



# 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 CF, COMMUNITY FACILITIES 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 9-1-99 - "Sheridan Hills Baptist Church") Robert Munson, Shirley Munson, Oron Lester, and Barbara Lester, owners - 2400 & 2420 Pine Island Road - Generally located at the southeast corner of Pine Island Road and Nova Drive.

**REPORT IN BRIEF:**

The applicant proposes rezoning of the 3.6 acre subject property to develop a church under the provisions of the Community Facilities zoning district. Town Council approved a prior request for rezoning to the CF District on the 7 acres abutting this site to the south, also petitioned by Sheridan Hills Baptist Church, on February 18, 1998. The petitioner states the intent of this request is to combine this site with the previously approved site to create a single development parcel providing for greater open space and a campus-like atmosphere.

Staff is concerned about the creation of an isolated residential zoning district. However, the affected property owners concur with the rezoning request, and staff otherwise finds the proposed rezoning is compatible with existing and adjacent planned uses, consistent with Comprehensive Plan, goals, objectives and policies relating to community facility siting. The petitioner has also offered a voluntary stipulation to restrict certain uses permitted within the CF zoning District for this property. This will match the existing recorded declaration of restrictions on the 7 acre property to the south. Given the voluntary stipulation, staff believes this request can be supported.

**PREVIOUS ACTIONS:**

The Town Council approved the rezoning at its October 20, 1999 meeting (4-0, Vice Mayor Bush absent).

**CONCURRENCES:**

The Planning and Zoning Board recommended approval (4-0, Mr. Pisula Absent) subject to the voluntary deed restriction.

Staff recommended approved of this item subject to execution of the voluntary deed restriction.

**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 A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES 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 A-1, Agricultural District to CF, Community Facilities District,

WHEREAS, said notice was given and publication made as required by law on October 6, 1999, and a public hearing thereunder was held on October 20, 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 A-1, Agricultural District to CF Community Facilities 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 described in 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, CF, Community Facilities 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"

### LEGAL DESCRIPTION:

NORTH 1/2 TRACT 8, LESS THE SOUTH 1016 FEET OF SECTION 21 TOWNSHIP 50 SOUTH, RANGE 41 EAST OF THE PLAT OF "JOHN W. NEWMAN'S SURVEY", AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA.

### PROPERTY ADDRESS:

2400 SOUTH PINE ISLAND ROAD  
DAVIE, FLORIDA

### LEGAL DESCRIPTION:

SOUTH 1/2 TRACT 8, LESS THE SOUTH 1016 FEET OF SECTION 21 TOWNSHIP 50 SOUTH, RANGE 41 EAST OF THE PLAT OF "JOHN W. NEWMAN'S SURVEY", AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA.

### PROPERTY ADDRESS:

2420 SOUTH PINE ISLAND ROAD  
DAVIE, FLORIDA

## EXHIBIT "B"

Prepared by: Mark Coleman, Representative

Sheridan Hills Baptist Church

Return to: Town Clerk's Office  
6591 Orange Dr., Davie, FL 33314

### DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Sheridan Hills Baptist Church, whose mailing address is 3751 Sheridan St. Hollywood, Florida 33021, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above-described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

*The following uses, as are found in the Davie Code under "Community Facility", are hereby voluntarily excluded, and the undersigned hereby restrict the subject property from the following primary uses: Hospitals, Mausoleums, Cemeteries, Mental Institutions, Residential/Life Care Facilities, Flood Control, Telecommunications Towers, Civic Center, and Nursing Homes.*

These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10 day of Nov. 1999.

Signed, Sealed and delivered

Robbie D. Diano  
Witness  
PRINT: Robbie Diano

BY: Colvin Pinkerton  
Colvin Pinkerton, President

SHERIDAN HILLS BAPTIST CHURCH,  
a State of Florida not-for-profit corporation

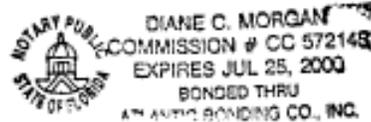
Mark Coleman  
Witness  
PRINT: MARK COLEMAN

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of November, by Colvin Pinkerton, President of Sheridan Hills Baptist Church who is personally known to me or produced \_\_\_\_\_ as identification.

Diane C. Morgan  
Notary Public



My Commission Expires: 7-25-2000

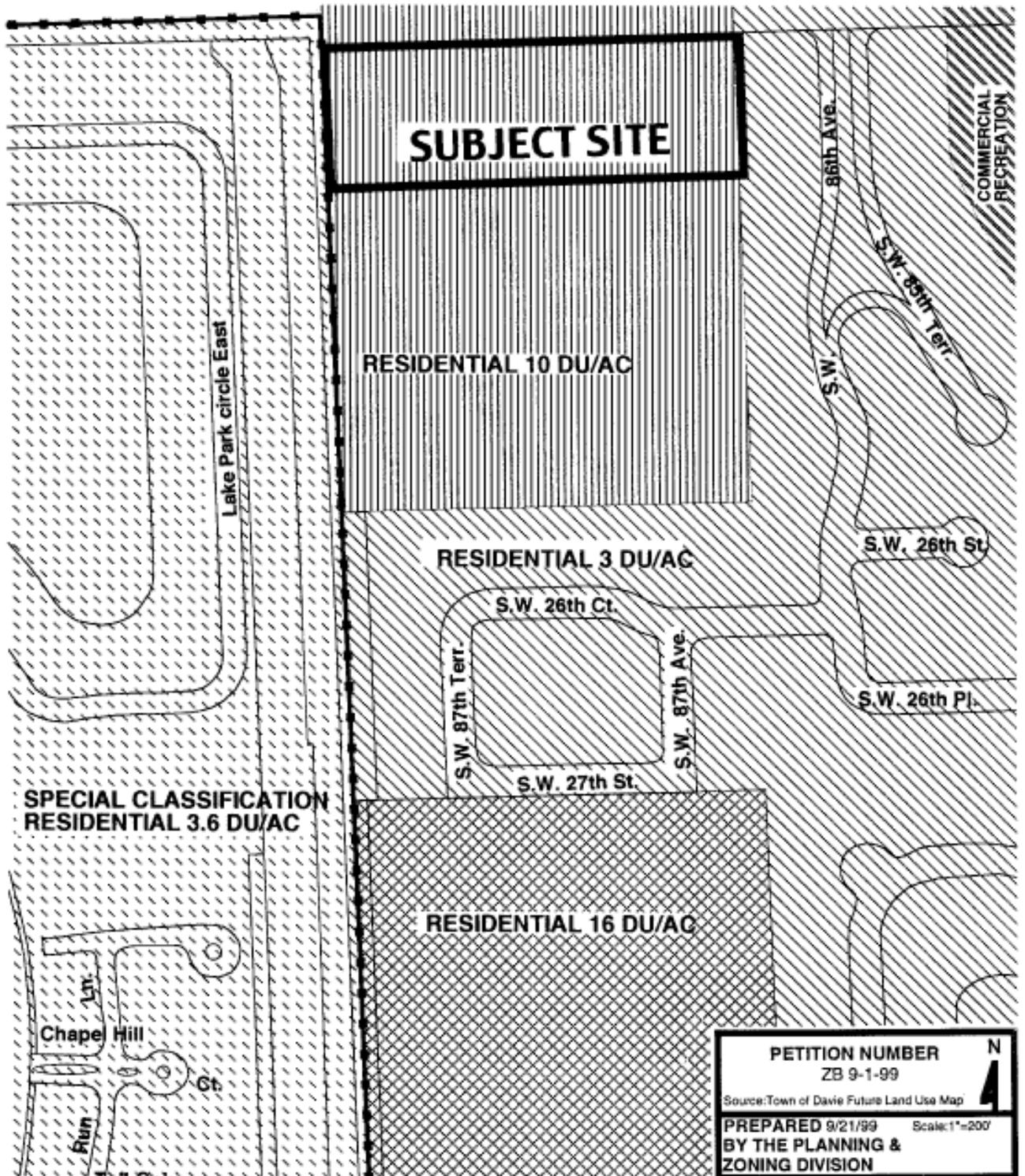
**Exhibit "A"**

**LEGAL DESCRIPTION:**

The North  $\frac{1}{2}$  of Tract 8, less the South 1016 Ft. of Section 21, T 50 S, R 41 E, Plat of John W. Newman's Survey, Plat Book 2, Page 26, Dade County, Florida.

And the parcel described as:

The South  $\frac{1}{2}$  of Tract 8, less the South 1016 Ft. of Section 21, T 50 S, R 41 E, Plat of John W. Newman's survey, Plat book 2, Page 26, Dade County, Florida



**PETITION NUMBER**  
ZB 9-1-99

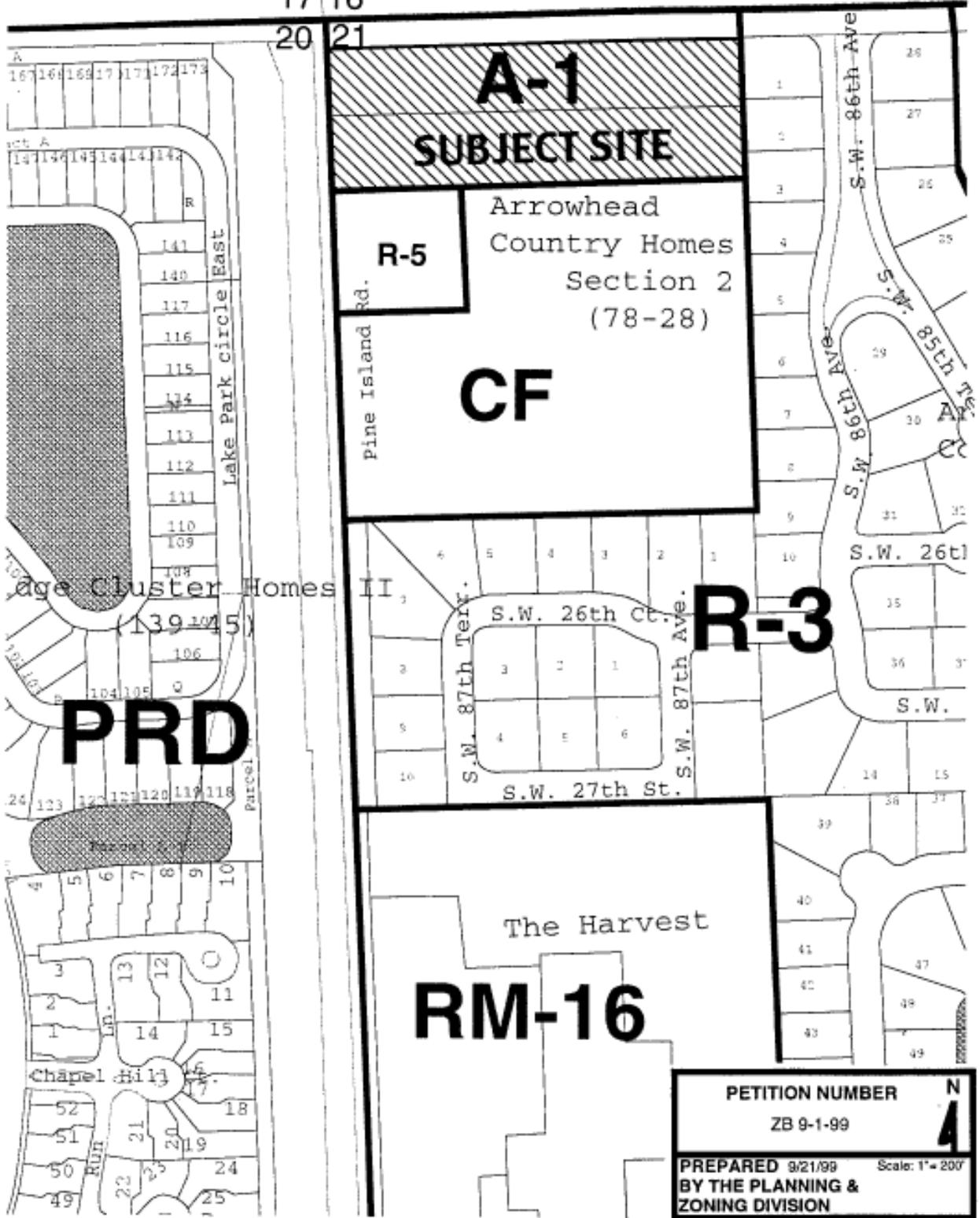
Source: Town of Davie Future Land Use Map

**PREPARED** 9/21/99 **Scale:** 1"=200'  
**BY THE PLANNING & ZONING DIVISION**

N

17 16

20 21



PETITION NUMBER  
 ZB 9-1-99

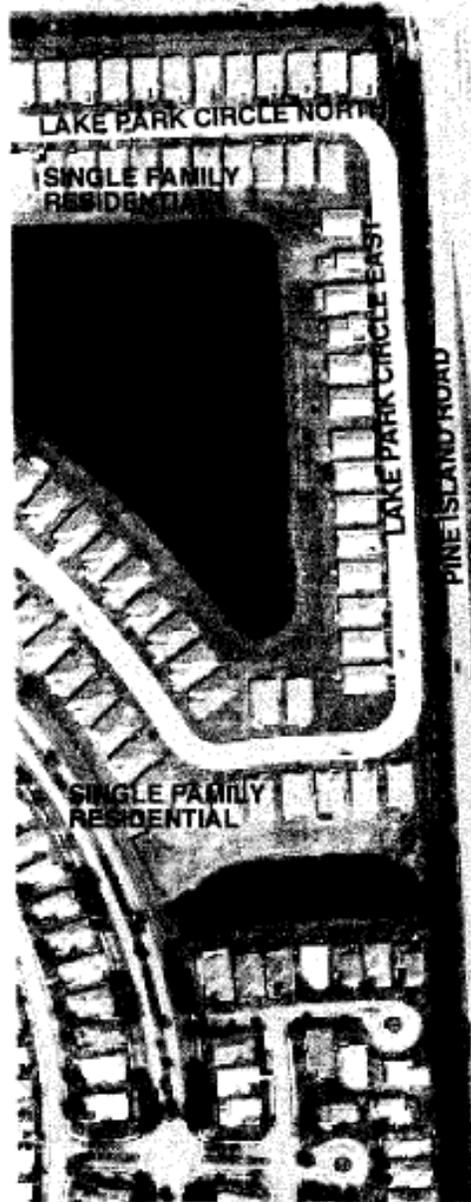
PREPARED 9/21/99 Scale: 1" = 200'  
 BY THE PLANNING & ZONING DIVISION

N  
 4



MOBILE HOMES

NOVA DRIVE



LAKE PARK CIRCLE NORTH

SINGLE FAMILY RESIDENTIAL

LAKE PARK CIRCLE EAST

PINE ISLAND ROAD

SINGLE FAMILY RESIDENTIAL



SUBJECT SITE

SW 86 AVE

SW 26 CIRCLE

SW 87 AVE

SW 27 ST

SINGLE FAMILY RESIDENTIAL

SINGLE FAMILY RESIDENTIAL

N  
↑  
DATE FLOWN  
JANUARY 1998  
SCALE: nts  
ZB 9-1-99