



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 AG, AGRICULTURAL DISTRICT TO BP, BUSINESS PARK DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(ZB 8-1-99 - Leigh Robinson Kerr & Associates, petitioner / Timothy Ryan, owner - 3450 SW 36 Street, generally located at the northwest corner of SW 36 Street and I-75.)

REPORT IN BRIEF:

The petitioner is proposing to rezone 3.553 acres from AG to BP, with the use of the “residential-to-commercial” flexibility rule as permitted by Broward County. The BP zoning designation would not be permitted within the existing Residential (1 du/ac) land use designation without the use of the “residential-to-commercial” flexibility rule, which requires approval of a compatibility study by the Broward County Commission prior Neighborhood Planning Division for use of the “residential-to-commercial” flexibility rule. This property falls within flexibility zone 113. Currently there is sufficient flex available within flexibility zone 113 for this request, while leaving surplus flexibility for future requests. Certain uses within the proposed BP zoning district are inconsistent with the uses permitted when utilizing “residential-to-commercial” flexibility. Therefore, the petitioner will be required to provide a declaration of restrictions prior to the second reading of the ordinance. The uses to be restricted will be determined at the time of compatibility review by Broward County, consistent with the Town’s zoning regulations.

The proposed rezoning is consistent with the surrounding uses and location adjacent to Interstate I-75. The proposed rezoning will have no negative impact on the Broward County school system, or regional roadway network. Therefore, staff believes the proposed rezoning is consistent with the goal policies and objectives of the Town Comprehensive Plan.

PREVIOUS ACTIONS:

The Town Council tabled this item to November 3, 1999, at its October 6, 1999 meeting.

Town Council approved this item (5-0), at its November 3, 1999 meeting.

Town Council approved (5-0) item V 9-4-99, at its November 3, 1999 meeting.

CONCURRENCES:

The Planning and Zoning Board recommended approval (5-0) of the amended application, subject to the planning report at its October 27, 1999 meeting (motion by Mr. Pisula, second by Mr. Kuvin)

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

RECOMMENDATION(S): Motion to approve the ordinance.

ATTACHMENTS: 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 AG, AGRICULTURAL DISTRICT TO BP, BUSINESS PARK DISTRICT, OF THE TOWN OF DAVIE CODE; 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 AG, Agricultural District to BP, Business Park District,

WHEREAS, said notice was given and publication made as required by law on November 24, 1999, and a public hearing thereunder was held on December 1, 1999.

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 AG, Agricultural District to Business Park District:

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

SECTION 2. That the owner has voluntarily executed a deed restriction on the property described in Section 1:

a. The deed restriction is attached as Exhibit "B", which is attached hereto and made a part hereof.

SECTION 3. 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 BP, Business Park District.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. 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 6. 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.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

EXHIBIT "A"

SKETCH AND DESCRIPTIONS OF PORTIONS OF POINTE WEST CENTER NORTH TO BE RE-ZONED

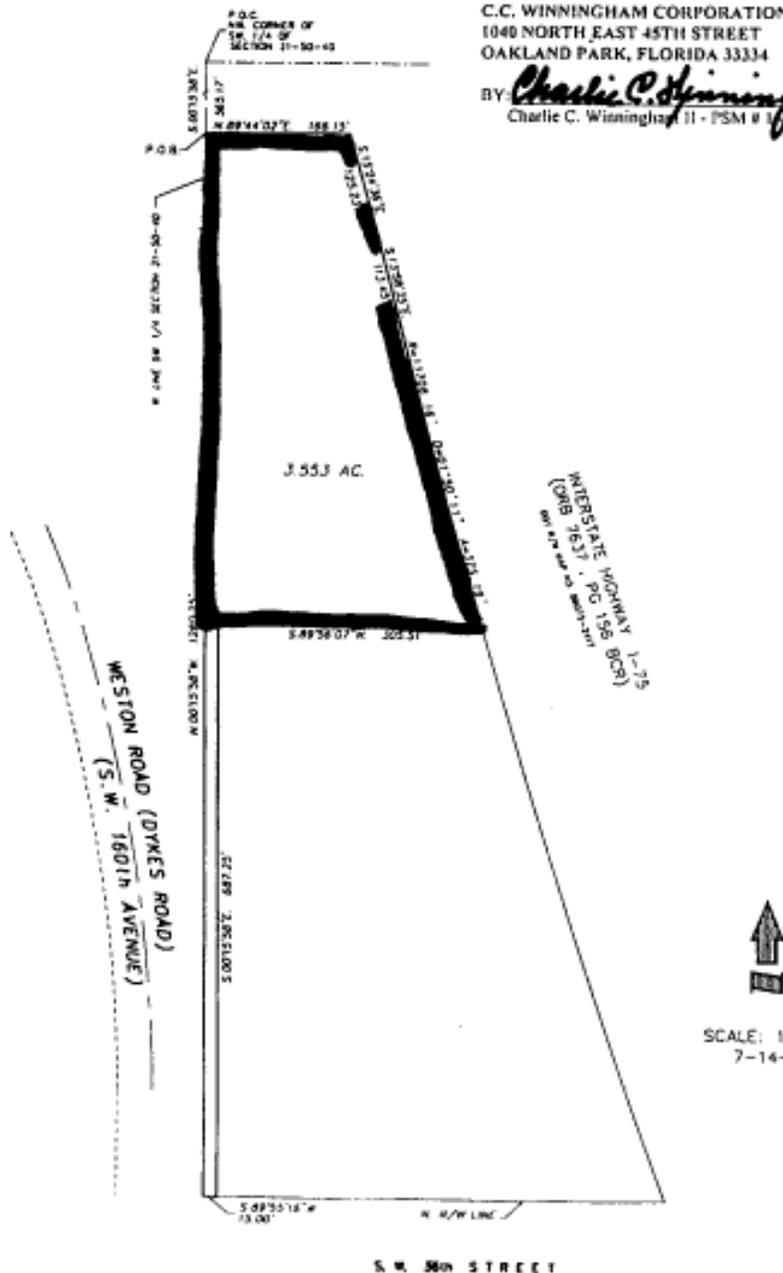
A parcel of land in the Southwest 1/4 of Section 21, Township 30 South, Range 40 East. Said parcel including portions of the FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 of said Section 21, as recorded in Plat Book 2 at Page 17 of the Public Records of Dale County, Florida and being more particularly described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of said Section 21; thence run South 00°15'58" East (on a grid bearing) 565.17 feet along the West line of said Southwest 1/4 of Section 21 to the Point of Beginning; thence run North 89°44'02" East 166.15 feet to an intersection with the Westerly right of way line of Interstate Highway 1-75; thence run South 15°24'36" East 123.23 feet along said Westerly right of way line to a point of intersection; thence run South 17°58'35" East 113.45 feet along said Westerly right of way line to a point of curvature of a curve to the left; thence along said Westerly right of way line on the arc of said curve to the left, having a radius of 11,708.18 feet and a central angle of 01°50'11"; thence run South 89°16'01" West 202.51 feet to an intersection with a line 1.5 feet East of, as measured at right angles and parallel to said West line of the Southwest 1/4 of Section 21; thence run South 00°15'58" East 687.25 feet along said parallel line to an intersection with the North right of way line of Southwest 16th Street, as now located and constructed; thence run South 89°55'18" West 1.5 feet along said North right of way line to an intersection with said West line of the Southwest 1/4 of Section 21; thence run North 00°15'58" West 1280.25 feet along said West line to the Point of Beginning.

Said land is situated in the Town of Davie, Howard County, Florida and containing 3.553 acres, more or less.

C.C. WINNINGHAM CORPORATION - L.B. # 46
1040 NORTH EAST 45TH STREET
OAKLAND PARK, FLORIDA 33334

BY: *Charlie C. Winningham II*
Charlie C. Winningham II - PSM # 110

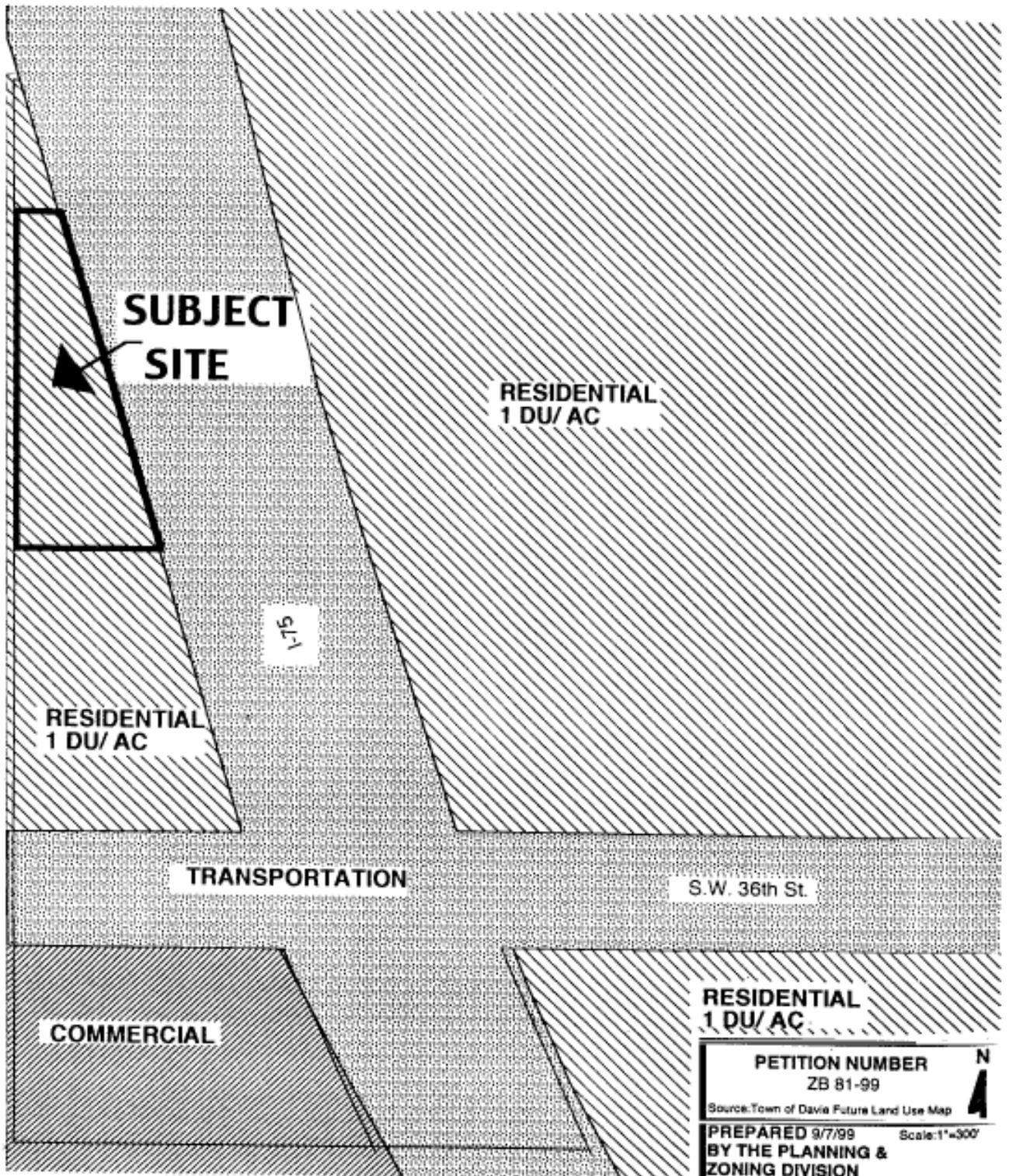


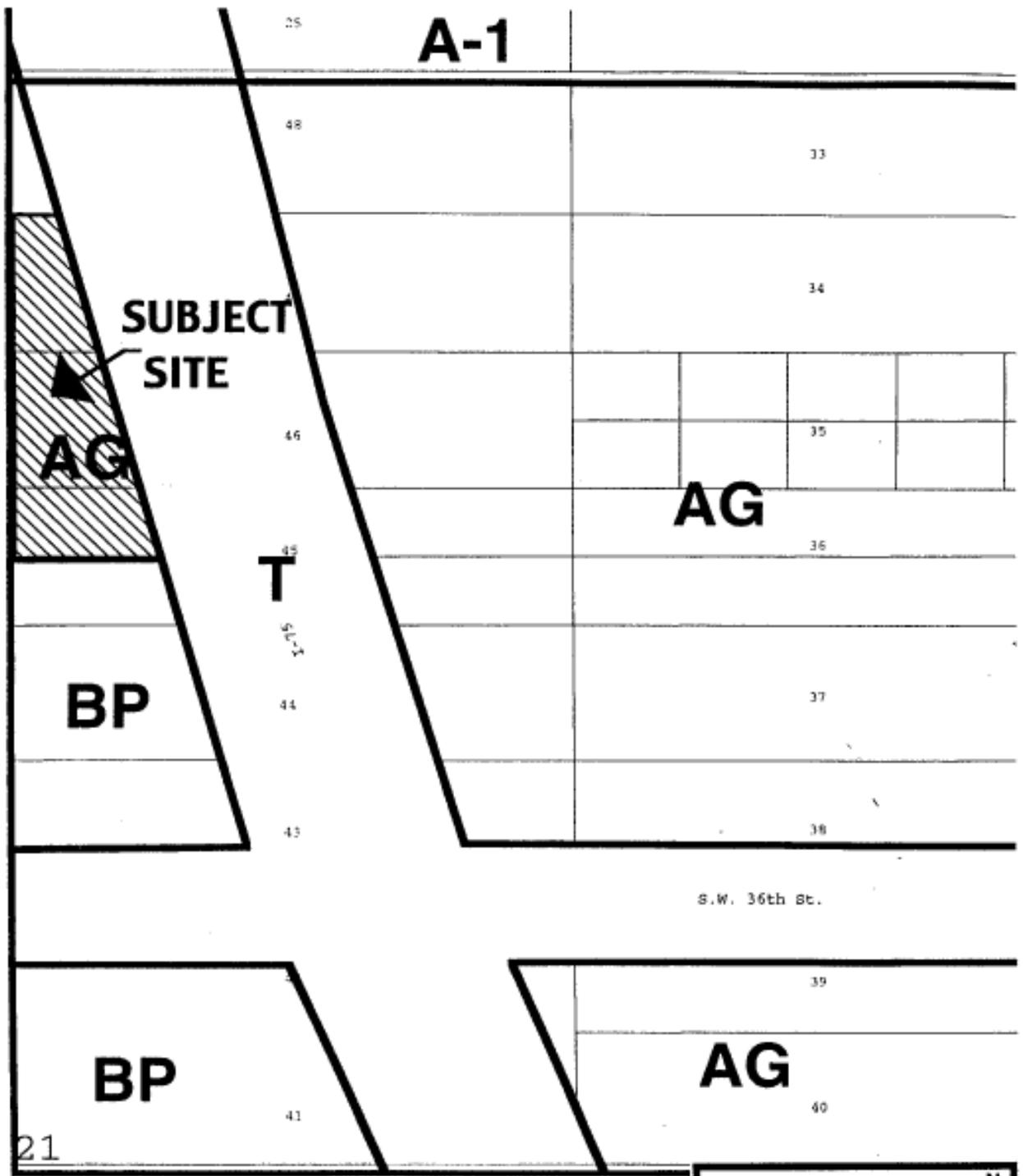
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

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EXHIBIT "B"

The voluntary "Declaration of Restrictions" will be provided prior to second reading of this Ordinance.

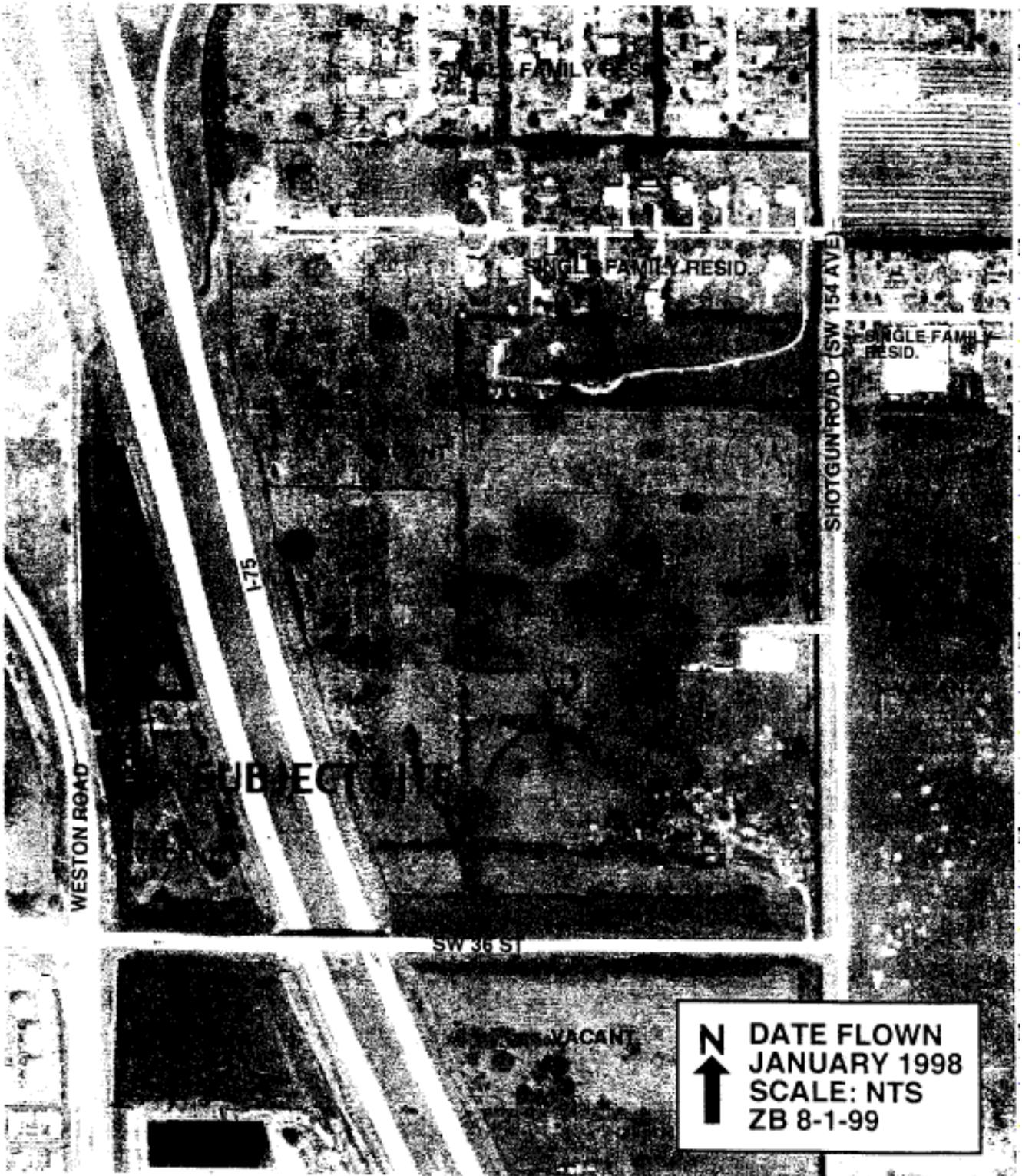




S.W. 36th St.

21
22

PETITION NUMBER		N ▲
ZB 8-1-99		
PREPARED 8/7/99	Scale: 1" = 300'	
BY THE PLANNING & ZONING DIVISION		



WESTON ROAD

1-75

SUBJECT

SINGL FAMILY RESID

SINGL FAMILY RESID

SINGL FAMILY RESID

SHOTGUN ROAD (SW 154 AVE)

SW 36 ST

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 8-1-99