

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: Quasi Judicial Hearing: Ordinance 1st Reading, FX 7-1-05 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: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION FX 7-1-05 WESTRIDGE OAKS, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT, R-1, ESTATE DWELLING DISTRICT, AND RM-5, MULTI-FAMILY LOW MEDIUM DWELLING DISTRICT THROUGH THE ALLOCATION OF 44 RESIDENTIAL FLEXIBILITY UNITS IN ACCORDANCE WITH THE ADMINISTRATIVE RULES DOCUMENT OF THE BROWARD COUNTY LAND USE PLAN; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The request is to rezone the 27 acre parcel located at the northeast corner of Flamingo Road and Orange Drive. The western portion of the commercially land used site, 9.334 acres, is proposed to be rezoned from AG, Agricultural District to RM-5, residential low medium density at a maximum 5 dwelling units per acre; a 12.397 acre portion of the site from AG, Agricultural District to B-2, Community Business District, and the northern portion of the site, 5.918 acres, from AG, Agricultural District to R-1, Estate Dwelling District.

The site is adjacent to single family estate homes one unit per acre to the east. Across Flamingo Road is an existing commercial center in scale with the proposed shopping center. A Wal-Mart is located on the southeast corner in Cooper City. Recognizing that large commercial parcels are typically not located next to single family one unit per acre homes, the applicant has proposed a transitional buffer to reduce intensity gradually from the shopping center to the estate homes through the use of townhomes

The RM-5 parcel is designed for 44 townhouse units with a pool and cabana area. The townhomes are arranged on a street grid pattern with buildings in groups of five (5) and four (4). A cabana and pool is provided in the rear of 16 units. The underlying land use category does not allow residential uses as of right. Broward County will allow the use of residential flexibility consistent with the Broward County Administrative Rules Document when there is available reserve density in a specific flex zone and upon the approval of a local government. The uses of the flex provisions bypass the need for a land use plan amendment.

The request to rezone the north parcel to R-1 is at the request of the adjacent homeowners. While staff feels there is no need to rezone from Agricultural to R-1, Residential, the request is consistent with the comprehensive plan.

The remaining portion of the site is proposed for a retail shopping center and three (3) story office building. The B-2, Community Business District allows the types of uses contemplated as part of the application. The applicant has proposed a deed restriction to exempt out all uses not anticipated by the plan. This deed restriction will prohibit animal hospital, bowling alley, car wash, convenience store, dance halls, game rooms, golf course, movie theatres, parking lot rentals, pawnshops and poolrooms.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 26, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Chair Bender, to deny. Motion carried 3-0 with Vice Chair McLaughlin abstaining.

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, Citizen Participation Report, Justification, Master Site Plan, Declaration of Restrictive Covenants, Future Land Use Plan Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION FX 7-1-05 WESTRIDGE OAKS, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT, R-1, ESTATE DWELLING DISTRICT, AND RM-5, MULTI-FAMILY LOW MEDIUM DWELLING DISTRICT THROUGH THE ALLOCATION OF 44 RESIDENTIAL FLEXIBILITY UNITS IN ACCORDANCE WITH THE ADMINISTRATIVE RULES DOCUMENT OF THE BROWARD COUNTY LAND USE PLAN; 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 B-2, Community Business District with a Declaration of Restrictive Covenants, R-1, Estate Dwelling District, and RM-5, Multi-family Low Medium Dwelling District through the allocation of 44 residential flexibility units in accordance with the Administrative Rules Document of the Broward County Land Use Plan,

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 B-2, Community Business District with a Declaration of Restrictive Covenants, R-1, Estate Dwelling District, and RM-5, Multi-family Low Medium Dwelling District through the allocation of 44 residential flexibility units in accordance with the Administrative Rules Document of the Broward County Land Use Plan:

- 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: B-2, Community Business District, R-1, Estate Dwelling District, and RM-5, Multi-family Low Medium 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 _____, 2006.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2006.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

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

Applicant Information

Owners:

Name: Barbara Moersch, Frederick P. Moersch & Marion C. Moersch
Address: 211 Pine Island Road
City: Jacksonville, AL 36265
Phone: (256) 435-8228

Contract Purchaser:

Name: Stiles Development Company
Address: 300 SE Second Street
City: Fort Lauderdale, FL 33301
Phone: (954) 627-9354

Background Information

Date of Notification: April 19, 2006 **Number of Notifications:** 61

Application History: No deferrals have been requested.

Application Request: Rezone the 27.649 acre subject site **FROM:** AG, Agricultural District; **TO:** B-2, Community Business District with a Declaration of Restrictive Covenants, R-1, Estate Dwelling District, and RM-5, Multi-family Low Medium Dwelling District through the allocation of 44 residential flexibility units in accordance with the Administrative Rules Document of the Broward County Land Use Plan.

Address/Location: 4450 South Flamingo Road/Generally located at the northeast corner of South Flamingo Road and Orange Drive

Future Land Use

Plan Map Designations: Commercial & Residential (1 DU/AC)

Existing Zoning: AG, Agricultural District

Proposed Zonings: B-2, Community Business District (12.397 acres)
R-1, Estate Dwelling District (5.918 acres)
RM-5, Multi-family Low Medium Dwelling District (9.334 acres)

Existing Use: Vacant

Proposed Uses: 61,801 square feet of retail uses
57,930 square feet of office use
Forty-four (44) townhouse units

Net Parcel Size: 27.649 acres (1,204,378 square feet)

Surrounding Uses:

North: Agriculture
South: Town of Davie Open Space
East: Laurel Oaks (estate homes)
West: Flamingo Commons (commercial center)

Surrounding Future Land Use Plan Map Designations:

North: Residential (1 DU/AC)
South: Recreation/Open Space
East: Residential (1 DU/AC)
West: Commercial

Surrounding Zoning:

North: AG, Agricultural District
South: AG, Agricultural District
East: R-1, Estate Dwelling District
West: B-3, Planned Business Center District

Zoning History

Concurrent Requests: The plat, P 5-4-05 Westridge Oaks, for a 27.649 acre parcel, with a note restricting development to: 44 townhouse units; 65,000 square feet of commercial use; 60,000 square feet of office use; and 5,600 square feet of bank use.

The rezoning, ZB 7-6-05, Westridge Oaks, is requesting B-2, Community Business District (12.397 acres) with a declaration of restrictive covenants; R-1, Estate Dwelling District (5.918 acres); RM-5, Multi-family Low Medium Dwelling District (9.334 acres), on a 27.649 acre parcel.

The flex application, FX 7-1-05 Westridge Oaks, is requesting the application of 44 reserve units from Flex Zone 100, leaving a total of 109 reserve units in this flex zone.

The variance, V 11-3-05 Westridge Oaks, is requesting approval of three (3) variances; from: maximum building height of 35' to: 55'; from: 100,000 square feet of overall development to: 119,000 square feet; from: 40,000 square feet for an individual building to: 57,930 square feet and to eliminate the head to head landscape island requirement.

A waiver has been requested from the 100 scenic corridor buffer required along Flamingo Road.

Previous Requests: The plat, rezoning, variance, and master site plan, Westridge Commons, requesting B-3, Planned Business Center District & CF, Community Facilities District zoning, to allow the development of a 200,000 square feet commercial retail center with a gas station, was denied on November 7, 2001.

Applicable Codes and Ordinances

§12-24 (I) (4) Low Medium Density Dwelling (R-4, R-5 and RM-5) Districts: The R-4, R-5 and RM-5 Districts are intended to implement the five (5) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for a low-medium density single-family dwelling district.

§12-24 (5) Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community.

§12-83 Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: 52,500 square feet lot area, 200' frontage and depth, 20' on sides abutting residentially zoned properties, 25' adjacent to rights-of-way, 30% open space, 40% maximum building coverage, and 35' maximum height.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100, which has 140 Flexibility Units,; and 153 Reserve Units available.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Goal 1:* Maintain a program of growth management that directs development to those areas which have in place, or are programmed to have in place, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally and aesthetically acceptable manner.

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, Policy Group 6: Residential Use, Policy 6-2: Generally discourage plan amendments or use of flexibility provisions to increase residential densities or permit more intensive uses in area west of Pine Island Road and south of SW 14 Street, unless located adjacent to the SR 84/I-595 corridor or I-75 Interchanges.

Future Land Use Plan, Policy Group 7: Commercial Use, 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 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.

Future Land Use Plan, Goal 2: Direct growth to identified Urban Development areas within Davie in order to discourage urban sprawl, reduce development pressures on rural lands, maximize use of existing public facilities and centralize commercial, governmental, retail, residential and cultural activities.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The applicant conducted meetings with the public on September 14, 2005, and September 28, 2005. Attached is the applicant's Citizen Participation Report.

Application Details

The request is to rezone the 27.649 acre subject site from AG, Agricultural District; to: B-2, Community Business District with a Declaration of Restrictive Covenants, R-1, Estate Dwelling District, and RM-5, Multi-family Low Medium Dwelling District through the allocation of 44 residential flexibility units in accordance with the Administrative Rules Document of the Broward County Land Use Plan.

Staff Analysis

The request is to rezone a portion of a commercial site, 9.334 acres, from AG, agricultural to RM-5, residential low medium density at a maximum 5 dwelling units per acre and to rezone the 12.397 acres from AG, Agricultural to B-2, Community Business District. The northern portion of the site, 5.918 acres, is requested to be rezoned from AG, Agricultural District to R-1, Estate Dwelling District.

The site is adjacent to single family estate homes one unit per acre to the east. Across Flamingo Road is an existing commercial center in scale with the proposed shopping center. A Wal-Mart is located on the southeast corner in Cooper City. Recognizing that large commercial parcels are typically not located next to single family one unit per acre homes, the applicant has proposed a transitional buffer to reduce intensity gradually from the shopping center to the estate homes through the use of townhomes

The underlying land use category does not allow residential uses as of right. Broward County will allow the use of residential flexibility consistent with the Broward County Administrative Rules Document when there is available reserve density in a specific flex zone and upon the approval of a local government. The uses of the flex provisions bypass the need for a land use plan amendment.

The RM-5 parcel is designed for 44 townhouse units with a pool and cabana area. The townhomes are arranged on a street grid pattern with buildings in groups of five (5) and four (4). A cabana and pool is provided in the rear of 16 units. There are paths connecting all other townhomes to the cabana through 5 foot wide sidewalks. The minimum rear setback for each townhome is 25 feet. There is ten feet of separation between the majority of the townhomes. The access to the residential area is off SW 121 Terrace.

The 44 townhomes represents a density of 2.3 units per acre including the R-1 zoning district. Utilizing just the portion requested to be rezoned to RM-5 the density represents 4.7 units per acre. Utilizing half the required retention and wetlands, the density of the residential is 3.6 dwelling units per acre. Proper planning theories would suggest a density of less than 5 units per acre when adjacent to one unit per acre homes. Typically this would be represented by smaller lot single family homes, transitioning to townhomes, and then to commercial. Here the land use of commercial immediately next to one dwelling unit per acre did not provide for such a transition.

The request to rezone the north parcel to R-1 is at the request of the adjacent homeowners. While staff feels there is no need to rezone from Agricultural to R-1, Residential, the request is consistent with the comprehensive plan.

The remaining portion of the site is proposed for a retail shopping center and three (3) story office building. The B-2, Community Business District allows the types of uses contemplated as part of the application. The applicant has proposed a deed restriction to exempt out all uses not anticipated by the plan. This deed restriction will prohibit animal hospital, bowling alley, car wash, convenience store, dance halls, game rooms, golf course, movie theatres, parking lot rentals, pawnshops and poolrooms.

Findings of Fact

Rezoning:

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;

“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.”

The site is adjacent to an existing residential community that exemplifies the semi-rural character of the town. Compatibility, consistent with the intent of the Comprehensive Plan, with the existing residential development depends on the design characteristics of the proposal. A multi-family development at 5 dwelling units per acre and designed in a manner that fosters “community” could be considered compatible with the existing neighborhood. This development has sidewalks throughout with covered trellises between buildings. A community pool and cabana is provided along with a connection to the commercial center to the west.

Future Land Use Plan, Goal 1, states: “Maintain a program of growth management that directs development...to accommodate growth in an environmentally and aesthetically acceptable manner”.

The applicant has proposed landscaping and buffers to continue the landscape theme from the east. Live Oaks are planted along Orange Drive. A 10 foot recreational trail is proposed along SW 121st Terrace and across the northern portion of the site to connect to the trail system. The design of the tomesomes incorporates balconies and outdoor areas recognizing the value of open spaces within the Town.

- (b) The proposed change will create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Designating the site R-5, Low Medium Dwelling District adjacent to R-1, Residential one unit per acre can be made compatible through the application of the Land Development Code’s setback and buffering requirements.

(c) Existing zoning district boundaries are not logically drawn in relation to existing conditions on the property proposed for change;

The existing zoning designations are not consistent with the underlying land use of commercial. In addition, by designating the site RM-5 the ability to buffer the one unit per acre residential uses to the east with a transition zone can be accomplished.

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

Designating the site R-5, Low Medium Dwelling District in order to allow the parcel to be developed with 44 townhomes is not expected to adversely affect living conditions as the use represents less intensity than the commercial land use. Also the noise, lights and activity typically associated with commercial uses will be buffered from the one unit per acre by the proposed RM-5 development.

(e) The proposed change should 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 proposed use of 44 townhomes will generate less traffic than what was anticipated from the 27 acre parcel.

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

The proposed change provides a separation of uses from commercial to residential. This consistency of residential uses to the east may protect the integrity of the single family neighborhoods.

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

Designating the site R-5, Low Medium Dwelling District will not cause the adjoining property owners from continuing to utilize the property as it is now, or how it can be used.

(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;

Approval of this rezoning request will not give the owner a unique benefit that harms the welfare of the general public. This request acknowledges that commercial uses next to single family one unit per acre represents a compatibility problem and has tried to balance the needs of the property owner with the expectations of the existing single family homeowners.

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

There are no substantial reasons why the property cannot be used in accord with the existing zoning. If the site was developed with all commercial uses, there may be impacts on the existing single family homes in the area as it relates to noise or lights.

(j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site's 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 of all commercial may be the most appropriate to enhance the Town's tax base as it has been shown that commercial represents a net gain on the tax role offset against expenditures.

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 April 26, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Chair Bender, to deny. Motion carried 3-0 with Vice Chair McLaughlin abstaining.

Town Council Action

Exhibits

1. Citizen Participation Report
2. Justification
3. Master Site Plan
4. Declaration of Restrictive Covenants
5. Future Land Use Plan Map
6. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



Mr. Chris Gratz
Town of Davie
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314

300 S.E. 2nd Street
Ft. Lauderdale, FL 33301
954.627.9160
954.627.9288 Fax
stiles.com
info@stiles.com

**Re: Citizen Participation Report
Westridge Oaks**

Dear Mr. Gratz:

In accordance with the Town of Davie Citizen Participation Ordinance and the previously approved Citizen Participation Plan, we completed our two public meetings with the neighbors of the Westridge Oaks site on the evenings of September 14th and September 28th.

While the Citizen Participation meetings provided an opportunity to broaden the level of input from the residents of the Town of Davie, the meetings were by no means our first interaction with the Town residents and the Laurel Oaks Homeowners Association. Over the course of the past six months, we have met numerous times with representatives from Laurel Oaks to discuss our plans and incorporate their comments into the design presented during the Citizen Participation meetings. Only after reaching a level of comfort with the representatives of Laurel Oaks were we prepared to begin the Citizen Participation meetings.

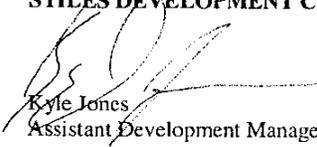
For a clear understanding of our presentation, the feedback from our neighbors, and our response to their comments, please review the attached exhibits:

- Exhibit "A" Public Meeting Notice
- Exhibit "B" Approved Citizen Participation Plan with the list of Affected Parties
- Exhibit "C" Discussion Summary and Sign-in sheet for September 14th meeting
- Exhibit "D" Discussion Summary and Sign-in sheet for September 28th meeting
- Exhibit "E" Email Correspondence between the Laurel Oaks HOA and the Developer

I trust that the information included in this report satisfies the requirements of the Citizen Participation Plan. If you have any questions or comments, please do not hesitate to contact me at (954) 627-9278 or kyle.jones@stiles.com. As always, it is a pleasure working with you.

Sincerely,

STILES DEVELOPMENT CO.


Kyle Jones
Assistant Development Manager



**NATIONAL DEVELOPER
OF THE YEAR**



MEETING NOTICE

300 S.E. 2nd Street
Ft. Lauderdale, FL 33301
954.627.9160
954.627.9288 Fax
stiles.com
Info@stiles.com

September 1, 2005

**RE: Citizen Participation Meetings
Plat, Rezoning, and Master Site Plan
Westridge Oaks**

Dear Neighbor:

I am writing to cordially invite you to a citizen participation meeting regarding the development of an exciting new live-work-play lifestyle community in the Town of Davie. The Westridge Oaks project encompasses approximately 27.6 acres at the northeast corner of Flamingo Road and Orange Drive.

At the meeting we will discuss the plat, rezoning application, and conceptual site plan. The rezoning application requests the zoning of a portion of the site be changed from the current Agricultural (AG) district to the Town's RM-5 and B-2 districts. The property has an underlying commercial land use designation and, if approved, the rezoning application will bring the property into conformance with the County land use map. Furthermore, we will present the conceptual site plan comprising approximately 44 single family attached units, 58,000 square feet of office condominium space, and 61,000 square feet of retail space.

In order to gather your input, we are holding two public hearings.

First Meeting: Date: September 14, 2005 Time: 7:00 pm
 Location: Robbins Lodge
 4005 Hiatus Road
 Davie, FL 33328

Second Meeting: Date: September 28, 2005 Time: 7:00 pm
 Location: Robbins Lodge
 4005 Hiatus Road
 Davie, FL 33328

If you would like to submit written comments, please send them to my attention at the address listed above. I look forward to hearing your input on the evenings of the 14th and 28th.

Sincerely,

STILES DEVELOPMENT CO.

Kyle Jones
Assistant Development Manager

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Fort Lauderdale, FL • Fort Myers, FL • Nashville, TN



**NATIONAL DEVELOPER
OF THE YEAR**



June 17, 2005

Mrs. Marcie Nolan, AICP
Town of Davie, Planning and Zoning Division
Deputy Director
6591 Orange Drive
Davie, FL 33314

300 S.E. 2nd Street
Fl. Lauderdale, FL 33301
954.627.9160
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**Re: Citizen Participation Plan
Westridge – Rezoning Application
Davie, FL**

Dear Mrs. Nolan:

Pursuant to Section 12-319.7 of the Town of Davie Code, I hereby submit for your review and approval the Citizen Participation Plan for the Westridge Oaks project. Westridge Oaks is a planned mixed-use retail, office, and residential development at the northeast corner of Flamingo Road and Orange Drive. Please review the following items for a complete understanding of our plan to satisfy all of the requirements of the Citizen Participation Plan process:

12-319.7 (A) (1): With staff approval of this plan we hope to receive the list of Affected Parties.

12-319.7 (A) (2): We intend to notify the affected parties through direct mail and advertisements in local newspapers.

12-319.7 (A) (3): The proposed site plan application contemplates a mixed-use retail, office, and residential project. The proposed project will include approximately 60,750 square feet of retail space, 57,930 square feet of office space, and 44 residential units. Approximately the northern 5.9 acres of the subject property have a Residential Land Use designation and the southern 21.7 acres of the site have a Commercial Land Use designation. The entire site is zoned A-1.

As proposed, the commercial portion of the project, comprising approximately 11.9 acres, will include a grand entrance feature and plaza to encourage pedestrian connectivity and public interaction. Furthermore, the commercial section will be serviced by approximately 540 parking spaces – more parking spaces than required by code. The residential portion of the project, comprising roughly 6 acres of the site, will also encourage pedestrian travel and interaction through connected sidewalks and public open space.

The existing wetlands on the northwest portion of the site will be maintained in their current location and improved in quality. An approximately 6 acre lake will occupy

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the balance of the northern portion of the site providing adequate storm water treatment and retention.

While the Town of Davie Land Use Plan encourages mixed-use development, there is no provision of the Town Code, outside of the Griffin Road Corridor, that accommodates the variety of issues present in a mixed-use project. Accordingly, several applications and requests will be accompanying the site plan application in order to accommodate the proposed mixed-use development. The accompanying items include:

- **Site Plan:** We are requesting the approval of a master site plan for the subject property.
- **B-2 Rezoning:** We propose to rezone the western approximately 11.9 acres of the Commercial Land Use area to B-2.
- **RM-5 Rezoning:** We propose to rezone roughly 9.6 acres of the eastern portion of the property with a Commercial Land-Use designation to RM-5.
- **Flex Unit Allocation:** The proposed residential portion of the project contemplates 44 residential units. Therefore, we are requesting an allocation of 44 flex units.
- **Plat Approval:** We are requesting the approval of a plat for the subject property.
- **Scenic Corridor Waiver:** Section 12-282 of the Code allows waivers to be issued when the property owner can demonstrate that the regulations imposed upon the property by another governmental agency will cause there to be a hardship upon the property owner if that property owner is required to fully comply with section 12-282.

Other independent governmental agencies are imposing regulations that meet the hardship burden mentioned above. The wetlands on the northwest portion of the site restrict our ability to develop the northern section of the site and limit the total developable acreage. Moreover, the 25% water retention requirement imposed by Central Broward Water Control District further restricts the layout and the developable acreage of the project.

- **Height Variance:** Section 12-83 of the Code limits the height of buildings in the B-2 zoning district to 35 feet. The proposed office building has a tall center design feature which is 55'-0" above grade "to the ridge of the gable". The majority of the building, however, is 40'-0" above grade to the "deck of the mansard roof". Mechanical equipment and parapet walls will not exceed the exclusions established in Section 12-33 (M).
- **Maximum Square Footage Variance:** Section 12-55 of the Code limits individual buildings in the B-2 zoning district to a maximum of 40,000 square feet and limits

cumulative building square footage to 100,000 square feet per site. We request a variance to accommodate the approximately 60,000 square foot office building and the approximately 119,000 square feet of cumulative commercial space planned for the project.

- **Parking and Open Space:** While Section 12-108 (C) (4) requires medians between double parking bays to be a minimum of ten (10) feet, including curbing, Section 12-377 (A) (5) allows Master Plans to spread the open space requirements throughout the development. Our proposed Master Plan eliminates the median between double parking bays and reallocates the open space requirement to enlarge public gathering places and improve pedestrian circulation; thereby, complying with General Purpose of the Code as provided in Section 12-375.
- **Positive Outfall:** We are requesting permission from the Laurel Oaks HOA for the connection of positive outfall for the Westridge Oaks site to the Laurel Oaks canal.
- **Wall Easement:** We are requesting an easement of sufficient width to satisfy the Town of Davie and the Florida Department of Transportation from each homeowner abutting 121st Terrace that will be impacted by the proposed wall.

12-319.7 (A) (4): We plan on disseminating information to residents through presentations, questions and answer sessions, and written materials at the Citizen Participation meetings. We will also distribute written materials to any affected parties requesting such materials that are unable to attend the public meetings.

12-319.7 (A) (5): The schedule of events will include notification of both meetings to the affected parties on or about August 1, 2005. The first Citizen Participation Meeting will be scheduled for approximately August 8, 2005, and the second meeting will be scheduled for approximately August 12, 2005. It is our intention to submit the Citizen Participation Report in a timely manner following the conclusion of our Citizen Participation program.

12-319.7 (A) (6): We will collaborate with the Town's assigned project planner to approve the Citizen Participation Plan prior to execution. Throughout the development process, we will, in a timely manner, share the agenda, minutes, and action items arising from our meetings with the affected parties.

The Citizen Participation Plan detailed above fully complies with the requirements of Section 12-319.7(A). Furthermore, the execution of this plan will afford the citizens of the Town of Davie an opportunity to actively participate in the Town's development process as desired by the stated intent of Section 12-319.5. Please review and approve the Citizen Participation Plan as submitted and provide us with the list of affected parties as described by Section 12-319.7 (A) (1).

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If you have any questions or comments, please do not hesitate to contact me at (954) 627-9278 or kyle.jones@stiles.com. As always, it is a pleasure working with you.

Sincerely,

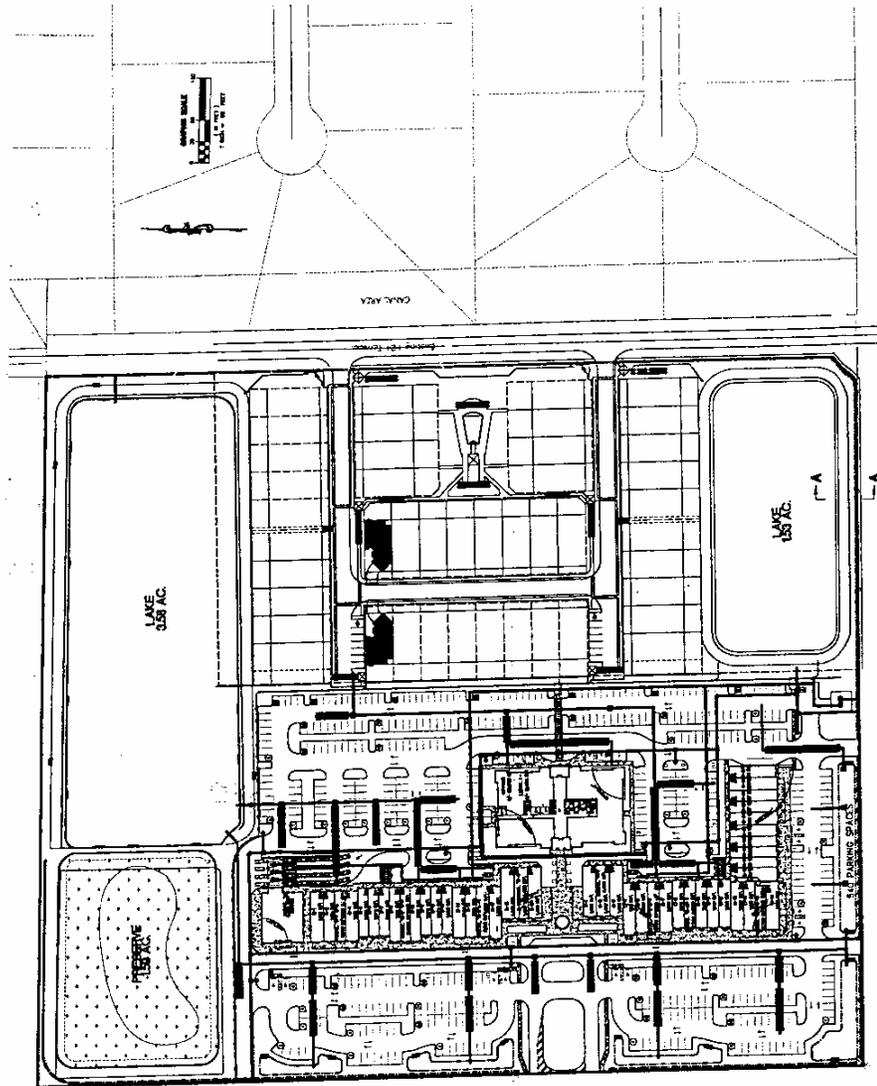
STILES DEVELOPMENT CO.

Kyle Jones
Assistant Development Manager

CC: Jeff Lis, Stiles Development Company
Dennis Mele, Ruden McClosky Smith Schuster & Russell, PA

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Conceptual Site Plan



**Questions, Comments, and Answers
Citizen Participation Meeting
September 14, 2005**

No written comments were submitted.

Does Residential connect to Commercial?

No. There is no vehicular connection between the two uses; however, there will be a pedestrian connection.

Will 121st remain a public road?

Yes. As of today the road is a Florida Department of Transportation road. There are discussions that the City will eventually take control of the road, but either way it will remain a public right-of-way.

Where are the commercial access points?

One inbound and two outbound (one right out only) along Orange and two inbound and two outbound along Flamingo.

Are there plans to expand Orange Dr.?

No.

Is Orange Drive going to be bermed and landscaped?

Yes. Landscaping and berms will be installed as required by the applicable governmental codes and regulations.

Is the wall going to have landscaping on the west side?

The proposed wall along the east side of 121st will be on Laurel Oaks property. There is no plan for landscaping along that wall at this time.

Will traffic noise on 121st increase to the point of hearing?

It is our understanding that traffic noise can be heard on that road today. The installation of the wall should serve to dampen any existing or future noise on that roadway.

Will light spill onto Laurel Oaks?

Town codes do not allow us to design lighting that will spill into Laurel Oaks.

Sanitary Sewer or Septic Sewer?

The project will be served by City of Sunrise Water and Sewer, no septic tanks.

Will a study be conducted to review the affects of positive outfall into Laurel Oaks?

A separate study is not planned but, permits will be required from both the Drainage District and South Florida Water Management District that meet their criteria. Based on our discussion with the District the proposed outfall into the Laurel Oaks canal will have no impact due to the gravity nature of that system.

Will there be a dry cleaner?

If there is a dry cleaner in the retail space, it will be for drop off and pick up only. There will not be a dry cleaning processing plant on the site.

Will the Laurel Oaks water pressure fall?

The water main along Orange Drive that serves Laurel Oaks will be extended and tied into another water main located along Flamingo Road. This should create a backpressure into the Laurel Oaks system that should increase the performance of water pressure.

Has a traffic study been done? What does it say?

Yes. A copy will be made available at the final Citizen Participation meeting.

Will there be trails?

There will be a trail installed along Flamingo Road.

What are the setbacks for the commercial?

All setbacks for the project have been designed to meet the standards established in the Town of Davie code requirements.

How many parking spaces?

There will be 545 total parking spaces for the office and retail.

Why flex units?

Flex units are necessary because County Codes prohibit residential buildings on Commercial Land Use property without the application of flex units. The flex units will not be utilized to increase density above the zoning district limitations.

Can you eliminate one of the access points on Orange Dr? Or All? (Fire Dept.)

We cannot eliminate all of the access points along Orange Dr. due to life safety fire protection requirements. We have agreed to limit the western access point to right out only with no inbound traffic. This opening will be channelized to ensure actual traffic movements comply with the intent.

Concerned about 100 ft. setback setting precedent.

The retail and office buildings are set back from the property line more than 100 feet. The Scenic Corridor provision of the Code was clearly written with the intent that sites over burdened by various governmental restrictions are able to opt out of the requirement.

How many stalls in the garage?

Each residence will have a two car garage and driveway capable of holding an additional two cars.

Is there street parking in the residential section?

Yes.

Is there a gate in the residential section?

No.

Are there sidewalks throughout the site?

Yes. Pedestrian accessibility and movement are high priorities of the site design.

Will there be an HOA for the site?

Yes.

Retail will be specialty?

Yes, specifically targeted to serve the needs of the immediate demographic support area.

Scenic Corridor should be respectful and what impact would it have on the site?

We are in the process of doing an in-depth analysis that will demonstrate that the project meets the intent of the ordinance.

45' height may be a concern if the site lines are clear to Laurel Oaks

Site line study has been ordered and should be available for the September 28th meeting.

How high is the residential product?

Two stories

Will there be a deceleration lane on Orange?

Traffic study indicates that none is warranted.

How will the wall be handled along 121st? Legally and physically?

The wall is proposed to be placed on the western edge of the existing 80' drainage easement. This will be on lots owned by Laurel Oaks property owners. An easement will be required prior to the placement of the wall. Laurel Oaks will be responsible of maintenance issues on the Laurel Oaks side of the wall. Westridge Oaks will be responsible for maintenance issues on the Westridge Oaks side of the wall.

How tall is the wall?

The wall will be Six feet tall.

Will the roofs be barrel tile?

Yes.

Can you decide to change the number of residential units?

Only if we begin the approval process from the beginning could we increase the number of units. We do not intend to request more than 44 units and have filed an application with the Town to such affect.

How will canal maintenance be impacted by the positive outfall? HOA spends a lot of money on canal maintenance.

Laurel Oaks should not notice any impact. The only time there will be a flow into the Laurel Oaks canal system is during an extraordinary event - even then the flow is a minimal bleed that is consistent with the gravity flow of the entire basin.

Will water near the wall be able to run into the Laurel Oaks canal?

The wall will be designed to address any runoff issue associated with the placement of the wall. At this time the wall is not being contemplated with continuous footers, therefore drainage will not be impacted.

How many businesses will be involved?

It is hard to tell at this point. There will be 60,935 square feet of retail. This will be a market driven event. We have not begun to market the property at this time.

Can outfall go into the Orange Dr. canal?

It could, but, due to the nature of the gravity flow in the basin, going into the Orange Drive canal is the same as going into the Laurel Oaks canal. It is less expensive for us to go into the Laurel Oaks canal. This is part of the consideration as to why we have agreed to fund the installation of the wall along 121st.

Happy to see no Publix, CVS, Gas Station and positive efforts of development.

No comment.

How much does the land cost?

No comment.

Can the zoning be approved while changing the site plan?

The Town controls what gets approved when. It is our understanding that the zoning and master site plan will receive final approvals at the same meeting.

What are the lease rates going to be?

Retail \$26 to \$35 and Office will be sold as office condos.

How will construction activities impact the neighborhood?

Stiles takes great care to insure minimal impact will be incurred by the surrounding neighborhood.

When will the wall go in during construction?

We will be happy to install the wall at the earliest possible time during construction in order to lesson the impact of construction activities on the abutting homeowners.

Sign In Sheet

Westridge Oaks
 Citizen Participation Hearing
 September 28, 2005

Name	Address	Phone#
VAL + ANITA SELLAT,	11938 ALORN DR	954-452-9342
Shani MAVON	11936 SW 43 CT	305-778-7700
Davi John - Ferrari	11890 Green Oak Dr.	(954) 452-0504
CHRISTIAN + Janelle FOXA	11958 Green Oak Drive	954-472-5965
Julie + ED Hogan	11888 Silver Oak Dr.	954-236-3619
Beth + Kevin Crowley	11892 Acorn Dr. DAVIS	954-205-1244
ARTHUR V. LUCA	11917 ACORN DAVIS	954-370-6488
David + Sara Scheinman	11919 SW 42 CT	954-577-3922
EVALDO B AMARAL	11869 SW 42nd CT	954-723-9727
TED LARSON	11868 GREEN OAK DR.	(954) 236-8644
Claude + BONVILLE	11872 OAKLEAF DR	954-474-8964
Michael Kramlich	" " "	"
Jayne GORMIZO	10796 GRIFFIN Rd	954-931-2989
NEIL LAKHANI	11866 S.W. 44th Drive	954-475-1416
ED Hogan	11888 SILVER OAK DR	954-236-3619
M. MAECKA	11895 OAKLEAF DR	954-370-9914
E. AVILA	11810 GREEN OAK DR.	754-235-3535
David Weisman	11918 oakleaf Drive	954-493-2554
Denise Gilloran	11945 SW 44 ST.	
Emelyr Cuthbert	11925 S.W. 44 ST	

**Questions, Comments, and Answers
Citizen Participation Meeting
September 28, 2005**

One written comment was submitted and is attached.

Will the wall block the lights?

A six foot high wall should block any direct view of lights from cars within Westridge Oaks or on 121 Terrace. Street lights within Westridge Oaks will meet all Town codes that address light spillage on to adjacent property. Any streetlights installed on 121st will meet FDOT requirements.

How much land is on the east side of 121st Terrace?

Approximately 18' from edge of pavement to edge of ROW.

How high are the berms surrounding the property?

Berming around Westridge Oaks will be installed to meet Drainage District minimum requirements for retaining a 25 year storm on site. Berming will be minimal in order to achieve that result.

Will the vegetation along 121st Terrace remain in place?

Any vegetation along 121st on Laurel Oaks property will not be disturbed unless required to install wall.

I would like to understand flex units more – can you double your density through flex units?

Flex units are discussed in detail in a response email to Laurel Oak HOA. It was also explained that flex units are only being requested because of the desire to build residential product on land with a commercial land use designation.

Would you consider building the residential before the commercial?

The Commercial/Office and Residential projects are independent of each other. Market demands will dictate presales and pre leasing requirements of lenders. It is our goal, in order to achieve economies of scale, to develop both at the same time.

How did you decide on the 6' wall height?

Town of Davie Code requirements provide for 6' wall under certain circumstances.

One homeowner expressed interest in 10' wall along 121st.

There was discussion on this subject, it is our understanding that majority would like 6' wall.

Can you close the second opening along Orange?

We have agreed to limit the western access to Orange as a right out only, with no inbound traffic or left turn outs permitted. This will be achieved by channelization of the roadway

entrances. The easternmost point of ingress-egress serves the office area where the westernmost point of egress will serve the retail.

Can you show the 100' setback?

An exhibit has been prepared and circulated that shows a 100' setback from edge of road and 100' setback from edge of property.

Can you put a traffic control device in the 2nd Orange exit to channelize the egress movements?

A traffic control device will be installed at the westernmost point of egress on Orange.

How wide is the scenic corridor?

The Scenic Corridor is discussed in detail in the response email to the Laurel Oaks HOA.

Comment: I moved to Laurel Oaks to get away from the concrete jungle.

When you moved to Laurel Oaks the property in question already had an underlying commercial land use designation assigned to it by the County.

What kind of signage and lights will be on the site?

All signage and lights will meet Town codes.

Specifically to the residential site, what lights will there be - fixtures, light levels, etc.?

We will present a lighting package for HOA review that meets Town of Davie code requirements.

What type of wall?

Laurel Oaks HOA has requested that a 6' wall be placed along the entire length of the developers property on the Laurel Oaks side, as a buffer between Laurel Oaks and the proposed development. This wall were serve not only to buffer Laurel Oaks from the proposed development, but would also serve as a buffer from noise and light from traffic along 121st. Typically a wall is not allowed between residential uses within the Town of Davie. The Developer has agreed to install the wall, with the Town's permission only if Laurel Oaks supports the developer in obtaining the approvals for this project. If installed the wall will be concrete with accents in harmony with entrance features at The Enclave at Westridge Oaks.

WESTRIDGE OAKS
Rezoning Justification for B-2, RM-5 & R-1 Zoning Designations

The subject site is currently vacant, consisting of approximately 27.6 acres, located on the northeast intersection of Orange Drive and Flamingo Road in the Town of Davie. The majority of this property, 21.7 acres, has an underlying land-use of Commercial. This Commercial land-use is consistent on both the Broward County and Town of Davie land-use maps. The balance of the site, approximately 5.9 acres, north of the Commercial land-use, has an underlying land-use designation of Residential 1 DU/AC; this land-use designation is consistent with both the County and Town land-use maps. Currently, the entire site is zoned AG (Agricultural) which is inconsistent with the underlying land-use designation.

The south side of the site lies adjacent to Orange Drive which is the jurisdictional limit line between the Town of Davie ("Town") and the City of Cooper City. Further south of the site is Griffin Road and 'Cooper City Market Place' (Wal-Mart Shopping Center), with an underlying Commercial land-use and Commercial (B-2, C-1) zoning designations. The western edge of this site borders Flamingo Road. The west side of Flamingo Road also has a Commercial land-use designation with a B-3 zoning designation, (Imagination Farms Commercial Area) with existing Commercial and Office uses. To the north of this site, the land is vacant, with agricultural uses (tree nurseries) beyond the vacant portion of that land. This vacant land has an underlying land-use designation of Residential 1DU/AC (Estate) and an AG zoning designation. To the east of this site is a 60-foot wide FDOT (Florida Department of Transportation) access roadway which provides ingress and egress to Orange Drive for the bordering northern tracts. East of this access roadway is a single-family residential development (*Laurel Oaks East*), with an underlying land-use designation of Residential 1DU/AC (Estate) and an R-1 zoning designation. The western 80-feet to the rear of Laurel Oaks East also includes a canal and easement granted to the CBWCD (Central Broward Water Control District).

The adjacent uses, zoning and land-uses described above are summarized below and shown on the attached, **Exhibit A, Existing Conditions:**

Existing Conditions:

	Existing Uses	Zoning District	Land-Use
South	Wal-Mart Shopping Center – Commercial – City of Cooper City	B-2 and C-1	Commercial
West	Planned Business – Commercial & Office	B-3	Commercial
North	Nursery – Agricultural	AG	Residential 1DU/AC (Estate)
East	Laurel Oaks East – Residential Single-Family	R-1	Residential 1DU/AC (Estate)

Given the overall site context as described above, the current conditions present a property, which while consisting predominantly of a Commercial land-use designation with commercial uses and major transportation corridors on the south and west, is also adjacent to low density residential and agricultural uses on the north and east. The site is in fact, located in an area which is prime for future development and poised for considerable growth due to right-of-way improvements recently completed and/or proposed. These right-of-way improvements have made this area a commercial and transportation "node" where growth should occur under sound planning principals. Sound planning, given this site context, should provide for a transitional area between the incompatible commercial, residential, and agricultural uses. As such, the development proposed in connection with this rezoning Application ("Application") proposes to provide this much needed transitional area which will provide a coherent and logical use of the land given the existing, proposed and future development in this area.

If granted, the Application will encourage the development of the site by providing for a Commercial Neighborhood District (B-2) adjacent to the intersection of the major transportation corridors of Flamingo Road and Orange Drive, and a transitional residential area (RM-5) on the east adjacent to the existing single family area. Per the request of the adjacent Laurel Oaks homeowners, the Applicant is requesting a rezoning from AG to R-1 for the portion of the property designated 1 DU/AC on the County and Town Land Use Plans; this area however will be utilized for uses consisting of a lake and a wetland retention area, as well as a recreation path.

The proposed zoning described above is summarized below and shown on the attached, **Exhibit B, Proposed Zoning:**

Proposed Zoning:

Proposed Use	Zoning District	Land-Use	Acreage
Community Business 118,865 S.F. Commercial/Office	B-2	Commercial	12.39 acres
Residential 44 Units	RM-5	Commercial	9.33 acres
Lake and Wetland Mitigation	R-1	Residential 1DU/AC (Estate)	5.93 acres
			27.65 acres (Total)

The proposed design concept for this site is attached as, **Exhibit C, Master Development Plan.** The design is the product of a long process by the Applicant, Stiles Development Company ("Applicant"), in concert with the Town Planning Staff and representatives of the adjacent Laurel Oaks East community, as well as representatives of equestrian interests in the Town. The commercial portion of the site is located at the intersection of Flamingo Road and Orange Drive. The residential area including 44 units is located east of the adjacent homes, while open space areas including agricultural related uses provide a buffer to the north. The proposed design employs the concepts of the best planning principles, known internationally as "New Urbanism", which encourages pedestrian usage and connectivity within a planned mixed-use retail, office and residential setting. Further it is the intent of a New Urbanism design to provide not only an area where the residents can access the proposed retail and office complex for their needs, but also work in the same area, hence creating a living and working environment. This being said, amenity areas and open spaces are provided, encouraging the functional use of areas while also providing areas that are pedestrian and equestrian friendly including open greens, recreation paths, viewing corridors and a unified architectural concept geared towards the pedestrian scale.

The residential component of the site is buffered by lakes on both the north and south which also serve as shared community amenity features, including a recreation path. The southern end also borders a linear park along Orange Drive and includes design elements of the Town's Scenic Corridor. To the east, the recreation path is continued with enhanced landscape buffering. Internally, the homes face one another creating intimate residential blocks. A green area is created with homes backing up to a shared community open green area, including a cabana and pool area. The site is also afforded with an integrated pedestrian access to the adjacent office and commercial uses. Retail and office buildings will be oriented toward both Flamingo Road and Orange Drive, with parking on all four sides of the buildings which creates a pedestrian friendly environment with covered arcades. The main entrance from Flamingo Road has a paved public plaza with a raised area for outdoor seating for the proposed restaurants. The proposed office building is situated at the center of the retail and office component of the development to make it easily accessible by the adjacent residential users and to encourage pedestrian traffic to the retail shops as well providing for a visual terminus.

Overall, the proposed design provides a logical use of the site with a New Urbanism setting. Additionally, the design provides buffering on all project boundaries; implementing a scenic

corridor design, an opaque screening and a landscape enhanced area adjacent to the residential homes east of the canal, an equestrian/recreation path and a naturalized area and lake to the north.

While the Town of Davie Comprehensive Plan encourages this type of mixed use development, there are no clear provisions for a development of this type outside of the Griffin Road Corridor. In light of this, the Applicant has had several meetings with the Town Planning Staff to discuss the best way to implement this mixed use development. For the Commercial Area, the Applicant is proposing to be rezoned to a Commercial Neighborhood (B-2) zoning district and an RM-5 (Residential Medium 5DU/AC) district, for the residential portion including 44 units adjacent to the existing residents on the east side of the FDOT access road and canal. This residential area will provide a transitional between the proposed commercial neighborhood and the existing residential area. Additionally, this application is proposing a rezoning to R-1 (Residential 1DU/AC) for the northern portion of the site.

For the commercial area, the Application seeks to rezone 12.4 acres from AG to Commercial Neighborhood, B-2 District. The 12.4 acres includes 9.4 acres of 119,731 (square feet of Commercial and Office Uses, 1.0 acre for the Flamingo Road buffer, 1.6 acres for the Orange Road buffer and 0.4 acres for a portion of the lake and buffer. The proposed Commercial area located at the intersection of Flamingo Road and Orange Drive in a transportation node will be geared towards meeting the needs of the future residents, and the existing residents. It is anticipated that this area will also spur the economic tax base for the Town residents, while also providing a neighborhood business area for the surrounding community. Additionally, the Applicant has worked closely with the adjacent residential community and has agreed to provide a declaration of restrictive covenants ("Declaration") for the proposed B-2 District, (See attached **Exhibit D, 'Declaration of Restrictive Covenants'**). This Declaration will further restrict the uses in the development, and specifically prohibit certain uses which the adjacent residents have deemed undesirable.

For the residential area, the Application seeks to rezone 9.3 acres from AG to RM-5. This area includes 6.5 acres for the residential component, and 2.8 acres for the lake and scenic corridor buffer. The underlying commercial land-use plan designation allows for 40% of the total gross commercial acreage (25.93) to be used for residential uses. The gross residential area is 10.37 acres, or 40% of 25.93. This Application also contains a request for 44 residential flex units for the residential component, in the proposed RM-5 residential area.

Per discussions with representatives of the adjacent Laurel Oaks Community, the Application seeks to rezone 5.9 acres from AG to R-1 for the proposed wetland mitigation area and the northern lake area. These areas, while serving the specific needs of the proposed development for wetland mitigation and retention purposes are provided as a buffer to the northern agricultural properties, as well as, providing an enhanced aesthetic and naturalized area and equestrian/recreation path for the benefit of the future site resident's, end users, and nearby communities.

The proposed uses described above create a New Urbanism design, while also providing a logical use for this site given the surrounding context. The proposed development will also create a more aesthetic and functional use for the site which will employ varying buffering techniques as required on all the site boundaries to the overall benefit of the surrounding existing and future community.

A review of the Application 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:

- (a) *Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;*

On the contrary, the proposed change will provide a cohesive property in accordance with the adopted Comprehensive Plan in effect. As discussed above, currently, the land-uses for both the Town of Davie and Broward County is Commercial for the majority of this site. Likewise, the adjacent roadway corridors of Flamingo Road and Orange Drive support this type of development. What would seem inconsistent is that currently both land-use plans juxtapose Commercial abutting Low Density Residential to the north and east. This Application will provide a transitional area between the two incompatible uses and as such, improve the current existing situation.

- (b) *Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;*

The requested rezoning from AG to B-2 (with restrictive uses), RM-5 and R-1 is compatible with the adjacent and nearby zoning districts. As outlined above, the proposed commercially zoned area will be adjacent to similar districts and adjacent to the major roadway corridors. Likewise, the residentially zoned property will provide a needed transitional district between the adjacent low residential areas and the commercial area. The proposed change will in fact, provide a more logical and compatible use of the land given the overall site context.

- (c) *Whether the existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;*

As noted above, the entire site has an existing zoning designation of Agricultural (AG). This is in fact, not consistent with the underlying land-use, or to the existing conditions of the surrounding properties. The Flamingo Road and Orange Drive corridors are both major transportation corridors with commercially zoned properties on all of the three other corners. This particular property is therefore destined to follow suit. Additionally, the properties to the north and the east are zoned low density residential and hence there is an existing conflict of uses which is predominantly the reason why perhaps this property has remained undeveloped for so long. This property, however, has vast untapped potential to increase the tax base for the Town. It is the intent of the Applicant with this proposal to create a logical solution by providing an economic tax base for the Town, while also creating a residential area on the east and naturalized areas on the north to resolve this existing conflict of uses.

- (d) *Whether the proposed change will adversely affect living conditions in the neighborhood;*

The proposed change will have a positive impact and enhance the overall living conditions in the neighborhood by creating a New Urbanism design which will add to the character of the neighborhood with logical and sound planning. By inclusion of buffers, Scenic Road Semi-Rural Lifestyle criteria and implementation of a unified architectural palette commonly referred to the Davie Vernacular with pedestrian elements, and inclusion of naturalized and residential transition areas, the design creates a harmonious solution. Additionally, the adjacent roadway corridors have already been improved and

will meet the needs of these proposed uses of the property. The commercial areas will also provide an aesthetically appealing place for the existing and future residents of the site.

- (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;*

Currently, the majority of the site has an underlying land-use of Commercial; however, only a portion of the proposed land-use area (12.4 acres or 47% of the gross acreage) will be utilized for the Commercial/Office component of the proposed development. The remainder of the acreage falling within the Commercial land-use area will be utilized for residential, buffer, lake and open space uses. The residential use will generate less traffic and vehicular trips in comparison to a Commercial/Office use on this same area of the site. The other passive uses will not have any impact on traffic generation rates. It is therefore anticipated that the proposed traffic generation for the proposed uses of this site will be less than that which was intended by the current Comprehensive Plan.

- (f) *Whether the proposed change would adversely affect other property values;*

On the contrary, the requested rezoning should have a positive impact on the surrounding property values. The proposed New Urbanism design provides a positive community atmosphere including many upscale amenities incorporated into the architectural and open space elements. Additionally, by provision of the residentially zoned area acting as a transitional buffer in use between the Commercial/Office area and the adjacent established residential community, the property values of the adjacent residential area will be increased, as opposed to the provision of a commercial land use directly adjacent to these homes. Likewise, the northern mitigation and lake components of the plan will also provide for an enhanced naturalized area which typically increases the value of adjacent properties.

- (g) *Whether the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;*

As noted above, the proposed rezoning will have a positive effect on the surrounding neighborhoods and communities. The proposed rezoning will also allow for the development of this land in a manner which is consistent with the underlying land-use designation. Further, the residentially zoned area and the open space areas of the mitigation and lake areas providing transitional areas to the lower density adjacent uses may also deter possible rezoning of these adjacent lands to the north for a less desirable use.

- (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;*

The proposed rezoning will not grant a special privilege to an individual owner. In accordance with the underlying land-use, this site could potentially be developed almost entirely with a Commercial/Office development. As noted earlier, the Applicant has worked closely with the surrounding residents and the Town of Davie staff to develop a progressive design which limits the land-uses allowed within the proposed B-2 District.

Further, the design provides for a transitional area with a residential component, as well as creating an enhanced pedestrian and open space network with generous buffers. If anything, as depicted in the Conceptual Design, the proposed design serves to decrease and limit the site's ultimate development potential, while also enhancing the overall community and surroundings to the benefit of the general public.

- (i) *Whether there are substantial reasons why the property cannot be used in accord with existing zoning;*

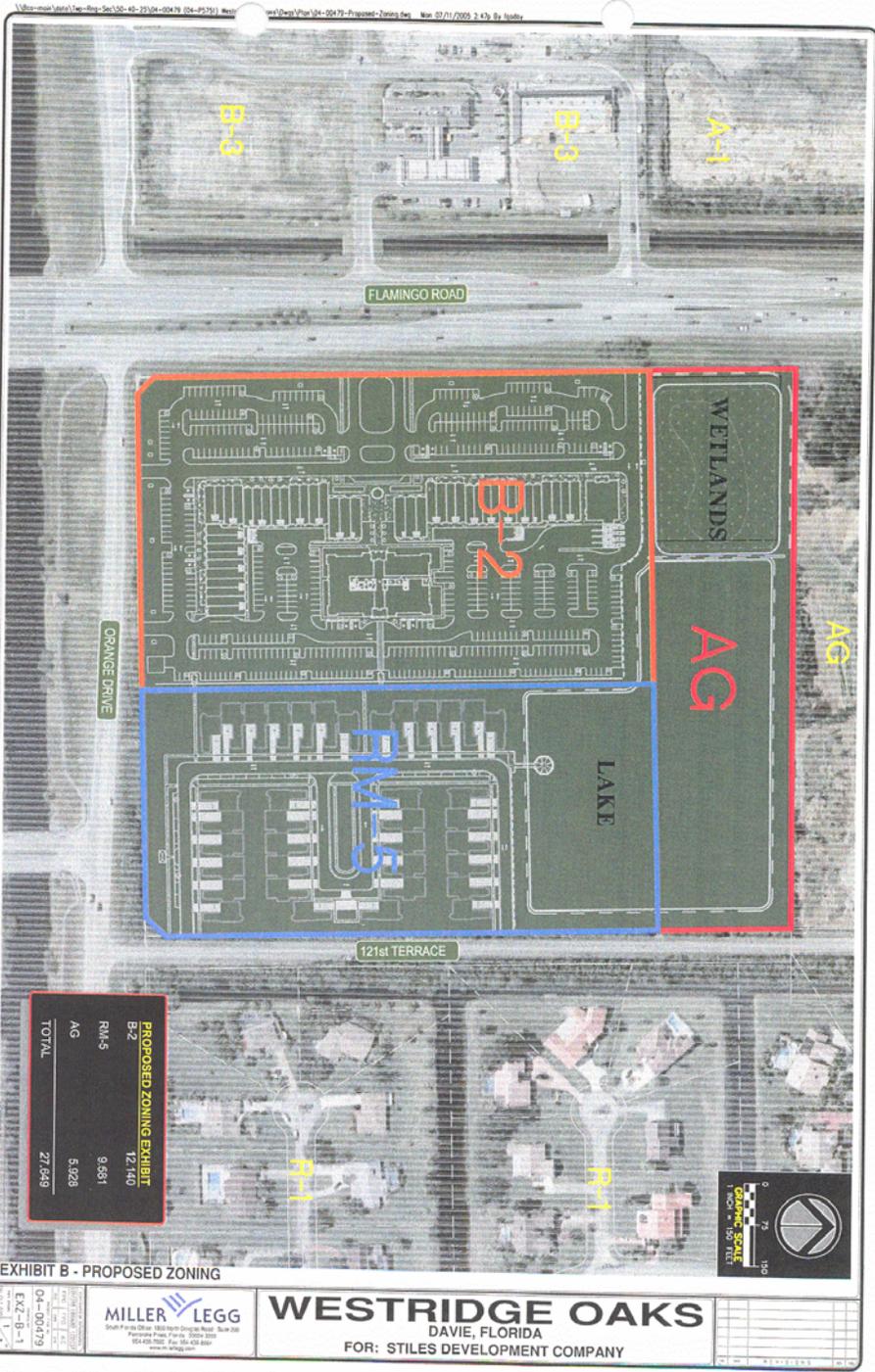
The existing zoning is Agricultural which is inconsistent with the underlying land-use. As this area of the Town is experiencing increased development, this property has remained vacant. Perhaps the predominant reason for this site remaining vacant for this long is that there is an inherent conflict between the underlying Commercial land-use next to a low Residential land-use. The proposed rezoning request, which will meet the underlying land-use criteria, allows for the realistic development of the property in a manner that is also consistent with the Town's semi-rural lifestyle and provides for a logical use of the land given the overall site context.

- (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.*

The proposed zoning designations are entirely consistent with the pattern of land-use designations established on the future land-use plan map. In fact, the proposal at hand also serves to compliment the overall site conditions as they exist today by provision of transitional residential and open space areas between, what may be construed as, incompatible uses. Additionally, the Town's tax base will benefit from both the proposed Commercial/Office component, as well as the proposed residential development. Currently, the northern properties have a low residential density potential and by completion of this project as proposed, these areas may stay as such in this semi-rural state with the open space buffering provided on the northern boundary.

As has been demonstrated, the requested zoning from AG to a B-2 commercial area with a declaration, RM-5 and R-1 residential areas 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 zoning request merits favorable recommendation. On behalf of the Applicant, Stiles Development Company, we respectfully request your consideration of this Application.

V:\Twp-Rng-Sec\50-40-25\04-00479 (04-P5751) Westride Commons\Docs\Rezoning\1 19 06 Revised WestridgeREZONING JUSTIFICATION (Final for Submittal).doc



PROPOSED ZONING EXHIBIT	
B-2	12,140
RM-5	9,681
AG	5,028
TOTAL	27,849

EXHIBIT B - PROPOSED ZONING

MILLER LEGG
 10000 W. 11th Street, Suite 100, Davie, FL 33317
 Phone: 954-944-1100 Fax: 954-944-1101
 www.mlegg.com

WESTRIDGE OAKS
 DAVIE, FLORIDA
 FOR: STILES DEVELOPMENT COMPANY



Return to: (enclose self-addressed stamped envelope)

Name: Hope W. Calhoun, Esq.

Address:
P.O. Box 1900
Fort Lauderdale, Florida 33302

This Instrument Prepared by:
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
200 East Broward Boulevard
15th Floor
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this ____ day of _____, 2005~~2006~~ by STILES CORPORATION, with a post office address of 300 SE 2nd Street, 10th Floor, Fort Lauderdale, FL, a Florida corporation ("Stiles") shall be for the benefit of the Town of Davie, a political subdivision of the State of Florida, its successors and assigns, with a post office address at 6591 Orange Drive Davie, FL 33314-3399 ("Town").

WITNESSETH:

WHEREAS, Stiles is the developer of the property more particularly described in composite Exhibit "A" ("Property") and intends to construct thereupon a mixed-use development; and

WHEREAS, Stiles has applied to the Town to rezone the Property from A-1 (Agricultural) to B-2 (Community Business) District ("Application"); and

WHEREAS, in connection with the rezoning of the Property, Stiles has agreed to enter into this Covenant to place certain restrictions on the development standards of the Property; and

WHEREAS, Developer agrees to grant this Covenant to the Town and the Town agrees to accept this Covenant in order to place certain restrictions on the development of the Property upon final approval with all appeal periods having expired without an appeal having been filed of Stiles' Application; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Stiles hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth; all of which shall

FTL:1422055:12

run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Restrictions. The Property may be used only in accordance with the uses permitted in the B-2 zoning district. However, the following B-2 and B-3 uses are specifically prohibited on the Property:

- (a) Animal Hospital
- (b) Bowling Alley, Skating Hall
- (c) Car Wash
- (d) Convenience Stores
- (e) Dance Halls, Clubs
- (f) Game Room, Arcade
- (g) Golf Course
- (h) Movie Theater, Performing Arts
- (i) Parking lot, Rental
- (j) Pawnshop
- (k) Poolrooms
- (l) Adult Arcade/Amusement Center/Entertainment
- (m) Casinos/Bingo Establishments/Gambling Establishments
- (n) Bars, Lounges

3. Amendments. This Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of a majority of the Property and approved in writing by the Town. The appropriate governmental authority of the Town shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida.

4. Recording of Persons Bound. This Covenant shall be recorded in the Public Records of Broward County, shall run with the Property in perpetuity, for the sole benefit of the Town of Davie and shall bind all successors and assigns to the title of the Property.

5. Effective Date. This instrument shall become effective upon recording.

6. Severability. These restrictions are hereby declared to be severable and independent. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

7. Authority. By execution hereof, the signatories on behalf of Developer acknowledge his/her authority to bind the Developer. The Developer acknowledges the validity and binding nature of this Declaration upon each entity and their respective successors and assigns.
8. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.
9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.
10. Construction. This Agreement shall be liberally construed to achieve its intent to limit the uses on the Property as described herein.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

**MORTGAGEE
JOINDER AND CONSENT**

Witnesses:

Print Name: _____

By: _____

Title: _____

Print Name: _____

_____ day of _____, 2005-2006

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, who is personally known to me or who have produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2005-2006.

Notary Public

My Commission Expires:

Typed, printed or stamped name of Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION

FTL:1422055:42

6



Date Flown:
12/31/04

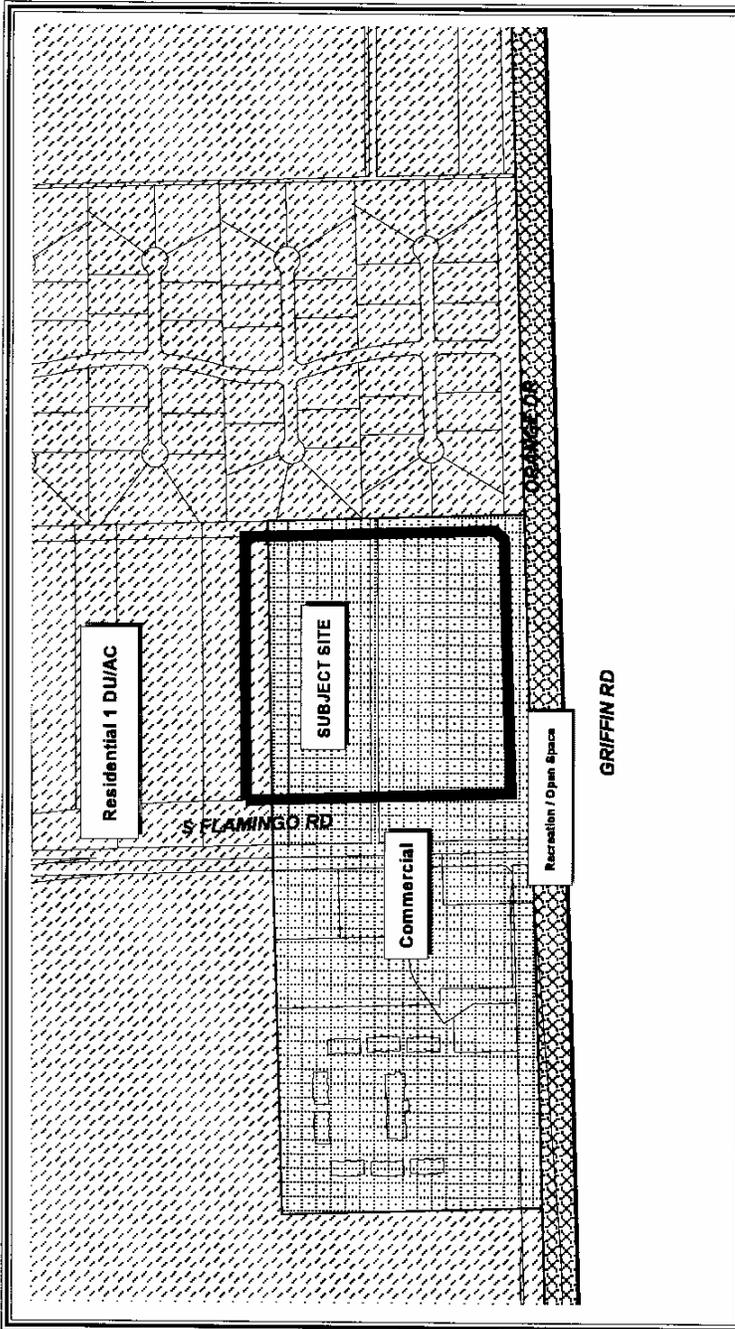


Prepared by the Town of Davie GIS Division

REZONING ZB 7-6-05 Zoning and Aerial Map

Prepared By: JD
Date Prepared: 4/17/06





**REZONING
ZB 7-6-05
Future Land Use Map**

Prepared By: ID
Date Prepared: 4/17/06



500 0 500 1000 Feet

Prepared by the Town of Davis GIS Division