



# Town Council Agenda Report

**SUBJECT:** ORDINANCE

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH AND; B-3, PLANNED BUSINESS DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE MASTER PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(ZB 6-1-99 - Synamovski, Gutierrez Architects, petitioner / EDJ Enterprises, Inc., owner - Address: 1305 SW 101 Road.)

**REPORT IN BRIEF:**

This is an ordinance authorizing the rezoning of property from A-1 to B-3, and B-3 to B-3 amending the master plan, in order to construct a proposed day care center. The rezoning is consistent with the adjacent properties which are also zoned B-3, and the existing master site plan.

Background: The subject property is vacant and is associated with a master plan development. Rezoning of the property is required to accommodate new development consistent with the existing master plan.

Purpose of Request: To rezone a portion of land from A-1 to B-3, and B-3 to B-3 amending the master plan, in order to construct a day care facility.

Significant Impacts: The proposed rezoning is consistent with adjacent zoning and uses. There are no negative impacts.

Conclusion: The rezoning is consistent with the Town's Comprehensive Plan and will benefit the Town's economic base.

**PREVIOUS ACTIONS:**

The Town Council approved this item for merits (5-0), subject to the planning report, at the September 1, 1999 meeting.

**CONCURRENCES:**

The Planning and Zoning Board recommended approval (5-0), subject to the amended application, August 25, 1999, subject to a voluntary declaration of restrictions, with a finding that the request is consistent with Comprehensive Plan Policies and in harmony with the general intent and purpose of the code, subject to an amended application. [Condition of the amended application: 1) the petitioner commit to another access (exit only) at the SE corner of the property.]

Staff recommended approval of the requested rezoning from A-1, Agricultural to B-3, Planned Business Center, subject to a voluntary declaration of restrictions, with a finding that the request is consistent with Comprehensive Plan Policies and in harmony with the general intent and purpose of the code, subject to an amended application. [Conditions of the amended application: 1) the petitioner commit to another access (exit only) at the SE corner of the property.]

**FISCAL IMPACT:** Is appropriation required? No  
Funding appropriated? No

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance with back-up, Land Use Map, Subject Site Map, and Aerial.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH AND; B-3, PLANNED BUSINESS DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE MASTER PLAN; 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, Agricultural District to B-3, Planned Business District; and from B-3 Planned Business District to B-3, Planned Business District, amending the master plan,

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of 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, Agricultural District to B-3, Planned Business District:

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

SECTION 2. That the property herein after described be and the same is hereby rezoned and from B-3, Planned Business District to B-3, Planned Business District, amending the master plan:

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

SECTION 3. That the owner has voluntarily executed a deed restriction on the property described in Section 1:

a. The deed restriction is described in Exhibit "C", which is attached hereto and made a part hereof.

SECTION 4. 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 B-3, Planned Business District.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith 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. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.

August 4, 1999

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

**SUBJECT:** Rezoning ZB 6-1-99

**APPLICANTS:** Synalovski Gutierrez Architects, Inc., petitioner / EDJ Enterprises, Inc., owner

**ADDRESS/LOCATION:** 1305 SW 101 Road / Generally located on the west side of SW 101 Road, just south of State Road 84, approximately 600 feet west of Nob Hill Road.

**LAND USE PLAN / ZONING:** Commercial / A-1 (Agricultural District)

**REQUEST:** **From:** A-1, Agricultural District  
**To:** B-3, Planned Business Center

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

**ANALYSIS:** The subject site is 3.8 acres in area and contains a wholesale electrical supply business and undeveloped lands. The site is bound on the north by State Road 84/I-595, on the south by an elementary school facility zoned CF, and on the east, across SW 101 Road, by a Burger King restaurant zoned B-3. Should the rezoning be approved, the western 1.2 acres of this site, currently zoned A-1, will accommodate the second phase of construction for the development of a proposed day care facility.

The proposed B-3 zoning designation is consistent with the existing "commercial" land use designation of the subject property. The Town Comprehensive Plan Future Land Use Policy 7-1, states "The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy." Comprehensive Plan Policy 7-3, states, zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses. Respectively, Policy 7-4, states, 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.

As referenced above, this site is surrounded by similar commercial uses to the east and northeast, with an existing school facility to the south. The closest residential area is south of the existing school facility and is buffered by a lake parcel approximately 420' wide. This compliment of uses surrounding the subject property eliminates any negative impact to the surrounding residential areas.

The owner acknowledges that not all permitted uses within the B-3 zoning district may be appropriate at this location, and has provided a "voluntary stipulation" letter restricting the property for utilization of a day care facility only. All other uses within the B-3 zoning

district will be not be permitted, (see Exhibit "A"). Additionally, the site will be developed under a unified development proposal, therefore, staff believes these restrictions will be consistent with existing conditions. As required by Town Code Section 12-34(AA), a conceptual site plan for the site is attached reflecting the existing wholesale structure and proposed day care facility ( Exhibit "B").

The subject property will be accessed from Nob Hill Road, a Broward County arterial trafficway, which provides access to Interstate I-595 and State Road 84. In order to develop the property, the petitioner will be required to obtain Broward County and Town plat approval, which includes traffic review. Given the underlying Commercial land use designation, the proposed change will not increase vehicular traffic above that already anticipated. Therefore, the proposed project will not negatively impact the surrounding area.

The proposed B-3 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.

**RECOMMENDATION:** The Planning and Zoning Division therefore recommends **APPROVAL** of the requested rezoning from A-1, Agricultural to the B-3, Planned Business Center, subject to the "voluntary stipulation", with a finding that the request is consistent with Comprehensive Plan Policies and in harmony with the general intent and purpose of the code.

**PLANNING AND ZONING BOARD RECOMMENDATION:** Recommendation for **APPROVAL** (4-0, John Pisula Absent), subject to an amended application.

[ Conditions of the amended application: 1) the petitioner commit to another access (exit only) at the SE corner of the property; and 2) the proposed property will only be used as a day care pre-school facility (deed restriction).]

\* Staff has verified with the Town Engineering Department that an exit only opening may be placed at the SE corner of the property. The petitioner will be required to meet all Town design standards for the opening at the time of site plan approval.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**A Portion of Unplatted Land, Section 7, Township 50s, Range 41e, also know as a Portion of Tracts 1 & 2, Tier 95 of Newmane Survey in Plat Book 2, Page 26, of Dade County Records.**

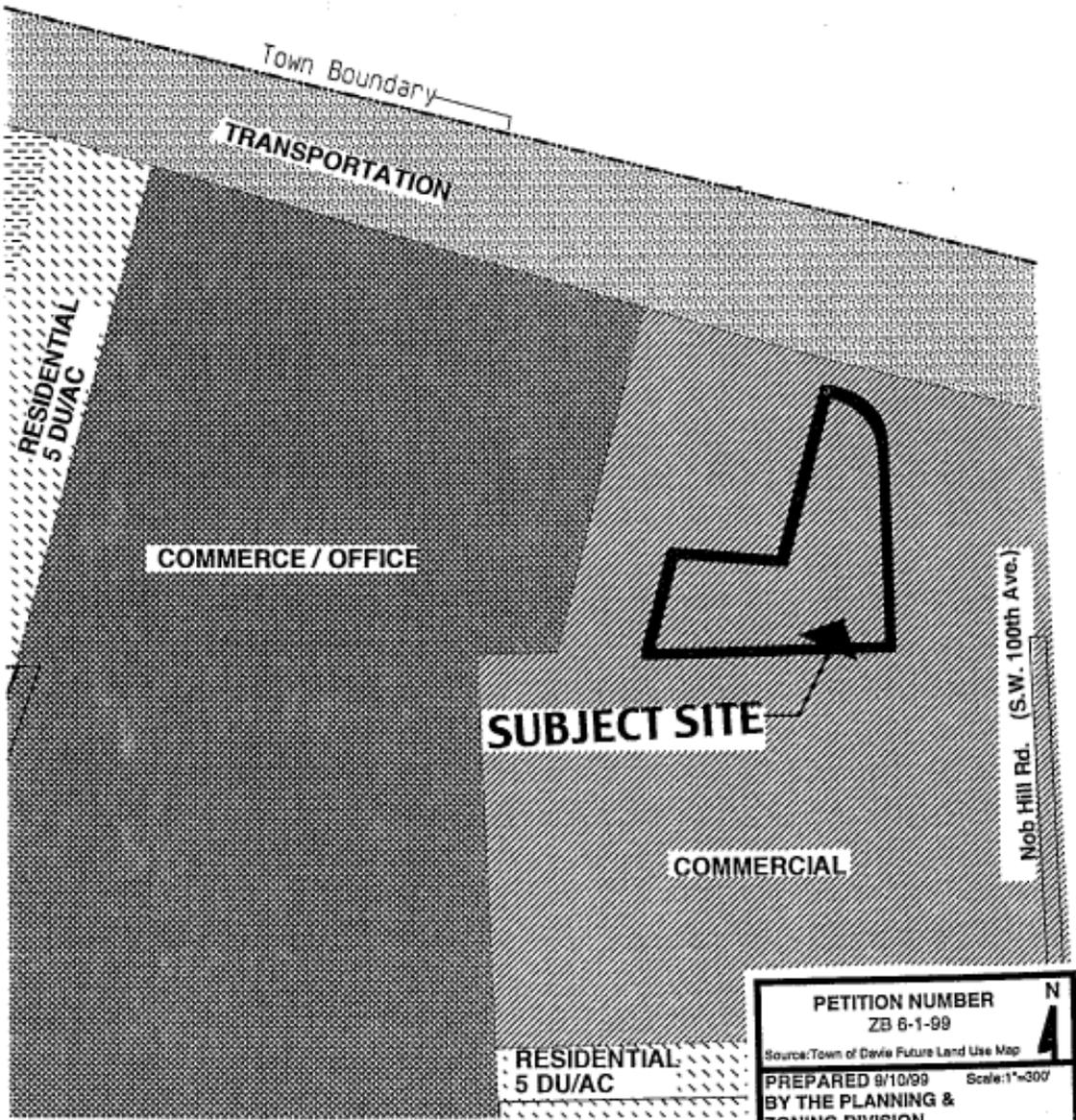
**EXHIBIT "B"**

**LEGAL DESCRIPTION**

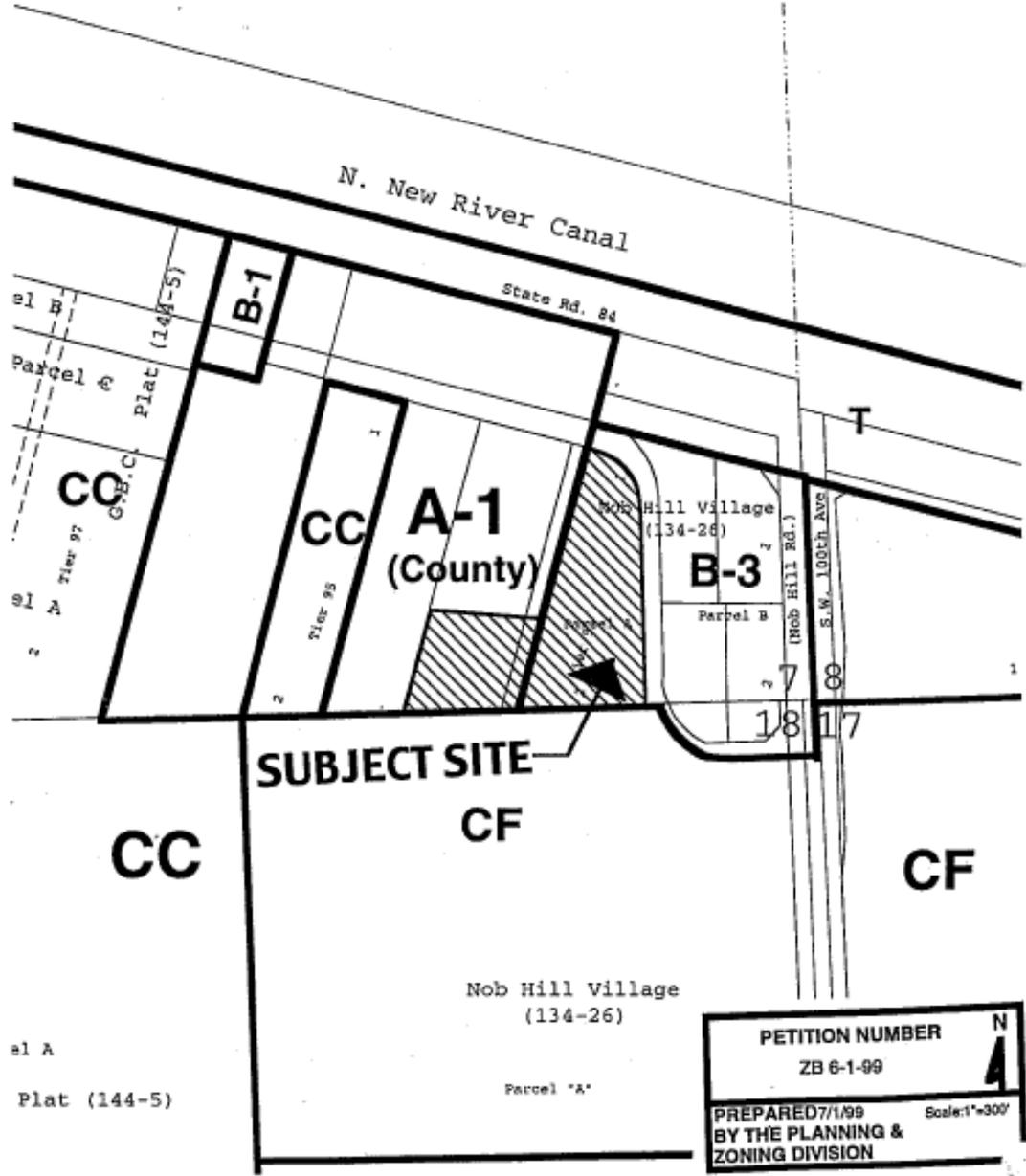
**THAT PORTION OF PARCEL A OF "NOB HILL VILLAGE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 134, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.**

**EXHIBIT "C"**

Applicant will provide appropriate "declaration of restrictions", with original signatures, prior to second reading of this ordinance.



|  |                |
|--|----------------|
| <b>PETITION NUMBER</b><br>ZB 6-1-99          | N<br>▲         |
| Source: Town of Davis Future Land Use Map    |                |
| <b>PREPARED 9/10/99</b>                      | Scale: 1"=300' |
| <b>BY THE PLANNING &amp; ZONING DIVISION</b> |                |



**PETITION NUMBER**  
ZB 6-1-99

**PREPARED 7/1/99**  
**BY THE PLANNING & ZONING DIVISION**

Scale: 1"=300'

**N**

