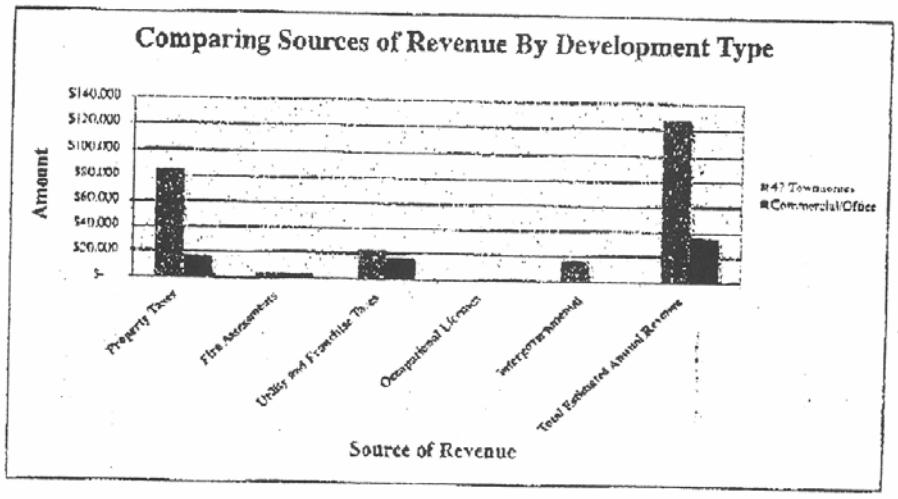
- The residential use provides more money from property taxes, utility and franchise taxes, and fire assessments than the alternate project would provide. While a presumed Commercial/Office would bring in an estimated $1,332 dollars that residential wouldn't provide, the residential provides $15,803 in intergovernmental revenues that commercial/office lacks.

- To be as valuable to the Town as the residential proposal, the supposed Commercial/Office alternative would have to increase by over 100,000 square feet. This does not appear reasonable on the existing site and would likely require many changes to the Town's development codes. I would also seem that this would not be a good adjoining use for the nearby residential properties.

SOURCES OF REVENUES TO THE TOWN OF DAVIE:

The Town of Davie derives revenues from many sources. The proposed project will initially generate approximately $127,276 annually once it is complete. The alternate presumed commercial/office use would generate about $36,131 annually. Expenses anticipated for the Town would be less than the revenue in both scenarios. However, the residential proposal would be expected to have more expense than the hypothetical commercial/office. The net revenue, however, favors the residential proposal. The graph below illustrates the differences in Revenue alone between the 2 uses:



Munilytics

Both uses will also require the Town to provide various services. Because it is a smaller site, and for reasons detailed later, the incremental cost of service provision by the Town is not significant and both uses would provide net resources to the Town. The residential use, however, because of the site characteristics, provides more net revenue:

TABLE A
Land Use Comparison
ESTIMATED ANNUAL REVENUES AND EXPENSES BY SOURCE

Revenue	47 Townhomes	Commercial/Office
Property Taxes	$ 85,249	$ 16,102
Fire Assessments	4,136	3,089
Utility and Franchise Taxes	22,088	15,608
Occupational Licenses		1,332
Intergovernmental	15,803	-
Total Estimated Annual Revenue	**$ 127,276**	**$ 36,131**
Expenditures		
.25 Police Officers	$ 20,000	$ 20,000
Fire Costs	-	-
Recreation Expenditures, net	13,184	
Public Works	-	-
Total Estimated Expenditures	**$ 33,184**	**$ 20,000**
Net Revenue Provided	**$ 94,093**	**$ 16,131**
Difference	**$ 77,962**	

Police costs are assumed for both development types and are calculated using the Town's desired level of service for police services. Fire costs would not increase because of either development type. The Town has already committed its resources for fire service delivery in the area and there would be no marginal cost for fire services associated with either project. Recreational expenditures, net of recreational revenues are calculated on a per capita cost. There is no recreational cost associated with a commercial development. Because the project occurs adjacent to a State of Florida maintained roadway and because the property owner under either scenario would maintain internal infrastructure, the marginal cost is presumed to be zero.

Property taxes, utility taxes, and fire assessments can be calculated with a substantial degree of certainty. Occupational licenses can vary from year-to-year as tenants and inventory types and turns change. Intergovernmental revenue is derived from annual State of Florida appropriations, but is considered a historically dependable source of revenue and can be calculated with a good degree of certainty.

Munilytics

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CONCLUSIONS

The proposed project can be expected to contribute, net of expenses, approximately $94,093 annually to the Town of Davie's General Fund. This is about $78,000 more than the net revenues that would be provided by the hypothetical Commercial/Office proposal. Because of the site characteristics and the development requirements that burden a theoretical Commercial/Office alternative, the Town of Davie would be better off financially if the site is developed as a residential townhome project rather than the alternative commercial/office project.

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ASSUMPTIONS AND METHODS

•Estimated values of proposed properties were initially provided by the Developer and adjusted by reducing the amounts by 15% to reflect typical adjustments made by the Property Appraiser to account for sales costs. Calculations were based on 47 Townhome units with an average sales price of $175/foot and an average home size of 2,000 square feet. The Developer provided commonly assessed area valuations of project amenities amounting to $1,365,000.

•Population estimates were assumed to be 3.3 people per dwelling unit.

•Other Data and Sources used are described below:

Fort Lauderdale Combined Millage Rate	5.7442	Town of Davie
Communications Services Tax Rate	5.20%	Florida Council on Intergovernmental Relations
Electric/Power Taxes,All	16.00%	Town of Dvie
Electrical Consumption, Commercial		U.S. Department of Energy, Commercial Buildings Energy Consumption Survey, 1995, Energy Consumption and Expenditures, Expenditures per Energy Unit and Intensity by Census Region
Electrical Consumption, Residential		U.S. Department of Energy, Energy Information Administration, "A Look at Residential Energy Consumption in 2001

•Fire Special Assessment Data provided by the Town of Davie for FY2005.
•Millage rates are effective for the Town's 2005 fiscal year.
•Occupational License fees were estimated from the Town's adopted fee schedule and applied with assumed uses of both commercial and office. The comparison model would not be materially affected by the use of these assumptions.
•Intergovernmental revenue is based upon per capita FY2005 amounts provided by the Florida Council on Intergovernmental Relations.
•Garbage franchise rates were calculated using the Town's most recently adopted franchise agreement with Waste Management.

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Applicant: Matrix University, LLC
Project: Matrix University

JUSTIFICATION STATEMENT FOR REZONING REQUEST

The subject site contains approximately 4.77 acres that are vacant land not currently being utilized. The subject property has a zoning designation of B-3 with specific conditions and the underlying future land use designation is Medium Density Residential of 10 units per acre (10DU/AC). The property consists of two parcels of approximately 2.26 acres each which were the subject of a much larger rezoning of numerous parcels from residential to B-3, which occurred in 1986. The property was rezoned using "flex" units to rezone the property contrary to the underlying land use. The bulk of the acreage rezoned to B-3 lies on the west side of University Drive both to the north and south of the property. The two parcels that are the subject of the rezoning request constitute approximately one-half of the property on the east side of University Drive that was rezoned to B-3.

Immediately to the north of the property is vacant land zoned B-3 with an R-3 designation immediately to the east of that property. The next parcel to the north is the saddle-up development. Immediately to the east of the northern parcel is an agricultural parcel utilized for residential purposes. Immediately to the east of the southern parcel is a vacant parcel also owned by the applicant, which is not subject to the rezoning request. This parcel consists of approximately 2.26 acres of vacant land and would be used as support acreage for the development fronting University Drive. Immediately to the south of the property is the FP&L substation, zoned Utility (U), and vacant land. Across University Drive to the west are various commercial properties including Renaissance Plaza and the bowling alley.

The subject property is also subject to a deed restriction limiting development of the property to certain uses found within the B-3 zoning category. As part of the rezoning request the applicant would ask the town to release the declaration of restrictions and to rescind the flex rezoning so that the property returns to an RM-10 designation, which is consistent with the land use. According to the Broward County Planning Council, by rescinding the ordinance which granted the flex rezoning, the Town of Davie will recoup 4.77 acres and up to five units of flex availability. Currently all

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flex units in this planning area are designated for utilization on the Griffin Road corridor. This rezoning would add the additional acreage to that availability.

The developer proposes to develop up to 46 townhouses on the 4.77 acre parcel fronting University Drive in a townhouse-style arrangement. The rear 2.26 acres, which is not a part of this rezoning request, would remain zoned A-1 with a land use of agricultural. The applicant envisions a development similar to the saddle-up development whereby the rear agricultural portion could be used for stables and horses. It is believed that the trail system is being expanded from the south running north along the west side of 76th Avenue which would bring the trail within close proximity of the agricultural parcel. The applicant would seek to extend the trail system along 76th Avenue to the easternmost parcel where the stables are proposed to be located.

A review of the rezoning request should include a consideration of the criteria listed in Section 12-307(A)(1) of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

The subject property lies within Planning Area 6 which is flexibility zone 102. This area is a broad mix of commercial development, community facilities, vacant land, and residential development of low, medium and high densities. The east side of University Drive has a number of multi-family residential developments extending from the subject property north all the way to Nova Drive. Throughout the corridor on the east side of University Drive there is a mixture of multi-family residential, commercial developments, and community facility uses. To the south are vacant lands and an office complex as well as higher density multi-family housing along and to the south of Stirling Road. As a result the proposed RM-10 zoning category is not out of character with the surrounding zoning and uses and does not conflict with the adopted comprehensive plan. Further, the underlying future land

use of the property is residential 10 units per acre (10DU/AC).

As a result the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby zoning districts.

The requested rezoning to RM-10 is compatible with adjacent and nearby zoning districts in that there are medium density multi-family residential zoning categories nearby. While there is B-3 zoning immediately to the north and to the west, the multi-family proposal is not inconsistent with these zoning districts. Again, the underlying land use designation of residential 10 units per acre indicates that the entire corridor was originally envisioned as a medium density residential area. The proposed development would be compatible with the saddle-up development almost immediately to the north of the subject site.

As a result the requested rezoning adequately satisfies this criterion.

Criterion (c): Whether existing zoning districts are illogically drawn in relation to existing conditions on the property proposed for change.

The existing zoning district, B-3, with a deed restriction, is contrary to the underlying residential land use designation. It would seem that the designation of the small B-3 parcels on the east side of University Drive is inconsistent with the development on the east side of University Drive. It is would not be inconsistent if it were located on the west side of University Drive. The proposed development restores flex units to the town's supply while maintaining the agricultural zoning immediately to the east of the property and enabling that agricultural zoning to be used for an agricultural purpose, such as stables for horses for the residents of the proposed development.

As a result, the proposed rezoning adequately addresses this criterion.

Applicant: Matrix University, LLC
Project: Matrix University

Criterion (d): Whether the proposed change will adversely affect living conditions in the neighborhood.

The proposed rezoning from B-3 with conditions to RM-10 should have a positive impact on the living conditions of the nearby residential developments by eliminating a potential commercial development and adding to the character of the town by utilizing the agricultural portion of the property. The intent of the new development would be to enhance and to cater to the town's semi-rural lifestyle. As a result the new development should be an asset to the area by providing residents near to the commercial developments which are not thriving as well as enhancing the residential character of the east side of University Drive.

As a result, the requested rezoning satisfies this criterion.

Criterion (e): Whether the proposed change will 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 is completely consistent with the current land use designation for the site of 10 dwelling units per acre. The proposed use should generate less vehicular traffic than would a commercial development under the B-3 zoning designation. Further, the agricultural parcel to the east would be maintained in an agricultural mode which should produce very little vehicular traffic even when fully utilized.

As a result, the proposed rezoning satisfies this criterion.

Criterion (f): Whether the proposed change will adversely affect other property values.

The requested rezoning to RM-10 should have a positive impact on surrounding property values since the vacant properties have sat on the market for years with no development taking place. It should be noted that this property was rezoned in 1986 to a commercial designation and has remained vacant for 18 years. The applicant feels that commercial development of the property is unrealistic

given the struggles of the shopping centers on the west side of University Drive between Griffin Road and Stirling Road. If the proposed development is done properly, it should provide an attractive residential development that could stimulate surrounding property values and appropriate growth in the surrounding area. As a result, the requested rezoning satisfies this criterion.

Criterion (g): Whether the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

As indicated above in response to Criterion (f), the proposed rezoning should have a positive effect and could be a stimulant to improvement or development of surrounding property, since the property is currently vacant and has been used apparently used for illegal dumping. The proposed rezoning would allow the development of this land in a manner consistent with the future land use designation and would not require a rezoning or a change in land use of the adjacent parcel to the east. As result, the proposed rezoning should no deter future development, but hopefully would enhance future development in a manner that is consistent with existing regulations.

As a result, the proposed rezoning satisfies this criterion.

Criterion (h): Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

If anything, the flex rezoning granted on this property in 1986 to place a B-3 designation on property with a residential land use could be construed as a grant of special privilege to an individual owner. The proposed rezoning would undo that grant of special privilege and return the zoning to a category that is consistent with the adopted comprehensive plan. As a result, the proposed rezoning request does not constitute a grant of special privilege.

As a result the requested rezoning satisfies this criterion.

Project: Matrix University

Criterion (i): Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

The existing zoning, B-3 with deed restrictions, contemplates certain limited commercial uses. Under the terms of the declaration of restrictions, the only potential uses for the property are as follows:

A. Business office and studios
B. Medical and professional office and medical laboratories
C. Drug store
D. Restaurants and coffee shops
E. Personnel services
F. Bank and savings and loan
G. Art gallery
H. Travel agency, real estate office, insurance office
I. Private schools limited to 3,000 square feet maximum area, e.g., dance school, art school, language studios
J. Office supplies and equipment sales only

The subject site has been vacant for 18 years since it was rezoned to B-3 and these restrictions were placed on the property. It is viewed as an unfavorable site for drug store, restaurants and coffee shops, banks and savings and loan, and small businesses such as travel agencies. There are numerous business offices and medical and professional offices as well as shopping centers in the area which are struggling to survive. Most of the options listed in the declaration of restrictions would generate significantly more traffic than would a residential development on 4.64 acres of land. While property could be developed in accordance with the existing zoning regulations, provided that the additional trips the development would place on University and Stirling Road could be remedied, it has not been financially feasible to do so for the past 18 years and does not appear to be realistic at the present time. The proposed rezoning to RM-10 which would meet the underlying land use allows for the realistic development of the property in a manner that is consistent with the Town of Davie's semi-rural lifestyle without overburdening the surrounding roadway system. The rescinding of this portion of the flex rezoning ordinance would have the added benefit of restoring the flex acreage to the Town of Davie's bank of available acreage.
Applicant: Matrix University, LLC
Project: Matrix University

As a result, the requested rezoning adequately satisfies this criterion.

Criterion (j): Whether the proposed zoning designation is the most appropriate designation to

enhance the Town's tax base given the site 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.

It is assumed that the large scale flex rezoning from residential to B-3 was granted in 1986 with the goal of enhancing the town's tax base. Obviously vacant property that has not been developed for 18 years since that rezoning does not enhance the town's tax base in any fashion. The proposed rezoning would enhance the tax base to the extent that a development actually occurs and the property is being utilized. The proposed rezoning obviously is completely consistent with the future land use plan map and is as consistent with appropriate land use planning practice and comprehensive plan policies as was the saddle-up development immediately to the north. The proposed rezoning and subsequent development certainly is not inconsistent with appropriate land use planning practice and comprehensive plan policies. Further, it will enhance the comprehensive plan policies by restoring that flex acreage to the town's pool of available flex acreage.

As a result the requested rezoning satisfies this criterion.

As has been demonstrated, the requested rezoning from B-3 with restrictions to RM-10 is consistent with the adopted comprehensive plan, the town's future land use map, and adequately addresses all of the criteria contained in the land development code. As a result, the proposed rezoning request merits favorable consideration.

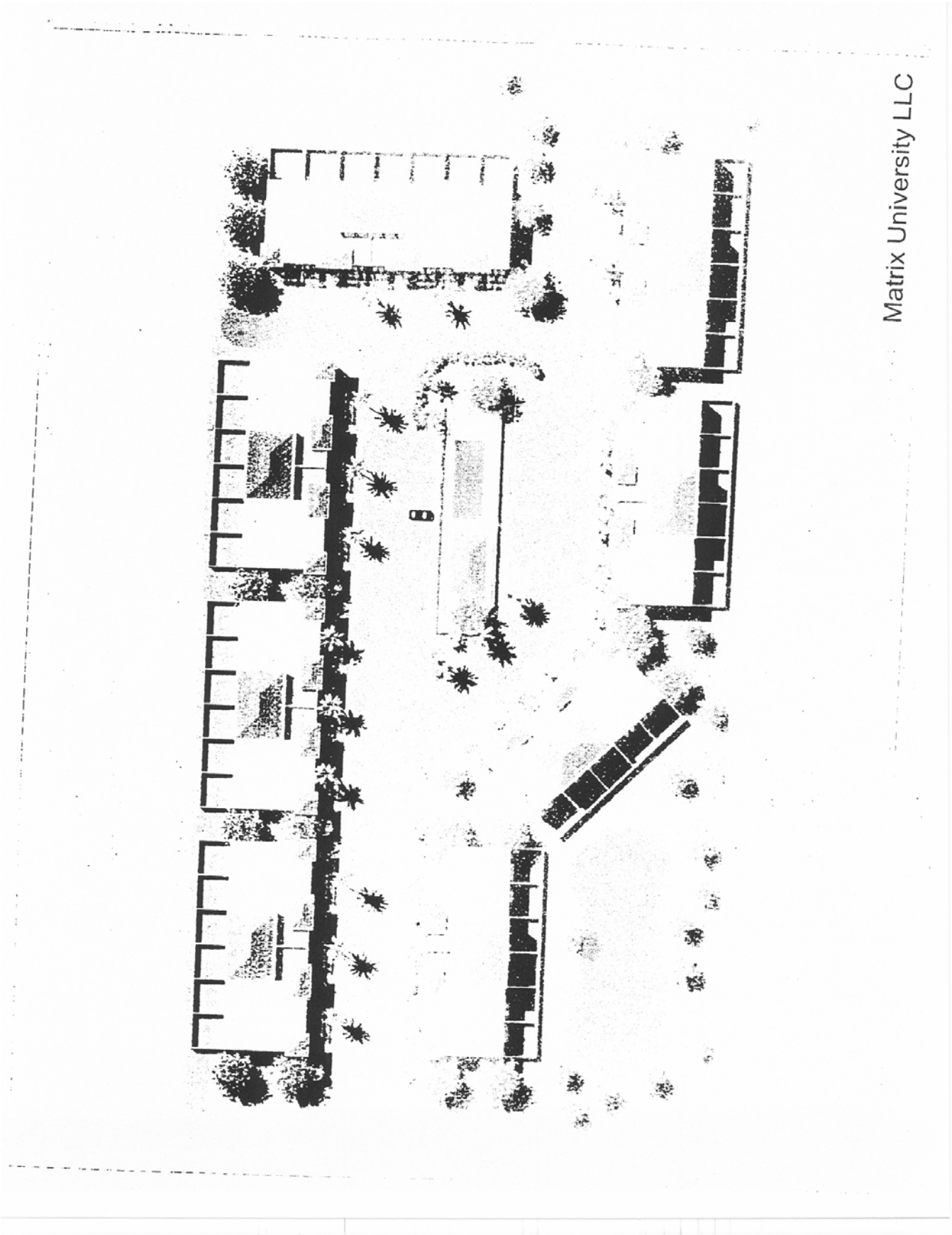
PROPOSED SITE PLAN
A-1

PROPOSED 1ST.FLOOR TYPICAL PLAN

PROPOSED 2ND & 3RD. FLOOR TYPICAL PLAN

PROPOSED FRONT ELEVATION

Matrix University LLC


Matrix University LLC

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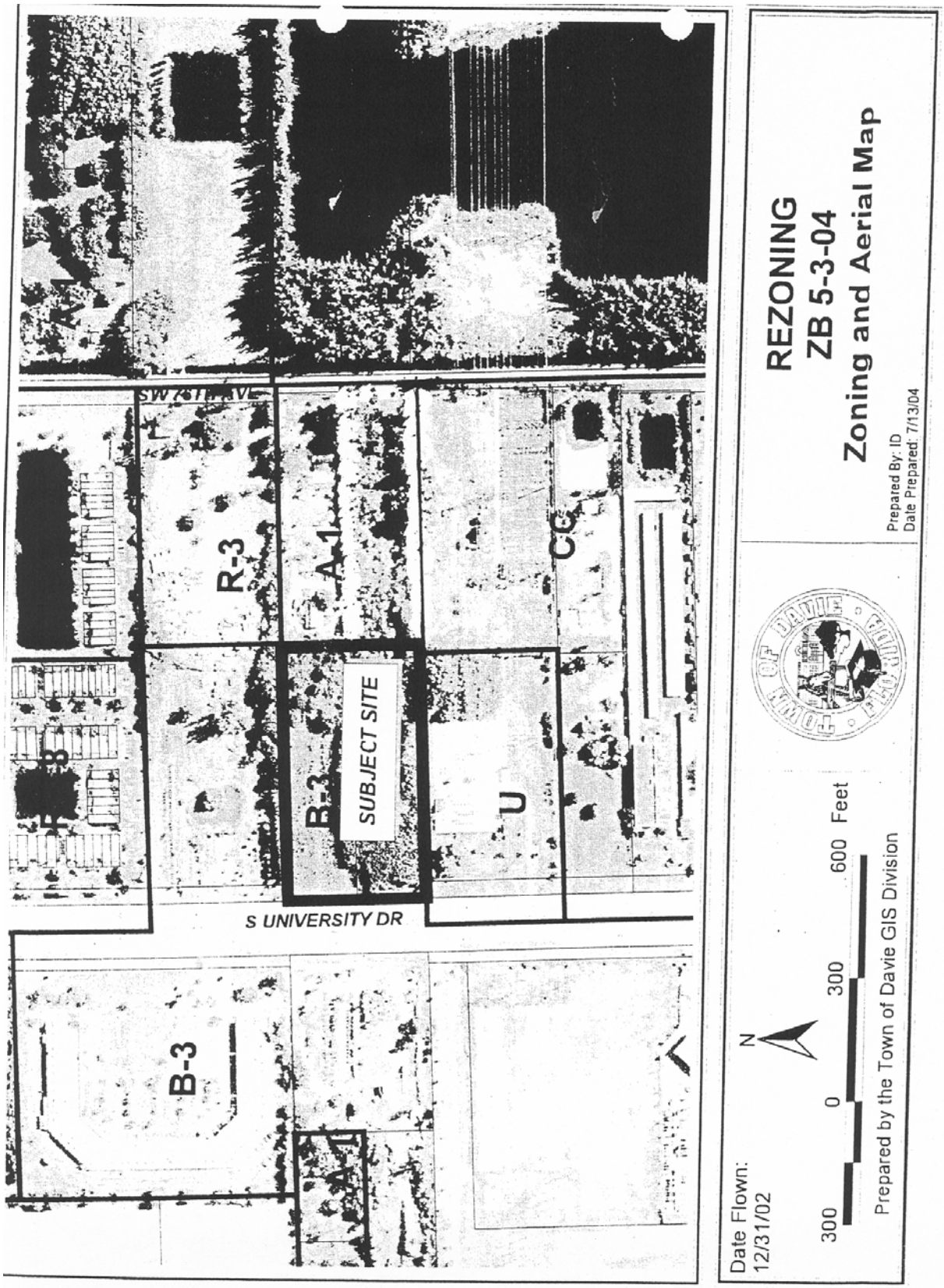
REZONING
ZB 5-3-04
Zoning and Aerial Map
Prepared By: ID
Date Prepared: 7/13/04
Date Flown:
12/31/02
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Prepared by the Town of Davie GIS Division
SUBJECT SITE
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Residential 1 DU/AC
SW 76TH AVE
Residential 3 DU/AC
Commerce Office
Residential 10 DU/AC
SUBJECT SITE
Utility
S UNIVERSITY DR
Commercial
REZONING
ZB 5-3-04
Future Land Use Map
Prepared By: ID
Date Prepared: 7/13/04
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Prepared by the Town of Davie GIS Division