DEVELOPMENT SERVICES DEPARTMENT
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

MEMORANDUM

PZ 11-7-05

TO: Town Council Members and Mayor

THRU: Ken Cohen, Acting Town Administrator
Mark A. Kutney, AICP, Development Services Director
Bruce Dell, Planning & Zoning Manager

FROM: David M. Abramson, Planner II

DATE: November 8, 2005

RE: ZB 3-1-05 / 05-505 / Flamingo Village

REQUEST:
Staff is requesting that the above referenced item, currently scheduled on the November 16, 2005 Town Council meeting be tabled to the January 18, 2006 meeting. This is the petitioner's first (1) request for deferral.

JUSTIFICATION:
This tabling request is to provide the petitioner adequate time for Master Site Plan (MSP 7-4-05) to be revised and re-examined by the Development Review Committee (DRC). At the time MSP 7-4-05 is released by DRC members, all development applications relating to this project will be scheduled for a Town Council meeting.

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: David M. Abramson, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 3-1-05 / 05-505 / Flamingo Village / 800 South Flamingo Road / Generally located south of Interstate 595 between Flamingo Road and Southwest 121th Avenue

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:
Rezone the subject site **FROM:** AG, Agricultural District **TO:** RM-5, Low Medium Dwelling District.

The petitioner is proposing to construct a townhouse development on the 9.26 Acres (403,465 Square Feet) subject site. The subject site is located south of Interstate 595 between Flamingo Road and Southwest 121th Avenue.

Neighboring to the north of the subject site is a single-family home and nursery zoned AG, Agricultural District. To the east is a townhouse development zoned RM-5, Low Medium Density Dwelling District. Contiguous to the south is a single-family home and nursery zoned AG, Agricultural District. Moreover, to the west is a mobile home community zoned R-1T (County).

Currently, the subject site is zoned AG, Agricultural District, which is a valid Town of Davie zoning district. The petitioner plans to develop a 53 town home community on the subject site. Therefore, the petitioner has requested to rezone the subject site to RM-5, Low Medium Density Dwelling District to permit this use.

The subject site's Land Use Plan Map designation is Residential 5 DU / Acre. The Town of Davie's RM-5, Low Medium Density Dwelling District zoning designation is consistent with the underlying Land Use designation.

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):
Ordinance, Planning Report, Justification, Public Participation Letter, Land Use Map, Zoning and Aerial Map, Conceptual Site Plan

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM DENSITY DWELLING DISTRICT; 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 AG, Agricultural District to RM-5, Low 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.
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 AG, Agricultural District to RM-5, Low 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-5, Low Medium Density Dwelling District.

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 _____, 2005.

PASSED ON SECOND READING 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:	Mark Landau Flamingo Village Corp.	**Name:**	Gus Khavanin
Address:	350 South Ocean Boulevard, Unit 10B	**Address:**	800 S.W. 36th Court
City:	Boca Raton, FL 33432	**City:**	Davie, FL 33330
Phone:	(561) 305-4646	**Phone:**	(954) 224-1380

Background Information

Date of Notification: October 5, 2005 **Number of Notifications:** 225

Application History: No deferrals have been requested.

Application Request: Rezone the subject site **FROM:** AG, Agricultural District **TO:** RM-5, Low Medium Dwelling District

Address/Location: 800 South Flamingo Road / Generally located south of Interstate 595 between Flamingo Road and Southwest 121th Avenue

Future Land Use Plan Designation: Residential 5 DU / Acre

Zoning: AG, Agricultural District

Existing Use: Vacant

Proposed Use: 53 Townhouse unit development

Net Parcel Size: 9.26 Acres (403,465 Square Feet)

Gross Parcel Size: 10.79 Acres (470,012 Square Feet)

	Surrounding Uses:	**Surrounding Future Land Use Plan Map Designations:**
North:	Nursery / Single-family residential	Residential-5 DU/AC
South:	Nursery / Single-family residential	Residential-5 DU/AC
East:	Multi-family residential community	Residential-5 DU/AC
West:	Mobile home community	Residential-10 DU/AC

	Surrounding Zoning:
North:	AG, Agricultural District
South:	AG, Agricultural District
East:	RM-5, Low Medium Density Dwelling District
West:	R-1T (County)

Zoning History

Related Zoning History:
Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Concurrent application requests on same property:
Plat Application (P 2-1-05), this application is for a plat boundary development of 53 townhouse units.

Master Site Plan Application (MSP 7-4-05), this master site plan application is for the development of 53 townhouse units.

Application Details

The petitioner is proposing to construct a townhouse development on the 9.26 Acres (403,465 Square Feet) subject site. The subject site is located south of Interstate 595 between Flamingo Road and Southwest 121th Avenue.

Neighboring to the north of the subject site is a single-family home and nursery zoned AG, Agricultural District. To the east is a townhouse development zoned RM-5, Low Medium Density Dwelling District. Contiguous to the south is a single-family home and nursery zoned AG, Agricultural District. Moreover, to the west is a mobile home community zoned R-1T (County).

Currently, the subject site is zoned AG, Agricultural District, which is a valid Town of Davie zoning district. The petitioner plans to develop a 53 town home community on the subject site. Therefore, the petitioner has requested to rezone the subject site to RM-5, Low Medium Density Dwelling District to permit this use.

The subject site's Land Use Plan Map designation is Residential 5 DU / Acre. The Town of Davie's RM-5, Low Medium Density Dwelling District zoning designation is consistent with the underlying Land Use designation.

Applicable Codes and Ordinances

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

Section 12-81 of the Land Development Code: Conventional Multi-family Development Standards, RM-5, Low Medium Density Dwelling District, requires the following minimums: lot area of 7,000 square feet, frontage of 100 feet, front setback of 25 feet, side and rear setbacks of 20 feet, maximum building height of 25 feet.

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 at Harmony Lake development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities and mobile home parks.

Broward County Land Use Plan:
The subject site falls within Flexibility Zone 100. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

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 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, 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 environments.

Staff Analysis

The purpose of this request is to rezone the subject site from AG, Agricultural District to RM-5, Low Medium Density Dwelling District. According to the existing Land Development Code, RM-5 zoning district allow five (5) multi-family dwelling units per acre, while AG zoning district only allows one (1) single-family dwelling unit per true acre (43,560 Square Feet).

Rezoning to the RM-5 zoning district would increase the density and eliminate single-family homes on the subject site.

This rezoning is consistent with the Comprehensive Plan and Land Development Code. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

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 (5 DU/AC), and the comprehensive plan allows townhouse dwellings to be developed in this residential land use category. However, the Town also adopted the scenic corridor overlay along Flamingo Road that was intended for single-family dwelling developments.

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

The requested RM-5, Low Medium Density Dwelling District is related and compatible with the adjacent multi-family residential community to the east zoned RM-5, Low Medium Density Dwelling District.

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

The existing AG, Agricultural District boundaries are logically drawn.

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

The development of 53 townhouses will not have adverse impacts on the surrounding area. However, compared to the amount of single-family homes that could be development on the subject site, adverse impacts would be further reduced.

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

The traffic generated by 53 townhouses is what the land use plan anticipated. However, compared to the amount single-family homes that could be development on the subject site, traffic impacts would be further reduced. Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met.

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

Surrounding property values will not be adversely impacted by the development of townhouses on this site. However, single-family homes typical create more positive value than townhouses.

(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. However, no townhouse developments have yet been approved along the Flamingo Road corridor.

(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 that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

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

The subject site can be developed according to the existing zoning district standards; however the requested designation is consistent with the land use plan.

(j) 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.

The proposed zoning designation is consistent with the Future Land Use Plan Map, adjacent to an arterial roadway, and is therefore the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Staff recommends that this proposed development application be thoroughly analyzed, for no townhouse developments have yet been approved along the Flamingo Road corridor.

Planning and Zoning Board Recommendation

Town Council

Exhibits

1. Justification
2. Public Participation Letter
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map
5. Proposed Site Plan Sketch

Prepared by: _____ Reviewed by: _____

Exhibit 1 ***(Justification Letter)***

GHASEM KHAVANIN P.E
13420 S.W. 36 CT. DAVIE FL., 33330 PHONE (954) 224-1380

JUSTIFICATION STATEMENT FOR REZONING REQUEST
(FLAMINGO VILLAGE)

The subject site contains approximately 10.79 gross acres that are vacant lands. The property is contiguous to and will have access to the east side of Flamingo Road Access Road, situated approximately 800' south of State Road 84. To the north are lands designed to R-5, on the eastern side is SW 112 Avenue, and across that, lands were zoned RM-10, to the south the lands are designed to R-5, and to the western side of the site is Flamingo Road, which is six (6) lane divided state road, and across that there is trail parks and lands designated to R-5.. There will be no access to the project from SW 112th avenue.

In 1993, Pepartment of Transportation expanded Flamingo Road between State Road 84 and Griffin Road, proximate to the amendment site, and prior to that constructed I 595. This 6-lane divided highway and 595 have enhances access and roadway capacity in the area. The roadway now forms a direct line to I-595, I-95 and I-75 and to the other municipals, making it directly accessible and more urban in nature.

Developments along the older portion of 112thAvenue east side of the site maintain densities of an average of 10 units per acre in village lake pines I and II, to densities of 5, and Mobil homes along the east side, and along the south land use is R-5, underscoring the urban nature of this roadway.

The petitioner proposes rezoning of the property to the zoning district RM-5. This zoning would allow for a total of 53 townhouse units instead of 53 dwelling units.

A review of a rezoning amendment request should include consideration of the criteria listed in Sec. 12-307 of Land Development Code to determine if the request should be favorably reviewed. These criteria with the respect to the subject requests are discussed below.

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

Policy 6-1 of the adopted comprehensive plan of the Town of Dave provides that moderate density should be located proximate to the arterial roadways, available mass transit and other community facilities. The subject site meets all of these criteria and is in fact considered low density. The subject site is located proximate to the arterial roadways and available mass transit. The site had immediate access to Flamingo Road thru the access road, and is located immediately east of this roadway, consistence with comprehensive plan policies.

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

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

The requested rezoning to Rm-5 is consistent and compatible with adjacent and nearby zoning districts. To the east is RM-10, and to west are Mobil Home and R-5(west of Flamingo Road).

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

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

The current zoning designations of AG, however, are not consistent with the land use plan. The rezoning will proposed the same number of units with much more open area and water.

As a result, the proposed reasoning satisfactorily addresses this criterion.

Criterion (d): the proposed change will not adversely affect living conditions in the neighborhood.

The proposed RM-5 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site as a residential community that will improve the appearance of the property and serve as an asset to the surrounding uses. Also will provide more open area and several acres water body.

The rezoning request addresses this criterion.

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

The requested rezoning from AG with R-5 land use to RM-5 would not result in an increase in vehicle trips, and will not increase traffic above the level already anticipated. Further, the proposed residential development will have no effect on public safety. As a result, the proposed rezoning satisfies this criterion.

Criterion (f): The proposed change will not adversely affect other property values.

The proposed rezoning will have a positive impact on the surrounding property values by providing attractive, upscale residential development.

As a result, this criterion is satisfied by the proposed rezoning request.

Criterion (g): The proposed change will not be a deterrent to the improvement or development of another property in accord with existing regulations.

The balance of the land surrounding the site is designated as AG with the future land use of R-5 for development in residential uses. The proposed change fro residential use, therefore, will not be a deterrent to the improvement or development of these surrounding properties.

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

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

Criterion (i): There is not substantial reason why the property cannot be used in accord with existing zoning.

The existing zoning is not compatible with existing land use plan. As a result, the proposed change is requested to allow a reasonable use of the property that is consistent with surrounding development patterns.

Criterion (j): The proposed zoning designation is the most appropriate designation to enhance the town's tax base given the site location related 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 rezoning will provide the most appropriate and logical use that will contribute to the town's tax base.

As it has been demonstrated, the requested rezoning to RM-5 is consistent with the adopted comprehensive plan and meets all of the criteria contained in Land Development Code. As a result, this rezoning request and related assignment of reserve units merit favorable consideration.

Exhibit 2 *(Public Participation Letter)*

GHASEM KLAVANIN P.E.

13420 SW 36 COURT DAVIE FL 33330 PHONE (954)224-1380

Date: June 12, 2005

Att: David Abramson, Planner II

Re: Flamingo Village Public Hearing

Dear David:

Please be advised that as required by Town of Davie Code we did notified all the property owners surrounding the subject property within 1000 feet to attend two public hearings dated May 20, 2005 and May 27, 2005. The meetings were scheduled to take place at 6.00 P.M. on both dates and we waited until 7.00 P.M. on first day only one person attended the meeting, which he was happy with the project, on second meeting nobody attended the meeting.

We hope that the above satisfies the requirements of public participation, and we are requesting to schedule this rezoning to next site plan committee meeting and continue with rezoning process.

Sincerely,

Ghasem Khavanin. Project Engineer

6/13/05

RECEIVED

JUN 13 2005

Town of Davie
Planning & Zoning

Exhibit 3 ***(Future Land Use Map)***

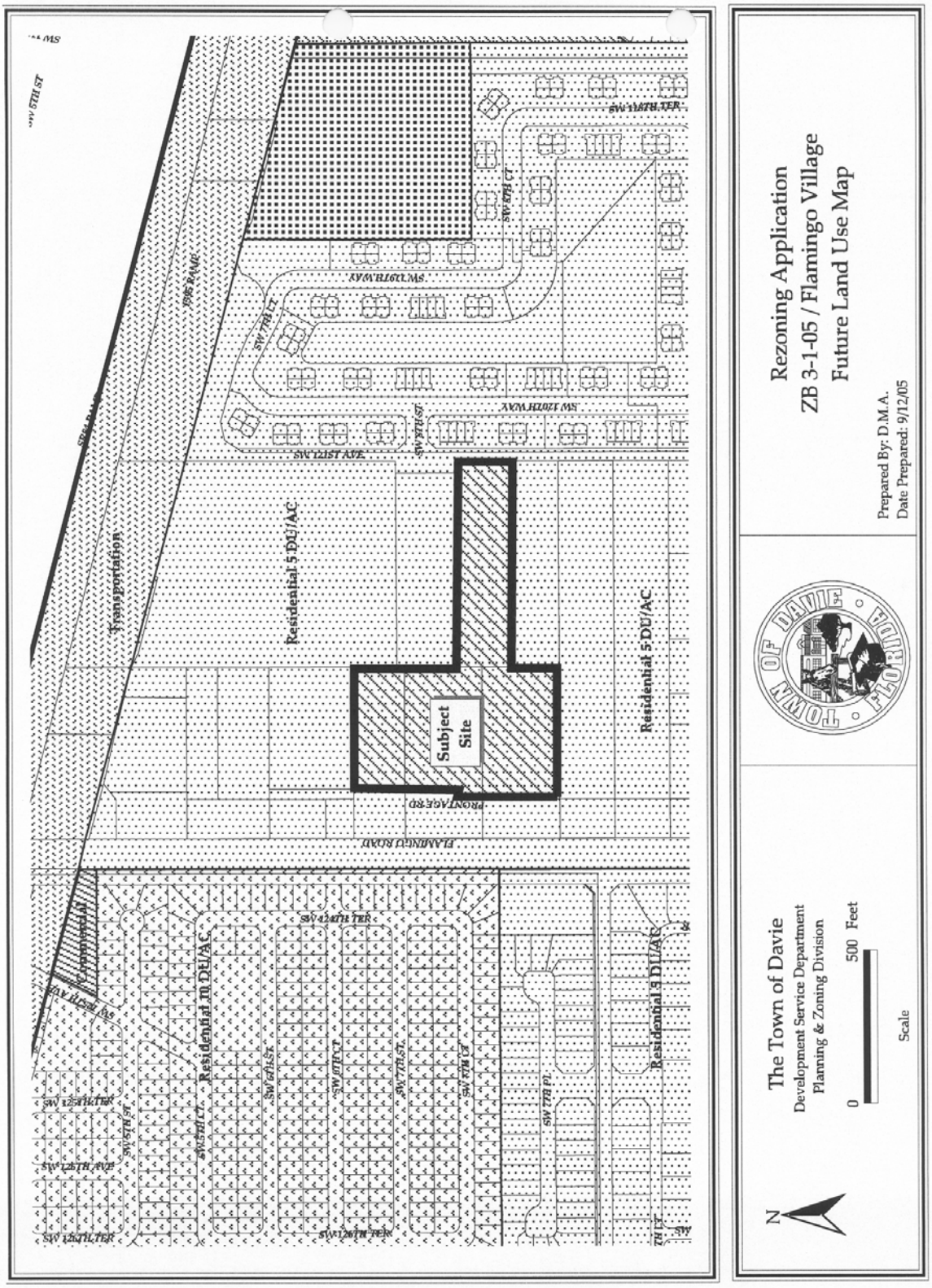
Rezoning Application
ZB 3-1-05 / Flamingo Village
Future Land Use Map
Prepared By: D.M.A.
Date Prepared: 9/12/05
TOWN OF DAVIE FLORIDA
The Town of Davie
Development Service Department
Planning & Zoning Division
0
500 Feet
Scale
N
Subject Site
Residential 5 DU/AC
Residential 5 DU/AC
Residential 10 DU/AC
Residential 3 DU/AC
Transportation
Commercial
FLAMINGO ROAD
PRONTAGE RD
SW 120TH WAY
SW 121ST AVE
SW 119TH WAY
SW 118TH TER
SW 124TH TER
SW 126TH TER
SW 128TH TER
SW 128TH AVE
SW 5TH ST
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Exhibit 4 ***(Subject Site, Zoning, and Aerial Map)***

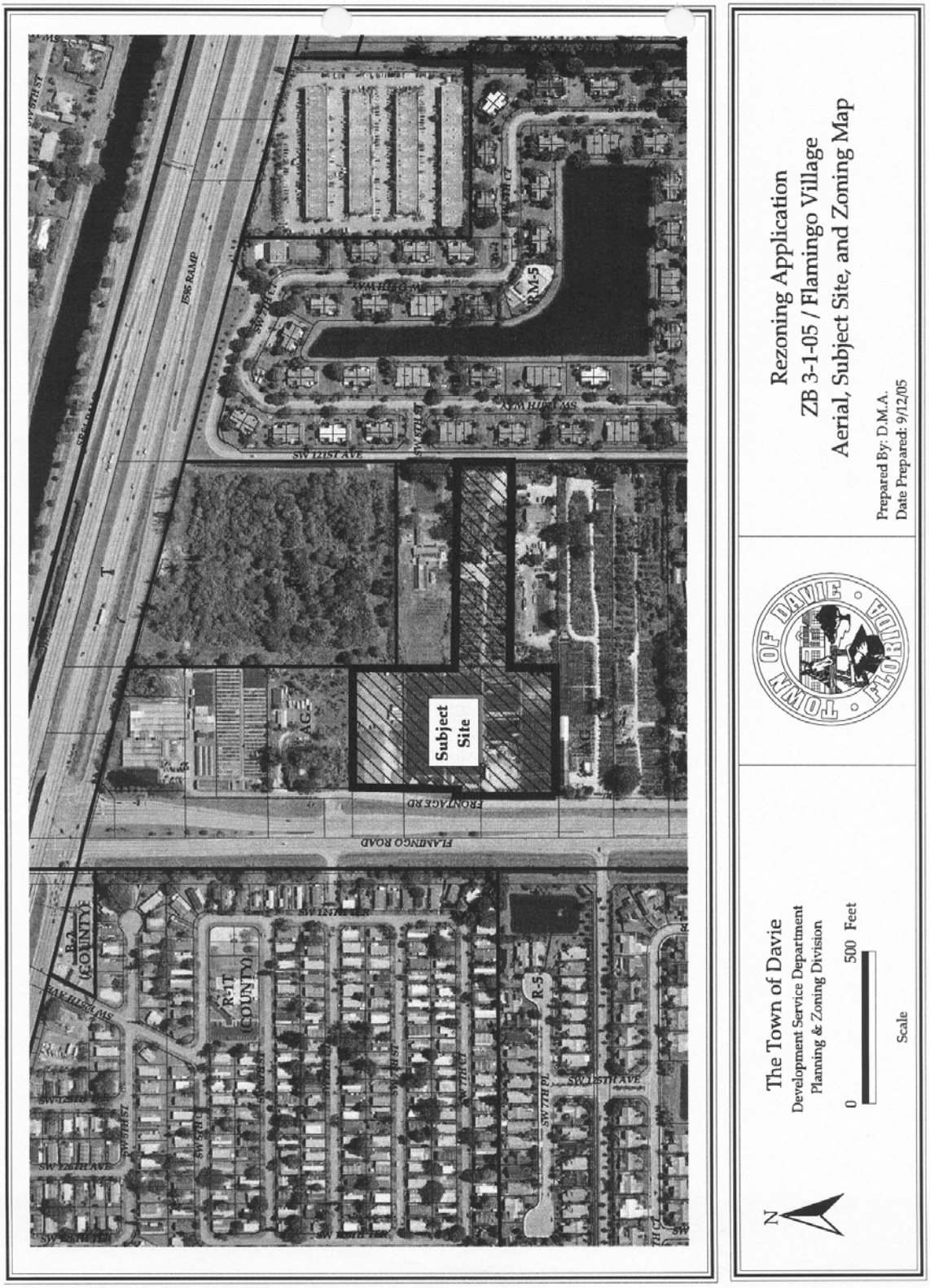
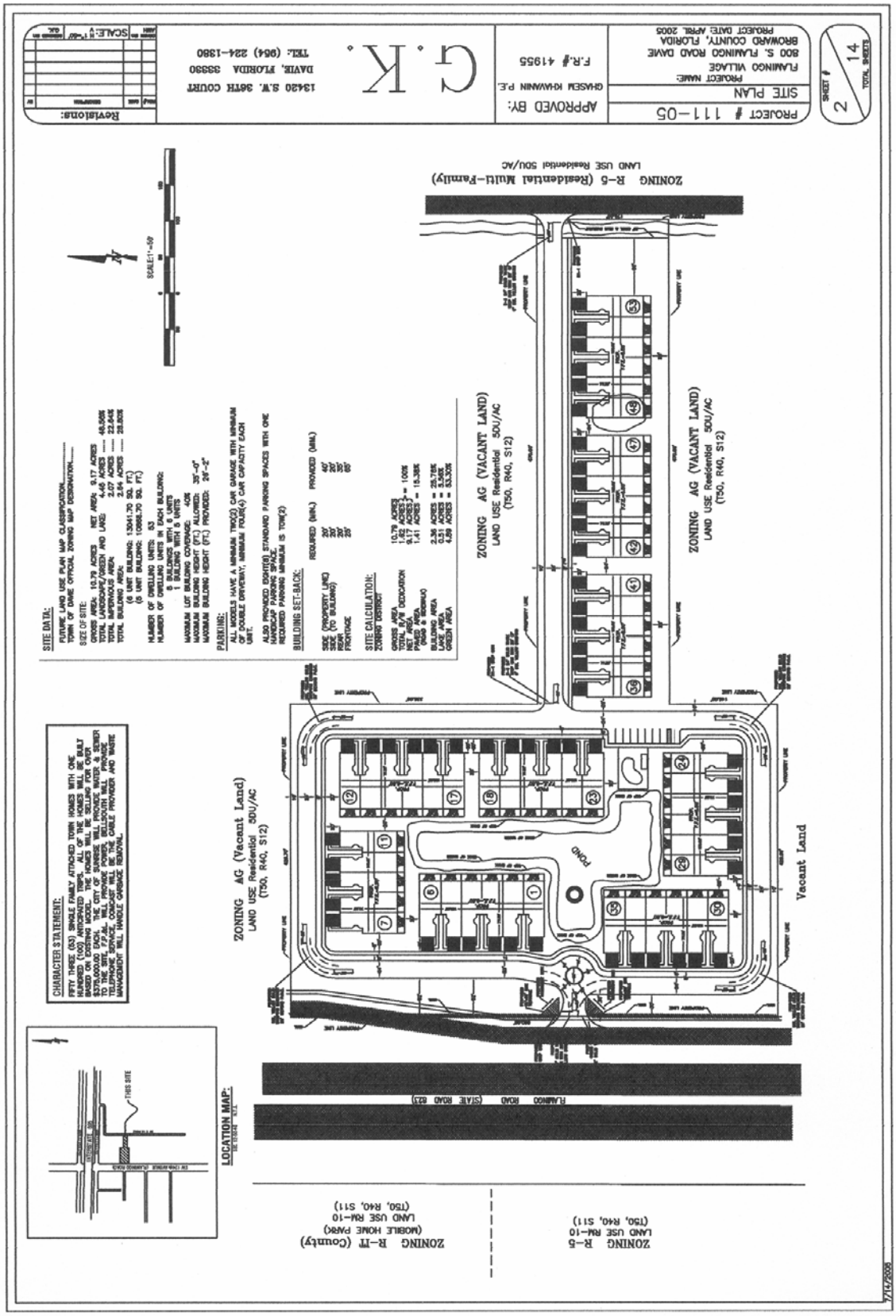
Exhibit 5 ***(Proposed Site Plan Sketch)***