



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB 12-2-99 Poinciana (Jorge Bouza), owner /C. William Laystrom.Jr., petitioner - 7085 Nova Drive /Generally located at the northeast corner of Nova Drive and SW 71 Terrace.

REPORT IN BRIEF:

The current zoning of the subject site is R-4A, Planned Apartment District (Old Code) for the south 7 acres, and M-1, Light Industrial District (Old Code) for the north 3.28 acres of the subject site. There has been a question relative to what maximum density is permitted based on the current zoning. Please note, the R-4A District is no longer a utilized zoning district as it was repealed from the Land Development Code in 1981. Upon extensive research through the public records of Broward County and the Town, staff has determined that the density applicable to the subject site is a maximum of 15 dwelling units per acre.

Based upon the above, staff can determine that 105 dwelling units, more or less, could be developed on the existing R-4A portion of the subject site. Based on Broward County information, 105 garden apartment could generate approximately 695 trips per day. The M-1 portion of the subject site is not applicable to density, but is applicable to maximum building coverage. Using an average of six other similar industrial uses which have been approved in the Town of Davie, staff has determined an average maximum building coverage of 19.6% or a total of approximately 27,963 square feet of industrial use which could generate approximately 143 trips per day. Therefore, it is staff's determination that if the property were to be developed under the existing R-4A and M-1 zoning designations, a total of approximately 838 trips per day would be generated.

According to the Town's Future Land Use Plan, Nova Drive is currently operating at a 2.02 volume-to-capacity (V/C) ratio at peak hour, or approximately 200 percent above its capacity. Additionally, this site has an average daily trip volume-to-capacity ratio of 1.89 west of Davie Road and 1.69 east of University Drive, which equates to a Level of Service (LOS) "F". Therefore, the development of this property under the existing zoning designation would exacerbate traffic condition by adding an additional 838 trips per day to an already overcapacity roadway. In addition, the petitioner will seek a trip transfer for utilization of unused trips from the abutting plat to the north (Sara Plat) which may exempt the petitioner from improvements to Nova Drive, to satisfy Broward County concurrency review at the time of platting. The petitioner's request for an RM-16 zoning designation to construct 160 units would equate to approximately 1,059 trips per day. This would further degrade the overcapacity status of Nova Drive, and may be permitted by the proposed trip transfer as referenced above. Staff is concerned that development of this property, under existing and proposed conditions, will have a significant negative impact to an overcapacity roadway which may not be sufficiently mitigated, due to a trip transfer. Although a trip transfer may satisfy Broward County concurrency without roadway improvements, staff believes improvements to Nova Drive are necessary for any development of the subject site.

Directly to the west of the subject site Arista Park Condos has a density of 10 units per acre. West of Arista Park, is a PUD (Nova Village) developed at approximately 8 units per acre. The property directly to the east (Nova Villas Condos) is developed at 10 units per acre. East of Nova Villas is property developed at 14 units per acre (College Court Townhouse). The property to the south (Nova Gardens Condos) is developed at approximately 14 units per acre. Therefore, the proposed density of 16 du/ac exceeds the maximum 15 du/ac permitted by the current R-4A zoning designation of the south 7 acres and is higher than the densities of adjacent development which will increase traffic above that which would be generated under existing conditions. **Therefore, staff believes if the property were to be developed at a minimum, such development should occur at a lower density to lessen the impact of additional traffic.**

PREVIOUS ACTIONS:

The Town Council deferred consideration of this item to its March 15, 2000 meeting (motion carried 5-0, February 2, 2000).

The Town Council deferred consideration of this item to its April 18, 2000 meeting (motion carried 5-0, April 5, 2000).

CONCURRENCES:

The Planning and Zoning Board deferred consideration of this item to its March 8, 2000 meeting (motion carried 5-0, January 26, 2000).

The Planning and Zoning Board deferred consideration of this item to its April 12, 2000 meeting (motion carried 5-0, March 22, 2000).

The Planning and Zoning Board recommended denial of ZB 12-2-99 at its April 12, 2000 meeting (motion carried 3-1, Mr. Pisula dissenting, Chairman Greb absent).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to deny application ZB 12-2-99.

Attachment(s): Planning report, land use map, subject site map, and aerial.

Application #: ZB 12-2-99

Revisions:

Exhibit "A":

Original Report Date: 3/15/00

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

APPLICANT INFORMATION

Owner:

Agent:

Name:	Poinciana (Jorge Bouza)	Name:	C. William Laystrom, Jr.
Address:	3971 SW 8 Street, Ste. 205	Address:	1177 SE 3rd Avenue
City:	Coral Gables, GL 33134	City:	Fort Lauderdale, FL 33316
Phone:	(305) 444-6716	Phone:	(954) 762-3400

BACKGROUND INFORMATION

Application Request: To rezone approximately 9.62 acres of property from R-4A, Planned Apartment District (Old Code) and M-1, Light Industrial District (Old Code), to RM-16, Medium High Dwelling District.

Address/Location: 7085 Nova Drive/Generally located at the northeast corner of Nova Drive and SW 71 Terrace.

Land Use Plan Designation: Regional Activity Center

Zoning: R-4A, Planned Apartment District (Old Code) and M-1, Light Industrial District (Old Code).

Existing Use: Vacant Land

Proposed Zoning: RM-16, Medium High Dwelling District

Proposed Use: 160 garden apartments

Parcel Size: 10.28 gross acres (447,796.80 square feet)
9.62 net acres (419,047 square feet)

Surrounding Land Use:

Land Use Designation

North: Warehouses and vacant land
Nova Gardens Condos (multi-family
dwelling units). across Nova Drive.

Regional Activity Center (RAC) South:
Regional Activity Center (RAC)

East: Nova Villas Condos No. 1-6 (townhomes) Regional Activity Center (RAC)
West: Arista Park Condos (multi-family dwelling units), across SW 71 Terrace Residential (10 du/ac)

Surrounding Zoning:

North: M-1, Light Industrial District (Old Code)
South: RM-16, Medium High Dwelling District
East: R-4A, Planned Apartment District (Old Code)
West: R-4A, Planned Apartment District (Old Code)

ZONING HISTORY

Related Zoning History: None

Previous Requests on same property: In April 1999, this same property owner petitioned the Town to rezone all of said property to the M-1, Light Industrial District to accommodate a self-storage facility (ZB 4-2-99). On May 26, 1999, the Planning and Zoning Board recommended denial of the request. In July 1999, the petitioner withdrew the petition prior to presentation to the Town Council.

DEVELOPMENT PLAN DETAILS

The petitioner is proposing to construct a total of 160 garden apartments within seven separate 3-story buildings (56 one-bedroom units, 84 two-bedroom units, and 20 three-bedroom units) on this site. The petitioner has indicated garages will be provided at the first floor level, and the end units will be reduced in height to lessen the impact of the development to neighboring properties and create a more aesthetically pleasing development. The petitioner has also indicated that the target market for these apartments will be students attending the Nova Southeastern campus and other South Florida Education Center (SFEC) universities, preferably the graduate students (see attached conceptual site plan).

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezonings.
Article XII, Planned Apartment R-4A District Standards (Old Code).

Comprehensive Plan Considerations

Planning Area: The subject site falls within Planning Area 6. This area includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flex has been applied to industrial land use plan designated lands on both sides of the Davie Road corridor between State road 84 and Nova Drive. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Should this rezoning be approved, the petitioner will be required to obtain Town of Davie and Broward County plat approval prior to site plan and permit approval. Concurrency review, including roadways and utilities infrastructure will be reviewed at the time of platting.

Concurrency Considerations:

According to the Broward County Compact Deferral Areas Map, the subject site falls within a compact deferral area and affects the following overcapacity roadway segments: 636 and 637 (east and west half of Nova Drive between University Drive and College Avenue), and possibly 635 (Nova Drive west of College Avenue), and 639 and 640 (University Drive just north and south of Nova Drive). The petitioner will be required to mitigate for the impact of the proposed development to these roadway segments at the time of platting through Broward County.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 4-2: infill shall be encouraged as a means of directing growth to areas already containing essential infrastructure improvements, such as potable water, and sanitary sewer services. Priority shall be given to areas suitable for infill development in the extension of infrastructure.

Future Land Use Policy 6-1: Residential development of moderate to high density should be located in close proximity to arterial roadways, available mass transit, and other community amenities, and should generally be located east of Pine Island Road, unless located adjacent to the S.R. 84/I-595 corridor, or I-75 interchanges.

Future Land Use Policy 10-1: The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and employment opportunities, including the use of mixed residential/nonresidential land uses.

Future Land Use Policy 10-4: Affordable housing, including housing targeting the South Florida Education Center (SFEC) students and employees, shall be encouraged within the RAC.

Future Land Use Policy 10-7: Rezoning and variance requests within the RAC shall be evaluated against the comprehensive plan policies relating to the RAC designation, and shall further the intent of the RAC.

Future Land Use Policy 10-9: The maximum residential density within the RAC shall be 22 du/ac.

The current zoning of the subject site is R-4A, Planned Apartment District (Old Code) for the south 7 acres, and M-1, Light Industrial District (Old Code) for the north 3.28 acres of the subject site. There has been a question relative to what maximum density is permitted based on the current zoning. Please note, the R-4A District is no longer a utilized zoning district as it was repealed from the Land Development Code in 1981. Upon extensive research through the public records of Broward County and the Town, staff has determined that the density applicable to the subject site is a maximum of 15 dwelling units per acre.

Based upon the above, staff can determine that 105 dwelling units, more or less, could be developed on the existing R-4A portion of the subject site. Based on Broward County information, 105 garden apartment could generate approximately 695 trips per day. The M-1 portion of the subject site is not applicable to density, but is applicable to maximum building coverage. Using an average of six other similar industrial uses which have been approved in the Town of Davie, staff has determined an average maximum building coverage of 19.6% or a total of approximately 27,963 square feet of industrial use which could generate approximately 143 trips per day. Therefore, it is staff's determination that if the property were to be developed under the existing R-4A and M-1 zoning designations, a total of approximately 838 trips per day would be generated.

According to the Town's Future Land Use Plan, Nova Drive is currently operating at a 2.02 volume-to-capacity (V/C) ratio at peak hour, or approximately 200 percent above its capacity. Additionally, this site has an average daily trip volume-to-capacity ratio of 1.89 west of Davie Road and 1.69 east of University Drive, which equates to a Level of Service (LOS) "F". Therefore, the development of this property under the existing zoning designation would exacerbate traffic condition by adding an additional 838 trips per day to an already overcapacity roadway. In addition, the petitioner will seek a trip transfer for utilization of unused trips from the abutting plat to the north (Sara Plat) which may exempt the petitioner from improvements to Nova Drive, to satisfy Broward County concurrency review at the time of platting. The petitioner's request for an RM-16 zoning designation to construct 160 units would equate to approximately 1,059 trips per day. This would further degrade the overcapacity status of Nova Drive, and may be permitted by the proposed trip transfer as referenced above. Staff is concerned that development of this property, under existing and proposed conditions, will have a significant negative impact to an overcapacity roadway which may not be sufficiently mitigated, due to a trip transfer. Although a trip transfer may satisfy Broward County concurrency without roadway improvements, staff believes improvements to Nova Drive are necessary for any development of the subject site.

Directly to the west of the subject site Arista Park Condos has a density of 10 units per acre. West of Arista Park, is a PUD (Nova Village) developed at approximately 8 units per acre. The property directly to the east (Nova Villas Condos) is developed at 10 units per acre. East of Nova Villas is property developed at 14 units per acre (College Court Townhouse). The property to the south (Nova Gardens Condos) is developed at approximately 14 units per acre. Therefore, the proposed density of 16 du/ac exceeds the maximum 15 du/ac permitted by the current R-4A zoning designation of the south 7 acres and is higher than the densities of adjacent development which will increase traffic above that which would be generated under existing conditions. **Therefore, staff believes if the property were to be developed at a minimum, such development should occur at a lower density to lessen the impact of additional traffic.**

Findings of Fact

Section 12-307(A)(1)

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change may create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (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;
- (f) The proposed change may adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public; accord with existing zoning.
- (j) The proposed zoning designation is not the most appropriate designation to enhance the Town's tax base given the site location relative to the land use designations established on the future land use plan appropriate land use planning practice, and comprehensive plan directing land use location. to
pattern of
map,
policies

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the negative, staff recommends denial of application no. ZB 12-2-99.

Planning and Zoning Board Recommendation

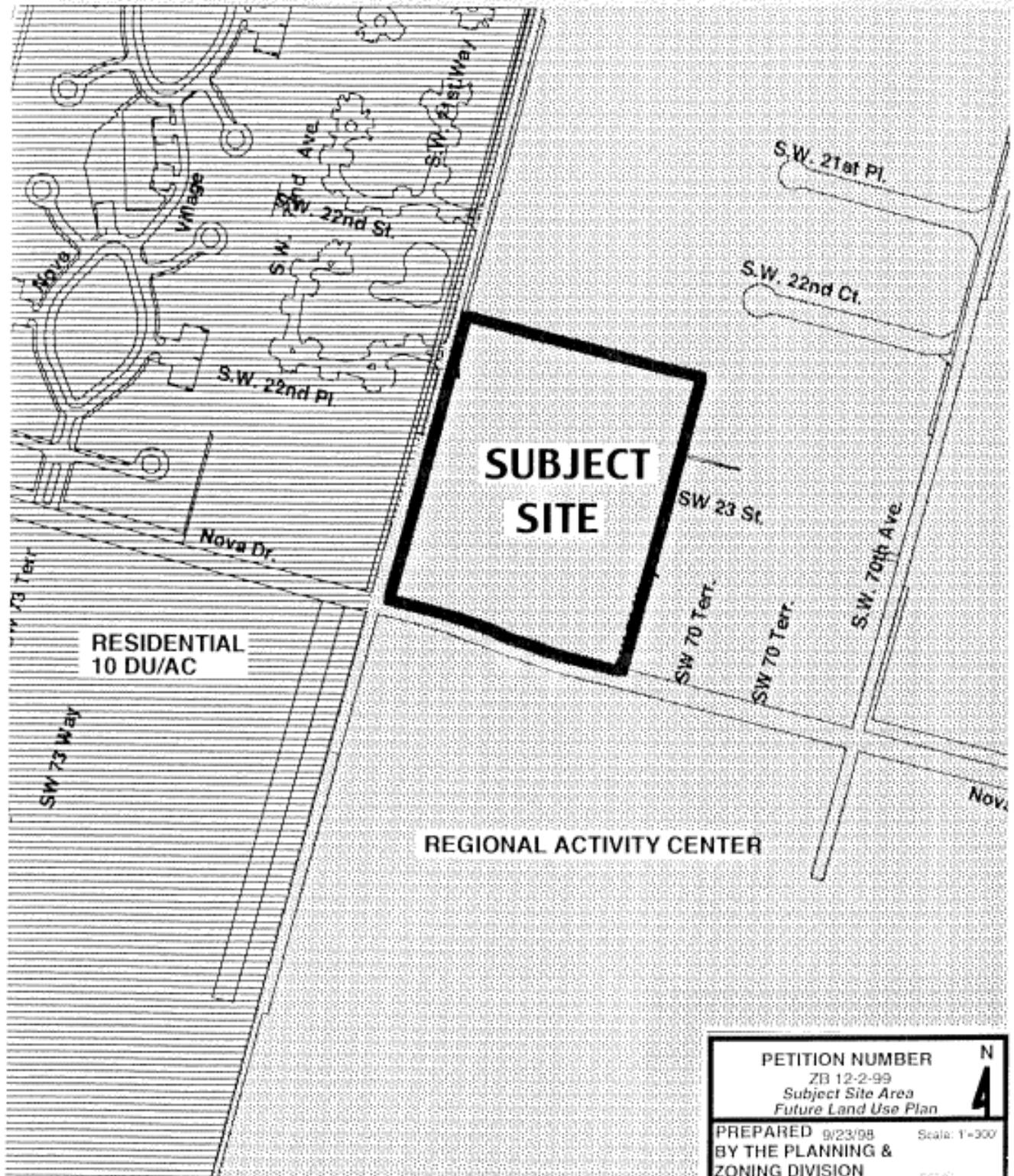
The Planning and Zoning Board recommended denial of ZB 12-2-99 at its April 12, 2000 meeting (motion carried 3-1, Mr. Pisula dissenting, Chairman Greb absent).

Exhibits

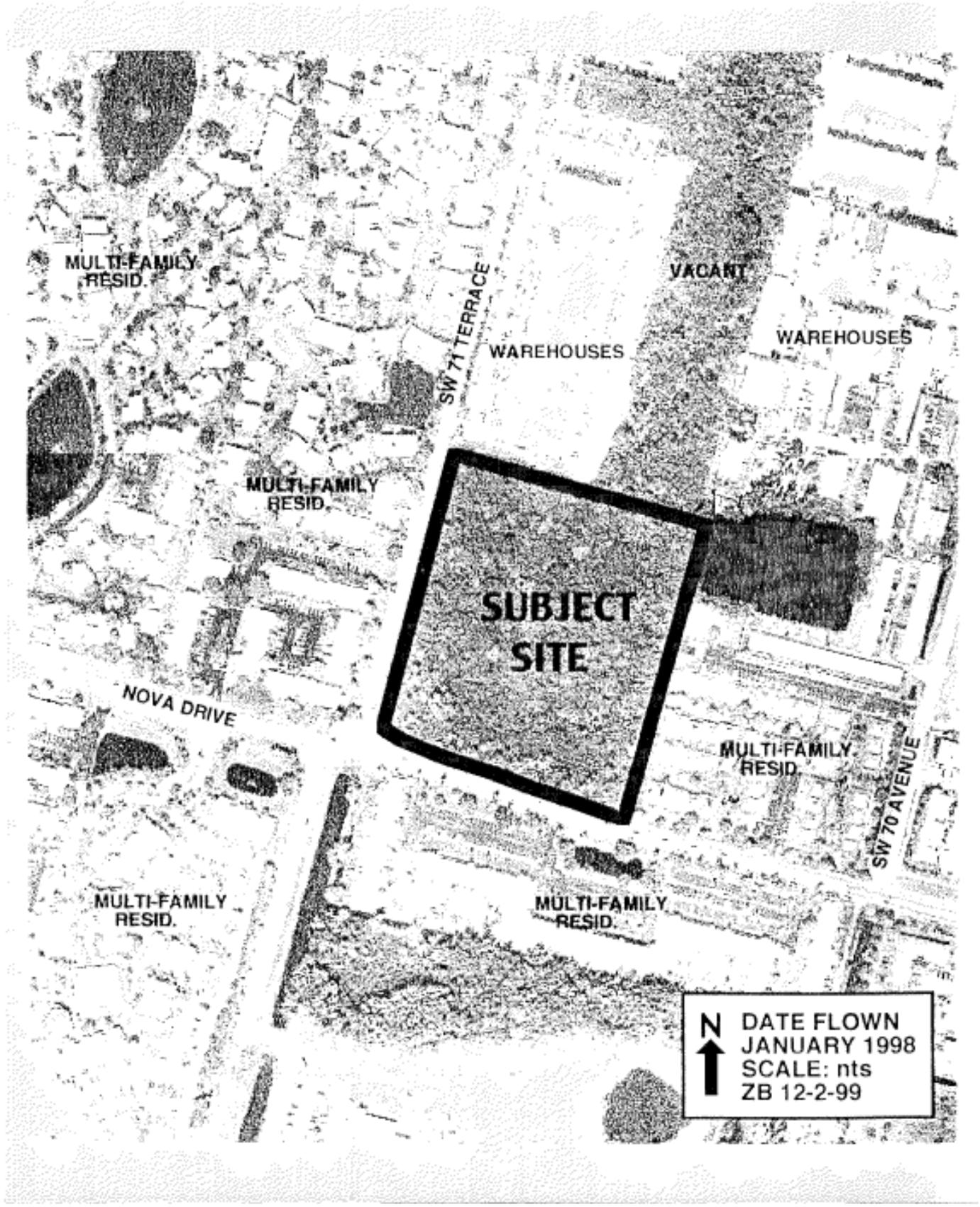
- 1. Land Use Map
- 2. Subject Site Map
- 3. Aerial

Prepared by: _____

Reviewed by: _____



PETITION NUMBER ZB 12-2-99 Subject Site Area Future Land Use Plan	N 4
PREPARED 9/23/98 BY THE PLANNING & ZONING DIVISION	Scale: 1"=300'



MULTI-FAMILY RESID.

VACANT

WAREHOUSES

WAREHOUSES

SW 71 TERRACE

MULTI-FAMILY RESID.

SUBJECT SITE

NOVA DRIVE

MULTI-FAMILY RESID.

SW 70 AVENUE

MULTI-FAMILY RESID.

MULTI-FAMILY RESID.

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
ZB 12-2-99