



# Town Council Agenda Report

**SUBJECT:** Variance

**CONTACT PERSON/NUMBER**

Name: Mark A. Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V-8-2-00      Applicant: Vamel Corporation, owner  
                  Petitioner: Raul Perez

**REPORT IN BRIEF:** The subject site is located at 6530, 6550, and 6570 Griffin Road and was affected by the Griffin Road widening. The variance requests are to provide both a 'cure' plan resulting from the road widening, and variance requests to enable the property owner to upgrade the site. The applicant had a previous variance approved by Town Council which called for the elimination of the center building. The applicant wishes to seek approval of a revised site plan, maintaining the three (3) buildings, yet meeting the intent of the Griffin Corridor District and the Western Theme Architectural guidelines through revised facades, projecting canopies, and brick paver sidewalks along the Griffin Road frontage. The requested variances fall into three categories; variances based on the road widening, variances based on existing conditions, and variances requested in order to upgrade the site. Staff has worked with the applicant to ensure that the majority of today's code is met, specifically site safety and traffic flow.

**PREVIOUS ACTIONS:**

- The Town Council deferred this item from its October 18, 2000 Town Council meeting to the November 1, 2000 meeting.
- The Town Council approved a variance/cure plan for this property on April 16, 1997. At that time, the applicant presented a conceptual site plan detailing the needed variance requests and providing justification, which the Council subsequently approved.

**CONCURRENCES:**

- The Planning and Zoning Board approved this item at its October 25, 2000 meeting (motioned passed 4-0, Mr. Stahl absent).
- The Planning and Zoning Board deferred this item from its September 27, 2000 meeting to its October 25, 2000 meeting.
- The Community Redevelopment Agency recommended approval of this item at its October 23, 2000 meeting.

**FISCAL IMPACT:** None.

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

**Attachment(s):** Staff Report and Conceptual Site Plan.

**Application #: V 7-2-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 8/2/00**

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

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

<b>Name:</b>	Value Dining of Davie, Inc.	<b>Name:</b>	Michael and Anne Jatoft
<b>Address:</b>	3704 NW 82 Avenue	<b>Address:</b>	11861 Tara Drive
<b>City:</b>	Coral Springs, FL 33065	<b>City:</b>	Plantation, FL 33325
<b>Phone:</b>	(954) 340-3185	<b>Phone:</b>	(954) 473-0131

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**BACKGROUND INFORMATION**

**Date of Notification:** August 2, 2000    **Number of Notifications:** Thirty (30)

**Application Requests:** 1) to reduce the required 10-foot landscape buffer from 10 feet to 3.57 feet along the south property line, 2) to reduce the required five foot separation between any parking aisle and a property line from 5 feet to 0 feet along the south property line, and 3) reduce the required 5 foot distance separation from a driveway to a property line to 0 feet.

**Address/Location:** 4190 South University Drive/Generally located on the east side of University Drive approximately 1,500 feet north of Griffin Road.

**Land Use Plan Designation:** Regional Activity Center

**Zoning:** B-2, Community Business District

**Existing Use:** Vacant Land

**Proposed Use:** Restaurant/Office

**Parcel Size:** 2.70 acres (117,612 square feet)

**Surrounding Land Use:**

**Land Use Designation:**

**North:** Existing commercial development

Regional Activity Center

	(Berkharts - lawn equipment sales)	
<b>South:</b>	Existing commercial development (office building)	Regional Activity Center
<b>East:</b>	Single-family residential dwelling	Regional Activity Center
<b>West:</b>	Single-family residential dwellings (Rolling Hills), across University Drive.	Special Classification - Residential 3.5 du/ac

**Surrounding Zoning:**

**North:** B-2, Community Business District.  
**South:** B-3, Planned Business Center District.  
**East:** A-1, Agricultural District.  
**West:** R-5, Low Medium Density Dwelling District, across University Drive.

**ZONING HISTORY**

**Related Zoning History:**

- The Regional Activity Center was adopted by the Town Council in 1998.

**Previous Request on same property:**

- On April 18, 2000, the Town Council adopted Ordinance 2000-14, rezoning the subject site from B-3, Planned Business Center District to B-2, Community Business District.

**DEVELOPMENT PLAN DETAILS**

This variance request results from the proposed development of the abutting property to the south, known as Dry Concepts. Prior to the rezoning of Value Dining, as referenced above, Lincoln Mercury owned both the Value Dining and Dry Concepts sites. During the rezoning, sale of the property took place which transferred ownership of the north 2.7 acres of the site to Value Dining and the south 1.8 acres to Dry Concepts. The Value Dining site is currently vacant, however, the Dry Concepts site will be redeveloped utilizing two existing structures (a 6,398 square foot building fronting University Drive, and an 8,479 square foot building located at the center of the site), and a proposed 2,860 square foot addition to the centrally located existing building.

Upon review of the proposed Dry Concepts development plan, the Engineering Department identified certain unsafe conditions at the existing entranceway of Dry Concepts on University Drive and is recommending certain improvements to ensure the health and safety of the public. These improvements include the addition of a sidewalk at the entrance of the site along the north face of the existing building, and reconfiguration of the entranceway drive aisle which places the drive aisle within the Value Dining property. Currently, the driveway entrance is located on the north property line of the Dry Concepts site. There is no separation between the driveway and the structure, causing an unsafe condition.

Value Dining has agreed to dedicate an ingress/egress easement to Dry Concepts in order to

accommodate the drive way encroachment. By doing so, Value Dining no longer meets certain buffer requirements and separation requirements between the drive aisle and property line in the affected location (see attached plot plan). Therefore, Value Dining is seeking variances from these code requirements to accommodate the improvements which are recommended for the abutting Dry Concepts site by the Town Engineering Division.

The affect of the roadway reconfiguration is limited to a small portion of the Value Dining property. The roadway encroaches approximately 7 feet into the Value Dining property for a distance of 345 feet of the 560 foot long southern property line of the Value Dining property. The impact is limited to green area only within this area (see attached plot plan).

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### **Applicable Codes and Ordinances**

- 1) Section 12-107(D)(4), which requires a 10-foot perimeter landscape buffer adjacent to all other abutting properties
- 2) Section 12-205(A)(1)(g), which states no point of parking stall or aisle shall be closer than 5 feet to any building or property line.
- 3) Section 12-205(A)(3)(c), which requires a minimum distance from a driveway to a structure or property line to be 5 feet.

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### **Comprehensive Plan Considerations**

**Planning Area:** This property falls within Planning Area 8. This planning area is the heart of Davie, and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). The planning area issues include roadway congestion in and around the SFEC and the University Drive/I-595 redevelopment of Davie's original business district, and neighborhood redevelopment.

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### **Broward County Comprehensive Plan Considerations**

This property falls within Flexibility Zone 99. The subject site has been platted and is consistent with all plat note restrictions. Therefore, Broward County concurrency has been satisfied to the extent this variance can be processed.

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### **Staff Analysis**

The Town Engineering Department recommends entranceway improvements to the Dry Concepts site for public safety purposes, which requires encroachment of the drive aisle from the Dry Concepts into the subject site. The encroachment would be a unique and peculiar circumstance for the Value Dining site. Such circumstances already exist on the Dry Concepts site, given the lack of separation between the existing structure and the entranceway. Denial of the requested variances may result in unnecessary hardship for the Dry Concepts site, as it would be unable to satisfy the minimum public safety standards for access without extensive modification to the site. The requested variances are the minimum variances necessary to achieve their purposes, are in harmony with the general purpose and intent of the code, and

can be considered not to be injurious to the neighborhood or otherwise detrimental to the public welfare.

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## Findings of Fact

### Variances: Section 12-309(B)(1):

The following findings of facts represent staff findings for all 3 variance requests:

(a) There are special circumstances and conditions applying to the land and building for which the variances are sought; the circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variances are sought; the alleged hardships are not self-created by any person having an interest in the property;

(b) The granting of the variances are necessary for the reasonable use of the land or building of the adjoining property;

(c) Granting of the requested variances are in harmony with the general purpose and intent of this chapter, and can be considered not to be injurious to the neighborhood or otherwise detrimental to the public welfare.

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## Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval** of variance requests 1, 2 and 3, subject to the dedication of easement to Dry Concepts for the encroachment of their drive aisle on the Value Dining subject site.

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## Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval, subject to the planning report (motion carried 4-0, Mr. Davenport absent, August 9, 2000).

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## Exhibits

- 1 Justification Letter
2. Plot Plan
3. Survey
4. Land Use Map
5. Subject Site Map
6. Aerial

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

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



# RAÚL C. PÉREZ & ASSOCIATES ARCHITECTS / PLANNERS INC.

1001 E. PALM BEACH AVENUE, SUITE 200, LANTANA, FLORIDA 33462-3208  
TEL: 561/540-5222 FAX: 561/540-9087 WWW: RCPEREZ@BELLSOUTH.NET

October 17, 2000

Via Facsimile  
(954) 797-1086

Marcie Nolan, Planner  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314-3399



Re: Petition - Vamel Corporation  
6530, 6550 & 6570 Griffin Road  
Matter: V 8-2-00  
Our Project No.: 9921

Dear Ms. Nolan:

Consistent with your evaluation and request, we have submitted the plans for approval of variances to the Town of Davie. These variances are necessary as a result of having property taken by the Department of Transportation for the widening of Griffin Road. The following outline specifically requests the variances necessary to obtain site plan approval. This request is consistent with the standards and requirements for variance approval. Subject property has previously received approval for variances on a different site plan and due to modifications necessary by the change in the zoning and other issues related to the site and the Department of Transportation taking, we are submitting the present request as a minimum of variances required.

#### Specific Variance Request:

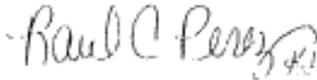
**From:** Section 12-32.306(A), which requires a minimum lot area of 65,000 square feet, **to:** reduce the required minimum lot area from 65,000 square feet to 45,035 square feet; **From:** Section 12-32.306(B), which requires a minimum lot frontage/width of 250 feet, **to:** reduce the required minimum lot frontage/width from 250 feet to 247'-6"; **From:** Section 12-32.306(C), which requires a minimum lot depth of 250 feet, **to:** reduce the minimum lot depth from 250 feet to 179'-7"; **From:** Section 12-32.310(4)(a), which requires the building to be placed 25' from the edge of right-of-way, utilizing a 10-foot landscape buffer and a fifteen foot front walk, **to:** reduce the required building placement from 25 feet to 8'-9" and 13'-0" and reduce the required 10 foot landscape buffer from 10 feet to a minimum of 5 feet and to reduce the required front walk from 15' to 8 feet; **From:** Section 12-32.311(C), which requires a landscape buffer of 10 feet in front of the building, **to:** reduce the required 10 foot landscape buffer to a minimum width of 5 feet; **From:** Section 12-32.311 (F) and Section 12-393 (9)(a)(1), which require a perimeter landscape buffer adjacent to

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residential uses of 10 feet, **to:** reduce the required 10 foot perimeter landscape buffer from 10 feet to 3 feet; **From:** Section 12-32.311 (I), which requires perimeter landscape buffers adjacent to residential uses to be 20 feet in width, **to:** reduce the required perimeter landscape buffer from 20 feet to 3 feet; **From:** Section 12-32.318, which requires dumpster enclosures to be located a minimum of 50 feet from residential uses, **to:** reduce the required 50 foot distance for dumpsters from residential uses to 5 feet; and **From:** Section 12-107 (D)(1)(d) and 12-108(C)(2)(a), which require a terminal parking island to be a minimum of 10 feet in width, **to:** reduce the required width of a terminal landscape island from 10 feet to 6 feet.

Sincerely,



RAUL C. PEREZ, A.I.A.  
Architect

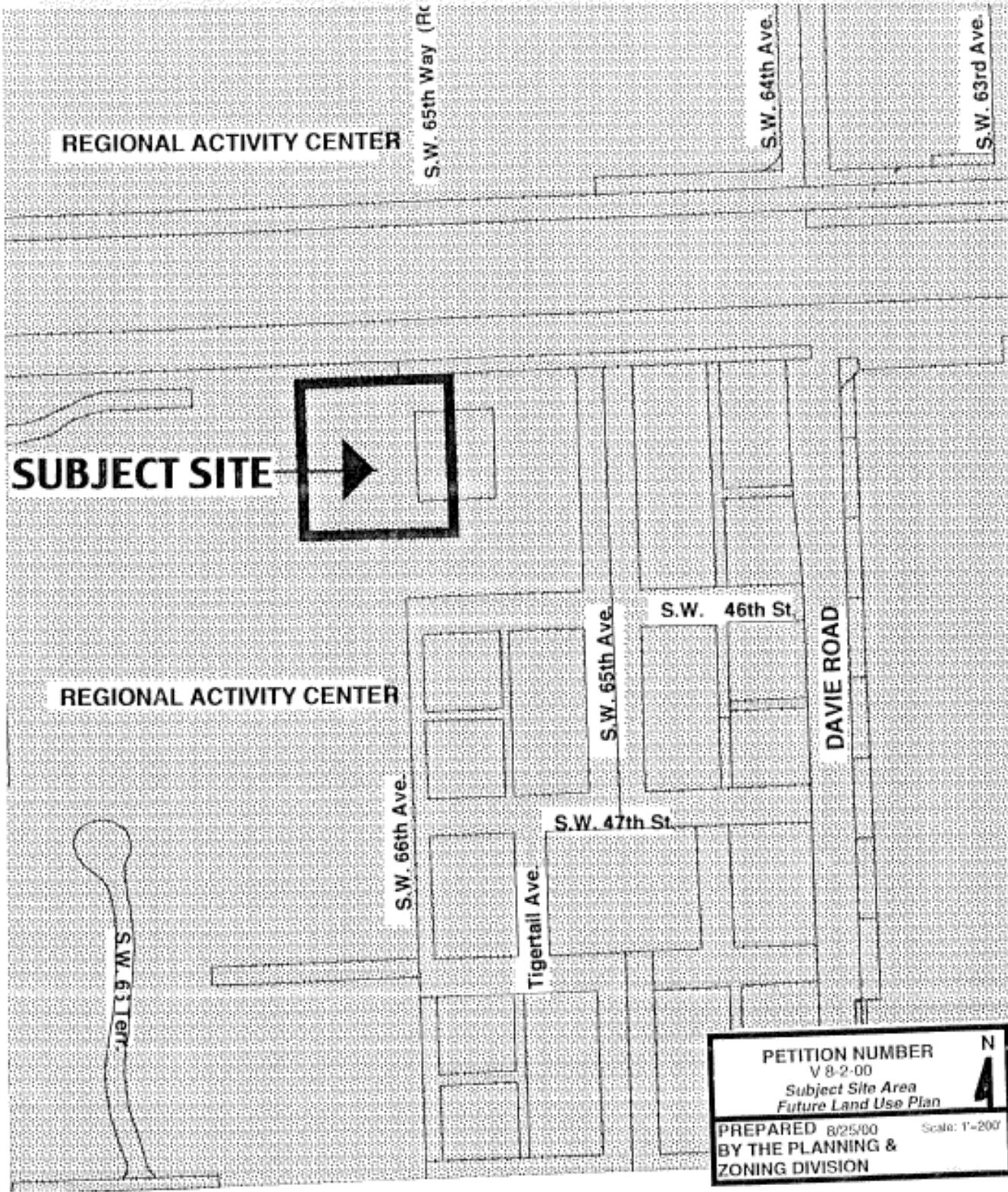
RCP/kh

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Item No.







REGIONAL ACTIVITY CENTER

S.W. 65th Way (Rd)

S.W. 64th Ave.

S.W. 63rd Ave.

SUBJECT SITE

REGIONAL ACTIVITY CENTER

S.W. 65th Ave.

S.W. 46th St.

DAVIE ROAD

S.W. 66th Ave.

S.W. 47th St.

Tigertail Ave.

S.W. 63rd Terr.

PETITION NUMBER  
 V 8-2-00  
 Subject Site Area  
 Future Land Use Plan

PREPARED 8/25/00 BY THE PLANNING & ZONING DIVISION

Scale: 1"=200'

N  
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