



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Jason Eppy, Planner II
Phone: (954) 797-1108

TITLE OF AGENDA ITEM:

ZB 10-2-99 - "Calvary Chapel" Associated Engineers of Florida, Inc., petitioner/Family Christian Fellowship, Inc., owner - 1775 Flamingo Road/Generally located on the west side of Flamingo Road, approximately 1/4 mile south of SW 14 Street.

REPORT IN BRIEF:

The petitioner has indicated that an additional 14,003 square feet, consisting of 8 classrooms, hallway area and restrooms, is necessary for the operation of both the church and school, and is requesting to amend the existing deed restriction for an increase of 14,003 square feet. As referenced above, use of the property is limited to church with secondary and subordinate school use also being allowed. About 8,000 square feet of the proposed 14,003 square feet constitutes usable classroom area. However, staff finds that this increase in usable square footage for school use, combined with the remaining school related area, exceeds 50% of the building area and no longer functions secondary to the principal church use. This requires the petitioner to amend this restriction. It is important to note, the existing restrictions also limit the number of students to no more than 225 at any given time. The petitioner is not requesting to amend this restriction.

As outlined within the original staff report (ZB 10-1-98), the proposed use was determined by staff to be consistent with the Town's Comprehensive Plan. It was also identified that the proposed church/school use increased traffic by 15 times the impact of the potential residential development of the site at one unit per acre, although, the current level of service on Flamingo Road is adequate to accommodate the development. Staff recommended approval at that time.

The proposed 14,003 square feet requires a total of 16 additional parking spaces which the petitioner can provide while meeting open space and landscape requirements. The impact of these classrooms to the roadway network is negligible. Therefore, staff believes the request to amend number 1 and number 2 of the existing deed restrictions is consistent with the general intent and purpose of the code, noting the petitioner must obtain approval from Broward County to amend the note on the face of the existing plat to reflect the amended deed restriction.

PREVIOUS ACTIONS:

- 12/1/98: Town Council approved rezoning from AG to CF, (ZB 10-1-98),
- 11/4/98: The Town Council approved a variance to reduce the distance between churches (V 9-1-98).
- 7/21/99: The Town Council approved the plat (P 2-1-99).

CONCURRENCES:

The Planning and Zoning Board voted to deny 3-1, at its December 8, 1999 meeting (motion by Mr. Davenport, second by Mr. Greb, Mr. Pisula dissenting, Mr. Kuvin absent).

Staff believes the request to amend number one and number two of the existing deed restrictions is consistent with the general intent and purpose of the code, subject to the petitioner obtaining a corresponding delegation request approval to amend the note on the face of the existing plat.

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning report, land use map, subject site map, and aerial, proposed declaration of restrictions.

Exhibit "A":

Original Report Date: 11/3/99

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Agent:

Name: Family Christian Fellowship,
Inc.

Name: Associated Engineers of
South Florida, Inc.

Address: 450 SW 130th Avenue

Address: 5450 Griffin Road

City: Davie, FL 33325

City: Davie, FL 33314

Phone: (954) 424-8046

Phone: (954) 584-6880

BACKGROUND INFORMATION

Application Request: **1)** To amend restriction number one of the existing declaration of restrictions, which states, "Use of the property shall be limited to church with secondary and subordinate school use also being allowed", to read that, "Use of the property shall be limited to church and school use." **2)** To amend restriction number two of the existing declaration of restrictions, which states, "Development of the property shall be limited to no more than two buildings of up to 15,000 square feet each", to read that, "Development of this property shall be limited to a maximum of 44,000 square feet in no more than two buildings."

Address/Location: 1775 Flamingo Road / Generally located on the west side of Flamingo Road, approximately 1/4 mile south of SW 14 Street.

Land Use Plan Designation: Residential (1 du/ac)

Zoning: CF, Community Facilities with deed restrictions.

Existing Use: Vacant

Proposed Zoning: CF, Community Facilities with amended deed restrictions.

Proposed Use: Church sanctuary building and associated school building.

Parcel Size: 4.62 acres

Surrounding Land Use:

South: Vacant land

East: Vacant land, across Flamingo Road

West: Single Family Homes, across SW 127th Avenue

Surrounding Zoning:

North: AG, Agricultural District, and A-1, Agricultural District

South: AG, Agricultural District

East: AG, Agricultural District, across Flamingo Road.

West: PRD-4

ZONING HISTORY

Related Zoning History: None

Previous Requests on same property:

- 11/4/98: The Town Council approved a variance to reduce the minimum required distance separation between Churches from 2,500 feet to 1,411 feet, between the Parkway Christian Church and the proposed church on the subject site (V 9-1-98).
- 12/1/98: The Town Council approved a rezoning from AG, Agricultural District, to CF, Community Facilities District (ZB 10-1-98), with associated deed restrictions (see attached).
- 7/21/99: The Town Council approved the Calvary Chapel Plat (P 2-1-99), restricted to 15,000 square feet of church and 15,000 square feet of school.

DEVELOPMENT PLAN DETAILS

Church and School Building Information:

- Chapel Area (Phase I): 5,200 sq. ft.
- 1st Floor School Area (Phase I): 15,816 sq. ft.
- **Total Phase I** 21,016 sq. ft.
- 2nd Floor Area on Phase I bld.(Phase II): 11,003 sq. ft.
- Sanctuary Building (Phase II): 11,981 sq. ft.
- **Total Phase II** 22,984
- **TOTAL BUILDING AREA** 44,000 sq. ft.

Applicable Codes and Ordinances

The Town of Davie Land Development Code is the applicable code.

Comprehensive Plan Considerations

Planning Area: The subject site falls within Planning Area 2. This area includes the westernmost section of the Town north of Orange Drive and south of SW 14th Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential at a density of one dwelling unit per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

The petitioner also received plat approval by the Town Council on July 21, 1999. The plat note on the face of the plat restricts the property to 15,000 square feet of school building and 15,000 square feet of church building. The petitioner is required to amend the note to match the proposed declaration of restrictions. Preschool and/or day care uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. No preschool or day care is proposed under this request.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 13-1: The Community Facilities category shall provide for the development of a wide range of activity centers necessary to satisfy the demands of the existing and future Town populations.

Future Land Use Policy 13-2: Community Facilities may be permitted in land use categories other than the Community Facilities category, provided such development is compatible with and does not adversely affect the development of the surrounding land for designated purposes.

Future Land Use Policy 13-3: The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses.

Staff Analysis

The petitioner has indicated that an additional 14,003 square feet, consisting of 8 classrooms, hallway area and restrooms, is necessary for the operation of both the church and school, and is requesting to amend the existing deed restriction for an increase of 14,003 square feet. As referenced above, use of the property is limited to church with secondary and subordinate school use also being allowed. About 8,000 square feet of the proposed 14,003 square feet constitutes usable classroom area. However, staff finds that this increase in usable square footage, combined with the remaining school related area, exceeds 50% of the building area and no longer functions secondary to the principal church use. This requires the petitioner to amend restriction number 1. It is important to note, the existing restrictions also limit the number of students to no more than 225 at any given time. The petitioner is not requesting to amend this restriction.

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Findings of Fact

Section 12-309(B)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will 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;
- (f) The proposed change may not adversely affect other property values;
- (g) The proposed change may not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is not 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.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends approval of application no. ZB 10-2-99. Staff further recommends that Town Council approve a corresponding amendment to the restrictive note on the face of the Calvary Chapel Plat.

Planning and Zoning Board Recommendation

The Planning and Zoning Board voted (3-1, motion by Mr. Davenport, second by Mr. Greb, Mr. Pisula dissenting, Mr. Kuvin absent), to deny, at its December 8, 1999 meeting.

Exhibits

1. Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: _____

Reviewed by: _____

S.W. 12th Ct.

RESIDENTIAL
3 DU/AC

S.W. 127th Terr.

S.W. 12th St.

RESIDENTIAL
5 DU/AC

S.W. 121st Ave.

S.W. 14th St.

S.W. 14th Pl.

S.W. 15th Mn.

RESIDENTIAL
1 DU/AC

Flamingo Rd.

S.W. 127th Ln.

RESIDENTIAL
5 DU/AC

RESIDENTIAL
1 DU/AC

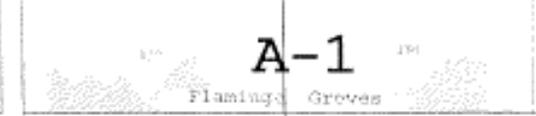
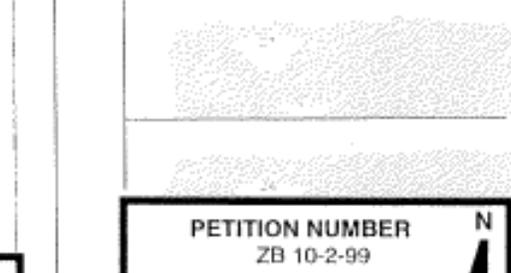
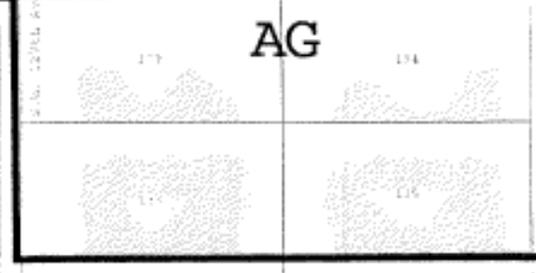
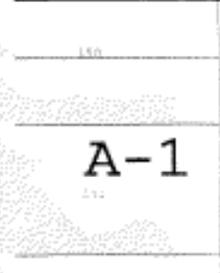
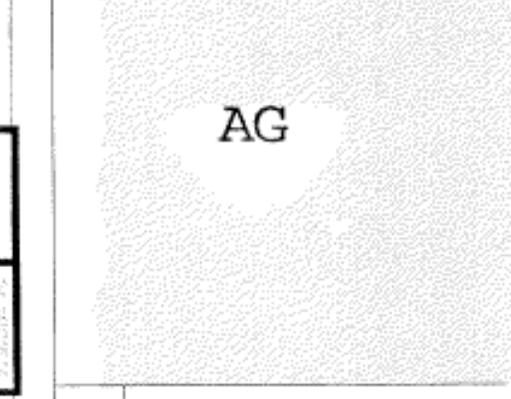
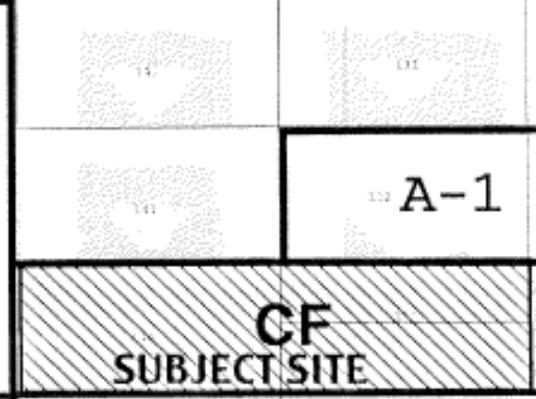
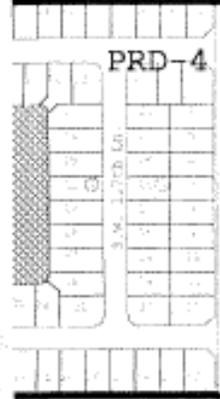
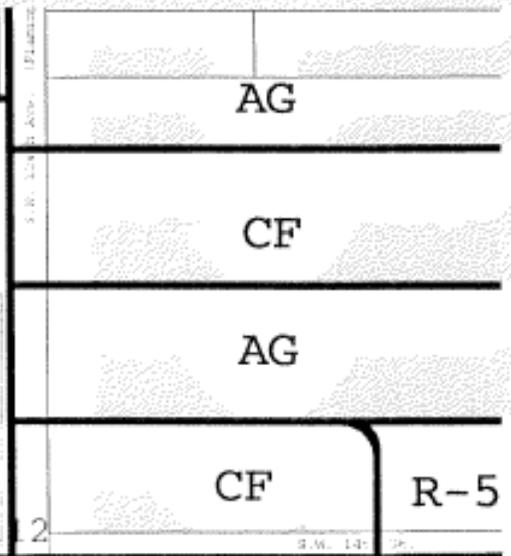
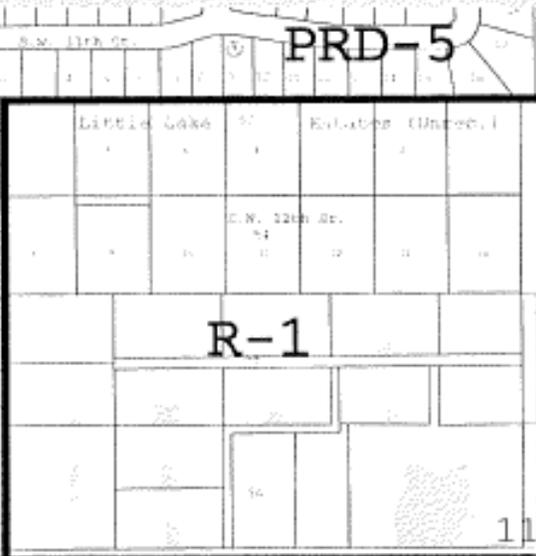
S.W. 17th Pl.

SUBJECT SITE

S.W. 127th Ave.

PETITION NUMBER		N
ZB 10-2-99		4
PREPARED 10/20/99 Scale: 1"=400'		
BY THE PLANNING & ZONING DIVISION		

S.



PETITION NUMBER
ZB 10-2-99

Source: Town of Davis Future Land Use Map

PREPARED 10/20/99 Scale: 1"=400'
BY THE PLANNING & ZONING DIVISION

N
4

SINGLE FAMILY RESID.

SW 127 AVE

VACANT

FLAMINGO ROAD

SUBJECT SITE

VACANT

AGRICULTURAL

VACANT

N
↑ DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 10-2-99