

**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: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 7-1-04 Scarborough II, Scarborough Land Development, Inc./Lori English, 10650 State Road 84/ Generally located at the southeast corner of State Road 84 and Scarborough Drive.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DELEGATION REQUEST DG 1-2-05 TO AMEND THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS SCARBOROUGH II; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The request is to amend the restrictive note on the plat known as Scarborough II from: "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 two (2) bedroom units, 62 three (3) bedroom units, and 100,000 square feet of library use" to: "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 (2) two bedroom units, 62 three (3) bedroom units, and 50,000 square feet of office use." An application to rezone the subject site from CF, Community Facilities District to B-2, Community Business District, and allocating 2.77 acres of commercial flexibility from Flex Zone 100 has been submitted concurrently. On July 8, 2004, the property was purchased from the Town with the understanding that it would be rezoned to accommodate office use. Prior to the site being slated to be donated by the Town for the Young at Art/Broward County Library project it had a Commercial Future Land Use Plan Map designation, was zoned B-2, Community Business District, and was platted for office use.

Since the development rights were changed by a previous proposal, the plat note must now be amended in order to allow office use. The plat is vested with 100,000 square feet of use for the Young at Art/Broward County library and 50,000 square feet of office use should generate a comparable amount of traffic.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: None

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

Attachment(s): Resolution, Planning Report

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DELEGATION REQUEST DG 1-2-05 TO AMEND THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS SCARBOROUGH II; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as Scarborough II was approved by the Town Council of the Town of Davie on April 4, 1984; and

WHEREAS, said plat was recorded in Plat Book 126, Page 44, of the official records of Broward County on March 28, 1986; and

WHEREAS, the owner has requested that the restrictive note associated with said plat be amended; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

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

SECTION 1. The Town Council of the Town of Davie does hereby approve the amendment to the restrictive note on the plat known as Scarborough II. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005.

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

Applicant Information

Owner/Petitioner:

Name: Lori G. English, President
Scarborough Land Development, Inc
Address: 1361 W. Fairway Road
City: Pembroke Pines, FL 33026
Phone: (954) 821-7892

Background Information

Application History: No deferrals have been requested.

Application Request: Amend the restrictive note on the plat known as Scarborough II
FROM: "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 two (2) bedroom units, 62 three (3) bedroom units, and 100,000 square feet of library use" **TO:** "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 (2) two bedroom units, 62 three (3) bedroom units, and 50,000 square feet of office use."

Address/Location: 10650 State Road 84/ Generally located at the southeast corner of State Road 84 and Scarborough Drive.

Future Land Use Plan Map Designation: Special Classification Residential (8.5 DU/AC)

Existing Zoning: CF, Community Facilities District

Proposed Zoning: B-2, Community Business District

Existing/Proposed Use: Vacant/Office building

Net Parcel Size: 2.77 acres (120,663 square feet)

Surrounding Uses:

North: State Road 84
South: Scarborough (Single family dwellings)
East: Vacant parcel (proposed CaseyCo Commerce Center)
West: Cameron Palms (Multi-family dwellings)

Surrounding Future Land Use Plan Map Designations:

North: Transportation
South: Residential (5 DU/AC)
East: Residential (5 DU/AC), Commercial Flexibility applied
West: Special Classification Residential (8.5 DU/AC)

Surrounding Zoning:

North: T, Transportation District
South: PRD-5.1, Planned Residential District
East: CC, Commerce Center District
West: RM-10, Multi-family Medium Dwelling District

Zoning History

Annexation History: The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

Land Use Plan Amendments: The Land Use Plan Amendment, LA 85-1, changing a 6.1 acre site from Residential (5 DU/AC) to Commercial, was approved on February 4, 1987.

The Land Use Plan Amendment, LA BC 85-4, changing a 3.3049 acre site from Residential (5 DU/AC) to Commercial, was approved on February 4, 1987.

The Land Use Plan Amendment, LA BC 96-1, changing 36 acres of Residential (5 DU/AC) and 7 acres of Commercial; to 43 acres of Residential (10 DU/AC), was approved on April 2, 1996.

Rezoning Requests: The rezoning, ZB 7-4-85 Town of Davie Phase III Rezoning, assigning or affirming zoning classifications of annexed parcels was approved on July 17, 1985.

The rezoning, ZB 3-2-87 Scarborough Associates/Eisenberg, changing a 3.3049 acre site from R-5 to B-2, Community Business District, was approved on March 4, 1987.

The rezoning ZB 11-2-96 Goray/Davie Lakes, changing a 44 acre subject site from: B-1, Neighborhood Business District, B-2, Community Business District, and RM-5, Multifamily Low Medium Dwelling District; to: RM-10, Multi-family Medium Density Dwelling District and CF, Community Facilities District, was approved on February 5, 1997.

Resolution 2004-51 revoked a Declaration of Restrictions that stated that the property may only be used for library and educational uses.

The rezoning, ZB 9-2-04 Scarborough II, changing the site from CF, Community Facilities District to B-2, Community Business District, will be considered at the May 4, 2005, Town Council meeting.

Plat and Delegation Requests: The plat, Scarborough I, for a 44.275 acre site, located at the corner of SR 84 and Hiatus Road, was approved on February 16, 1983, with a note restricting it to 171 multi-family duplex units and 10 acres (100,000 square feet) of commercial use, and was subsequently recorded in Plat Book 119, Page 38, of the official records of Broward County on April 4, 1984.

The plat, Scarborough II, for a 60.984 site, located adjacent to Scarborough I and a vacant unplatted parcel adjacent to Bright Road, was approved on April 4, 1984, with a note restricting it to 300 single or multi-family units, and was subsequently recorded in Plat Book 126, Page 44, of the official records of Broward County on March 28, 1986.

The delegation request, DG 12-4-96, Scarborough I, providing for a revision to the restrictive note by deleting commercial uses and increase the number of multi-family dwelling units, was approved on February 5, 1997.

The delegation request, DG 12-5-96, Scarborough II, revising the restrictive to "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 (2) two bedroom units, 62 three (3) bedroom units, and 100,000 square feet of library use.", was approved on February 5, 1997.

The delegation request, DG 3-1-97 Scarborough I, amending the non-vehicular access line, turn lane configurations, and bonding requirements was approved on April 2, 1997.

Related Site Plans: The site plan, SP 11-7-96 Davie Lakes, for 340 multi-family units, was approved on May 7, 1997.

The site plan modification, SP 4-5-98 Cameron Palms, changing the project name from Davie Lakes, upgrading landscaping, and modifying entrance signage, was approved on June 23, 1998.

Applicable Codes and Ordinances

Chapter 12 of the Town of Davie Land Development Code.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial

corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100. There are 231.19 acres available in this flex zone. Approval of a compatibility review, for the allocation of commercial flexibility, according to Policy 13.01.10 of the Broward County Land Use Plan is required.

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 5: Consistency of Development with Comprehensive Plan, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

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.

Application Details

The request is to amend the restrictive note on the plat known as Scarborough II from: "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 two (2) bedroom units, 62 three (3) bedroom units, and 100,000 square feet of library use" to: "This plat is restricted to 115 single family dwellings, 52 duplex units, 180 garden apartments with 40 one (1) bedroom units, 78 (2) two bedroom units, 62 three (3) bedroom units, and 50,000 square feet of office use.". An application to rezone the subject site from CF, Community Facilities District to B-2, Community Business District, and allocating 2.77 acres of commercial flexibility from Flex Zone 100 has been submitted concurrently. On July 8, 2004, the property was purchased from the Town with the understanding that it would be rezoned to accommodate office use. Prior to the site being slated to be donated by the Town for the Young at Art/Broward County Library project it had

a Commercial Future Land Use Plan Map designation, was zoned B-2, Community Business District, and was platted for office use.

Staff Analysis/Findings of Fact

Since the development rights were changed by a previous proposal, the plat note must now be amended in order to allow office use. The plat is vested with 100,000 square feet of use for the Young at Art/Broward County library and 50,000 square feet of office use should generate a comparable amount of traffic.

Staff Recommendation

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

Exhibits

1. Justification
2. Plat
4. Future Land Use Plan Map
5. Zoning & Aerial Map

Prepared by: _____

Reviewed by: _____

SCARBOROUGH LAND DEVELOPMENT, INC.

January 13, 2005

Town of Davie
Planning and Zoning Board
6591 Orange Drive
Davie, Florida 33314

RE: Scarborough II
2.77 Acres located at corner of Scarborough and SR 84 (Legal Attached)
Scarborough Land Development, Inc.

To Whom It May Concern:

My company purchased the above-referenced property from the Town of Davie on July 8, 2004. I was awarded the bid for the property at the City Commission Meeting with the understanding that the zoning would be returned to the underlying zoning of B-2 and B-3. The original zoning of B-3 was changed to CF to accommodate the Library and Young at Art Plat. This property is a 2.77 acre property fronting SR 84 just east of Scarborough Road. As I discussed with the Town Commission, my intent is to develop an Office Park that would serve the needs of the community with architecture that is similar to adjacent properties.

The proposed change meets the adopted comprehensive plan and does not create an updated zoning district. The proposed change is consistent with adjacent properties all along the SR 84 corridor in this area. The Office Park that is planned will not adversely affect the living conditions in the neighborhood and will not increase the vehicular traffic in any adverse way. This proposed change will not constitute a special privilege as the property had been previously zoned B-3. The B-2 zoning we are requesting is actually down zoning the uses allowed in the B zonings.

This re-zoning to B-2 from CF will certainly add to the tax base for the Town of Davie and present an attractive office building on SR 84. When purchasing the property from the Town of Davie, it was with the understanding from council that we would not use the CF zoning which had been created for "only" for the use of a public library and Young at Art. The petitioner is not asking for any special privileges.

Very truly yours,



Lori G. English
Owner
Scarborough Land Development, Inc.

1361 W. Fairway Road ■ Pembroke Pines ■ Florida ■ 33026
954-821-7892 Phone

