

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark Kutney, AICP, (954) 797-1101
SUBJECT: Quasi Judicial Hearing: Variance

TITLE OF AGENDA ITEM:

V 5-4-00 Michael Lombardi, V.P., petitioner/Ross Matz Investments, Inc., owner - 8020 SW 30 Street/Generally located at the southwest corner of University Drive and SW 30 Street, approximately 300 feet west of University Drive.

REPORT IN BRIEF:

The petitioner is proposing to construct a two-story office building totaling 7,771 gross square feet.

In order to achieve the desired building design, which includes a drive aisle terminating in a T-turnaround, perimeter parking spaces, and associated landscaping, the petitioner is requesting a reduction in the perimeter landscape buffer to 5 feet along the south adjacent to the loading zone and west property lines to 5 feet adjacent to the building and 2.17 feet adjacent to the T-turnaround and a reduction in the required side setback to 5 feet adjacent to the building along the west property line.

PREVIOUS ACTIONS:

- The Town Council deferred consideration of this item to its July 19, 2000 meeting (motion carried 5-0, July 5, 2000). This item was deferred in order to include an additional variance request which required re-advertisement.
- The Town Council deferred consideration to the following meeting dates:
 - August 2, 2000 meeting (motion carried 5-0, July 19, 2000).
 - August 16, 2000 meeting (motion carried 5-0, August 2, 2000).
 - September 6, 2000 meeting (motion carried 5-0, August 16, 2000).
 - September 20, 2000 meeting (motion carried 5-0, September 6, 2000).
 - October 18, 2000 meeting (motion carried 5-0, September 20, 2000).
 - November 15, 2000 meeting (motion carried 5-0, October 18, 2000).
 - December 20, 2000 meeting (motion carried 5-0, November 15, 2000).
 - January 17, 2001 meeting (motion carried 5-0, December 20, 2000).
 - February 21, 2001 meeting (motion carried 5-0, January 17, 2001).
 - March 7, 2001 meeting (motion carried 5-0, February 21, 2001).

CONCURRENCES:

- The Planning and Zoning Board deferred consideration of this item to its July 12, 2000 meeting (motion carried 4-0, Mr. Davenport absent, June 28, 2000). This item was deferred in order to include an additional variance request which required re-advertisement.
- The Planning and Zoning Board deferred consideration to the following meeting dates:
 - July 26, 2000 meeting (motion carried 4-0, Mr. Davis absent, July 12, 2000).
 - August 9, 2000 meeting (motion carried 5-0, July 26, 2000).
 - August 23, 2000 meeting (motion carried 4-0, Mr. Davenport absent, August 9, 2000).
 - September 13, 2000 meeting (motion carried 5-0, August 23, 2000).
 - October 11, 2000 meeting (motion carried: 5-0, September 13, 2000).
 - October 25, 2000 meeting (motion carried: 5-0, October 11, 2000).
 - December 13, 2000 meeting (motion carried: 5-0, October 25, 2000).
 - January 10, 2001 meeting (motion carried: 5-0, December 13, 2000).
- The Planning and Zoning Board tabled this item to its February 14, 2001 meeting with the understanding that the applicant knows that this is the last tabling allowed by the Board and no further tabling will be allowed and that reasonable notification of this would be sent to the applicant and attorney (motion carried 5-0, January 10, 2001).
- The Planning and Zoning Board recommended approval subject to the conditions as outlined in the planning report (motion carried 4-0, Mrs. Moore absent, February 14, 2001).

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning Report, Justification Letter, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

Application #: V 5-4-00

Revisions:

Exhibit "A":

Original Report Date: 1/17/01

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

APPLICANT INFORMATION

Owner:

Agent:

Name: Ross-Matz Investments
Address: 10021 Pines Blvd., Ste. 101
City: Pembroke Pines, FL 33024
Phone: (954) 437-4444

Name: Michael Lombardi
Address: 10021 Pines Blvd., Ste. 101
City: Pembroke Pines, FL 33024
Phone: (954) 437-4444

BACKGROUND INFORMATION

Notification Date: February 7, 2001 **Number of Notifications:** 19

Application Requests: 1. To reduce the required setback from 20 feet to 5 feet adjacent to the building along the west property line; 2. To reduce the 10-foot perimeter landscape buffer from 10 feet to 5 feet adjacent to the loading zone along the south property line and tapering to 0 feet at the curve which meets the south property line; 3. To reduce the 10-foot perimeter landscape buffer from 10 feet to 5 feet adjacent to the building along the west property line and 2.17 feet adjacent to the T-turnaround.

Address/Location: 8020 SW 30 Street/Generally located at the southwest corner of University Drive and SW 30 Street, approximately 300 feet west of University Drive.

Future Land Plan Use Designation: Commercial

Zoning: B-2, Community Business District

Existing Use: Vacant land

Proposed Use: Office building

Parcel Size: 0.576 acres (25,091 square feet), which is part of the overall Rolling Hills Commercial Master Plan.

Surrounding Uses:

Surrounding Land Use Designation Plan:

North: Firestone Tire Center/
Various Retail Commercial
South: Wendy's, Sun Bank,
Quarterdeck and Texaco. Commercial
East: N S U Professions Building,
across University Drive. Regional Activity Center
West: Rolling Hills Golf Course Special Classification Residential 3.5 du/ac

Surrounding Zoning:

North: B-2, Community Business District
South: B-2, Community Business District
East: CF, Community Facilities District
West: PRD, Planned Residential - 6.3 District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: None.

DEVELOPMENT PLAN DETAILS

The petitioner is proposing to construct a two-story office building comprised of two floors, totaling 7,771 gross square feet. It is important to note, the subject site is not required to meet the open space and minimum lot size requirement as outlined in the code, as these requirements have been met due to the association of this parcel with the overall Rolling Hills Commercial master plan. In order to achieve the desired building design, which includes a drive aisle terminating in a T-turnaround, perimeter parking spaces, and associated landscaping, the petitioner is requesting a reduction in the perimeter landscape buffer along the south and west property lines and a reduction in the required side setback along the west property line.

Applicable Codes and Ordinances

Section 12-83, which requires a minimum side setback of 20 feet in the B-2, Community Business District adjacent to residentially zoned property.

Section 12-107(D)(3), which states, a 10-foot perimeter landscape buffer shall be provided adjacent to abutting properties.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion of this planning area, and Orange Drive on the eastern portion. This planning area is comprised on residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The single-family residential development within this planning area generally falls within larger scale communities such as Forest Ridge, Rolling Hills, Arrowhead Golf and Tennis Club, and Pine Island Bay community. The multi-family residential development tends to be smaller in scale and includes such developments as the Harvest, Isla Merita, Old Country Manor, Alpine Woods and Reflections. The commercial development along University Drive is upscale in character and comprised of retail stores and office parks.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 99. The subject site is a portion of platted property which has met the test of concurrency and is in compliance with all restrictions of the approved plat. Therefore, concurrency is unaffected by the proposed petition.

Staff Analysis

In order to achieve the desired building design and site layout, the petitioner states it is necessary to reduce the required side setback.

The subject site contains approximately one-half of the minimum lot area requirement for the B-2 District.

Staff can support the request for landscape buffer reduction provided all required landscape materials, and any berm or wall which may be required by site plan committee, can be permanently located along the outside perimeter of the subject site on golf course property, which would require a landscape easement from Rolling Hills on the south side, and permission from the Fire Department to locate such materials within a portion of their emergency access easement abutting the west property line. Staff believes the off-site mitigation satisfies the intent of the Code to properly screen vehicular use areas and provide separation between uses, and has the same net effect as if the code requirement were to be met on site.

Staff can also support the variance for side setback reduction, as the Code requirement for a 20-foot side setback is applicable only when adjacent to residential use or zoning. In this case, the adjacent property has a residential zoning designation, but is occupied by an extensive golf course. Therefore, the request for a 15-foot side setback reduction adjacent to the golf course is consistent with the intent of the Code, given that no side setback would otherwise be required.

Findings of Fact

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

Variances 1. To reduce the required setback from 20 feet to 5 feet adjacent to the building along the west property line; 2. To reduce the 10-foot perimeter landscape buffer from 10 feet to 5 feet adjacent to the loading zone along the south property line and tapering to 0 feet at the curve which meets the south property line; 3. To reduce the 10-foot perimeter landscape buffer from 10 feet to 5 feet adjacent to the building along the west property line and 2.17 feet adjacent to the T-turnaround.

(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 not apply generally to land or buildings in the same district; however, said circumstances or conditions are not 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 variance is sought; the alleged hardship can be considered 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;

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

Staff Recommendation

Recommendation: Based upon the above and the findings of fact in the positive, staff recommends approval of the variance requests subject to obtaining a landscape easement abutting the south property line in which to locate required landscape buffer materials and permission from the Town Fire Department to locate said buffer materials within their emergency access easement, abutting the west property line of the subject site.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board recommended approval subject to the conditions as outlined in the planning report (motion carried 4-0, Mrs. Moore absent, February 14, 2001).

Exhibits

Justification Letter, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: _____

Reviewed by: _____

RDG

Rodriguez Design Group, Inc.
1770 NW 64th Street Suite 630
Fort Lauderdale, Florida 33309
Telephone 954-771-1270
Telefax 954-771-4816

REVISED LETTER of INTENT

To: **Gerri Baluss**
Town of Davie
6591 Orange Drive
Davie, FL 3314-3399
Tel 954-797-1103
Fax 954-797-1086

Re: Rolling Hills Executive Center II (V-5-4-00)

November 28, 2000

Dear Mrs. Baluss

For starters we will be removing our parking variance request from our application, as our new design does not require it. This letter shall serve as our letter of intent for the setback variance required from your office. According to the Zoning Code it is required that it be approved through the Public Hearing process. The relief that we are seeking is for approval of a 5'-0" side yard setback (previously approved 16') where 25'-0" is required, so that my clients can construct 2 story office building on the aforementioned site. In addition we would like to request a landscape buffer variance from 10'-0" to 2'-2" *only* *at* T-turnaround (previously approved 2'-6") on the West property line and 4'-2" on the South property line. What we have done is relocate these buffers to where the need is greater which is the North and East property lines due to the fact that the South and West boundaries are buffered by the Rolling Hills Golf course and can never be constructed upon and is heavily landscaped. All other zoning issues shall, conform to, and exceed all applicable Town of Davie Zoning code regulations. Should you grant the variances mentioned here, this entire project shall be esthetically pleasing and in harmony with the surrounding neighborhood.

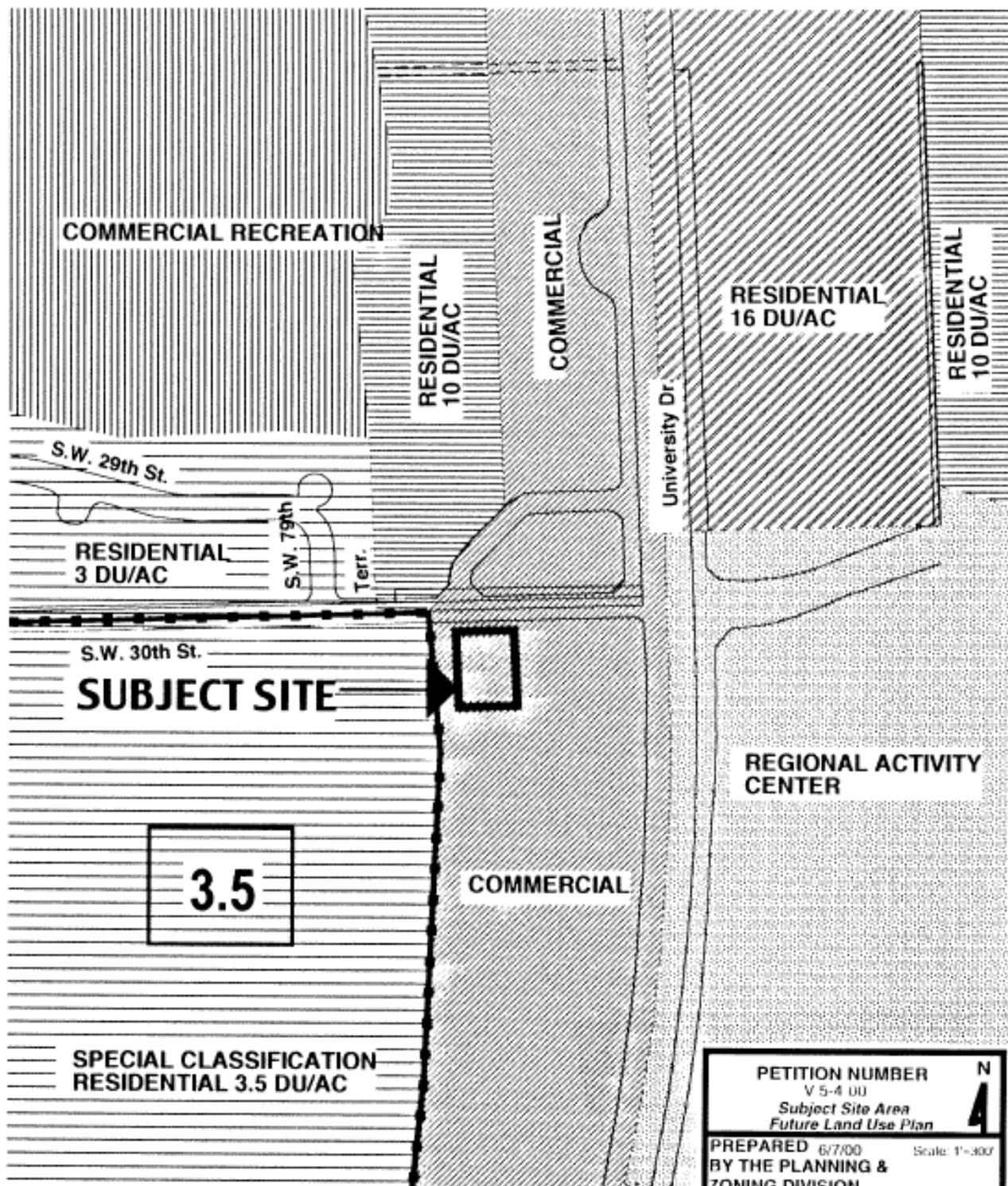
Based on the facts presented, we respectfully request your favorable review and approval of the requested variances. Should you require additional information, do not hesitate in contacting us and thank you for your courtesy and cooperation in this matter.

Sincerely,



Enrique L. de la Pezuela,
Senior Associate

cc: Mike Lombardi

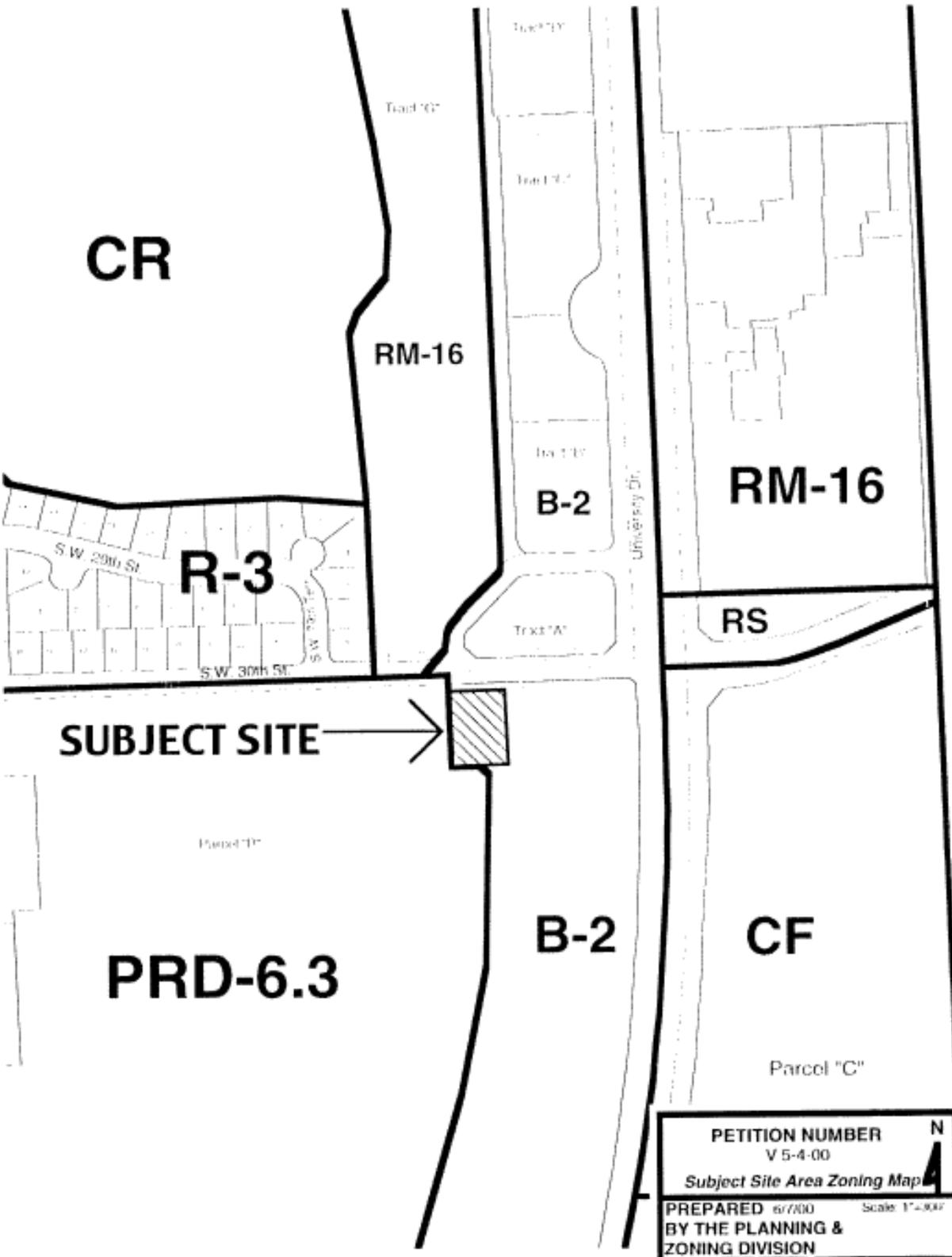


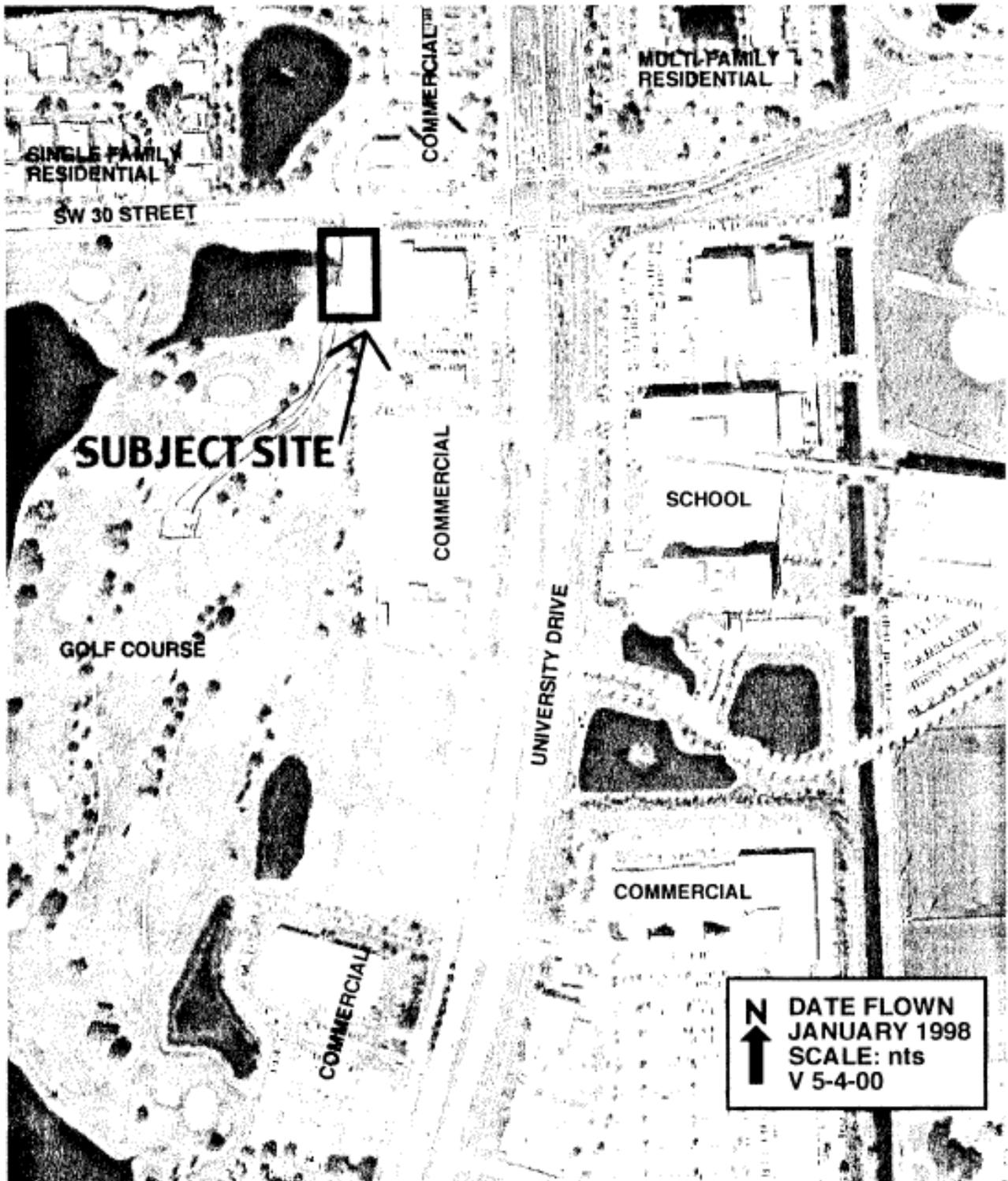
PETITION NUMBER
V 5-4 00
Subject Site Area
Future Land Use Plan

PREPARED 6/7/00 BY THE PLANNING & ZONING DIVISION

Scale: 1"=300'

N
4





SINGLE FAMILY RESIDENTIAL

COMMERCIAL

MULTI-FAMILY RESIDENTIAL

SW 30 STREET

SUBJECT SITE

COMMERCIAL

GOLF COURSE

SCHOOL

UNIVERSITY DRIVE

COMMERCIAL

COMMERCIAL

N DATE FLOWN
↑ JANUARY 1998
SCALE: nts
V 5-4-00