

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

**PREPARED BY:** Marcie Nolan, Deputy Planning and Zoning Manager

**SUBJECT:** Scenic Corridor Waiver Request  
Westridge Oaks, Stiles Development Company/Moersch, 4450 South Flamingo Road/Generally located at the northeast corner of South Flamingo Road and Orange Drive.

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A WAIVER REQUEST TO THE SCENIC CORRIDOR REQUIREMENTS OF SECTION 12-282 OF THE LAND DEVELOPMENT CODE FOR THE WESTRIDGE PROJECT LOCATED AT 4450 FLAMINGO ROAD, PURSUANT TO SECTION 12-282 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** This request is for relief from Section 12-282 of the Land Development Code which requires a 100 foot scenic corridor buffer when adjacent to Flamingo Road. This measurement is taken from the edge of the Flamingo Road right-of-way. This request is part of several requests to develop the 27 acre Westridge Oaks project at the northeast corner of Orange Drive and Flamingo Road with 65,000 square feet of commercial use; 60,000 square feet of office use; and 5,600 square feet of bank use; and 44 townhomes.

The scenic corridor requirement was adopted by Ordinance 2002-35 on October 16, 2002 as part of the rural lifestyle regulations. The intent of the scenic corridor requirement is to preserve and enhance the rural character and scenic qualities of roadways identified as rural and agricultural by Town Council. The code provides that no structures are to be placed within a scenic corridor, with certain limitations, and a specific landscape planting plan is required. The code allows for a grant of waiver when a property owner can show that the regulations imposed upon the property owner by another governmental agency will cause a hardship. The applicant's justification letter describes the presence of jurisdictional wetlands, 1.56 acres that will be enhanced in the northwest corner of the site. In addition, the applicant states that Central Broward Water Control District has required an on-site lake consisting of 25% of the site.

The applicant has provided a landscape buffer along Flamingo Road that is 47 feet at the narrowest point and 99 feet at the widest. The scenic corridor is met along the northern portion of the site adjacent to the wetlands. A meandering landscape design and large planting islands were provided by the applicant to retain the semblance of a scenic vista.

The Town Council has previously approved a scenic corridor for Sheridan House located at Flamingo Road and SW 14<sup>th</sup> Street. The justification for this waiver was due to a 4.7 acre jurisdictional wetland, located on the south property line.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** N/A

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

**Attachment(s):** Resolution, Justification

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A WAIVER REQUEST TO THE SCENIC CORRIDOR REQUIREMENTS OF SECTION 12-282 OF THE LAND DEVELOPMENT CODE FOR THE WESTRIDGE PROJECT LOCATED AT 4450 FLAMINGO ROAD, PURSUANT TO SECTION 12-282 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

WHEREAS, Section 12-282 of the Land Development Code of the Town of Davie provides for relief of the scenic corridor buffer requirements upon showing by a property owner that the regulations imposed upon the property by another governmental agency will cause there to be a hardship upon owner; and

WHEREAS, the subject site located at 4450 Flamingo Road contains a 1.56 acre wetland; and

WHEREAS, the Stiles Development Company have requested a waiver pursuant to Section 12-282; and

WHEREAS, such a waiver request shall be approved by the Town Council upon demonstration that such hardship exists.

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

SECTION 1. The above WHEREAS clauses are true and correct and made a part hereof as if fully set forth herein.

SECTION 2. The Town Council of the Town of Davie hereby confirms that the Westridge Oaks project, located at 4450 Flamingo Road shall be exempt from the requirements of the scenic corridor buffer, although pursuant to Section 12-107 a ten (10) foot landscape buffer shall be provided.

SECTION 3. This resolution shall take effect as of the date of this resolution.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006

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

ATTEST:

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.



March 27, 2006

Ms. Marcie Nolan  
Deputy Planning and Zoning Manager  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314

**RE: Westridge Oaks  
Waiver Request  
ML Project No. 04-00479**

Dear Ms. Nolan:

This letter is to request a waiver to the Flamingo Road Scenic Corridor requirement as it relates to the Westridge Oaks development. This waiver request is respectfully submitted on behalf of the Applicant, Stiles Development Company.

The Westridge Oaks development is a 27 acre proposed mixed-use development located at the northeast corner of Flamingo Road and Orange Drive. The site contains jurisdictional wetlands that will be mitigated on-site as part of the site development. The site is located within the Central Broward Water Control District jurisdiction and therefore is required to provide an on-site lake consisting of 25 percent of the site area. Because of the location of the site there is a Scenic Corridor requirement on two sides of the development, one on Flamingo Road and one on Orange Drive.

The applicant has worked diligently with the local Homeowner's Association (HOA) and Staff in the design development of the Project. Numerous site layouts have been explored given the many restrictions mentioned above. In meeting with Staff and the HOA design alternatives were presented and discussed regarding the Scenic Corridors and there was a consensus that the design and function of the commercial/office parcel would be greatly enhanced if a waiver were granted along Flamingo Road. The 100' corridor buffer is provided along Orange Drive.

Justification for this waiver request pursuant to the Land Development Code Section 12-282 is based on the presence of the following hardships imposed on the development:

- The site contains jurisdictional wetlands that will be mitigated on-site as part of the site development.
- The site is located within the Central Broward Water Control District jurisdiction and therefore is required to provide an on-site lake consisting of 25 percent of the site area.

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- The Scenic Corridor requirement applies on two sides of the development, one on Flamingo Road and one on Orange Drive.

Thank you for your consideration of this request. Should you have questions or need additional information, please contact me at (954) 436-7000 x 255.

Sincerely

Jill Cohen, RPA, AICP  
Associate, Planning

JC/kc/js/bmg  
cc: Jeff, Lis, Stiles Development Company

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