

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

4/15/99

SUBJECT: Application ZB 1-2-99

APPLICANT: Michele Mellgren, AICP

OWNER: Hamilton C. Forman & Charles R. Forman

ADDRESS: 3000 SW 59 Terrace

LOCATION: Generally located at the southeast corner of SW 30 Street and SW 59 Terrace

FUTURE LAND USE

PLAN DESIGNATION: Regional Activity Center (RAC)

REQUEST: **From:** A-3, Utility District, Section 39-423 et al. of the County Code;
To: RM-16, Medium-High Density Dwelling District, Section 12-32 et al. of the Town of Davie Code

EXHIBITS TO BE INCLUDED: Rezoning application, subject site map, planning report, and aerial.

ANALYSIS: The subject site consists of 16.92 acres of a 19.99 acre site owned by the Formans, zoned A-3 (County). The subject property was formerly used as a radio transmission site, and is undeveloped but for the transmission towers. The 3.06 acres not included in this petition contains a one-story structure formerly associated with the radio transmission use, and is the subject of another application for rezoning to the B-2 District, recently submitted by the applicant. The subject site is bound on the north by mobile homes zoned T-1 (County) and apartments zoned RM-25 (County), on the south and east by mobile homes zoned T-1 (County), and on the west by the 3.06 acre remnant portion of the 19.99 acre site zoned A-3 (County).

Review of a rezoning request should include consideration of the criteria listed in Section 12-307 of the Land Development Code which is attached hereto, and made a part hereof.

The applicant requests the rezoning in order to develop up to 270 luxury apartment units. The proposed zoning designation is consistent with the Regional Activity Center (RAC) Future Land Use Plan designation of the site. The RAC designation permits the Town to rezone the parcel from A-3 to RM-16 without requiring a Future Land Use Plan map amendment or assigning residential reserve units. Therefore, no State DCA or County Commission approval is required to rezone this property.

The rezoning would increase average daily traffic on Davie Road by approximately 1,790 trips. Davie Road currently operates at Level of Service (LOS) "F" north of Nova Drive and "E," south of Nova Drive, and is projected to operate at LOS "F" and "D" respectively in the year 2020. Nova Drive operates at LOS "F" with no improvement expected through the year 2020.

The rezoning would increase school enrollment by approximately 69 students according to the Broward County Land Development Code's student generation rates, assuming a typical garden apartment mix of 25 percent 1-bedroom, 50 percent 2- bedroom, and 25 percent 3-bedroom units. The subject site is currently served by Davie Elementary School which is projected to be 149 students over capacity during the 1999/2000 school year (LOS "B") and is projected to achieve LOS "A" by the 2001/2002 school year, New River Middle School which is projected to be 68 students over capacity during the 1999/2000 school year (LOS "A") and remain at LOS "A" through the year 2005, and Stranahan High School, which is projected to be 64 students over capacity (LOS "A") during the 1999/2000 school year, and is projected to remain at LOS "A" through the year 2005.

The rezoning would require 5.8 acres of recreation and open space land according to the Town's adopted LOS standard of 10 acres per 1,000 residents. There is an estimated surplus of more than 400 acres of recreation and open space land, and there will remain a surplus at build out. It is also notable that multiple-family developments of the quality Palm Trace exhibits typically provide amenities such as pools and tennis courts, minimizing their demand on public facilities.

The requested density is consistent with the medium to high (10 du/ac to 25 du/ac) densities of the surrounding properties, and is consistent with Future Land Use Policies 6-1 and 10-5 of the Comprehensive Plan regarding location of medium to high density development. The request is also consistent with the intent of the RAC, which contemplates higher densities in this area, as it is adjacent to the colleges and universities, downtown, the SR 85/I-595 corridor, the Florida Turnpike, and Davie Road, the latter of which is served by Broward County Transit.

Staff finds that the rezoning request is consistent with the Comprehensive Plan and is in harmony with surrounding zoning and land uses. The additional traffic impact is notable, but is contemplated by the RAC designation, which calls for increasing densities in and around downtown and the campuses. Staff is concerned about the moderate school impact, but feels the rezoning is appropriate given the surrounding land uses, and consistency with the RAC designation and comprehensive plan policies.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested rezoning to the RM-16, Medium-High Residential District, with a finding that the request is consistent with the Comprehensive Plan and the predominant land use pattern of the area around the subject site, and can be evaluated positively with regard to the criteria for the review of rezonings contained in Section 12-307 of the Land Development Code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** subject to the voluntary deed restriction (3-1, Mr. Halperin dissenting), May 22, 1996.

EXISTING ZONING: A-3 (COUNTY)
CODE SECTION:
PROPOSED ZONING:
CODE SECTION: 12-32 RM-16
LAND USE DESIGNATION: REGIONAL ACTIVITY CENTER
FOLIO NUMBER 504137-01-1489

TOWN OF DAVIE USE ONLY
PETITION NO. 781-2-99
FEE. \$ 1170.00
RECEIPT NO. 73885

RECEIVED
JAN 20 1999

TOWN OF DAVIE
REZONING APPLICATION

NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED: 1/20/99

PHONE: (954) 782-8304

PETITIONER: MICHELE C. MELLGREN AICP
MICHELE MELLGREN & ASSOCIATES, INC.
MAILING ADDRESS: 5400 N. OCEAN BLVD., STE 32, FT. LAUDERDALE, FL 33308
RELATIONSHIP TO PROPERTY: AGENT
OWNER: HAMILTON C. FORMAN & CHARLES R. FORMAN
MAILING ADDRESS: ~~888~~ SE 3RD AVE, STE 501, FT. LAUDERDALE, FL 33316
ADDRESS OF PROPERTY: ~~N/A~~ 3000 SW 59 Terr.

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):
ON ATTACHED SURVEY

ACREAGE: 19.979 AC.

REQUEST: FROM COUNTY A-3 TO DAVIE RM-16

REASON FOR REQUEST (attach additional sheet as necessary):
SEE ATTACHED

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY
APPROVED AS TO FORM: Jat PUBLICATION DATE: 2/10/99
MEETING DATE: PLANNING AND ZONING BOARD: 2/24/99 TOWN COUNCIL: 3/17/99 4/21/99
NOTICES SENT: 5 REPLIES FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

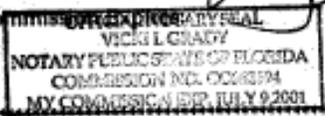
Hamilton C. Forman
Charles R. Forman
OWNER'S NAME(S)
Charles R. Forman
Hamilton C. Forman
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
888 SE 3RD AVE, SUITE 501
ADDRESS
FT LAUDERDALE, FL 33308
CITY, STATE, ZIP
(954) 763-8111
PHONE

MICHELE C. MELLGREN, ACP
PETITIONER'S NAME
Michele Mellgren
PETITIONER'S SIGNATURE
5400 N. OCEAN BLVD, SUITE 32
ADDRESS
FT LAUDERDALE, FL 33308
CITY, STATE, ZIP
(954) 782-8304
PHONE

The foregoing instrument was acknowledged before me this 19th day of January, 1999, by Hamilton C. Forman and Charles R. Forman who personally known to me or who has produced _____

The foregoing instrument was acknowledged before me this 19th day of January, 1999, by Michele C. Mellgren who is personally known to me or who has produced _____

as identification and who did take an oath.
NOTARY PUBLIC
Sign: Vicki L. Grady
Print: Vicki L. Grady
My Commission Expires _____


as identification and who did take an oath.
NOTARY PUBLIC
Sign: Vicki L. Grady
Print: Vicki L. Grady
My Commission Expires _____


PLANNING AND ZONING BOARD RECOMMENDATION: _____ OFFICE USE ONLY
02/24/99 - tabled to 04/14/99 AND

TC Tabled to 4/21/99
TOWN CLERK [Signature] DATE 3/16/99

The subject site is approximately 19.979 acres in area is largely vacant except for a small one-story radio station building that occupies a portion of the western side of the property. The site is bound on the east, south and west sides by mobile home parks zoned T-1 County. On the western half of the north side, the site is also bound by a mobile home park zoned T-1 County, and on the eastern half of the north side by the Palm Trace Garden Apartments community zoned RM-25 County.

The petitioner proposes rezoning of the property to the RM-16 designation in order to develop the site with luxury garden apartments, consistent with the current Regional Activity Center designation and consistent with the uses and densities surrounding the site. A review of a zoning amendment request should include consideration of the criteria listed in Sec. 12-307 of the Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

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

The current land use designation on the subject site is Regional Activity Center (RAC). This designation contemplates a variety of development including residential uses.

Policy 6-1 of the adopted comprehensive plan of the Town of Davie provides that moderate to high density should be located proximate to arterial roadways, available mass transit and other community facilities, and generally sited east of Pine Island Road. The subject site is located proximate to the SR84/I-595 corridor, east of Davie Road, in the immediate vicinity of the downtown area.

Policy 10-6 states that development activities within the RAC should stimulate quality redevelopment of dwellings, particularly requests for increased density above that permitted by the existing zoning designations. The requested designation of RM-16 will allow for luxury garden apartments that will provide quality development.

Policy 10-9 states that the maximum residential density within the RAC shall be 22 du/ac. The requested rezoning to RM-16 is well within the maximum guidelines contained in the adopted comprehensive plan.

The rezoning request is consistent with the adopted comprehensive plan.

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

The requested rezoning to RM-16 is consistent and compatible with adjacent zoning districts. The site is surrounded by mobile home development on the east, south, west and a portion of the north with moderate to high density. On the balance of the northern edge, the subject site is bound by an existing garden apartment development that maintains RM-25 high-density residential development.

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

The existing zoning district boundaries define the entire site. The current zoning designation of A-3 County, however, is not consistent with surrounding uses and land development patterns.

Criterion (d): The proposed change will adversely affect living conditions in the neighborhood.

The proposed RM-16 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site as garden apartments that will improve the appearance of the property and serve as an asset to the surrounding uses.

Criterion (e): 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.

The underlying land use plan designation of Regional Activity Center contemplates a variety of development that includes residential uses. As a result, the proposed change is consistent with the comprehensive plan, and vehicular traffic will not be created or excessively increased above the level already anticipated under this existing land use designation. The requested change will have no impact on public safety.

Criterion (f): The proposed change will adversely affect other property values.

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

Criterion (g): The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Lands surrounding the subject site are already developed as mobile home parks or, on the northern side, as garden apartments. The proposed change will not be a deterrent to the improvement or development of these surrounding properties.

Criterion (h): The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

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

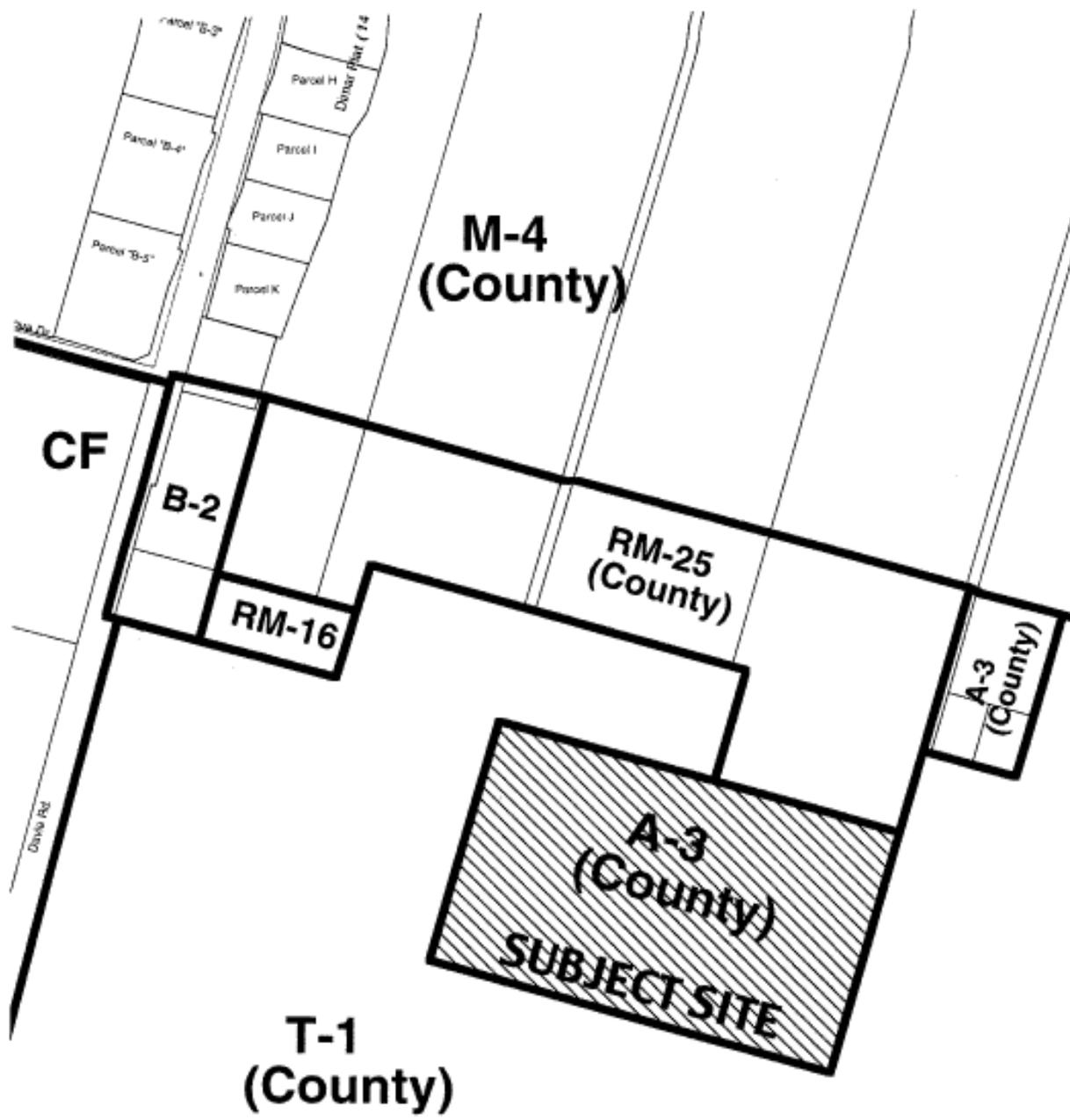
Criterion (i): There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning on the property is County A-3, which is an agricultural zoning district. Because of the property's size and location, it cannot be used for agricultural purposes, nor would such a use be compatible with the existing surrounding development. As a result, the proposed change is requested to allow a reasonable use of the property that is consistent with surrounding development patterns.

Criterion (j): The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location 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 rezoning will provide a logical transition from the mobile home parks to the RM-25 zoned land to the north that contains the Palm Trace Garden Apartments community. As a result, the request is consistent with sound planning practices, and will provide the most appropriate and logical use that will contribute positively to the Town's tax base.

As has been demonstrated, the requested rezoning from A-3 County to RM-16 is consistent with the adopted comprehensive plan and meets all of the criteria contained in the Land Development Code. As a result, this rezoning request merits favorable consideration.



PETITION NUMBER		N ▲
ZB 1-2-99		
PREPARED 1/26/99	Scale: 1"=400'	
BY THE PLANNING & ZONING DIVISION		