



MEMORANDUM

AGENDA ITEM #6e

DATE: FEBRUARY 2, 2009
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: TOWN OF DAVIE PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On December 16, 2008 Council staff received proposed plan amendment #09D-1 to the Town of Davie Comprehensive Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

The Town of Davie, located in central Broward County, encompasses 35.5 square miles and in 2008 had an estimated population of 92,207, an increase of 21.8 percent since 2000 (partially due to annexation). The Town has worked to preserve its rural atmosphere, equestrian lifestyle and western theme district. The Town has numerous parks and more than 165 miles of trail system. A number of colleges, technical institutes, and universities are located in eastern Davie at South Florida Educational Center. The State Road 7/U.S. 441 Corridor forms the eastern edge of the Town and the Town is a member of the State Road 7 Collaborative.

Additional information regarding the Town or the Region may be found on the Council's website, www.sfrpc.com.

Summary of Plan Amendment

Proposed amendment #09D-1 to the Town of Davie Comprehensive Plan contains one (1) map amendment to the Land Use Plan and one (1) text amendment to the Future Land Use Element (FLUE), related to The Commons Development of Regional Impact (DRI). At the request of the Applicant, the Commons DRI is not being reviewed at this time.

The general location of the Town is shown in Attachment 1 and the proposed amendment site is shown in Attachment 2.

A summary of the proposed amendments in this package follows.

Summary of Staff Analysis

Proposed amendment #09D-1 to the Town of Davie Comprehensive Plan contains one (1) map amendment to the Land Use Plan and one (1) text amendment to the Future Land Use Element (FLUE). Both amendments are related to The Commons Development of Regional Impact (DRI) and Broward County proposed amendment #09D-1AR. Broward County's amendment was reviewed under the Alternative State Review (AR) Process Pilot Program and Council staff analysis was submitted to the County on January 15, 2009.

The Commons DRI

The proposed DRI project is for approximately 152 acres of unimproved land within the Town of Davie. The mixed use development program proposes upscale shopping and eating establishments, a hotel, and class "A" office space; consisting of 1.1 million square feet of Commercial, 885,000 square feet of Office, and 300 Hotel rooms. In addition, the development proposes a linear park that will surround its northern and eastern perimeter.

The Commons Application for Development Approval (ADA) was found sufficient on May 23, 2007 and two (2) Development Order (DO) Conditions meetings have been held (June 27, 2007 and July 31, 2007). In addition, three (3) mediation meetings were held to discuss unresolved transportation issues between the municipalities of Davie, Weston, and the Developer. The parties involved were unable to reach an agreement, impasse was declared and mediation ended.

At this time the DRI Impact Assessment Report and DO conditions are not being considered by the Council. On January 22, 2009, the Applicant requested the DRI to be heard at a later date, allowing more time to further address regional issues with applicable review agencies and affected parties.

Map Amendment

The proposed map amendment to the Land Use Plan would designate approximately 151.5 acres of Residential 1 DU/AC (1 unit per acre) to Commercial, generally located south of Southwest 20th Street, between Interstate 75 (I-75) and Shotgun Road (Southwest 154th Avenue). This land use change would allow for 1.1 million square feet of retail, 885,000 square feet of office use, and a 300 room hotel.

The proposed amendment site is currently vacant. The land uses to the north, south and east of the site are Residential 1 DU/AC, and immediately west of the site is I-75. The neighboring City of Weston has Industrial uses west of I-75, with Commercial uses along Weston Road.

Text Amendment

The proposed text amendment to the Future Land Use Element (FLUE) would create a new policy group: Policy Group 28, Commercial development with direct Florida Interstate Highway System (FIHS) access. The entire application request is contingent upon exclusive I-75 access, as proposed in this text amendment.

The text amendment includes one (1) objective and five (5) policies related to "mixed-use" developments (MXDs) of 100+ acres with access to the FIHS. The objective is to provide a commercial tax base for the Town; restrict MXD access to the FIHS; and buffer residential areas from impacts created by MXDs. The proposed policies would: promote a coordinated and balanced mix of uses without encroaching into adjacent neighborhoods through intermodal transit connections; detail the access and perimeter characteristics of MXDs; require MXDs to be designed as a "Town Center" (consistent with the Town's Land Development Code); and encourage pedestrian activity and the development of bus and rail transit services to and within the MXD through site design.

The Town Council approved (4-1) the transmittal of the proposed amendment package at its February 7, 2007 meeting. On December 9, 2008, the Broward County Board of County Commissioners voted to transmit the concurrent application to the BCLUP related to The Commons DRI without a recommendation.

Staff Analysis

Staff analysis confirms the area's drainage, potable water, public schools, recreation and open space, sanitary sewer, and solid waste services capacity are adequate to serve the future needs of the proposed amendment. Natural and historic resources will not be adversely impacted. To mitigate potential noise and aesthetic impacts the proposed project includes a linear park for recreation, open space, landscaping, and physical barriers to serve as a buffer, along with height and sound restrictions. California night sky ordinances, light, and sign regulations will also be integrated into site design to reduce light and atmospheric pollution.

The proposed project would change the character of the neighborhood and significantly increase traffic within the Town of Davie, by a net increase of 3,446 pm peak trips. To mitigate traffic on the Town's local roads, the applicant has proposed exclusive site access via the Royal Palm Boulevard/I-75 Interchange. The rerouting of traffic would constrain local roads within the City of Weston. The developer has voluntarily agreed to make transportation improvements to further mitigate traffic impacts.

Comment

This project is also expected to create 5,959 new jobs, of which 2,454 will serve very-low, low, and moderate income individuals. Job opportunities appear be limited to the Town of Davie residents. The Applicant should consider having Regional job fairs, opening job opportunities to all who are interested and qualified.

Land Use Compatibility

A linear park of recreation and open space around the perimeter of the site, along with a sizeable landscape buffer and a water body will be incorporated into the site design to create a buffer between residential and commercial uses. Other proposed features such as an equestrian trail along the eastern edge of the site and courtyards, fountains, and pedestrian pathways within the site are expected to improve land use compatibility. While physical compatibility issues have been addressed, the land use amendment is internally inconsistent with the Town's Comprehensive Plan since the existing land use category is protected through rural lifestyle regulations (adopted by the Town Council on October 16, 2002) and the site is currently zoned for Agricultural (AG) uses.

Impact on Transit Services

The applicant proposes to provide a shuttle bus service for employees living in eastern Davie to the mixed use development site with one-hour headways. While the shuttle would be beneficial, the frequency of service would be inadequate because of the expected one hour headways (considered a level of service of "F" for transit). The applicant has plans to include a transit terminal that would serve the proposed I-75 express bus service, providing the impetus for pedestrian access within the site. If local transit services from communities to the north, south, and west of the development were improved, those buses would be able to take advantage of the proposed terminal.

Impact on Roadways

The Town of Davie and the Applicant have prepared a draft Declaration of Restrictive Covenant that would restrict local access to the site (except for emergency vehicles), specifically Shotgun Road and SW 20th Street. As proposed, a new exit would be constructed at the Royal Palm Boulevard and I-75 interchange for movement to the east and provide sole access to the project site. Currently, the Royal Palm Boulevard and I-75 interchange only provides movement to the west (into the City of Weston). The

proposed amendment would adversely impact the operating conditions on the regional transportation network by unnecessarily placing local trips onto the FIHS (also a part of the State's Strategic Intermodal System).

The Applicant has committed to several transportation improvements to mitigate the expected impacts. The majority of the improvements would be in the City of Weston, to which Weston is opposed. Determination to approve the interchange modification has not been reached by the Federal Highway Administration (FHA).

Greenhouse Gas Emissions

Effective July 1, 2008, Chapter 163.3177 of the Florida Statutes requires that future land use plan amendments demonstrate how they discourage sprawl through energy efficiency and greenhouse gas reduction strategies. Limiting direct access to the development site and rerouting local trips to the I-75 interchange will increase Vehicle Trips and Vehicle Miles Travelled, thereby, increasing greenhouse gas emissions. Additionally, the proposed development does not provide pedestrian access to the site.

Intergovernmental Coordination

Approval of the proposed amendment requires the Town of Davie to successfully work with the City of Weston, Broward County, the State, South Florida Regional Planning Council, and any other affected parties to address traffic impacts. The municipalities of Davie, Weston, and the Applicant have had the opportunity to address access and transportation issues through The Commons DRI process. The parties involved have not agreed upon mitigation or strategy at this time. Because the proposed amendment has a regional nature, it is crucial for the amendment to demonstrate successful intergovernmental coordination and provide proper access and mitigation of transportation impacts through consensus.

Council staff received separate correspondence from the Florida Department of Community Affairs and Department of Transportation (District IV) regarding their analysis on the related Broward County proposed amendment #09D-1AR, which was reviewed under the AR process. Both agencies recommend the County to not move forward with the amendment process until the potential impacts of the requested interchange modification are approved by the FHA and mitigation issues are addressed.

Objection

Council staff analysis confirms the amendment as proposed is not supported by adequate facilities; the amendment fails to address the issues of development site access, compatibility, mobility, and transportation impacts on the regional system.

As proposed, Town of Davie amendment #09D-1 is incompatible with the following Goals 4, 8, 9, 10, 11, 12, 17, and 20 and Policies 4.2, 8.2, 8.4, 8.7, 10.3, 11.2, 11.10, 11.12, 12.1, 12.4, 17.2, 20.1, and 20.5, of the Strategic Regional Policy Plan for South Florida:

Goal 4 Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.

Policy 4.2 Optimize the service area and facility size of public facilities in the Region and direct future development and redevelopment first to areas served by existing infrastructure.

Goal 8 Enhance the Region's mobility, safety, quality of life, and economic health through improvements to road, port, and public transportation infrastructure.

Policy 8.2 Reduce the utilization of the Florida Interstate Highway System and other components of the regional system for short, local trips.

Policy 8.4 Expand use of public transportation, including buses, commuter rail, waterborne transit, and alternative transportation modes that provide services for pedestrians, bikers, and

- the transportation disadvantaged, and increase its role as a major component in the overall regional transportation system.
- Policy 8.7 Ensure that the transportation network, including public transportation supports the emergency evacuation needs of the Region.
- Goal 9 Develop clean, sustainable, and energy-efficient power generation and transportation systems.
- Goal 10 Increase awareness of the Region’s green infrastructure, its significance to the Region’s economy, and the public’s role in access and use that is compatible with long-term sustainability.
- Policy 10.3 Encourage interagency cooperation and co-location of parks and other public facilities where appropriate for use and access.
- Goal 11 Encourage and support the implementation of development proposals that conserve the Region’s natural resources, rural and agricultural lands, green infrastructure and:
- Utilize existing and planned infrastructure where most appropriate in urban areas;
 - Enhance the utilization of regional transportation systems;
 - Incorporate mixed-land use developments;
 - Recycle existing developed sites; and
 - Provide for the preservation of historic sites.
- Policy 11.2 Encourage mixed land uses and activities within communities to foster more balanced and energy-efficient development patterns, which are characterized by appropriate density, diverse economic, employment, and housing opportunities, and public transportation access.
- Policy 11.10 Decisions regarding the location, rate, and intensity of proposed development shall be based on the existing or programmed capacity of infrastructure and support services or on capacity which will be programmed to serve that proposed infrastructure and support services on natural resources.
- Policy 11.12 Encourage increased density within appropriate urban areas that are served by adequate and planned facilities and services, including public transportation, and that are proximate to regional activity or employment centers. Ensure that the impacts of increased density are fully mitigated by increased investment in facilities and services.
- Goal 12 Encourage the retention of the Region’s rural lands and agricultural economy.
- Policy 12.1 Maintain the character of rural and agricultural areas by encouraging compatibility of adjacent land uses.
- Policy 12.4 In the event that land is converted from agriculture to urban uses, local governments should discourage sprawl development patterns and require urban design and density necessary to support pedestrian-orientation, public transportation, and the efficient provision of other infrastructure.
- Goal 17 Maintain a competitive, diversified, and sustainable regional economy.
- Policy 17.2 Address quality of life issues including education, access to services, and safety, in order to make South Florida a more attractive location for domestic and international talent and businesses.
- Goal 20 Achieve long-term efficient and sustainable development patterns, that protect natural resources and connect diverse housing, transportation, education, and employment opportunities.
- Policy 20.1 Provide for the compatibility of adjacent land uses and assess the impacts of land uses on the surrounding environment in comprehensive plans and development regulations.

Policy 20.5 Improve regional air quality and reduce negative impacts to other natural resources by connecting development with multi-modal transportation systems.

Recommendation

Council staff recommends that the Town delay approval of amendment #09-D1 until development site access, compatibility, mobility, and transportation impacts on the regional system can be adequately addressed. Additional recommendations are provided below.

Impact on Transit Services: Transit service to the development site should be frequent and dependable. Opportunities for service expansion should be explored to meet the employment and shopping needs of the Transportation Disadvantaged populations. In addition, transit plans for services that have been indentified in the Broward County Transit Development Plan, Long Range Transportation Plan, and Broward County Transit Master Plan (express bus service from Weston to the East) should be reviewed and implemented.

Impact on Roadways: Options for mitigating local trips that will be generated by the proposed development should be reviewed and documented in a Traffic Circulation Plan.

Intergovernmental Coordination: Consensus on the unresolved issues may be achieved through a Memorandum of Agreement (MOU), outlining provisions to provide adequate access and services to the development site, between the Town of Davie and City of Weston.

Council staff is available to work with the County, the municipalities of Davie and Weston, and the Applicant throughout the amendment process.

Conclusion

Find Town of Davie proposed amendment #09D-1 generally inconsistent with the *Strategic Regional Policy Plan for South Florida*. Approve this agenda item for transmittal to the Florida Department of Community Affairs.

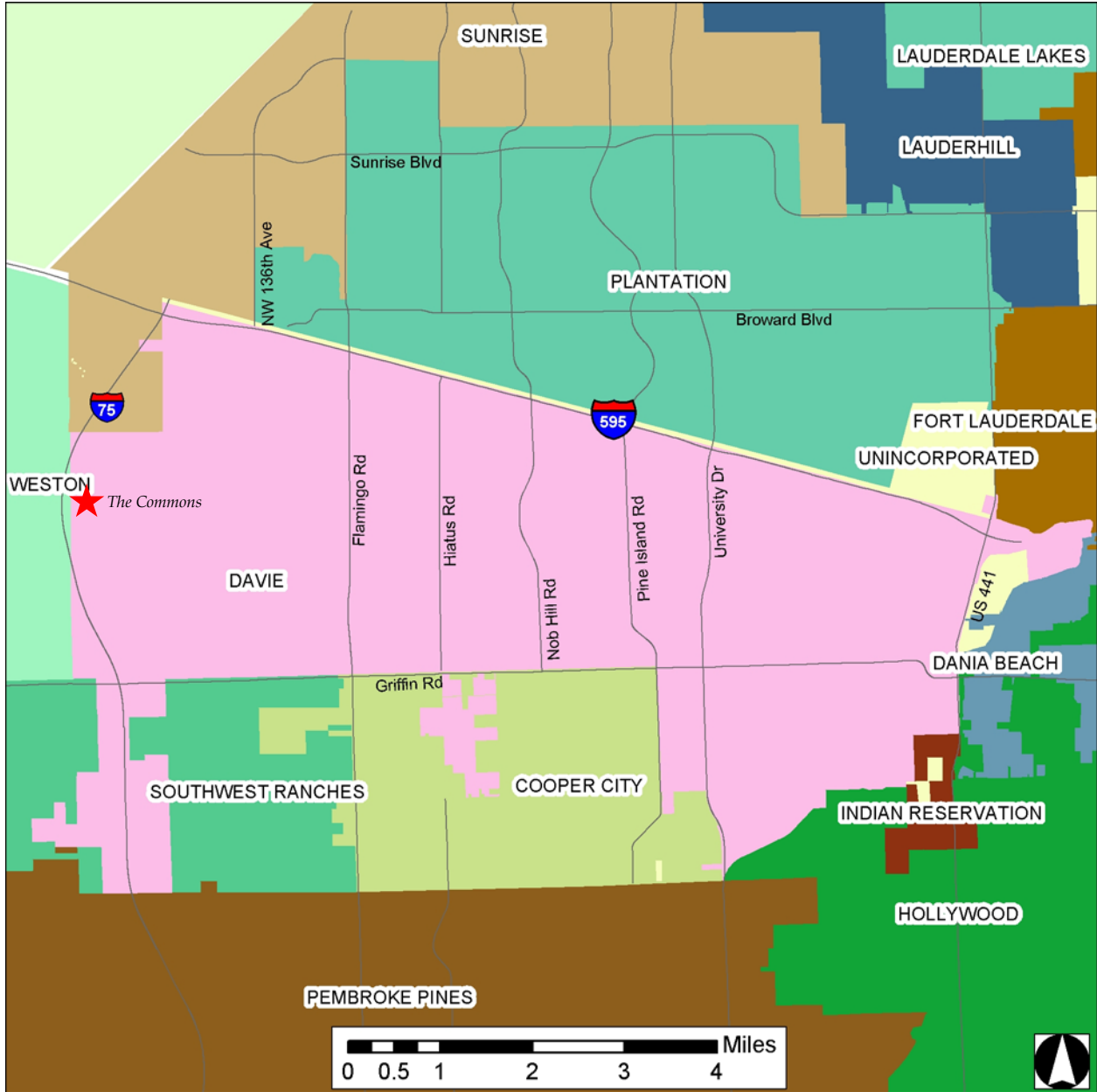
Council Action

At its February 2, 2009 meeting, the Council moved staff recommendation, finding the Town of Davie proposed amendment package #09D-1 generally inconsistent with the *Strategic Regional Policy Plan for South Florida*. The Council augmented staff recommendations with the following comments:

1. The Council heard testimony from the Fire Chief and Police Chief of the Town of Davie that there are no issues with emergency evacuation or public safety related to the development's single access. The Council also heard testimony that there are evacuation and public safety issues. Council staff reviewed information from the Town of Davie, but did not have information from the City of Weston to review, and, therefore, did not raise the issue; and
2. The adopted Comprehensive Plan amendment or the revised Application for Development Approval should include an updated economic impact study.

The Council, by the same motion, approved the transmittal of this staff report to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

Town Location Map with The Commons DRI Site

Town of Davie
Proposed Amendment #09D-1

Sources: FDEP, SFWMD, Broward County, SFRPC.

Note: For planning purposes only. All distances are approximate.

Attachment 2



COMPREHENSIVE PLAN AMENDMENTS

Aerial Map

Town of Davie
Proposed Amendment #09D-1

From: Residential 1 DU/AC
To: Commercial
152 acres

Sources: FDEP, SFWMD, Broward County, SFRPC.

Note: For planning purposes only. All distances are approximate.