TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: David Abramson, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 11-1-02 University Commons/College Business Park , 6535-6555 Nova Drive / generally located on the north side of Nova Drive between College Avenue and 1/8 of a mile west of Davie Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (County), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO BP, BUSINESS PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The petitioner has requested to rezone the 9.768 acre subject site from: M-4 (County), Limited Heavy Industrial District (Forman Agreement) to: a valid Town of Davie zoning district, Business Park District (BP).

This request is in conformance with staff policy of requiring all parcels under development to be designated with a Town of Davie zoning designation and Ordinance 2003-21, adopted June 4, 2003.

The Business Park District zoning permits for the development of commercial center without giving up the more desirable uses allowed under the old M-4 (County) District. Business Park zoning would prohibit many undesirable heavy industrial uses which are permitted by M-4 (County), Limited Heavy Industrial District (Forman Agreement).

PREVIOUS ACTIONS: None

CONCURRENCES: At the July 23, 2003 Planning and Zoning Board meeting, Vice-Chair Waitkus made a motion, seconded by Mr. McLaughlin, to approve. Motion carried 5-0.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO BP, BUISNESS PARK 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 M-4 (County), Limited Heavy Industrial District (Forman Agreement) to BP, Business Park District;

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 M-4 (County), Limited Heavy Industrial District (Forman Agreement) to BP, Business Park 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 BP, Business Park 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.

ATTEST:

_____
MAYOR/COUNCILMEMBE

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2003.

DESCRIPTION: 9.768 ACRE PORTION OF PARCEL B

A PORTION OF PARCEL B, WESTPORT BUSINESS PARK PARCELS A & B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 143, AT PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL B, THENCE NORTH 14°44'33" EAST, ALONG THE EAST LINE OF PARCELS B1 AND A1 AS SHOWN ON SAID PLAT, A DISTANCE OF 883.49 FEET, THENCE NORTH 72°57'18" EAST, A DISTANCE OF 63.77 FEET, THENCE NORTH 8[illegible]°23'22" EAST, A DISTANCE OF 20.78 FEET, THENCE SOUTH 65°45'55" EAST, A DISTANCE OF 32.92 FEET, THENCE SOUTH 54°57'32" EAST, A DISTANCE OF 28.80 FEET, THENCE SOUTH 72°57'33" EAST, A DISTANCE OF 31.14 FEET; THENCE SOUTH 70°46'43" EAST, A DISTANCE OF 37.65 FEET, THENCE SOUTH 14°44'23" WEST, A DISTANCE OF 2.10 FEET, THENCE SOUTH 76°43'05" EAST, A DISTANCE 25.93 FEET, THENCE SOUTH 77°57'14" EAST, A DISTANCE OF 40.38 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS NORTH 77°57'14" WEST FROM THE LAST DESCRIBED POINT, THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00" FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, THENCE SOUTHWESTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 87°18'13", FOR AN ARC DISTANCE OF 45.71 FEET TO A POINT OF TANGENCY, THENCE SOUTH 14°44'33" WEST, A DISTANCE OF 357.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHERLY SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'15" FOR AN ARC DISTANCE OF 47.13 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 75°15'42" EAST, A DISTANCE OF 422.74 FEET; THENCE SOUTH 14°44'18" WEST, A DISTANCE OF 267.82 FEET, THENCE SOUTH 75°15'42" EAST, A DISTANCE OF 13.83 FEET; THENCE SOUTH 14°44'18" WEST, A DISTANCE OF 205.18 FEET; THENCE NORTH 75°15'42" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 14°44'18" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 75°15'42" WEST, A DISTANCE OF 346.61 FEET; THENCE NORTH 68°25'08" WEST, A DISTANCE OF 100.72 FEET; THENCE NORTH 75°15'42" WEST, A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) DESCRIBED COURSES BEING ALONG THE SOUTH LINE OF SAID PARCEL B AND THE NORTH RIGHT-OF-WAY LINE OF NOV[illegible] DRIVE.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, CONTAINING 9.768 ACRES 425,480 SQUARE FEET MORE OR LESS.

THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN WITH THE SOUTH LINE OF PARCEL B, WESTPORT BUSINESS PARK PARCELS A & B, PLAT BOOK 143, AT PAGE [illegible] BEING NORTH 75°15'42" WEST.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 61G17-6 (FLORIDA ADMINISTRATIVE CODE), AS ADOPTED BY THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. LB271

DOUGLAS M. DAVIE
PROFESSIONAL SURVEYOR AND MAPPER NO. 43[illegible]
STATE OF FLORIDA

SHEET 1 OF 2 SHEETS

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

Applicant Information

Owner:		**Agent:**	
Name:	College Business Park, L.L.C. a FL Limited Liability Comp.	**Name:**	C. William Laystrom, Jr.
Address:	888 S.E. Third Avenue, Suite 501	**Address:**	1177 SE Third Ave.
City:	Fort Lauderdale, FL 33316	**City:**	Ft. Lauderdale, FL 33316
Phone:	(954) 763-8111	**Phone:**	(954) 762-3400

Background Information

Date of Notification: June 11, 2002 **Number of Notifications:** 27

Application History: No deferrals have been requested.

Application Request: Rezone the 9.768 acre subject site **FROM:** M-4 (County), Limited Heavy Industrial District (Forman Agreement); **TO:** BP, Business Park District.

Address/Location: 6535-6555 Nova Drive / generally located on the north side of Nova Drive between College Avenue and 1/8 of a mile west of Davie Road.

Future Land Use Plan Designation: Regional Activity Center (RAC)

Zoning: M-4 (County), Limited Heavy Industrial District (Forman Agreement)

Existing Use: 3 building totaling 129,816 square feet (2.980 acres) office / warehouse development.

Proposed Use: 3 building totaling 129,816 square feet (2.980 acres) office / warehouse development.

Parcel Size: 425,379.68 square feet (9.768 acres)

	Surrounding Uses:	**Surrounding Land Use Plan Designation:**
North:	Lake, Vacant	Regional Activity Center (RAC)
South:	Mc Fatter Vocational Center	Regional Activity Center (RAC)

East:	Westport Publix, Lake	Regional Activity Center (RAC)
West:	ATT Broadcast and BFI Center	Regional Activity Center (RAC)

Surrounding Zoning:

North:	M-4 (County), Limited Heavy Industrial District (Forman Agreement)
South:	CF, Community Facility District
East:	M-4 (County), Limited Heavy Industrial District (Forman Agreement)
West:	M-4 (County), Limited Heavy Industrial District (Forman Agreement)

Zoning History

Related Zoning History:

The subject property was annexed into the Town in 1985. A stipulated settlement agreement approved in 1985, established the "Forman Code" applicable to the annexed land.

Town Council approved the Regional Activity Center Land Use Plan Classification in 1998.

Previous Requests on same property:

Plat Request (P 3-4-89): The Westport Business Park Parcels A and B Plat (143-5) was approved on May 3, 1989.

Resolution (R 90-151): was approved by Town Council on June 6, 1990, the application to apply seven (7) acres of commercial flexibility to the Westport Business Park Parcels A and B pursuant to the 20% flexibility provision of the Broward County Land Use Plan.

Resolution (R 90-252): was approved by Town Council on September 17, 1990, the Town Council allocated up to 7 acres of "commercial flexibility" for the Westport business Park Parcels A and B and for up to 13 acres for the Dimar Plat pursuant to the 20% flexibility provision of the Broward County Land Use Plan.

Resolution (R 91-69): was approved by Town Council on March 6, 1991, revising the plat condition regarding left turn lane improvements on Davie Road.

Resolution (R 92-61): was approved by Town Council on April 1, 1992, revising access openings on College Avenue associated with plat and modifications to the turn lane configurations, roadway easements, and roadway improvement conditions are necessary to accommodate the revised openings.

Delegation Request (DG 5-1-98): Resolution (R 98-221) was approved on June 17, 1998 to revise access openings for the Westport Business Park Plat.

Delegation Request (DG 9-1-98): Resolution (R 98-318) was approved on October 9, 1998 to revise the restrictive note for the Westport Business Park Plat.

Site Plan Request (SP 5-4-01): Town Council approved the University Commons site plan submittal (129,816 square foot office warehouse) on October 17, 2001.

Site Plan Modification Request (SP 8-1-02 M): Site Plan Committee approved the University Commons site plan modifications on January 21, 2003.

Temporary Use Request (TU 9-1-02): Town Council approved the University Commons temporary use submittal (placement of construction trailer) on October 16, 2002.

Application Details

The subject site has been developed as an office/warehouse complex consisting of three buildings at a total of 129,816 square foot (2.980 acres). The assignment of commercial flex (R90-151 & 90-252) allows the property owner to lease space for retail uses that would otherwise be prohibited. Currently, the office/warehouse buildings are intended for retail and service type uses.

The subject site is located on the north side of Nova Drive between College Avenue and 1/8 of a mile west of Davie Road. To the north of the site is Westport Business Park's man-made lake zoned M-4 (County). To the east is Westport Publix Shopping Center which consists of a 27,887 square foot Publix store and an 8,450 square foot attached retail strip. The north-east portion of the site is Westport Business Park's man-made lake zoned M-4 (County). To the south, directly across Nova Drive is McFatter Vocational Center zoned (CF), and to the west is ATT Broadcast and BFI Center zoned M-4 (County).

The subject site is zoned M-4 (County), Limited Heavy Industrial District (Forman Agreement) which is not a valid Town of Davie zoning district. Therefore, as a condition of site plan approval and at staff's request, the property owner agreed to rezone the 9.768 acre subject site to a Town designation. The petitioner has requested to rezone the subject site from M-4 (County), Limited Heavy Industrial District (Forman Agreement) to BP, Business Park District.

The subject site Land Use Plan designation is Regional Activity Center (RAC), and the Business Park (BP) zoning designation is consistent with the underlying land use.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-24 (G) of the Land Development Code, The Business Park (BP) District is intended to be used to promote modern campus types of industrial, office, distribution and service business areas where a wide variety of uses can be built in an attractive environment with substantial open areas on the periphery of the development.

Stipulated settlement agreement between the Hamilton M. and Blanche C. Forman Christian Foundation and various other Plaintiffs and the Town of Davie, entered into on November 12, 1985, Broward County Circuit Court Case No. 85-003046-CT.

Comprehensive Plan Considerations

This parcel is inside the Regional Activity Center Future (RAC) Land Use Plan designation that was adopted by Town Council in 1998.

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, 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.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Staff Analysis

The purpose of this rezoning request is to rezone the subject site from M-4 (County), Limited Heavy Industrial District (Forman Agreement) to a valid Town of Davie zoning district, Business Park District (BP). This request is in conformance with staff policy of requiring all parcels under development to be designated with a Town of Davie zoning designation and Ordinance 2003-21, adopted June 4, 2003.

The Business Park District zoning permits for the development of commercial center without giving up the more desirable uses allowed under the old M-4 (County) District. Business Park zoning would prohibit many undesirable heavy industrial uses which are permitted by M-4 (County), Limited Heavy Industrial District (Forman Agreement).

The subject site does not meet the requirement for minimum lot area in the Land Development Code that is needed to gain the Business Park (BP) District zoning designation. According to the Land Development Code, minimum lot size required for classification of Business Park is 871,200 square feet or 20.00 acres. The subject site is roughly half of the minimum requirement, 425,476.68 square feet, or 9.76 acres. The existing office/warehouse building will become a non-conforming structure (upon the rezoning).

The subject site meets the setbacks required by the Land Development Code conventional development standards for Business Park District.

Land Use and Zoning: The Future Land Use Plan Map designates the parcel in Regional Activity Center (RAC). The Future Land Use Plan allows lands designated Regional Activity Center (RAC) to be zoned Business Park (BP) District. The requested zoning classification allows for warehouse/office building to use the site.

Compatibility: An office/warehouse building is compatible with the surrounding businesses, as this area is one of the last sites prior to a transition from intense commercial and industrial uses to community facilities and multi family residential. The property runs parallel to the north side of Nova Drive situated just west of Davie Road. The north is an existing man-made lake. Further to the north is commercial property before reaching State Road 84 and Interstate 595. Immediately to the east is a new Publix shopping center with an office/retail strip. Further to the east are the various commercial establishments lining the east side of Davie Road. Across Nova Drive to the south is McFatter Vocational Center. Further in the same direction are various universities and educational complexes. Immediately to the west are ATT Broadcast, BFI Center and West Central Business Complex.

Findings of Fact

Rezonings:
Section 12-307(A) (1):
The following findings of facts apply to the rezoning request:

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

The applicant does not need to submit a Land Use Plan Amendment to change the subject site. Based upon approval, at second reading, of the proposed amendment, the proposed zoning designation of (BP) Business Park is consistent with the underlying land use category of Regional Activity Center (RAC).

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

To the north and east, the properties are zoned of M-4 (County). To the south, the property is zoned (CF) Community Facility. And to the west is a multiple of zoning districts including M-1 (County), M-3 (County) and RM-16. Although none of adjacent areas are specifically zoned Business Park (BP), BP zoning designation will blend together with the surrounding commercial uses.

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

The existing M-4 (County), Limited Heavy Industrial District (Forman Agreement) boundaries are logically drawn, and the proposed designation to Business Park is valid Town of Davie zoning district.

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

The proposed Business Park (BP) designation will not have any undesirable impacts on residential development surrounding the subject site. Eliminating the M-4 (County), Limited Heavy Industrial District (Forman Agreement), should improve living conditions with businesses and commercial uses now reviewed under the zoning regulations of the Town of Davie. In addition, the subject site is already developed with this use.

(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;

Rezoning the subject site from M-4 (County) to Business Park (BP) District will not increase traffic due to the fact that the site is already developed and platted.

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

Rezoning the subject site from M-4 (County) to Business Park (BP) District will have a positive impact on surrounding property values as the Town of Davie code will ensure that redevelopment will be done in accordance with the Town of Davie Land Development Regulations.

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

The proposed change will be developed in accordance with existing land development regulations. Surrounding property will be able to develop in accordance with all exiting land development regulation.

(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;

Any property owner may request a rezoning consistent with the underlying land use plan category.

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

The existing M-4 (County), Limited Heavy Industrial District (Forman Agreement) is not a valid Town of Davie zoning district. Therefore, as a condition of the site plan approval for this subject site, the Town required the applicant to rezone the property to a current Town of Davie District.

(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.

Designating the site Business Park (BP) District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the July 23, 2003 Planning and Zoning Board meeting, Vice-Chair Waitkus made a motion, seconded by Mr. McLaughlin, to approve. Motion carried 5-0.

Exhibits

1. Justification
2. Future Land Use Map
3. Subject Site, Zoning and Aerial Map
4. Site Plan

Prepared by: _____ Reviewed by: _____

JUSTIFICATION
FOR REZONING REQUEST

The subject site contains approximately 9.768 gross acres that are vacant lands but are being developed as a business park. The property is contiguous to the north side of Nova Drive situated just west of Davie Road. Immediately to the east is the new Publix shopping center, which is still being developed. Further to the east are the various commercial establishments lining the east side of Davie Road. To the north is a lake. Further to the north is commercial property before reaching State Road 84 and Interstate 595. Across Nova Drive to the south are the various universities and educational complexes. Immediately to the west are Jones Intercable, BFI, and West Central Business Complex.

The subject property was originally part of a larger parcel which years ago was zoned M-4 in Broward County. The County M-4 permitted the entire pyramid of uses. As a result, the current zoning allows all industrial uses as well as all of Broward County's B-1, B-2 and B-3 classifications. When this property was annexed by the Town of Davie it was part of the Forman Agreement whereby the same zoning criteria continued to apply to the property.

Now, as portions of the property are sold and developed, the town has requested that these properties convert from Broward County zoning to the current Town of Davie zoning. As part of the site plan approval for this project, it was agreed that the petitioner would re-zone the property from the Broward County M-4 to a current Town of Davie zoning district. As a result, the petitioner proposes the rezoning of the property to zoning district BP. This zoning would allow for the development of a commercial center without giving up the more desirable uses allowed under the old M-4 district. Further, the BP zoning would exclude many of the more undesirable heavy industrial uses which were permitted by M-4 zoning.

A review of the rezoning request should include a consideration of the criteria listed in Section 12-307(A)(1) of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

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Policy 7-1 of the adopted comprehensive plan of the Town of Davie provides that the Town shall endeavor to expand its economic base through the expansion of the commercial sector of its economy. Further, Policy 7-3 of the comprehensive plan states that zoning regulation shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses. Currently this subject property and much of the surrounding area is designated industrial, although close to residential developments. The current zoning of the property is the old Broward County M-4, which is the heaviest industrial designation under the old Broward County Code. The property lies within Planning Area 6 where, as stated in the adopted comprehensive plan, the Town is encouraging development and redevelopment of properties to strengthen the Town's nonresidential tax base for the future. As a result a proposed rezoning from the heavy industrial category to a business park use would accomplish this goal.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

The requested rezoning to BP is consistent and compatible with adjacent and nearby zoning districts, although none are specifically zoned BP. Much of the property in Planning Area 6 that is adjacent to this property is of different, although similar, zoning. The establishment of a business park in effect cuts across all commercial zoning categories and, therefore, blends with the surrounding properties.

The requested rezoning positively satisfies this criterion.

Criterion (c): Whether existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The existing district boundaries are not illogically drawn; however, the business park designation is a better fit for the location since it has the South Florida Education Center (SFEC) across the street to the south with a Publix shopping center immediately to the east, a cemetery to the north, and heavy commercial and industrial to the west with residential further to the west and southwest. The blended use of BP zoning is a logical

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As a result, the proposed rezoning satisfies this criterion.

Criterion (d): Whether the proposed change will adversely affect living conditions in the neighborhood.

The proposed BP designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for the elimination of heavy industrial uses which would more adversely affect living conditions and to replace them with cleaner business and commercial uses more compatible with the South Florida Education Center immediately to the south. The proposed rezoning will allow for development of the site in accordance with the changing nature of the area.

The requested rezoning satisfies this criterion.

Criterion (e): Whether the proposed change will 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.

Certainly commercial development will increase automobile and vehicular traffic above that occasioned by the status as vacant land, but will not significantly increase traffic patterns over what is contemplated by the M-4 industrial zoning. The proposed rezoning request will greatly reduce the number of heavy trucks and industrial equipment on the roads which should enhance the public safety.

The requested rezoning satisfies this criterion.

Criterion (f): Whether the proposed change will adversely affect other property values.

The proposed rezoning will have a positive impact on surrounding property values by changing from heavy industrial to a business park designation which will allow for attractive upscale commercial development.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (g): Whether the proposed change will be a deterrent to the improvement or development of other property in accord with

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Land immediately to the east of the subject site is currently in development as a Publix shopping center. The land to the north has already been developed as a cemetery and a self-storage facility to the northwest. The land immediately to the south constitutes the South Florida Education Center, while the land to the immediate west is occupied by the cable television company and the garbage company. As a result, a business park could be considered an upgrade to a portion of the area and will be more compatible with the Publix shopping center and the South Florida Education Center than would heavy industrial.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (h): Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

As a result, the requested rezoning satisfies this criterion.

Criterion (I): Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

The property cannot be used in accord with the existing Broward County M-4 zoning because as a condition of the site plan approval for this site, the Town of Davie has required the applicant to rezone the property to a current Town of Davie district. The Broward County M-4 designation, at the time it was bestowed on the property, included a "pyramid" of all uses. As a result this designation included all categories of industrial and commercial uses, which was the broadest designation under the Broward County Code. The proposed rezoning will severely limit the number of industrial uses while maintaining the broad scope of business and commercial uses that would be appropriate in BP zoning and for this property in particular.

As a result, the requested rezoning satisfies this criterion.

Criterion (j): Whether the proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the

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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.

After a careful review of literally every Town of Davie zoning district, the proposed rezoning to BP will provide the greatest enhancement to the Town's tax base that could be provided on a tract of land of this size in this given location. The business park use is compatible with the Town's future land use map and is in conjunction with Comprehensive Plan Policies 7-1, 7-2, 7-3 and 7-4. Clearly, general commercial and business uses will provide a higher tax base than will vacant land or underutilized industrial property.

As a result, the requested rezoning satisfies this criterion.

As has been demonstrated, the requested rezoning from Broward County M-4 to Town of Davie BP is consistent with the adopted comprehensive plan, the Town's future land use map, and meets all the criteria contained in the Land Development Code. As a result this rezoning request merits favorable consideration.

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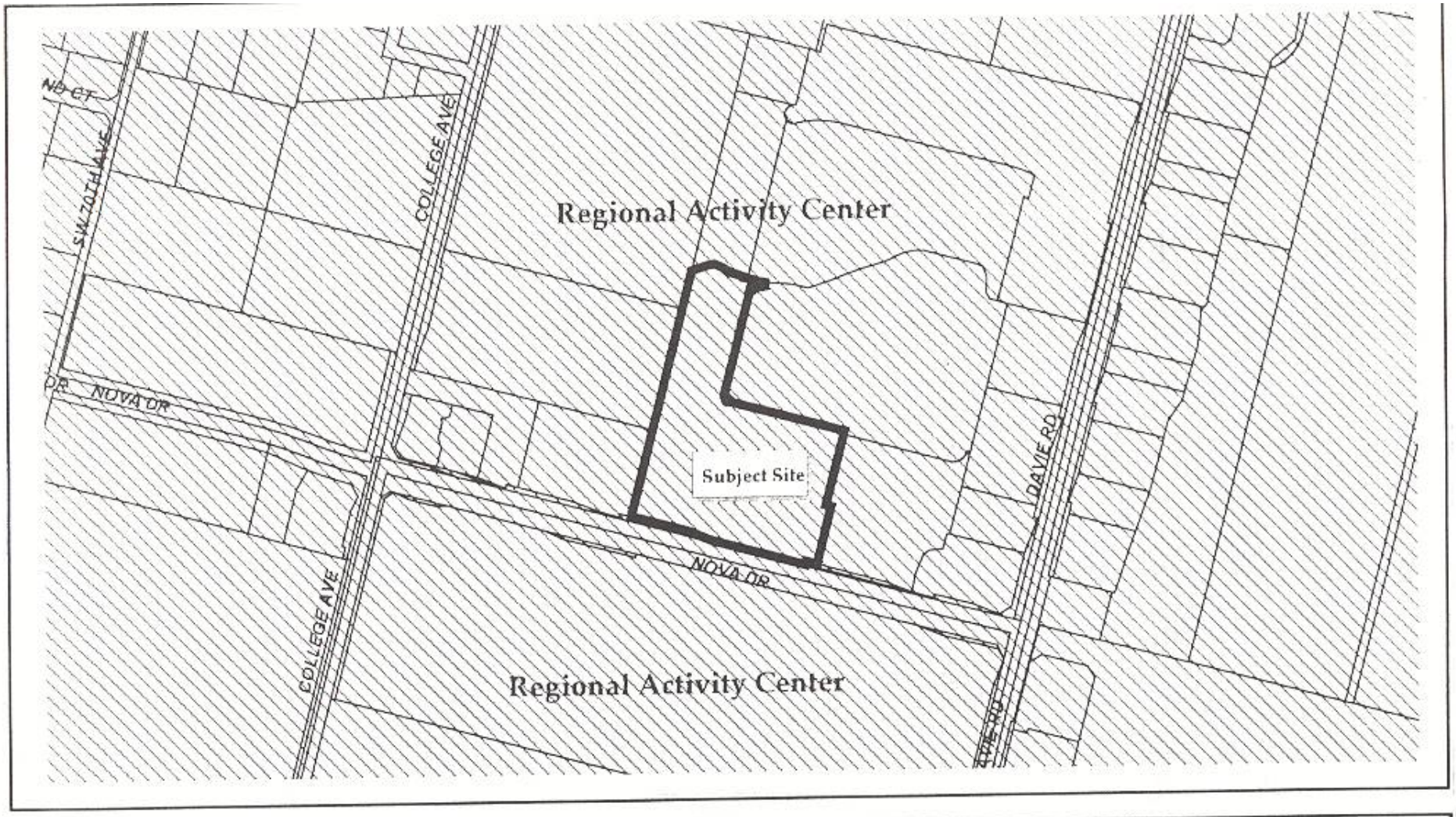


Date Flown:
12/31/00

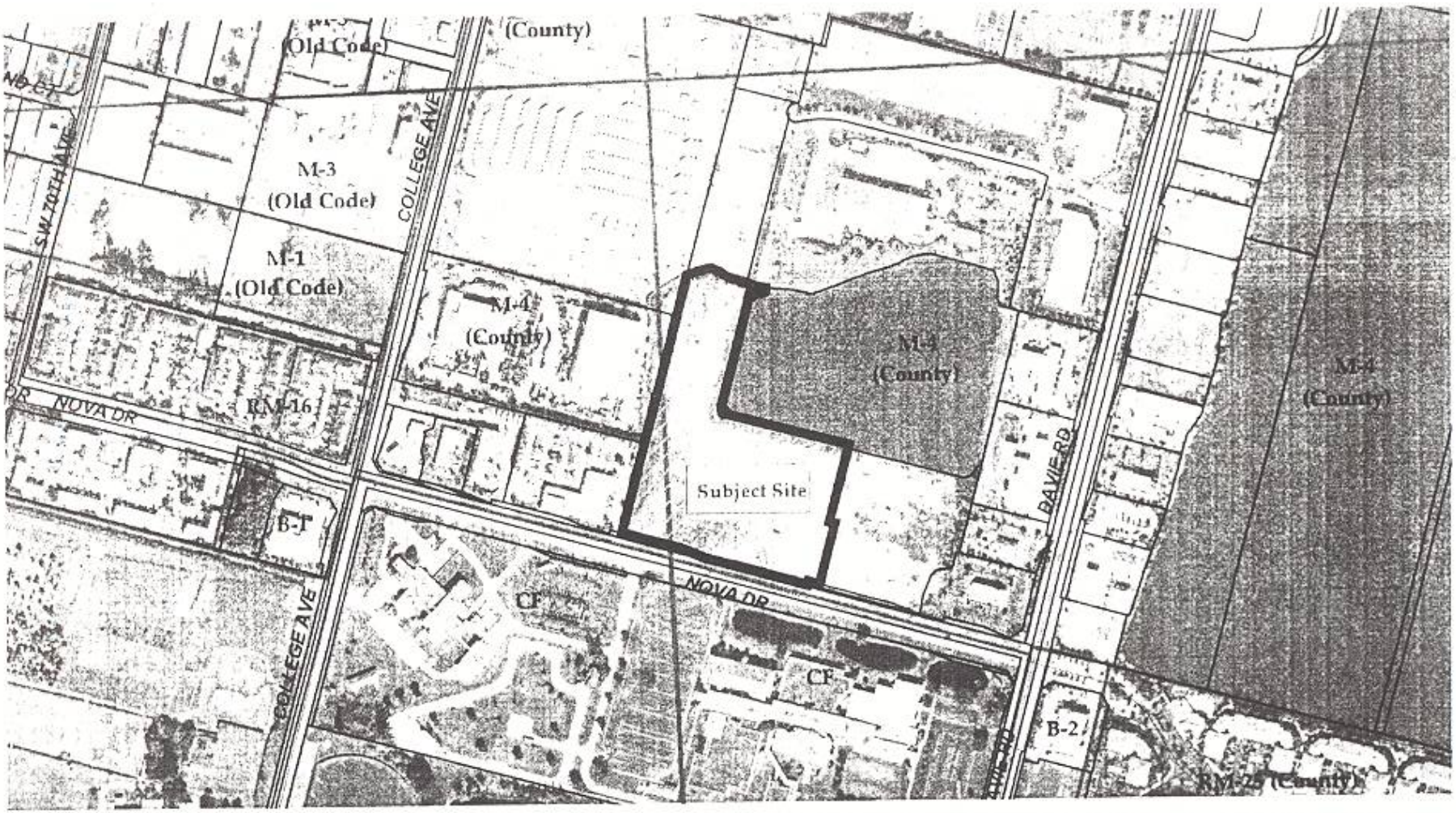
N

500 0 500 1000 Feet

Planning & Zoning Division - GIS

REZONING
ZB 11-1-02
Future Land Use Map

Prepared By: DMA
Date Prepared: 06/02/03



Date Flown:
12/31/00

N

500 0 500 1000 Feet

Planning & Zoning Division - GIS

REZONING
ZB 11-1-02
Zoning and Aerial Map

Prepared By: DMA
Date Prepared: 06/02/03

ENGINEERS
3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL: (954) 739-6400
FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271
FLORIDA LICENSED LANDSCAPE ARCHITECTURE BUSINESS No. C000114
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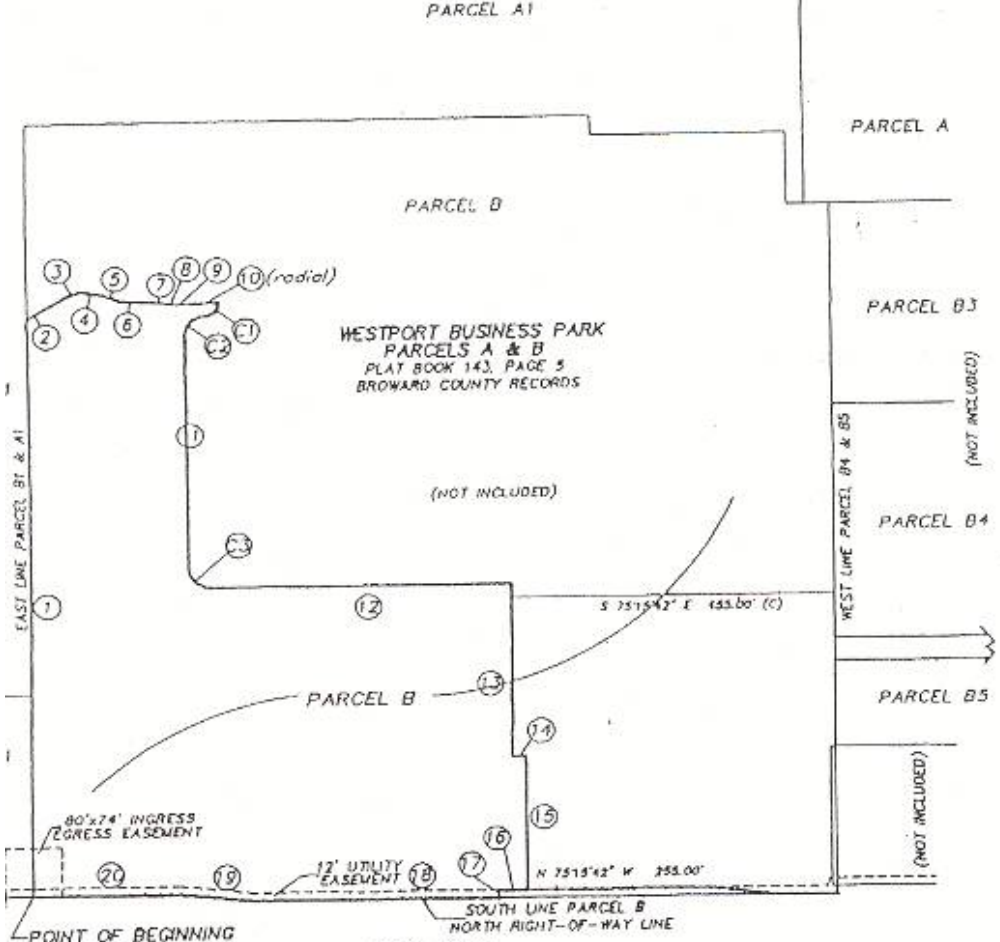
ST 1

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

SKETCH TO ACCOMPANY DESCRIPTION
9.768 ACRE PORTION OF PARCEL B



N 14°44'33" E 889.48'
N 72°57'18" E 63.77'
N 82°23'22" E 20.78'
S 65°45'55" E 32.92'
S 54°57'32" E 28.60'
S 72°57'33" E 31.14'
S 70°46'43" E 37.65'
S 14°44'23" W 2.10'
S 76°43'06" E 25.93'
S 77°57'14" E 40.38'

R=20.00'
Δ=90°
L=31.42'

R=30.00'
C2) D=87°18'13"
A=45.71'

11) S 14°44'33" W 357.99'

R=30.00'
C3) D=90°00'15"
A=47.13'

12) S 75°15'42" E 422.74'
13) S 14°44'18" W 267.82'
14) S 75°15'42" E 18.83'
15) S 14°44'18" W 205.18'
16) N 75°15'42" W 40.00'
17) S 14°44'18" W 12.00'
18) N 75°15'42" W 346.61'
19) N 68°25'08" W 100.72'
20) N 75°15'42" W 205.00'

SHEET 2 OF 2 SHEETS

and/or REVISIONS	DATE	BY	CK'D

NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.

NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record. G:\1987\870050\870050E\SD-WEST9_77AC.DWG

87-0050E	DRAWN BY: DMO	CHECKED BY: TCS	F.B. N/A PG.	DATED: 5/21/01