

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 Oppenheimer Nolan, Deputy Planning and Zoning Manager

SUBJECT: Land Use Plan Amendment LA 05-02, The Commons/ Generally located on the east side of Shotgun Road south of Sw 14th Street.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: “RESIDENTIAL ONE DWELLING UNIT PER ACRE”, TO “COMMERCIAL”; AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY”; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: This application consists of two requests.

1. A proposed amendment request to change the land use designation from “Residential 1 DU/AC” to “Commercial” (C on 152 acres of land located along the eastern side of I-75, South of SW 14th Street and west of Shotgun Road.
2. A second request to amend the Comprehensive Plan to add Policy 28 to the Future Land Use Element, relating to development with exclusive access off an interstate.

The applicant has proposed the land use designation of Commercial to allow for the development of a mixed use commercial and office project of 1,100,000 square foot retail, 885,000 square feet of office use, and a 300 room hotel, known as The Commons. The land uses to the north, south and east of the site are Residential one unit per acre. To the west is I-75 then the City of Weston with Industrial land uses. The existing one unit per acre land use category is perceived as the rural and agricultural heart of Davie. This land use category was protected through the enactment of the rural lifestyle regulations adopted by Town Council on October 16, 2002. The Town has undertaken other regulatory steps to reduce the impact of surrounding development upon the Town. The current land use for the subject property would allow approximately 152 single family homes.

As a requirement of the Growth Management Act, Chapter 163 of State Statutes requires that all proposed land use amendments be evaluated for impact on roads, potable water, wastewater, schools, natural resources, park and open spaces, solid waste, and drainage. Under this state mandatory concurrency, the proposed amendment will not have an adverse affect on potable water, wastewater

treatment and disposal, solid waste disposal, drainage, school enrollment, or recreation and open space. Analysis of the 2015 traffic forecasts within the amendment area including the traffic generated by the amendment indicates that there will be 5 failing links in the regional roadway network by the year 2015. The roadways are South Post Road from SW 160th Avenue to SW 154th Avenue; I-595 from I-75 to Flamingo Road; and I-75 from Arvida Parkway to Sheridan Street.

The proposed amendment will not have an adverse affect on local road traffic circulation. When compared with the potential development of 152 single family dwelling units under the existing residential land use designation, the impact of the proposed commercial land use will result in an approximate decrease in daily gross trips of 1,463. However, as stated above, this is due to no access on any local roads. All access to the site will be provided from I-75. As a result of the proposed amendment, increased traffic on Arvida Parkway at the intersection with I-75 may cause potential traffic circulation problems in the area.

This land was annexed into the Town in 1974 and has had a land use classification of Residential one dwelling unit per acre since that time. The Town of Davie Comprehensive Plan outlines the goals, objectives and polices of the Town regarding future growth. Policy 7-4 provides guidance for changes in land use intensities to those areas with direct access off primary transportation facilities. The subject site is located with proposed direct access off I-75. I-75 is a six lane limited access urban principal arterial. Additional policies require that proposed development be compatible with existing development of the area (Policy 7-3, 17-1, 17-3).

This request would represent the only commercial land use located west of Shotgun Road and east of I-75 in the Oakhill neighborhood. Professional planning theories require that intense commercial development provide a transition in uses from commercial to residential. This transition usually occurs through a decrease in densities and intensities from the subject site. To address the compatibility issue, staff discussions with the applicant included creating a linear park of recreation and open space around the perimeter of the site to ensure a buffer between the commercial and residential uses. The conceptual plan and the supporting text of the land use plan application state, at a minimum, the developer will provide a 100 foot wide and minimum 30 foot high landscape buffer on the north and east side of the site. A water body will then separate the existing uses from the proposed buildings. An extension of the equestrian trail is proposed along Shotgun Road. A FDOT designed sound wall with a minimum 15 foot wide landscape buffer is proposed along the south side of the site. The applicant has stated that the acoustic design of the site will incorporate recommendations made by the acoustic consultants into the plan to ensure that the noise levels remain within the 45 to 60 dBA. The site lighting design, as stated by the applicant, will be based upon the California night sky ordinances designed to reduce light spilling onto other properties and control atmospheric pollution. The applicant has incorporated these measures into the application to address compatibility.

The second request is an amendment to the comprehensive plan. To further address compatibility for commercial uses with direct access off an intrastate highway system, such as I-75, the following language is proposed.

POLICY GROUP 28: COMMERCIAL DEVELOPMENT WITH DIRECT FLORIDA INTRASTATE HIGHWAY SYSTEM (“FIHS”) ACCESS

Objective 28: The Town shall maintain a direct highway access plan with the purpose of using the Town’s access to I-75, I-595, and the Florida Turnpike (“Florida Intrastate Highway System”, or, “FIHS”) to provide access to mixed-use developments of 100 + acres for the following purposes:

1. Provide a substantial commercial tax base for the Town.
2. Provide access to the FIHS for these mixed-use developments (“MXDs”) only, and, prevent any access directly into Davie through these developments, except for the purpose of emergency access when deemed necessary by the Town.
3. Buffer the surrounding residents such that the impacts created by the development of the MXDs are no greater than the background impacts projected to be created by FIHS alone.
4. Promote the character of the adjacent properties of the Town along the FIHS, paying particular attention to the character of the residential portions, through buffering, site design, and limitation on access.
5. Use the development of these mixed-use districts to further insulate the residential areas of Davie from further impacts from FIHS.

Policy 28-1: The MXDs shall provide for combinations of business, office, retail, service, and/or other related commercial uses which are necessary to accommodate Davie’s growing population with an emphasis on concentrating development away from sensitive areas and establishing a perimeter with open spaces and lakes.

For Future Land Use Map changes of ten acres or more and amendments to the Comprehensive Plan, a land use plan amendment must be approved by the Town Council, acknowledged by the Broward County Planning Council, reviewed and approved by the Broward County Commission, reviewed and approved by the South Florida Regional Planning Council and reviewed and approved by the Department of Community Affairs (DCA). The land use plan amendment requires two public hearings on the local level, one for transmittal to DCA, and a final hearing for adoption. In addition, the applicant has several ongoing applications relating to this amendment request. The following applications will require approval from other regulatory agencies; a Development of Regional Impact (DRI) and an interchange modification request (IMR). The DRI requires Town Council approval. Other applications requiring action by Town Council include the Night Sky Ordinance, Developer’s Agreement, Land Development Regulations, a rezoning and replat.

PREVIOUS ACTIONS: This item was tabled by the applicant at the December 6th Town Council meeting in order for the applicant to meet with Central Broward Water Control District.

CONCURRENCES: At the November 8, 2006 Local Planning Agency meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to deny in order to allow the item to move forward in the process. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. (Motion carried 4-0)

FISCAL IMPACT: The applicant has submitted an economic impact analysis. In addition, the Town completed a fiscal impact analysis which indicated an annual ad valorem increase of 2.2 million dollars at the current millage rate. (attached as Exhibit 11).

RECOMMENDATION(S): Staff finds the subject application Number LA 05-02 complete and suitable for transmittal to the Town Council subject to the following:

1. The applicant shall provide a viable shuttle bus from the eastern part of the Town to the site. The applicant has agreed to fund this bus, at a minimum of one hour headway with the route to be determined based upon the employment responses within the town boundaries. At a minimum, the cost to operate such bus will be no less than \$150,000 per year.

2. The applicant shall hold job fairs within the Town. Details of how many job fairs and how often to ensure that Davie residents are adequately involved with this project will be developed prior to second reading.
3. The applicant shall fund a traffic impact study at the completion of the project, at time of full occupancy, and five years after full occupancy. At that time, any identifiable local road impacts that are a result of the proposed project will be mitigated by the developer.
4. The landscaping shall include at a minimum a 100 foot wide, 30 foot high earthen berm along the eastern and northern portions of the site. The Landscape berm and walls will be built first. If landscaping shall be damage or destroyed by a storm, the applicant will replace the damaged landscaping within 60 days. These items will be further addressed in the land development regulations.
5. The applicant shall restrict all noise levels to between 45 to 50 dBA. In addition, outdoor maintenance equipment will be restricted. Loading and unloading of all trucks will be buffered through truck wells and other methods detailed in the noise study. (see Attachment 8).
6. The applicant has agreed to work with Town staff to develop a night light ordinance based upon those used in California that require the ambient light levels of projects to be reduced through the installation of special light fixtures and proper placement and height. This ordinance shall be approved by Town Council prior to second reading. (see Attachment 10)
7. The developer shall mitigate, as much as possible, the existing wetlands on site.
8. The maximum building height shall be 60 feet.
9. The applicant has prepared a Developers Agreement outlining the voluntary commitments. This agreement shall be prepared and presented to Town Council prior to second reading. (see Draft Attachment 12).
10. The applicant shall provide the Shotgun Road trail within the limits of their plat. They shall enhance the trail along Shotgun Road within the limits of their plat. The maintenance responsibilities of this trail section and associated buffer shall be the developers/property owners.
11. The Fire Department has requested that a total of 28 new personnel of various classifications are necessary to provide adequate emergency and non-emergency services. It is estimated that a total of four additional Fire/EMS apparatus and one mini-support vehicle are necessary to provide adequate emergency and non-emergency services.
12. The Town of Davie Police Department has requested a separate police zone to serve the needs of the proposed amendment site once developed. This will require a total of 10 police officer positions at the time that the final phase is completed.
13. The entire application request and supporting staff analysis is contingent upon exclusive access off I-75 for the parcel.

Attachment(s): Staff Report, Existing and Proposed Land Use, Existing Zoning, Conceptual Site Plan, Land Use Plan Application, Comprehensive Plan Policy 28, Public Participation Report, Letters from

Police and Fire, Ordinance, Acoustic Assessment, Lighting Report, Night Light Ordinance, Fiscal Impact Study, Draft Devolvement Agreement.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL ONE DWELLING UNIT PER ACRE", TO "COMMERCIAL"; AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY"; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Future Land Use Element of the Comprehensive Plan; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on November 8, 2006, and the Town Council, held public hearings on December 6, 2006 and on the date of adoption of this Ordinance; and

WHEREAS, the required public hearing were noticed in accordance with the requirements of Section 12-303 of the Code of the Town of Davie, and Chapter 166.041(3)(c) Florida Statutes; and

WHEREAS, the Town Council after due consideration of all matters, hereby finds that the amendment is in conformance with the State Plan, Regional Plan and Broward County land Use Plan, and is internally consists with the Town of Davie Comprehensive Plan; complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, and; and is in the best interest of the health, safety, and welfare of the residents of the Town of Davie.

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

Section 1: That the text of the Comprehensive Plan is hereby amended as described in Exhibit "A," attached hereto and made part hereof.

Section 2: That the future land use plan map designation for the property described and illustrated on Exhibit "B," attached hereto, be amended and changed from:" Residential Estate 1 dwelling unit per acre," to: Commercial".

Section 3: That the future land use plan map hereto adopted by the Town Council be and the same is hereby amended to show the property described in Section 2, herein, as "Commercial."

Section 5: All ordinances or parts of ordinances in conflict herewithin are to the extent of such conflict hereby repealed.

Section 6: 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 7: The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs of Administrative Commission finding the amendment in compliance with Section 163.3184, F.S. The Department of Community Affairs' notice of intent to find the plan amendment in compliance shall be deemed to be a final order if no timely petition is filed challenging the amendment.

PASSED FIRST READING THIS _____ DAY OF _____, 2007.

PASSED SECOND READING THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Proposed Amendments to the Town of Davie Comprehensive Plan

POLICY GROUP 28: COMMERCIAL DEVELOPMENT WITH DIRECT FLORIDA INTRASTATE HIGHWAY SYSTEM ("FIHS") ACCESS

Objective 28: The Town shall maintain a direct highway access plan with the purpose of using the Town's access to I-75, I-595, and the Florida Turnpike ("Florida Intrastate Highway System", or, "FIHS") to provide access to mixed-use developments of 100 + acres for the for the following purposes:

6. Provide a substantial commercial tax base for the Town.
7. Provide access to the FIHS for these mixed-use developments ("MXDs") only, and, prevent any access directly into Davie through these developments, except for the purpose of emergency access when deemed necessary by the Town.
8. Buffer the surrounding residents such that the impacts created by the development of the MXDs are no greater than the background impacts projected to be created by FIHS alone.
9. Promote the character of the adjacent properties of the Town along the FIHS, paying particular attention to the character of the residential portions, through buffering, site design, and limitation on access.
10. Use the development of these mixed-use districts to further insulate the residential areas of Davie from further impacts from FIHS.

Policy 28-1: The MXDs shall provide for combinations of business, office, retail, service, and/or other related commercial uses which are necessary to accommodate Davie's growing population with an emphasis on concentrating development away from sensitive areas and establishing a perimeter with open spaces and lakes.

The MXDs are intended to encourage and promote a coordinated and balanced mix of land uses, provide for shopping, dining, office, hotel, recreational, and government uses and encourage the use of intermodal transit terminals connecting to local and regional transit routes.

Once established, an MXD can not be expanded to encroach into the adjacent neighborhoods.

Policy 28-2: The MXDs shall have the following access and perimeter characteristics:

1. Buffering to protect neighboring land uses from any negative impact from noise, light, and visual impacts shall be required. The buffer shall have landscaped berm and other devices to substantial obscure the view of the mixed-use district from the surrounding residential properties, and, to reduce any ambient noise or night light originating from the mixed-use property to levels at or below the background levels created by FIHS at the boundaries of the surrounding residential properties. The total effect is to provide, wherever possible, a landscaped backdrop of forty-five (45) feet in height obscuring the view from the surrounding properties to the MXD. The height of buildings within the MXD shall not exceed 60 feet.

2. The MXDs are to be only to be accessible from the FIHS' interchanges, except for the use of emergency vehicles as specified by the Town.
3. MXDs can not be utilized as justification for amending the Comprehensive Plan to permit uses not compatible with the neighborhoods surrounding the MXD. MXDs will be self contained without external impacts.

Policy 28-3: The MXDs shall be designed as a "Town Center" consistent with Ordinance No. _____ setting for the Town of Davie Land Development Code for "Town Center District" (TCD).

Policy 28-4: The MXDs shall be designed to encourage pedestrian activity throughout the district, and, the property owner(s) shall be encouraged to cooperate with the Town of Davie, Broward County, the Broward County MPO, and the Florida Department of Transportation in the development of bus and rail transit services to the mixed-use district in a manner that will promote local and regional bus and rail transit systems consistent with the MPO's Long Range Transportation Plan, the Broward County Transit Development Plan, or locally adopted feasible transportation or transit plans.

Policy 28-5: The redevelopment and development within the MXDs shall ensue that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the Town Center District as set forth in the Town of Davie Land Development Code for "Town Center District" (TCD).

Exhibit "B"

Legal Description

All of the north $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 16, and all of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 16, Township 50 south, Range 40 east, Broward County, Florida; less and except that portion of said southwest $\frac{1}{4}$ within the limited access right of way of interstate highway I-75, described as parcel 103 in that order of taking recorded in official record book 7946, Page 741, of the public records of Broward County, Florida.

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

APPLICANT INFORMATION

Owner:

Name: Everett G. Carroll, Trust
Address: 847 Hawksbill Island Drive
City: Satellite Beach, FL 32937

Agent/Council:

Name: C. William Laystrom
Address: 1177 Southeast 3 Avenue
City: Ft. Lauderdale, FL 33316
Phone: (954) 525-3441

BACKGROUND INFORMATION

Date of Notification: October 31, 2006

Number of Notifications: 66

Application Request:

1. Land Use Plan Amendment for 152 acres of land **From:** Residential 1 DU/AC **To:** Commercial.
2. Amend the Comprehensive Plan to add Policy 28 to the Future Land Use Element, relating to development with exclusive access off an interstate.

Applicant's Stated Reasons for the Amendment: "The applicant proposes an exciting mixed-use development that would serve the western portion of Broward County. This development would provide upscale shopping and eating establishments, hotel and office space within western Davie in a setting designed to be in character with the community it will serve. The development is planned to have a new town design with a country village character."

Affected District: District 4

Location: Generally located on the west side of Shotgun Road, north of Arvida Parkway, extended.

Future Land Use Designation: The existing land use designation is Residential 1 DU/AC on the Town of Davie Future Land Use Plan Map and Residential 1 DU/AC on the Broward County Land Use Plan Map.

Existing Use: The site was until recently used for grazing of livestock.

Existing Zoning: AG, Agricultural District

Proposed Use: Mixed-use development of 1,100,000 gross square feet of retail, 885,000 gross square feet of office, and 300 hotel rooms.

Parcel Size: 152 acres

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Highland Ranches, estate homes	Residential 1 du/acre
South:	single family estate homes	Residential 1 du/acre
East:	single family estate homes	Residential 1 du/acre
West:	Interstate I-75, then warehousing (Weston)	Transportation, then Industrial (Weston)

Surrounding Zoning:

North:	E, Estate Dwelling District
South:	R-1, Estate Dwelling District
East:	AG, Agricultural District; R-1, Estate Dwelling District
West:	T, Transportation District

ZONING HISTORY

Related Zoning History: The site was annexed into the Town of Davie via Ordinance #74-44 on September 4, 1974.

Previous Requests on same property: There is no record of any previous requests on this parcel.

Related Requests: The applicant has several ongoing applications relating to this amendment request.

- **DRI:** A Development of Regional Impact (DRI) has been filed through the South Florida Regional Planning Council. This item requires action by Town Council and ultimate approval of a Development Order (DO).
- **IMR:** An interchange modification (IMR) has been submitted to the Florida Department of Transportation (FDOT) requesting approval of a dedicated access ramp off I-595. This request also requires approval from the Federal Highway Administration (FWA).
- **Night Sky Ordinance:** The developer has proposed a night sky ordinance that would apply town wide but would codify, at a minimum, the representations made by the developer regarding background lights and glare. This ordinance will be brought before the Local Planning Agency (LPA) and Town Council by the first of the year.
- **Developer's Agreement:** A draft developer's agreement is offered by the applicant to outline the commitments agreed to by the applicant. This item will require action by Town Council upon the conclusion of any action taken.
- **Land Development Regulations:** Land Development Regulations are being developed by the applicant for review by Town staff. These regulations will require an amendment to the Land Development Code. This ordinance will be brought before the Local Planning Agency (LPA) and Town Council for their recommendations and final action.

Future Requests: The application will require the following additional actions by Town Council:

- **Rezoning:** Rezoning of the parcel to an appropriate zoning designation
- **Platting:** Platting of the parcel prior to any vertical construction
- all other permits required from other agencies.

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 Broward County Land Use Plan has identified this parcel of land as E, Residential 1 DU/AC. The subject site falls within Flexibility Zone 113.

Concurrency Considerations: Adequate potable water and sanitary sewer capacity, solid waste capacity, and drainage will be available to serve the proposed designation. The proposed land use change from Residential 1 DU/AC to Commercial will create the following impacts on public facilities and services:

Potable Water: The area of this amendment is located in the City of Sunrise's service area. The City of Sunrise's system consists of four plants with a combined capacity of 38 MGD with a permitted capacity of 44 MGD. There is currently a demand of 27.493 MGP with a committed demand of .5 MGD. Within the City of Sunrise there is a projected demand of 32.76 MGD for the year 2020. The amendment will result in an increase on plant capacity by 234,550 GPD. Sufficient potable water capacity is available to serve the future demands of the amendment area.

Wastewater Treatment and Disposal: The area of this amendment is located in the City of Sunrise service area. The City of Sunrise system consists of three wastewater plants with a combined capacity of 30.00 MGD. There is currently a projected demand of 25.89 MGP within the City of Sunrise for the year 2020. The amendment will result in an increase on plant capacity by 234,550 GPD. Sufficient wastewater capacity is available to serve the future demands of the amendment area.

Solid Waste Disposal: The amendment is served by the Broward County Resource Recovery Facility. The current capacity of Broward County's two resource recovery facilities is 1.6 million tons per year with the Broward Interim Contingency Landfill (BIC) having a capacity of 4.5 million cubic yards. The current demand is 1.05 million tons per year at the resource recover facilities and 800,000 tons per year at the BIC. The proposed amendment will result in an increase in demand for solid waste in the amount of 32,168 pounds per day. There is sufficient capacity to serve the future solid waste demands of the amendment area.

Drainage: The Central Broward Water Control District (CBWCD) has jurisdiction over the drainage requirements for the amendment site. Pursuant to the CBWCD, the current level of service (LOS) is the twenty-five year design storm frequency, seventy-two hour duration rainfall density. The LOS for the maximum allowable discharge in the Western C-11 South Florida Water Management District (SFWMD) Canal Basin (where the CBWCD S-4 Canal outfalls) is 3/4" per acre per day. This amendment site operates at the adopted level of service. Adequate facilities are available to meet the needs of this project.

Local and Regional Traffic Circulation: Direct access to the site will be limited to a direct connection off I-75 through a proposed interchange. This new interchange requires approval from the Federal Highway Administration (FHA). As of the date of this staff report, no such approval has been indicated. However, all traffic analysis related to the amendment have been performed with the underlying assumption that there will be no direct access into the amendment

area off Shotgun Road and the only access into the site will be via a dedicated interchange at I-75 as an extension of Arvida Parkway (SW 26th Street). The applicant has proposed an amendment to the Comprehensive Plan as Policy 28 to require direct access off an interstate.

The roadways included in the traffic analysis study area are as follows:

- SW 14th Street/Indian Trace
- South Post Road/SW 36th Street
- Griffin Road
- Shotgun Road/SW 154th Avenue (local road)
- Orange Drive
- SW 136th Avenue
- I-595
- I-75.

Development of the site as single family homes would generate 1,528 trips per day while development associated with the proposed amendment would generate 32,212 trips per day with a 2-way peak hour of 3,446 trips. The proposed amendment would increase the daily gross trips by 30,684 trips, according to the results of the traffic analysis performed by the applicant for the amendment site. Of these trips, approximately 1.9 percent of the total trips will impact local roads, approximately 65 trips. There have been no comparable traffic studies to test these assumptions regarding local road impacts. The applicant has agreed to fund a traffic impact study at the completion of the project, at time of full occupancy, and five years after full occupancy. At that time, any identifiable local road impacts that are a result of the proposed project will be mitigated by the developer. The remainder of the trips will utilize existing regional roads as identified on the Broward County Trafficways Plan.

Analysis of the 2015 traffic forecasts within the amendment area including the traffic generated by the amendment indicates that there will be 5 failing links in the regional roadway network by the year 2015. The roadways indicating a failing LOS in the year 2015 are:

- South Post Road from SW 160th Avenue to SW 154th Avenue
- I-595 from I-75 to Flamingo Road
- I-75 from Arvida Parkway to Sheridan Street.

Traffic circulation problems exist associated with increased traffic on Arvida Parkway (Royal Palm Blvd.) to I-75. Access to the site via this roadway link is problematic being that is currently operating at an LOS F. Appropriate mitigation measures will be developed and agreed to by the applicant through the County platting process and the State Development of Regional Impact (DRI) process. The DRI is currently submitted and in review through the South Florida Regional Planning Council and must be approved by Town Council through the Development Order (DO) with related conditions. The Town Council must also approve any plat request prior to approval by Broward County Board of County Commissioners.

Transit: Currently there is no bus service provided by Broward County Transit (BCT) to the amendment site. There are several bus routes in the immediate area. The long range transit plan for the County plans for transit along I-75. The applicant has agreed to provide a park and ride facility at the western portion of the site and integrate this facility into the overall site plan. The applicant has agreed to provide a viable shuttle bus from the eastern part of the Town to the site. The applicant has agreed to fund this bus, at a minimum of one hour headway with the route to

be determined based upon the employment responses within the town boundaries. At a minimum, the cost to operate such bus will be no less than \$150,000 per year.

Fire Protection: The Town of Davie Fire Department has requested a public safety complex of between 16,000 to 18,000 square feet for both fire and police needs. The Fire Department has requested that a total of 28 new personnel of various classifications are necessary to provide adequate emergency and non-emergency services. It is estimated that a total of four additional Fire/EMS apparatus and one mini-support vehicle are necessary to provide adequate emergency and non-emergency services. (see Exhibit 6)

Police Protection: The Town of Davie Police Department has requested a separate police zone to serve the needs of the proposed amendment site once developed. This will require a total of 10 police officer positions at the time that the final phase is completed. (see Exhibit 6)

School sites and pupil generation: The amendment site proposes a non-residential use; therefore there will be no additional impact on existing schools. This request results in a decrease of 67 potential students.

Recreation and Open Space: No additional park acreage is required to serve this amendment. Since the proposed uses are non-residential, with no proposed households, there are no additional demands on the existing parks, therefore no change is required. The request would reduce the need for 5 additional acres of park.

Natural and Historic Resources: There are jurisdictional wetlands of approximately 13.48 acres. The applicant is contemplating on-site mitigation with a park located within the project. The applicant has been working with regulatory agencies to assess the feasibility of littoral shelf plantings within storm water management ponds.

Intergovernmental Coordination: As a requirement of the Intergovernmental Coordination Element of the Comprehensive Plan, any approval of this request will require the Town to work with the City of Weston, Broward County, South Florida Regional Planning Council, and the State to minimize and mitigation additional traffic impact.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Objective 4: Pursuant to the adopted Davie Future Land Use Plan map, land use, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

Future Land Use Element, Policy 4-1: A request for amendment to the Davie Future Land Use Plan Map resulting in a change in density or intensity shall be evaluated based on the availability of existing essential facilities and services. Priority shall be given to requests requiring no increase in capital expenditures, and for proposals not requiring unprogramed expansion of facilities or services.

Future Land Use Element, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of the economy.

Future Land Use Element, Policy 7-2: Zoning regulations for commercial development shall reflect consideration of the parcel size, capacity of the land to accommodate development, and market range, pursuant to the description of Types of Shopping Center Developments as contained under the Commercial category in the Permitted Uses portion of the Implementation Section.

Future Land Use Element, Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct applications of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Element, Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterial or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

Future Land Use Element, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Future Land Use Element, Policy 20-1: The Town shall consider adjacent land uses in neighboring communities when evaluating changes in land use.

Future Land Use Plan: Plan Implementation, Commercial Land Use Category:

Regional Shopping Centers typically range from approximately 300,000 to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such center is usually built around a full-in line departments store(s) as the major drawing power. Regional shopping centers are approximately 30 acres in size of larger, and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 16 miles or more modified by such factors as competitive facilities and travel time over access highways.

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 petitioner conducted two (2) meetings with the public on May 15, 2005 and July 31, 2005. Attached as Exhibit 5 is the petitioner's Citizen Participation Report.

Staff Analysis

The proposed amendment requests a change in land use designation from "Residential 1 DU/AC" to "Commercial" (C). The property is comprised of 152 acres of land located along the

eastern side of I-75, South of SW 14th Street and west of Shotgun Road. The current land use for the subject property would allow approximately 152 single family homes. The applicant has proposed the land use designation of Commercial to allow for the development of a mixed use commercial and office project of 1,100,000 square foot retail, 885,000 square feet of office use, and a 300 room hotel.

This application represents a balance between the existing land use pattern of western portions of Davie and the demands of growth. The one unit per acre land use category is perceived as the rural and agricultural heart of Davie. This land use category was protected through the enactment of the rural lifestyle regulations by Town Council on October 16, 2002. The Town has undertaken other regulatory steps to reduce the impact of surrounding development upon the Town. The Town also has goals, objectives, and policies aimed at increasing the tax revenue of the town through expansion of the economic base of Davie.

Immediately surrounding this area are changes made by governmental entities other than the Town. I-75 opened up development for the City of Weston and spurred the growth of other cities located along the corridor. According to the Town of Davie Comprehensive Plan, the Town encourages Commercial land use designations for land near major transportation corridors. The subject site is located with proposed direct access off I-75. I-75 is a six lane limited access urban principal arterial.

In regard to concurrency, the proposed amendment will not have any adverse affects on potable water, wastewater treatment and disposal, solid waste disposal, drainage, school enrollment, or recreation and open space. The proposed amendment will not have an adverse affect on traffic circulation on local roads. When compared with the potential development of 152 single family dwelling units under the existing Residential land use designation, the impact of the proposed Commercial land use will result in an approximate decrease in daily gross trips of 1,463. However, as stated above, this is due to no access on any local roads. All access to the site will be provided from I-75. Any proposed residential development would utilize the same local roads as the existing uses. As a result of the proposed amendment, increased traffic on Arvida Parkway at the intersection with I-75 may cause potential traffic circulation problems in the area.

The “Commercial” land use category is designed to be compatible with residential neighborhoods through the implementation of appropriate land development regulations (Attached Policy 7-3). The existing residential uses located to the north and east of the property would be buffered from the proposed development with the proposed minimum 100 foot wide, 30 foot high berm and landscape buffer. A water body will separate the existing uses from the proposed buildings. Also, an extension of the equestrian trail is proposed along Shotgun Road. The property along the south side will have a sound wall, designed to FDOT specifications.

The following language is proposed as policy and direction for developments with direct access to the highway system.

POLICY GROUP 28: COMMERCIAL DEVELOPMENT WITH DIRECT FLORIDA INTRASTATE HIGHWAY SYSTEM (“FIHS”) ACCESS

Objective 28: The Town shall maintain a direct highway access plan with the purpose of using the Town’s access to I-75, I-595, and the Florida Turnpike (“Florida Intrastate Highway System”, or, “FIHS”) to provide access to mixed-use developments of 100 + acres for the following purposes:

1. Provide a substantial commercial tax base for the Town.
2. Provide access to the FIHS for these mixed-use developments (“MXDs”) only, and, prevent any access directly into Davie through these developments, except for the purpose of emergency access when deemed necessary by the Town.
3. Buffer the surrounding residents such that the impacts created by the development of the MXDs are no greater than the background impacts projected to be created by FIHS alone.
4. Promote the character of the adjacent properties of the Town along the FIHS, paying particular attention to the character of the residential portions, through buffering, site design, and limitation on access.
5. Use the development of these mixed-use districts to further insulate the residential areas of Davie from further impacts from FIHS.

Policy 28-1: The MXDs shall provide for combinations of business, office, retail, service, and/or other related commercial uses which are necessary to accommodate Davie’s growing population with an emphasis on concentrating development away from sensitive areas and establishing a perimeter with open spaces and lakes.

The MXDs are intended to encourage and promote a coordinated and balanced mix of land uses, provide for shopping, dining, office, hotel, recreational, and government uses and encourage the use of intermodal transit terminals connecting to local and regional transit routes.

Once established, an MXD can not be expanded to encroach into the adjacent neighborhoods.

Policy 28-2: The MXDs shall have the following access and perimeter characteristics:

4. Buffering to protect neighboring land uses from any negative impact from noise, light, and visual impacts shall be required. The buffer shall have landscaped berm and other devices to substantial obscure the view of the mixed-use district from the surrounding residential properties, and, to reduce any ambient noise or night light originating from the mixed-use property to levels at or below the background levels created by FIHS at the boundaries of the surrounding residential properties. The total effect is to provide, wherever possible, a landscaped backdrop of forty-five (45) feet in height obscuring the view from the surrounding properties to the MXD. The height of buildings within the MXD shall not exceed 60 feet.
5. The MXDs are to be only to be accessible from the FIHS’ interchanges, except for the use of emergency vehicles as specified by the Town.
6. MXDs can not be utilized as justification for amending the Comprehensive Plan to permit uses not compatible with the neighborhoods surrounding the MXD. MXDs will be self contained without external impacts.

Policy 28-3: The MXDs shall be designed as a “Town Center” consistent with Ordinance No. _____ setting for the Town of Davie Land Development Code for “Town Center District” (TCD).

Policy 28-4: The MXDs shall be designed to encourage pedestrian activity throughout the district, and, the property owner(s) shall be encouraged to cooperate with the Town of Davie, Broward County, the Broward County MPO, and the Florida Department of Transportation in

the development of bus and rail transit services to the mixed-use district in a manner that will promote local and regional bus and rail transit systems consistent with the MPO's Long Range Transportation Plan, the Broward County Transit Development Plan, or locally adopted feasible transportation or transit plans.

Policy 28-5: The redevelopment and development within the MXDs shall ensue that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the Town Center District as set forth in the Town of Davie Land Development Code for "Town Center District" (TCD).

For Future Land Use Map changes of ten acres or more and amendments to the Comprehensive Plan, a land use plan amendment must be approved by the Town Council, acknowledged by the Broward County Planning Council, reviewed and approved by the Broward County Commission, reviewed and approved by the South Florida Regional Planning Council and reviewed and approved by the Department of Community Affairs (DCA). The land use plan amendment requires two public hearings on the local level, one for transmittal to DCA, and a final hearing for adoption.

Findings of Fact

The proposed amendment addresses the following criteria as identified in the Town of Davie Land Development Code Section 12-304:

1. The proposed change is not contrary to the adopted comprehensive plan.

The proposed change is consistent with Objective 4: Intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl; Policy 17-1: Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas; Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

The applicant has proposed Policy 28 to specifically address when undeveloped parcels of land along interstate highways with exclusive access may request a land use plan amendment. This policy is based upon the location of an interstate necessitating more intense development along the edges. The policy would eliminate this site as an example of urban sprawl due to its proximity to I-75. The applicant has provided a series of measures to address the issues raised in the policy above. The majority of the structures are located close to I-75. The site is designed as a compact development centered around walkable shopping and eating opportunities, outdoor spaces, and a neighborhood street grid. The access to the site is represented off an exclusive access ramp from I-75 so as not to impact the local roads. The applicant has proposed a minimum 30 foot high buffer along the eastern and northern edges of the site as a means of buffering the residents of the existing single family one unit per acre homes. Additional buffering measures include special attention to light and noise levels, safety, and aesthetics of the buffering.

The proposed change is consistent with Policy 4-1: to give priority to requests to amend the Land Use Plan requiring no increase in capital expenditures, and Policy 7-1: to expand its economic base through expansion of the commercial sector of the economy, Policy 7-4:

Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use; and Policy 20-1: Consider adjacent land uses in neighboring communities when evaluating changes in land use.

2. The proposed change would create an isolated district unrelated but would not be incompatible with adjacent or nearby districts.

The proposed change from “Residential 1 DU/AC” to “Commercial” would represent the only commercial land use east of I-75 within the area bound by Griffin Road to the south and SW 14th Street to the north and Shotgun Road. Adjacent land use plan designations include “Residential 1 DU/AC” to the north, south, and east and Transportation to the west. There are also “Commercial” and “Residential 3 DU/AC” parcels further to the south and “Residential 3 DU/AC” parcels north of SW 14th Street. The area to the west of the subject site includes I-75 and then industrial land uses within the City of Weston. The conceptual site plan for the proposed development also includes a proposed lake and wetland mitigation area with a 100 foot wide and 30 foot high landscape berm along Shotgun Road. The berm, equestrian trail, and lakes are proposed to encompass the north and south portion of the site and provide a buffer for much of the existing residential development to the north and east. A sound wall and existing FDOT right-of-way (to remain) are proposed for the buffer along the south side of the site.

3. The existing boundaries are not illogically drawn in relation to existing conditions on the property proposed for change.

The existing parcel contains vacant land and once supported cattle grazing. As such, the existing land use is consistent with the land uses surrounding the subject site.

4. The proposed change may not adversely affect living conditions in the neighborhood or in the Town of Davie.

The “Commercial” land use category can be designed to be compatible with residential neighborhoods. In addition, the existing residential uses located to the north and east of the property would be buffered from the proposed development with the proposed landscaped berm and lakes. Properties to the south are proposed to be buffered by a noise wall and a minimum 15 feet wide landscape buffer. The applicant has proposed restrictions on the noise levels within the development to not exceed those allowed within other areas of the Town through the adopted noise ordinance. A night light ordinance is also proposed to require the site to be designed to eliminate glare and overspill that may affect the darkness of the night sky. In addition, the Town of Davie Land Development Code and Comprehensive Plan require the design of new developments to be compatible with adjacent properties. This will occur through the land development regulation enactment and site plan approval process.

5. The proposed change will not create an increase in automobile traffic congestion or otherwise affect public safety.

The proposed project is projected to result in an increase in daily gross trips of 30,684. These trips will not occur within the immediate vicinity of the site, as the immediate local roads will have no access to the site, except from I-75. Development of the site as single family estate homes would generate 1,528 trips per day while development associated with

the proposed amendment would generate 32,212 trips per day. The applicant has committed to fund a traffic impact study at the completion of the project, at time of full occupancy, and five years after full occupancy. At that time, any identifiable local road impacts that are a result of the proposed project will be mitigated by the developer.

6. The proposed change is not expected to adversely affect other property values.

Development of the subject site may increase property values by providing increased economic expansion and opportunities in the area. Existing residential development to the south, east and west will be buffered by a noise wall, earthen berms with landscaping and building locations a minimum of 100 feet from any residential property.

7. The proposed change will not be a deterrent to the improvement or development of other property consistent with the comprehensive plan as identified on the Future Land Use Map.

Adjacent properties are already developed. There are smaller surrounding vacant parcels of land in the immediate vicinity with an underlying land use category of Res. 1DU/AC. These parcels may still be further subdivided and development will not be inhibited by the designation of "Commercial" on this site.

8. The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed change is not a grant of special privilege as any property owner may request and change in land use. The proposed development of the site as a Regional Lifestyle Center with appropriate implementation measures may be compatible with surrounding residential developments and in the public interest and general welfare of the Town of Davie.

9. There are no reasons that the property cannot be used in accord with existing regulations.

There are no physical reasons why the property cannot be used in accordance with existing regulations.

10. The proposed land use 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 the location and distribution of land uses.

The proposed land use designation may be the most appropriate designation to enhance the Town's tax base given the site's location at the intersection of I-75 and the extension of Arvida Parkway. The proposed amendment supports Policy 7-4 of the Comprehensive Plan in that it would provide for the application of the "Commercial" land use category adjacent to major transportation features. A study by Fishkind and Associates estimates an annual ad valorem tax benefit to the Town of 2.2 million at the current millage rate.

Staff Recommendation

Based upon the finding of facts above, staff finds the subject application Number LA 05-02 complete and suitable for transmittal to the LPA subject to the following:

1. The applicant shall provide a viable shuttle bus from the eastern part of the Town to the site. The applicant has agreed to fund this bus, at a minimum of one hour headway with the route to be determined based upon the employment responses within the town boundaries. At a minimum, the cost to operate such bus will be no less than \$150,000 per year.
2. The applicant shall hold job fairs within the Town. Details of how many job fairs and how often to ensure that Davie residents are adequately involved with this project will be developed prior to second reading.
3. The applicant shall fund a traffic impact study at the completion of the project, at time of full occupancy, and five years after full occupancy. At that time, any identifiable local road impacts that are a result of the proposed project will be mitigated by the developer.
4. The landscaping shall include at a minimum a 100 foot wide, 30 foot high earthen berm along the eastern and northern portions of the site. The Landscape berm and walls will be built first. If landscaping shall be damage or destroyed by a storm, the applicant will replace the damaged landscaping within 60 days. These items will be further addressed in the land development regulations.
5. The applicant shall restrict all noise levels to between 45 to 50 dBA. In addition, outdoor maintenance equipment will be restricted. Loading and unloading of all trucks will be buffered through truck wells and other methods detailed in the noise study. (see Attachment 8).
6. The applicant has agreed to work with Town staff to develop a night light ordinance based upon those used in California that require the ambient light levels of projects to be reduced through the installation of special light fixtures and proper placement and height. This ordinance shall be approved by Town Council prior to second reading. (see Attachment 10)
7. The developer shall mitigate, as much as possible, the existing wetlands on site.
8. The maximum building height shall be 60 feet.
9. The applicant has prepared a Developers Agreement outlining the voluntary commitments. This agreement shall be prepared and presented to Town Council prior to second reading. (see Draft Attachment 12).
10. The applicant shall provide the Shotgun Road trail within the limits of their plat. They shall enhance the trail along Shotgun Road within the limits of their plat. The maintenance responsibilities of this trail section and associated buffer shall be the developers/property owners.
11. The Fire Department has requested that a total of 28 new personnel of various classifications are necessary to provide adequate emergency and non-emergency services. It is estimated that a total of four additional Fire/EMS apparatus and one mini-support vehicle are necessary to provide adequate emergency and non-emergency services.

12. The Town of Davie Police Department has requested a separate police zone to serve the needs of the proposed amendment site once developed. This will require a total of 10 police officer positions at the time that the final phase is completed.
13. The entire application request and supporting staff analysis is contingent upon exclusive access off I-75 for the parcel.

Local Planning Agency

At the November 8, 2006 Local Planning Agency meeting, Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to approve subject to the comments and staff recommendations and subject to the developer entering and negotiating a developer's agreement with the Town. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – no. (Motion tied 2-2)

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to reconsider the motion. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. (Motion carried 3-1)

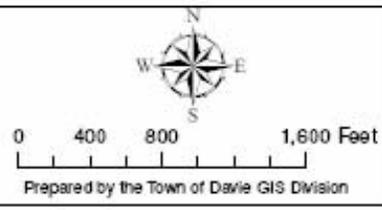
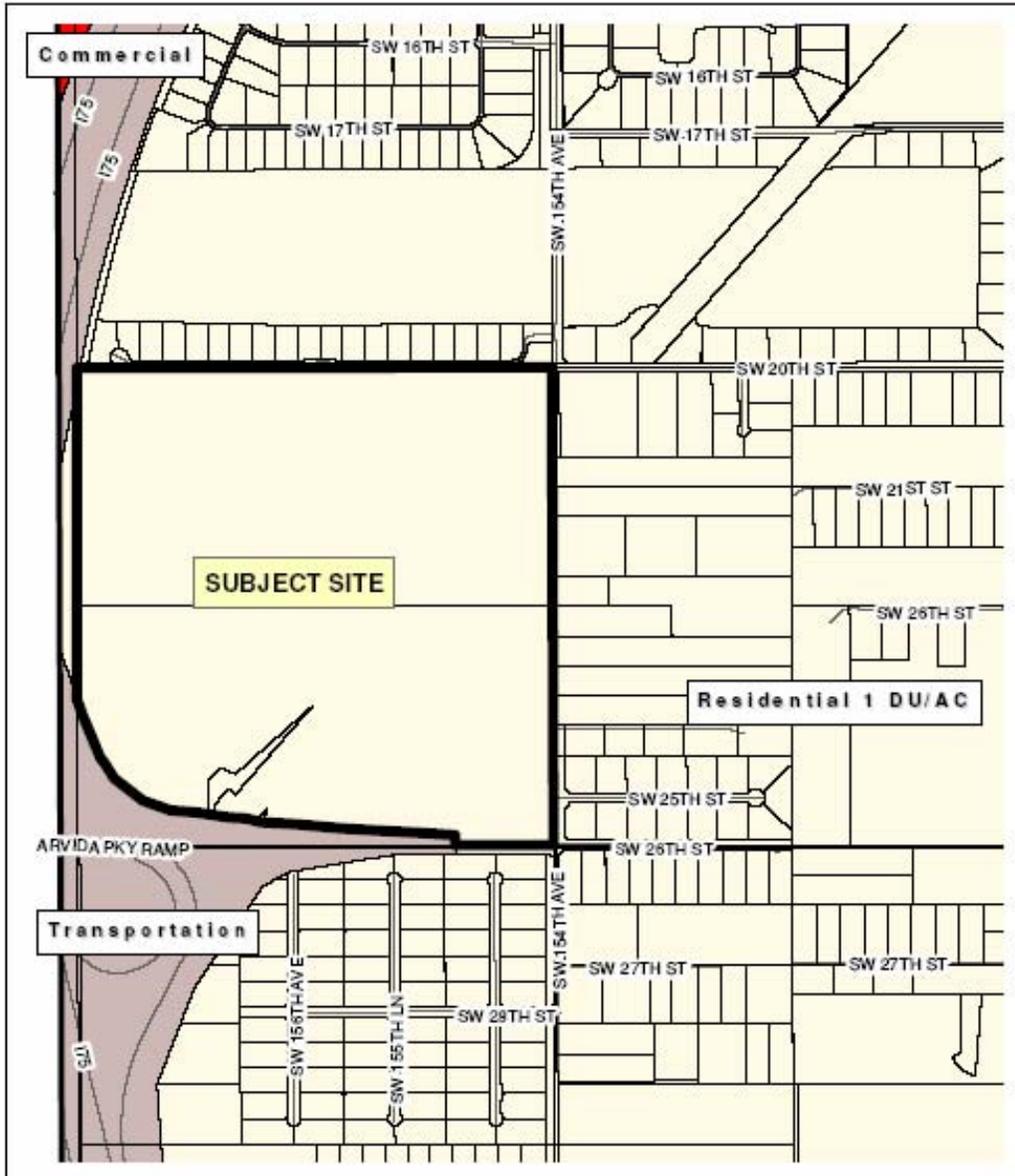
Mr. Stevens made a motion, seconded by Ms. Turin, to deny in order to allow the item to move forward in the process. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. (Motion carried 4-0)

Prepared by: _____

Reviewed by: _____

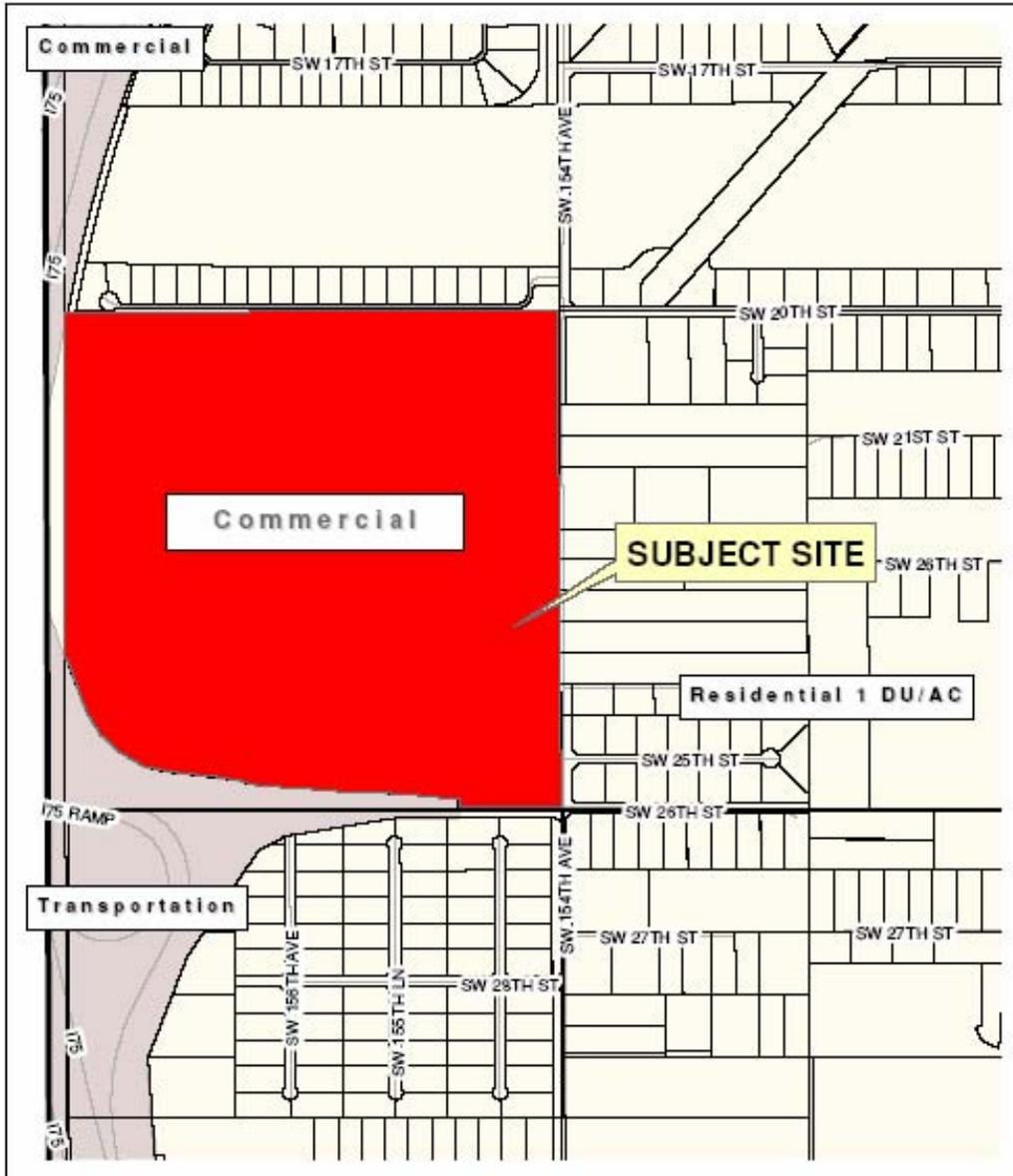
Exhibits

2. Existing Future Land Use Map, Proposed Future Land Use Map, and Zoning and Aerial Map
3. Land Use Application
4. Policy 28
5. Public Participation Report
6. Letter from Police Department, Letter from Fire Department
7. Ordinance
8. Acoustic Assessment
9. Lighting Report
10. Night Light Ordinance
11. Fiscal Impact Study
12. Draft Development Agreement



**Land Use Plan Admendment
LA 05-02
Future Land Use Map**

Prepared by: ID
Date Prepared: 10/17/08

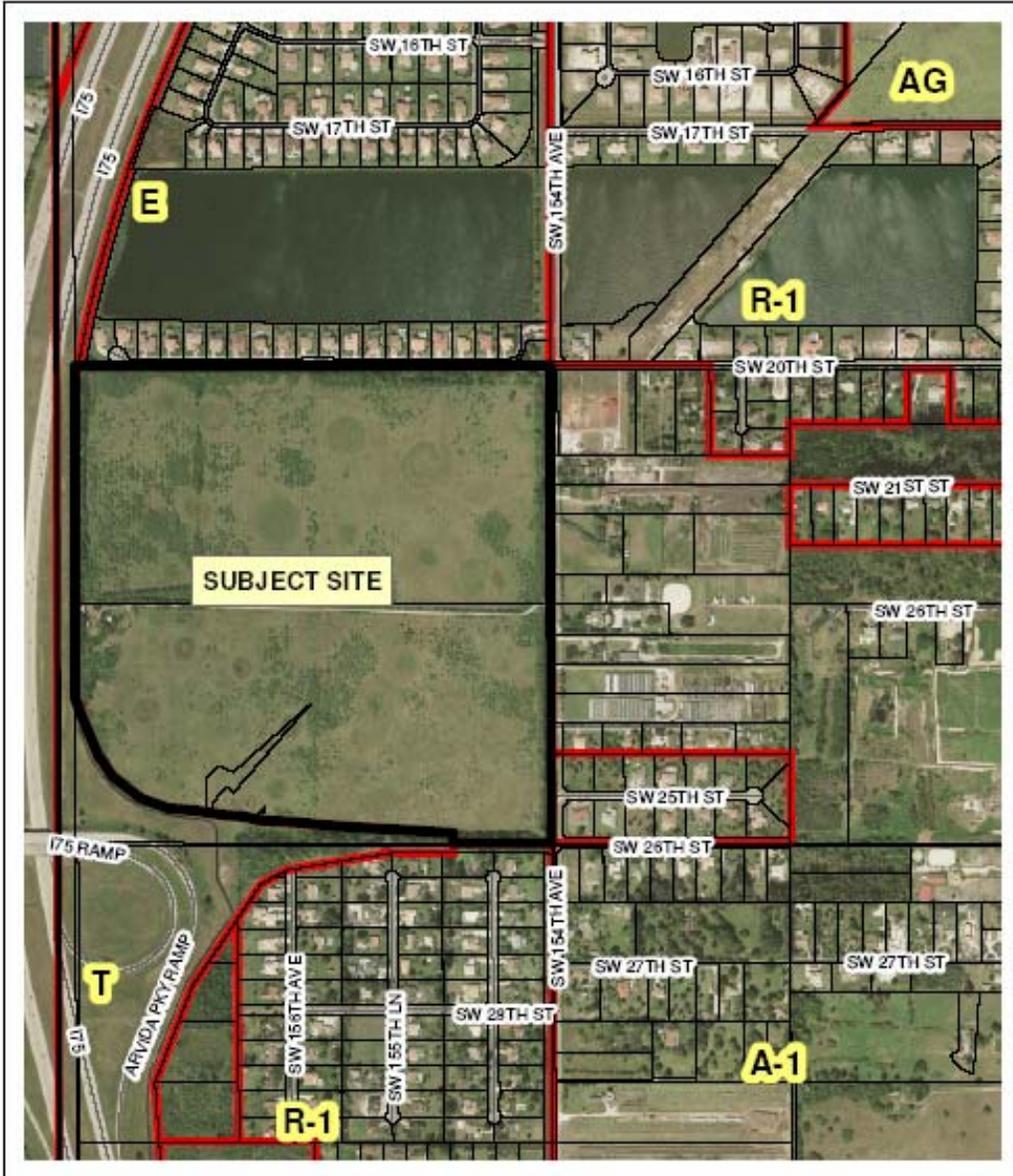


0 400 800 1,600 Feet

Prepared by the Town of Davie GIS Division

Land Use Plan Admendment
LA 05-02
Proposed Future Land Use Map

Prepared by: ID
Date Prepared: 10/30/08



0 400 800 1,600 Feet

Prepared by the Town of Davie GIS Division

**Land Use Plan Admendment
LA 05-02
Zoning and Aerial Map**

Prepared by: ID
Date Prepared: 10/17/08

**FURTHER EXHIBITS PROVIDED TO TOWN
COUNCIL UNDER SEPARATE COVER**

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