

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director / (797-1101)  
Prepared by: Bradley Swing, AICP, Planner II

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial, ZB 3-1-03 Town of Davie, 14501 Orange Drive/Generally located at the northwest corner of Orange Drive and SW 142 Avenue.

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Davie Town Administrator has requested to rezone the 33.81 acre (1,472,764 square foot) subject site from A-1, Agricultural District to SC, Suburban Commercial District. Development in the vicinity of the site includes Imagination Farms to the east and single family residential development in Southwest Ranches to the south. Broward County's Vista View Park is located to the north and vacant commercial property is located to the west of the subject site.

Commercial development under the SC, Suburban Commercial District standards is consistent with the property's "Commercial" land use designation and is compatible with the proposed B-2, Community Business District to the west and the RS, Recreation/Open Space District to the north. The adjacent parcel to the east is zoned E, Estate, and single family residential is located to the south in Southwest Ranches.

The requested SC District for the subject site is consistent with the intent and policies of the Land Development Code and Comprehensive Plan. Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the SC, Suburban Commercial District will be waived at the time of rezoning but compliance with Section 12-375 of the Land Development Code, Master Planned Developments will be required at the time of site plan approval. Staff notes that this request is a Town initiated rezoning, and compliance with Section 12-306(C)(9) of the Land Development Code, which requires a copy of a certified and sealed survey dated within two (2) years will be waived.

Staff believes that rezoning the subject site to SC would best implement the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code. The

proposed rezoning of the site at a neighborhood scale is compatible with existing low density residential development and open space uses in the area, consistent with the intent of the Town's Land Development Code to provide a neighborhood scale of commercial development in the western part of the Town, and conforming with the goals and objectives of the Town's Comprehensive Plan to provide varying intensities of commercial development through the application of appropriate zoning districts without adversely impacting adjacent surrounding residential uses. The SC District is the most appropriate zoning district for the site because of its location in the western part of the Town away from primary transportation facilities and near existing low density residential neighborhoods, the County's Vista View Park, and the planned public middle school on Shotgun Road. Rezoning the site to SC will allow for development at neighborhood scale to meet the need of the community while generating less traffic than large scale commercial development and helping to maintain the rural character of Orange Drive. Rezoning the subject site to SC will also allow a less intense scale of commercial development on the property that is in harmony with the suburban character of the neighborhood.

**PREVIOUS ACTIONS:** On April 15, 2003, Town Council voted to waive the one (1) year time limit for consideration of any further application for rezoning of this property as required in Section 12-307(B)(4) of the Land Development Code.

**CONCURRENCES:**

April 9, 2003: On April 9, 2003, Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. Motion carried 4-1 with Vice-Chair Bender being opposed.

April 23, 2003: This item was readvertised by Staff for the April 23, 2003 Planning and Zoning Board meeting. Staff summarized the revisions to the staff report addressing the concerns raised at the April 9, 2003 Planning and Zoning Board meeting and requested that the Board vote to reconsider and table this item until the May 14, 2003 meeting. No motion was made to reconsider this item and the recommendation to reconsider died.

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** In light of the designation of the property for "Commercial" land use under the Comprehensive Plan, staff recommends that the agricultural zoning of the subject property be changed to a Commercial, Office or Business zoning district. Based on the analysis described above, staff is of the opinion that the requested SC District would best implement the goals and objectives of the Comprehensive Plan and the public health, safety and welfare objectives set forth in the Town of Davie's Land Development Code.

**Attachment(s):** Ordinance, Planning Report, Land Use Map, Subject Site, Zoning and Aerial Map, Legal Description

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; 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 SC, Suburban Commercial District; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

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 SC, Suburban Commercial District:

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

SECTION 2. 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 SC, Suburban Commercial District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. 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 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

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

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**APPLICANT INFORMATION**

<b><u>Agent:</u></b>		<b><u>Owner:</u></b>	
<b>Name:</b>	Town of Davie	<b>Name:</b>	Edward H. Gilbert, TR
<b>Address:</b>	6591 Orange Drive	<b>Address:</b>	5100 Town Center Circle #330
<b>City:</b>	Davie, FL 33314	<b>City:</b>	Boca Raton, FL 33486-1008
<b>Phone:</b>	(954)797-1035		

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**BACKGROUND INFORMATION**

**Date of Notification:** April 2, 2003

**Number of Notifications:** 23

**Application Request:** Town initiated administrative rezoning of the 33.81 acre (1,472,763 square foot) subject site **FROM:** A-1, Agricultural District; **TO:** SC, Suburban Commercial District.

**Address/Location:** 14501 Orange Drive/Generally located at the northwest corner of Orange Drive and SW 142 Avenue.

**Future Land Use Plan Designation:** Commercial

**Zoning:** A-1, Agricultural District

**Proposed Zoning:** SC, Suburban Commercial District

**Existing Use:** Undeveloped

**Proposed Use:** Commercial retail and office

**Parcel Size:** 33.81 acres (1,472,763 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land</u></b>
<b>North:</b>	Vista View Park	<b><u>Use Plan Designation:</u></b>
<b>South:</b>	Single-family residential, Cooper City	Recreation and Open Space
<b>East:</b>	Single-family residential, Imagination Farms	Residential (0.40 DU/AC)
<b>West:</b>	Undeveloped	Residential (1 DU/AC)
		Commercial

**Surrounding Zoning:**

**North:** RS, Recreation/Open Space  
**South:** E, Estate District, Southwest Ranches  
**East:** E, Estate District  
**West:** A-1, Agricultural District

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**ZONING HISTORY**

**Related Zoning History:** This property currently has an A-1 (Agricultural District) zoning designation.

On June 7, 2000, Town Council denied application ZB 1-3-00 to rezone the subject site from A-1, Agricultural District to B-3, Planned Business Center District.

On March 18, 2002, the Broward County Circuit Court entered a final judgment which quashed the Town Council’s denial of application ZB 1-3-00 and remanded the matter to the Town Council for further consideration.

On October 2, 2002, the Town Council reconsidered and denied application ZB 1-3-00 to rezone the subject site.

Also on this agenda, the Town is requesting the adjacent 27.24 acre parcel to the west be rezoned from A-1 to B-2, under application number ZB 3-2-03.

**Previous Requests on same property:** In March 2000, the property owner requested, under application number ZB 1-3-00, that this property be rezoned from A-1 to B-3. On June 7, 2000 and October 2, 2002, Town Council denied this rezoning application.

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**APPLICATION DETAILS**

The Davie Town Administrator has requested to rezone the 33.81 acre (1,472,764 square foot) subject site from A-1, Agricultural District to SC, Suburban Commercial District. The subject site is located at the northwest corner of Orange Drive and SW 142 Avenue. Development in the vicinity of the site includes Imagination Farms to the east and single family residential development in Southwest Ranches to the south. Broward County’s Vista View Park is located to the north and vacant commercial property is located to the west of the subject site.

Commercial development under the SC, Suburban Commercial District standards is consistent with the property’s “Commercial” land use designation and is compatible with the proposed B-2, Community Business District to the west and the RS, Recreation/Open Space District to the north. The adjacent parcel to the east is zoned E, Estate, and single family residential is located to the south in Southwest Ranches.

Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the SC District will be waived at the time of rezoning but compliance with Section 12-375 of the Land

Development Code, Master Planned Developments, will be required at the time of site plan approval.

Actions subsequent to the April 9, 2003 Planning and Zoning Board Meeting.

On April 15, 2003, Town Council voted to waive the one (1) year time limit for consideration of any further application for rezoning of this property as required in Section 12-307(B)(4) of the Land Development Code.

Staff notes that this request is a Town initiated rezoning, and compliance with Section 12-306(C)(9) of the Land Development Code, which requires a copy of a certified and sealed survey dated within two (2) years will be waived.

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### **Applicable Codes and Ordinances**

Section 12-307 of the Land Development Code, Review for Rezoning.

Section 12-34(AA) of the Land Development Code, Unified Control of Development, which requires unified control of development and a conceptual master plan for development of land within the Suburban Commercial District.

Section 12-54 of the Land Development Code, Nonresidential Performance Standards, which establishes standards to regulate the maximum intensities permitted in the Suburban Commercial District.

Section 12-55 of the Land Development Code, Scale of Nonresidential Development, which is intended to govern the size and scope of development within the Suburban Commercial District.

Section 12-24 of the Land Development Code, Statement of Purpose and Intent of Zoning Districts, which is intended to regulate development within the Town of Davie.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113. The property owner will be required to obtain Plat approval by the Town of Davie and Broward County prior to site plan approval. Concurrency review pertaining to roadways and utilities will occur at the time of platting.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Element, Policy 7-1:* The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

*Future Land Use Element, Policy 7-3:* Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent surrounding residential uses.

*Future Land Use Element, Policy 7-4:* Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as commercial corridors should be limited to the intersection of two arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial uses.

*Future Land Use Element, Policy 17-1:* Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

*Future Land Use Element, Policy 17-2:* No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

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## Staff Review

### **Background**

This vacant parcel of land currently has a zoning designation that is not consistent with the Future Land Use Plan of the Town of Davie. In order to provide for Town of Davie zoning regulations to govern any proposed development, the Town has initiated an administrative rezoning to bring the subject parcel into compliance with Town of Davie's Comprehensive Plan and Future Land Use Plan Map. In reviewing the pending application, staff has identified eleven (11) Commercial, Office and Business zoning districts which may be consistent with the subject property's "Commercial" land use designation<sup>1</sup>. As such, this report discusses potential rezoning of the subject property under the B-2, B-3 and SC zoning designations in light of the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code.

### **Analysis of Options**

*SC, Suburban Commercial District:* This request is to rezone the subject site from A-1 to the Town of Davie's SC, Suburban Commercial District. The Town of Davie Future Land Use Plan Map designates the subject parcel "Commercial" and the requested SC District is consistent with the existing land use category and will allow the subject site to be developed with commercial retail and office use. The SC District is intended for properties west of Pine Island

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<sup>1</sup> These include Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), Business Park (BP), Western Theme (WT), Neighborhood Business (B-1), Community Business (B-2), Planned Business Center (B-3), Office (O), Heavy Commercial (C1), and Residential Office (RO). Because of the size, location and other characteristics of the subject property, staff has not analyzed the use of UC, FB, BP, WT, B-1, O, C1 and RO in any detail.

Road where commercial uses are anticipated. It is intended to provide a less restrictive, more open form of commercial development in the western part of the Town of Davie that is compatible with the lower residential densities called for in that area.

This site will provide for a business area to serve the local neighborhood shopping and personal service needs of the neighborhoods comprising the local community. The scale of development associated with the SC District is consistent and commensurate with the scale of residential development in the area. The maximum size of individual buildings in the SC District is limited to 40,000 square feet while the maximum sizes of shopping centers are 100,000 square feet. According to the Future Land Use Element of the Comprehensive Plan, neighborhood shopping centers typically range in area from 3 to 10 acres and require a minimum market support population of 2,500 to 40,000 people. The Urban Land Institute recommends this type of center to serve a population within a six-minute drive.

The SC District is compatible with the surrounding residential neighborhoods to the northwest and east and the proposed B-2 District to the west. The lower intensity scale of development in the SC District is in harmony with the suburban character of the area. The development standards of the SC District and the scenic corridor overlay district will assist in minimizing the intrusion of commercial development and preserve the suburban character of the area.

The SC District implements the goals and objectives of the Town's Comprehensive Plan and Land Development Code to provide for varying intensities of commercial development, and direct application of appropriate zoning districts where compatible with adjacent and surrounding residential uses. Due to the surrounding land uses, the use of the subject site for commercial development at a neighborhood scale is compatible, consistent and conforming with the adjacent residential and open space uses. The subject site's location furthers the intent of the location policies of the SC District as it is located in the western part of the Town and is surrounded to the northwest and east by low density residential areas. Development of the site as SC would provide a transition to the surrounding low density residential development through the provision of less intense commercial development.

*B-3, Planned Business Center District:* The B-3, Planned Business Center District, while generally consistent with the "Commercial" land use designation of the site, is intended to meet the shopping and service needs of large sections of the Town. The B-3 District would allow large scale commercial retail and office use on the subject site. Development standards for the B-3 District would allow the development of more intensive community shopping opportunities with a maximum size of 300,000 square feet and with individual buildings no greater than 100,000 square feet. The types of large scale commercial retail stores that are intended for this zoning district include "big-box" specialty retail stores and supermarkets as the major tenants. Based on the Future Land Use Element of the Comprehensive Plan, community shopping centers typically range in area from approximately 10 to 30 acres and require a minimum market support population of 40,000 to 150,000 people.

The intent of the policies of the Town's Comprehensive Plan and Land Development Code is to ensure that the level of development within each zoning district conforms to the intended character of the district. The B-3 zoning district is not the most compatible district, nor the most appropriate, based upon the existing low density residential development found in the general area in question. Rezoning the subject site to B-3 would create an isolated zoning

district unrelated and incompatible with adjacent and nearby districts. The areas to the north, east and south of the subject site are either low density residential or County Park. Due to the surrounding land uses, rezoning the subject site to B-3 would not facilitate adequate transitional use and buffering between the site and the adjacent low density residential developments to the east and south and the open space to the north.

Based on the results of a traffic study performed by Tinter Associates, Inc. in May 2000 associated with the proposed rezoning of the subject site and the adjacent property to B-3, the resulting development may increase traffic between 10,000 and 13,000 trips per day for each of the proposed sites. Rezoning the subject site to B-3 may potentially adversely affect living conditions in the neighborhood by significantly increasing automobile and vehicular traffic congestion on Orange Drive.

Subsequent to the property owner's original request to rezone the subject site to B-3, the Broward County School Board has acquired land, through dedication of property located northwest of the subject site, for the construction of a middle school. As such, large scale commercial development, such as that permitted by B-3, would not be as compatible as neighborhood and community business development.

As discussed in more detail below, on March 27, 2003, Orange Drive was removed from the Broward County Trafficways Plan and will come under Town jurisdiction and will not support more intense levels of development. In light of the removal of Orange Drive from the Trafficways Plan and its designation as a local collector road it will not provide the facilities necessary to serve B-3 development.

Development standards for B-3 require a 50 foot setback on sides abutting residentially zoned, occupied or Land Use Plan-designated properties. The site is located within the scenic corridor overlay district of the Town's Rural Lifestyle Initiative and is subject to the 100 foot scenic corridor buffer requirement along the north side of Orange Drive.

*B-2, Community Business District:* The B-2, Community Business District is also consistent with the "Commercial" land use designation of the subject site. The B-2 District is intended to provide for a less intense community scale of commercial development that will provide up to 100,000 square feet of gross leasable area for the sale of convenience goods (food, drugs, and sundries) and personal services. It is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to serve the shopping and limited service needs of several neighborhoods or the local community. The types of retail stores that are intended for this district also include convenience, fashion and durable goods.

The Future Land Use Element of the Town's Comprehensive Plan calls for zoning regulations to provide for varying intensities of commercial development that are compatible with surrounding residential uses. While the B-2 District provides the same neighborhood scale of commercial development as the SC District, according to the table of permitted uses (Sec. 12-32) of the Land Development Code, the B-2 District affords additional uses not allowed in the SC District. However, the B-2 District does not provide an appropriate level of transition from a use and physical barrier standpoint between the low-density residential land uses and public space found in the vicinity of the subject site.

## **Analysis of Transportation**

The intent of the Town's Comprehensive Plan is to provide high intensity commercial development with access to primary transportation facilities including interstates and arterial roadways. The site's location on Orange Drive, a two (2) lane local collector roadway, does not provide the site with an easily accessible location with convenient access to I-75, Griffin Road and Flamingo Road, the nearest interstate and major arterial roadways in the area. Orange Drive, while currently on the Broward County Trafficways Plan as a future four (4) lane divided roadway with an eighty (80) foot right-of-way, is in the process of being deleted from the Trafficways Plan. The Broward County Planning Council, on March 27, 2003 recommended approval of deletion of Orange Drive from the Trafficways Plan subject to execution of a Road Transfer Agreement within three (3) months. The Town plans to retain the eighty (80) foot Trafficways dedication for incorporation into the 100 foot landscape buffer/scenic corridor buffer of the scenic corridor overlay district of the Rural Lifestyle Initiative.

The subject site is located near the Robbins-Vista View Park Trail and the Linear Park Trail and is within the planned scenic corridor overlay district north of Orange Drive which will provide the site with convenient access to pedestrians. It is the intent of the SC District to provide a safe and attractive area for pedestrians while the B-3 District encourages the type of businesses that do not cater directly to pedestrians. The B-2 District would also be appropriate to provide commercial development to meet the needs of the local community given the location of the site on Orange Drive but the SC District is the most appropriate zoning district to provide a transition between the existing and proposed low density development in the area and the proposed B-2 District to the west.

The Transportation Element of the Town's Comprehensive Plan indicates that Griffin Road, Shotgun Road and Orange Drive are currently operating at Level of Service "A". Preliminary traffic estimates associated with the subject site utilizing the TRIPS model indicate 406 trips per day associated development of the subject site for every 100,000 square feet of specialty retail (Institute of Transportation Engineers, *Trip Generation*, 6<sup>th</sup> Edition). It is believed that the uses associated with the proposed rezoning will not excessively increase traffic beyond what was anticipated by the underlying "Commercial" land use plan designation.

## **Conclusion**

In light of the above, staff believes that rezoning the subject site to SC would best implement the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code. The proposed rezoning of the site at a neighborhood scale is compatible with existing low density residential development and open space uses in the area, consistent with the intent of the Town's Land Development Code to provide a neighborhood scale of commercial development in the western part of the Town, and conforming with the goals and objectives of the Town's Comprehensive Plan to provide varying intensities of commercial development through the application of appropriate zoning districts without adversely impacting adjacent surrounding residential uses. The SC District is the most appropriate zoning district for the site because of its location in the western part of the Town away from primary transportation facilities and near existing low density residential neighborhoods, the County's Vista View

Park, and the planned public middle school on Shotgun Road. Rezoning the site to SC will allow for development at neighborhood scale to meet the need of the community while generating less traffic than large scale commercial development and helping to maintain the rural character of Orange Drive. Rezoning the subject site to SC will also allow a less intense scale of commercial development on the property that is in harmony with the suburban character of the neighborhood.

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### Review for Rezoning

The following addresses the review criteria set forth in Section 12-307(A)(1):

- (a) The proposed change **is not** contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Future Land Use Plan Map designates the parcel as "Commercial". The proposed SC zoning district is consistent with the land use plan "Commercial" classification.*

- (b) The proposed change **will not** create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The SC, Suburban Commercial District is intended for properties west of Pine Island Road where commercial uses are anticipated. It is intended to provide a less restrictive, more open form of commercial development in the western part of the Town of Davie that is compatible with the lower residential densities called for in that area. There are single family homes to the east and south, Vista View Park to the north and vacant commercial land to the west. Therefore the proposed zoning district would not be incompatible with adjacent or nearby uses.*

- (c) Existing zoning district boundaries **are** illogically drawn in relation to existing conditions on the property proposed for change;

*The existing A-1, Agricultural District classification is the original zoning of the property. This zoning district does not allow office and retail uses consistent with the Future Land Use Plan Map designation of Commercial and agricultural use is no longer envisioned for the site.*

- (d) The proposed change **will not** adversely affect living conditions in the neighborhood;

*Development of this parcel as Suburban Commercial will not have adverse impacts on the neighborhood. Suburban Commercial is intended to provide a neighborhood scale of development that is compatible with the lower residential densities in the area. The proposed rezoning to SC will provide the business services needed by the local community.*

- (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;

*The traffic generated by commercial development of the site is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. Prior to County approval of plats, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts. In addition, based on the intensity of development permitted under the B-3 District, the proposed SC District will generate less traffic than B-3.*

- (f) The proposed change **will not** adversely affect other property values;

*Staff is unaware of any adverse impact on surrounding property values associated with the potential development of this vacant site. There are single family homes to the east and south, Vista View Park to the north and vacant land to the west. The scale of commercial development called for in the Suburban Commercial District will provide a form of commercial development that is compatible with the lower residential densities called for in the area.*

- (g) The proposed change **will not** be a deterrent to the improvement or development of other property in accord with existing regulations;

*Development of the subject site will not deter development or improvement of adjacent parcels. There are single family homes to the east and south, Vista View Park to the north and vacant land to the west.*

- (h) The proposed change **does not** constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*The proposed development of the site with SC, Suburban Commercial District zoning provides a neighborhood scale of commercial development that would provide shopping and employment opportunities and generate tax revenues which is in the public interest and general welfare of the Town of Davie. The change in scale of development that is proposed for the site is in conformance with the Town's Comprehensive Plan.*

- (i) There **are** substantial reasons why the property cannot be used in accord with existing zoning.

*The subject site could not be developed according to the existing zoning district standards due to the existing commercial land use designation and the fact that the property will no longer provide for agricultural uses due to the surrounding development.*

- (j) The proposed zoning designation **is** 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.

*The proposed zoning is consistent with the Town of Davie Future Land Use Plan Map designation of commercial for the subject site and is also consistent with the Town's Comprehensive Plan by providing for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent surrounding residential uses.*

*The proposed rezoning is also consistent with the Town's Comprehensive Plan Policy to locate non-residential uses in a manner which facilitates development, but does not adversely impact existing and designated residential areas.*

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## Planning and Zoning Board

### PLANNING AND ZONING BOARD RECOMMENDATIONS:

April 9, 2003: On April 9, 2003, Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. Motion carried 4-1 with Vice-Chair Bender being opposed.

April 23, 2003: This item was readvertised by Staff for the April 23, 2003 Planning and Zoning Board meeting. Staff summarized the revisions to the staff report addressing the concerns raised at the April 9, 2003 Planning and Zoning Board meeting and requested that the Board vote to reconsider and table this item until the May 14, 2003 meeting. No motion was made to reconsider this item and the recommendation to reconsider died.

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### **Staff Recommendation**

Recommendation: In light of the designation of the property for "Commercial" land use under the Comprehensive Plan, staff recommends that the agricultural zoning of the subject property be changed to a Commercial, Office or Business zoning district. Based on the analysis described above, staff is of the opinion that the requested SC District would best implement the goals and objectives of the Comprehensive Plan and the public health, safety and welfare objectives set forth in the Town of Davie's Land Development Code.

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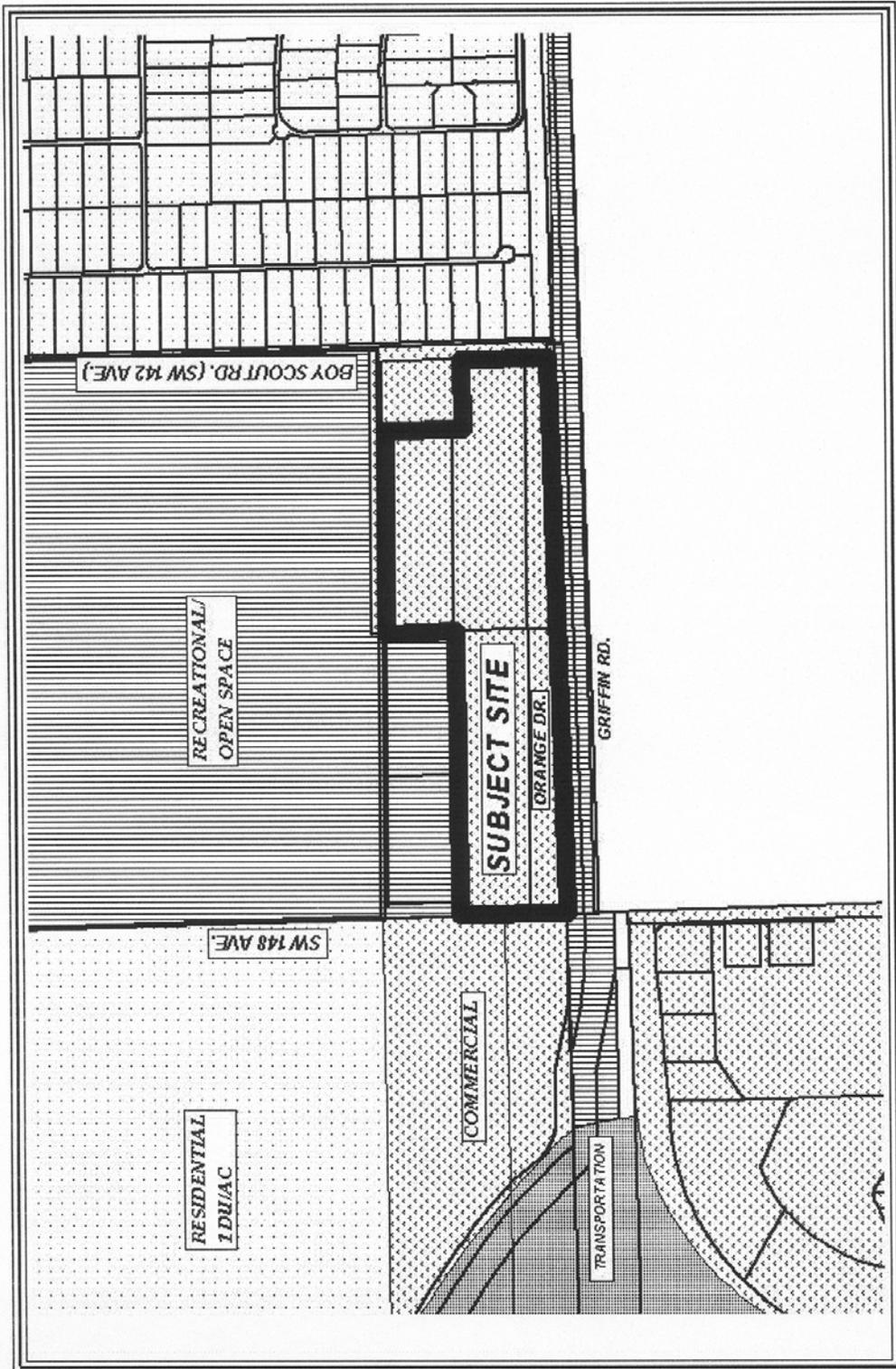
Prepared by: \_\_\_\_\_

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

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### **Exhibits**

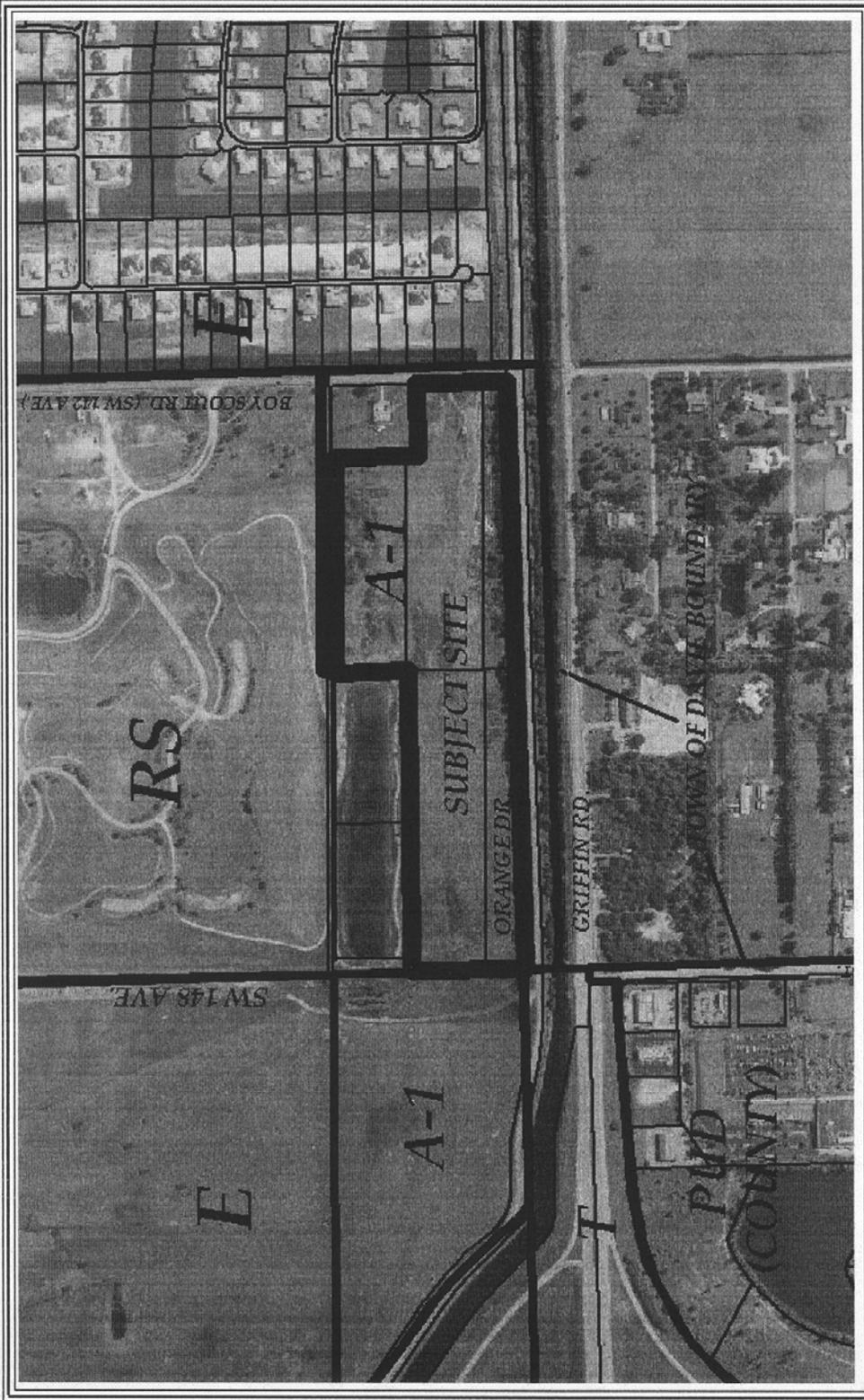
1. Future Land Use Map
2. Subject Site, Zoning and Aerial Map
3. Legal Description



Rezoning  
 ZB 3-1-03  
 Existing Future Land Use Map



Planning & Zoning Division - GIS



Planning & Zoning Division - GIS

Rezoning

ZB 3-1-03

Subject Site and Aerial Map

Date Flown: 12/31/01

LEGAL DESCRIPTION:

PORTIONS OF TRACTS 33, 34, 35, 46 AND 47 IN SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER (W 1/4) CORNER OF SAID SECTION 27; THENCE ALONG THE WEST LINE OF SAID SECTION 27, (BEARING BASIS) SOUTH 01°44'27" EAST 330.13 FEET TO THE NORTH LINE OF SAID TRACT 47 AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH LINE, NORTH 89°43'35" EAST 1321.12 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 33; THENCE ALONG THE WEST LINE OF SAID TRACT 33, NORTH 01°45'35" WEST 315.04 FEET TO A LINE PARALLEL WITH AND 15.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SAID SECTION 27; THENCE ALONG SAID PARALLEL LINE, NORTH 89°43'41" EAST 936.00 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED AS PARCEL NO. 1 IN THE FINAL JUDGMENT RECORDED IN OFFICIAL RECORD BOOK 6408, PAGE 758 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID PARCEL NO.1, SOUTH 01°46'29" EAST 360.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL NO.1; THENCE ALONG THE SOUTH SIDE OF SAID PARCEL NO. 1, NORTH 89°43'41" EAST 315.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL NO. 1, SAID CORNER LYING ON THE WEST RIGHT OF WAY LINE OF SW 142ND AVENUE (BOY SCOUT ROAD) AS DESCRIBED IN OFFICIAL RECORD BOOK 2856, PAGE 978 OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°46'29" EAST 411.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SOUTH NEW RIVER CANAL PER CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT RIGHT OF WAY MAP DWG. NO. C-11-3 SHEET 2 OF 3; THE FOLLOWING FOUR (4) COURSES RUN ALONG SAID NORTH RIGHT OF WAY LINE; (1) SOUTH 88°28'27" WEST 12.41 FEET; (2) NORTH 01°46'28" WEST 20.00 FEET; (3) SOUTH 88°28'27" WEST 1485.88 FEET; (4) SOUTH 88°37'03" WEST 1073.37 FEET TO THE WEST LINE OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SAID SECTION 27; THENCE ALONG SAID WEST LINE, NORTH 01°44'27" WEST 489.48 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 1,472,809 SQUARE FEET (33.811 ACRES) MORE OR LESS.