6.4
PUBLIC HEARING

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director / (954) 797-1101

PREPARED BY: Carlo F. Galluccio III, Planner I

SUBJECT: Quasi Judicial Hearing: Rezoning Application, ZB 9-1-07/07-142/Saffie/Generally located on the southside of 58th street and 607 feet west of 106th avenue.

AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE TO INCLUDE THE APPROXIMATE 45,307 SQUARE FEET PARCEL," FROM: A-1 COUNTY TO: TOWN OF DAVIE A-1 AGRICULTURE ONE DWELLING PER ACRE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-07, Saffie, 10750 SW 58 Street)

REPORT IN BRIEF: The petitioner request is to change subject site from A-1, (County) Zoning District designation to Town of Davie A-1, Agricultural Zoning District designation. The gross area of the site is 1.04 acres (45,307 sq. ft.). This rezoning of the property to the Town of Davie zoning designation of A-1, Agricultural District will allow the petitioner to build a single family dwelling unit on subject site. In addition, the rezoning will be consistent with the Town's requirement that all properties rezone to an appropriate Town of Davie zoning designation.

As per the United Ranches annexation agreement, the Preservation Board shall be responsible for issuing recommendations on zoning changes within the United Ranches area

PREVIOUS ACTIONS:

CONCURRENCES: At the January 11, 2008 Preservation Board meeting, Ivan Gonzalez, Pat Mason, Toby Perkins, and Ben Wesley approved Rezoning Application ZB 9-1-07, Saffie. **(Motion carried 4-0, Carolyn Gill was absent)**

Vice-chair Stevens made a motion, seconded by Chair Bender, to approve. In a roll call vote, the vote was as follows: Chair Bender-yes; Vice-Chair Stevens-yes; Mr. Busey-yes; Mr. Pignato-absent; Ms. Turin-yes. (Motion carried 4-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Preservation Board, Planning and Zoning Board and Town Council for further consideration subject to the following condition:

Attachment(s): Ordinance, Staff Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE TO INCLUDE THE APPROXIMATE 45,307 SQUARE FEET PARCEL," FROM: A-1 COUNTY DISTRICT TO: TOWN OF DAVIE AGRICULTURE (A-1) DISTRICT ONE DWELLING PER ACRE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed FROM: A-1 (County) Districts TO: Agricultural (A-1) District.

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1 (County) Districts to Agricultural (A-1) District;

a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as Agricultural (A-1) District

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2008.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2008.

ATTEST:

_____

MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2008.

Exhibit "A"
Application: ZB 9-1-07/07-142 Saffie
Original Report Date: 12/17/07 **Revision(s):** February 5, 2008

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:
Name: Alimudin Saffie
Address: 5717 SW 110th Ave
City: Fort Lauderdale, Florida 33328
Phone: (954) 260-8700

Petitioner:
Name: Pulice Land Surveyors, Inc.
Jane Storms
Address: 5381 Nob Hill Road
City: Sunrise, Florida 33351
Phone: (954) 572-1777

Background Information

Date of Notification: February 6, 2008 **Number of Notifications:** 38

Petitioner's Request: Rezone the subject site **FROM:** A-1, (County) District **TO:** A-1, Agricultural District

Address: 10750 Southwest 58th Street

Location: Generally located on the southside of Southwest 58th Street, 607 feet west of Southwest 106th Avenue.

Future Land Use Plan Map: Estate Residential

Existing Zoning(s): A-1, (County) District

Proposed Zoning(s): A-1, Agricultural District

Existing Use(s): Vacant Lot

Gross/Net Parcel Size: 1.04 acres (45,307 sq. ft.) / 0.83 acres (36,344 sq. ft.)

Proposed Use(s): Single Family Home

Proposed Density:	1 Dwelling/Acre	
	Surrounding Use(s):	**Surrounding Land Use Plan Map Designation(s):**
North, South, East and West:	Single Family Dwelling	Estate Residential
	Surrounding Zoning(s):	
North, South, East and West:	A-1, (County) District	

Zoning History

Related zoning history:
Records indicate that the existing zoning classification was in place at the time of annexation.

Previous requests on same property: n/a

Concurrent Request(s) on same property:
Plat Application (P 9-1-07), the petitioner requests approval for the plat known as "Saffie".

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezonings, Special Permits, Variances, and Vacations or Abandonments of Rights-of-Way, the purpose of this division is to guide the processing and granting of rezonings, special permits, variances and vacations or abandonments of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-24 (I)(1)), the A-1, Agricultural District is intended to implement Agricultural and residential one (1) unit per acre classification of the Town of Davie Comprehensive Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from existing agricultural uses.

Comprehensive Plan Considerations

Planning Area:
The subject property falls within the newly annexed area of the Town (United Ranches) and has not been designated within one of the existing planning areas.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 101.

Applicable Goals, Objectives & Policies:
Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

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

Application Details

The petitioner request is to change subject site from A-1, (County) Zoning District designation to Town of Davie A-1, Agricultural Zoning District designation. The gross area of the site is 1.04 acres (45,307 sq. ft.). This rezoning of the property to the Town of Davie zoning designation of A-1, Agricultural District will allow the petitioner to build a single family dwelling unit on subject site. In addition, the rezoning will be consistent with the Town's requirement that all properties rezone to an appropriate Town of Davie zoning designation.

As per the United Ranches annexation agreement, the Preservation Board shall be responsible for issuing recommendations on zoning changes within the United Ranches area.

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 meetings with the public at the Ivanhoe Community Center on November 7, 2007 and November 13, 2007. Attached is the petitioner's Citizen Participation Report.

Staff Analysis

The purpose of this request is to rezone the subject site from A-1, (County) District to A-1, Agricultural District. According to the Land Development Code, the subject site meets the minimum technical requirements for the A-1, Agricultural District zoning classification.

The following information is staff's analysis based on the criteria established in the Town of Davie's Land Development Code, Section 12-307(A)(1) for rezoning applications:

(a) The proposed change <u>is not</u> contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Town of Davie Comprehensive Plan is in the process of being amended to include this newly incorporated area. Therefore, the rezoning A-1, Agricultural District is expected to be compatible with the existing underlying land use category.

(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Designating the site to A-1, *Agricultural District*, is compatible with the adjacent zoning designations since this district is compatible with the *Estate Residential* land use category.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The rezoning request is logical since the property meets the requirements to gain the Town of Davie zoning designation.

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

The current Broward County zoning designation allows a density of 1 dwelling unit per 2 net acres of a plot area. The proposed rezoning to the Town of Davie designation of A-1, Agricultural District, with a density of one dwelling per acre (1) will allow the petitioner to build a residential unit on the subject site. The proposed change is not expected to adversely affect living conditions in the neighborhood since all surrounding properties are also single-family dwellings.

(e) The proposed change may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Due to the narrow range of permitted uses, the proposed change to A-1 is not expected to increase vehicular traffic.

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

The subject site is adjacent to single family dwelling units to the east, west, north, and south. Therefore, the proposed single-family dwelling is not expected to have a negative impact on the value of the adjacent properties.

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

Designating the subject site A-1, Agricultural Zoning District, will not prevent the adjoining property owners from continuing to utilize and develop their properties.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Any property owner may request a rezoning consistent with the underlying land use plan category.

On *November 7, 2007*, the Town of Davie adopted Ordinance Number *2007-33* with the intent of changing the Future Land Use designation to Estate Residential pursuant to the Davie Comprehensive Plan. Although the proposed rezoning is consistent with the Comprehensive Plan and with the amendment as adopted by Ordinance Number *2007-33, the amendment* does not actually take effect until a "Final Order" has been issued by the Florida Department of Community Affairs (DCA) and the Town's Future Land Use Map has been recertified by the Broward County Planning Commission. Although the Final Order from DCA has been issued, the public hearing by the Broward County Planning Commission cannot occur until *April 24, 2008* at the earliest. Staff has no reason to expect that the Town's Future Land Use Map will not be recertified but is simply advising that any action regarding the proposed rezoning be made contingent upon the completion of the recertification process.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to Town Council for further consideration, subject to the recertification of the Future Land Use Map by the Broward County Planning Commission.

Preservation Board

At the January 11, 2008 Preservation Board meeting, Ivan Gonzalez, Pat Mason, Toby Perkins, and Ben Wesley approved Rezoning Application ZB 9-1-07, Saffie. **(Motion carried 4-0, Carolyn Gill was absent)**

Planning and Zoning Board Recommendation

Vice-chair Stevens made a motion, seconded by Chair Bender, to approve. In a roll call vote, the votes was as follows: Chair Bender-yes; Vice-Chair Stevens-yes; Mr. Busey-yes; Mr. Pignato-absent; Ms. Turin-yes. (Motion carried 4-0)

Town Council Action

Exhibits

1. Justification Letter
2. Mail out Radius Map
4. Public Participation Notice

5. Public Participation Sign-in Sheet
6. Future Land Use Plan Map
7. Aerial, Zoning, and Subject Site Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 *(Justification Letter)*

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE (954) 572-1777 • FACSIMILE (954) 572-1778
e-mail: surveys@pulicelandsurveyors.com

September 17, 2007

Mr. David Abramson, Planner III
Development Services Department
Town of Davie
6591 Orange Dr.
Davie, FL 33314

RE: "SAFFIE" REZONE, SOUTH SIDE OF SW 58 ST BETWEEN SW 106 AVE AND WEST HIATUS RD, DAVIE, FLORIDA

Dear Mr. Abramson,

We are proposing to rezone this property from the County's Zoning Designation of A1 to the Town's Zoning Designation of A1. This property lies in United Ranches, which has now been annexed into the Town. As per our previous conversations, we are asking the Town for a Zoning Designation that is compatible to the surrounding properties. Furthermore:

- This change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.
- This change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.
- Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
- The proposed change will not adversely affect living conditions in the neighborhood.
- The proposed change will not create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities of densities of the underlying land use plan designation, or otherwise affect public safety. We will still only be proposing one (1) single family home on the property.
- The proposed change will not adversely affect other property values, as it will be decided by the Town and will be compatible to surrounding areas.
- The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations.
- There are substantial reasons why the property cannot be used in accord with existing zoning. Mainly because the County's current zoning requires two (2) full acres, whereas the proposed Town zoning only requires one (1).

- 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 (please see attached).

I have enclosed a complete rezone submittal package with signed application for your consideration of the Town. Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Fallon Washington, Planning Assistant
Pulice Land Surveyors

Encl.

Exhibit 2 *(Mail out Radius Map)*

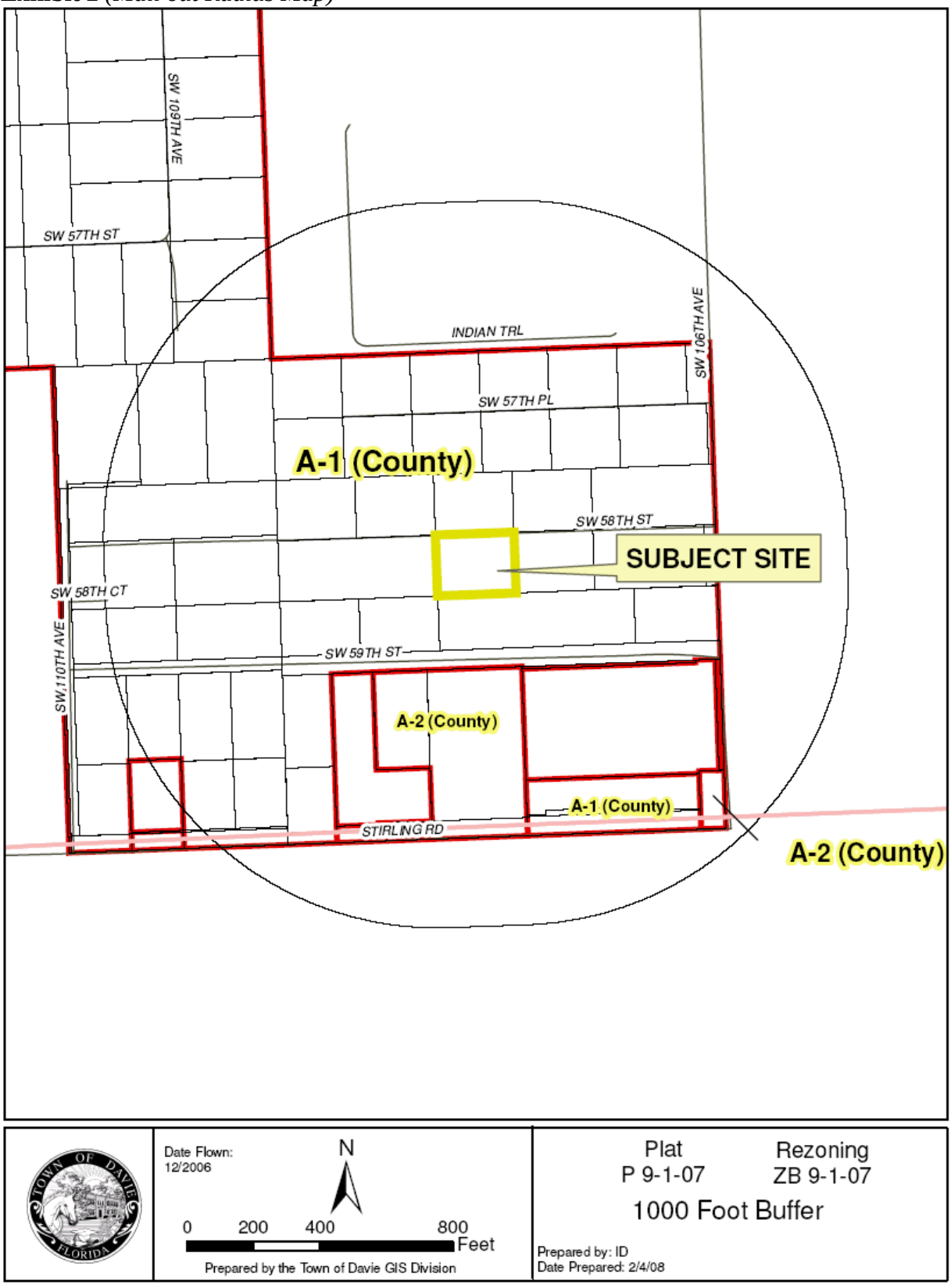


Exhibit 3 *(Public Participation Notice)*

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE (954) 572-1777 • FACSIMILE (954) 572-1778
e-mail: surveys@pulicelandsurveyors.com

October 26, 2007

RE: CITIZEN PARTICIPATION MEETING FOR "SAFFIE" (ZB9-1-07), SOUTH SIDE OF SW 58 ST BETWEEN SW 106 AVE AND WEST HIATUS RD, DAVIE, FLORIDA

Dear Neighbor,

This letter is to invite you to a Citizen Participation Meeting relating to the "SAFFIE" plat, a parcel located on the South side of SW 58th Street between SW 106th Avenue and West Hiatus Road. We are proposing to rezone this property from the County's Zoning Designation of A1 to the Town's Zoning Designation of A1. This property lies in United Ranches and has now been annexed into the Town of Davie. There will be one (1) single family home on the property.

Under a Town of Davie ordinance, the petitioner is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating their review of the application. We have scheduled the following meetings:

First Citizen Participation Meeting
November 7, 2007 at 1:00 pm
Ivanhoe Community Center
6101 SW 148th Avenue

Second Citizen Participation Meeting
November 13, 2007 at 5:00 pm
Ivanhoe Community Center
6101 SW 148th Avenue

If you wish to submit written comments, please send them to:
Pulice Land Surveyors, Inc.
Attn: Jane Storms or Fallon Washington
5381 Nob Hill Road
Sunrise, FL 33351

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,

Fallon Washington

Fallon Washington, Planning Assistant
Pulice Land Surveyors, Inc.

Encl.

Exhibit 4 *(Public Participation Sign-in Sheet)*

SAFFIE REZONE AND PLAT
SIGN-IN SHEET

PUBLIC PARTICIPATION MEETING I

WEDNESDAY, NOVEMBER 7, 2007

NAME	ADDRESS	PHONE
JOE ROBERTS	10800 SW 57 PLACE	954-434-7317
WALTER HART	10840 SW 57 PLACE	954-434-8643

SAFFIE REZONE AND PLAT
SIGN-IN SHEET

PUBLIC PARTICIPATION MEETING II

TUESDAY, NOVEMBER 13, 2007

NAME	ADDRESS	PHONE
Kelley Ditto	10701 Stirling Rd, Davie 33328	(via Mail)

Exhibit 5 *(Public Participation Summary)*

CITIZEN PARTICIPATION PLAN ACKNOWLEDGMENT

NOVEMBER 20, 2007

Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

Re: ***Citizen Participation Plan for:***
Project Number:

Dear Staff:

As required by Davie Ordinance No. 2004-31, we (*the petitioner*) are enclosing herewith a copy of the proposed citizen participation plan related to an approval for the proposed referenced application. In addition, to the outline of the plan we are enclosing the following material.

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application (*affected parties*). The names and addresses of residents and property owners within the public hearing notice area, as set forth in the Davie Code of Ordinances, shall be provided to applicant by an appropriate planning representative. The planning representative shall also provide the applicant with all names of any other interested parties and/or public agencies who have stated an interest in the application.

2. A summary of how the applicant proposes that it will notify all "affected parties" of the application.

3. A summary of the proposed application.

4. A description of the manner in which the applicant proposes that it will disseminate information to residents, property owners and/or interested parties.

5. A schedule of events planned by the applicant to complete the citizen-participation procedure. Applicant shall be required to conduct a minimum of two (2) public meetings with "affected parties." This requirement may be waived if letters from all adjacent affected parties state that all their items have been addressed and there is no need for another meeting with the applicant.

6. A requirement that the applicant shall keep the Development Services department informed on the status of its citizen participation efforts by coordinating its efforts through the assigned project planner.

The information above should satisfy the requirements of the public participation and the application review process.

Sincerely,

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE (954) 572-1777 • FACSIMILE (954) 572-1778
e-mail: surveys@pulicelandsurveyors.com

November 27, 2007

Mr. Carlo Gallucio
Town of Davie
Development Services Department
6591 Orange Dr.
Davie, FL 33314

RE: "SAFFIE" REZONE AND PLAT, SOUTH SIDE OF SW 58 ST BETWEEN SW 106 AVE AND WEST HIATUS RD, DAVIE, FLORIDA

Dear Mr. Gallucio,

Please be advised that as required by the Town of Davie Land Development Code Chapter 12, Division 7, Pulice Land Surveyors, Inc. advertised and notified all property owners within the United Ranches (including all property owners within 1,000 feet the subject property) and invited them to two (2) Public Participation Meetings. Both meetings were held at the Ivanhoe Community Center, 6101 SW 148th Avenue: the first was held November 7th at 1:00 pm and the second November 13th at 5:00 pm.

At the first meeting, Mr. Hart and Mr. Roberts wanted to know the difference between the Town and County's A1 Zonings. They also wanted to confirm that it was only a single-family residence is being proposed. We explained to them that the vacant property was originally part of a larger parcel that was divided when the Saffie's sold their house as well as the piece on land it sits on. And now that they want to build on the vacant parcel, they must rezone (because of the annexation) and plat.

Although there were no attendees at the second meeting, we did receive a letter from Ms. Ditto. She owns a nearby kennel and – although she had no objections to the rezone and plat – wanted to make sure that we were aware of the occasional noise from barking dogs. I attempted to contact her via telephone and left a message of acknowledgment since she could not be reached at the time.

We hope that the above information fulfilled the requirements of the Public Participation Ordinance concerning this project. Should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Fallon Washington

Fallon Washington, Planning Assistant
Pulice Land Surveyors

Xc: Mr. Saffie

Exhibit 6 *(Future Land Use Plan Map)*

Date Flown:
12/2006

N

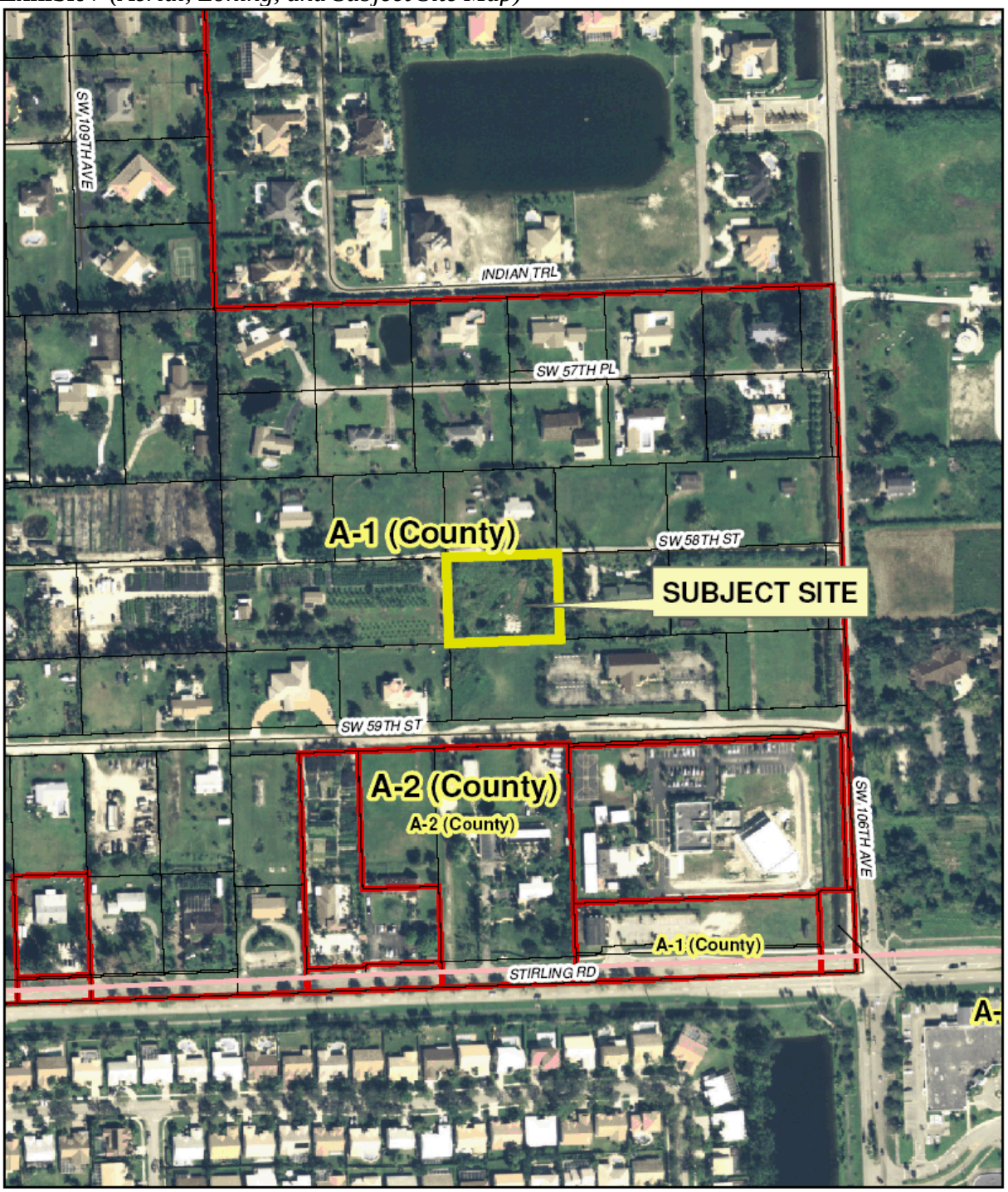
0 150 300 600 Feet

Prepared by the Town of Davie GIS Division

Rezoning
ZB 9-1-07
Future Land Use Map

Prepared by: ID
Date Prepared: 2/4/08

Exhibit 7 *(Aerial, Zoning, and Subject Site Map)*



Date Flown:
12/2006

N

0 150 300 600 Feet

Prepared by the Town of Davie GIS Division

Rezoning
ZB 9-1-07
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 2/4/08