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: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 2-2-03 Indian Ridge Commerce Center, 10220 SW 101 Road/ Generally located on the south side of SW 101 Road, 600' west of Nob Hill Road.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (BROWARD COUNTY) TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The request is to rezone 3 acres on the south side of SW 101 Road, now occupied by the Park City Farmer's Market, from: A-1, Agricultural District (Broward County) to: B-3, Planned Business Center District, in order to allow a 42,775 square foot office/warehouse development to be built on the site.

Staff has identified the following as significant issues involved in the review of the proposal.

First, the proposed use is in conflict with the intent of the B-3, Planned Business Center District. The B-3, Planned Business Center District, consistent with the Commercial Future Land Use Plan Map designation, is intended to provide for a business area to meet the shopping and service needs of large sections of the town. The proposal does not include any retail, shopping, or service uses as it is an office/warehouse development. The Commercial Future Land Use Plan Map designation allows for a variety of commercial type uses, and there are two (2) Future Land Use Plan Map designations, Commerce/Office and Industrial, which permit and encourage office/warehouse developments. In this proposal, the primary use is wholesale and warehouse, these two uses, in combination, does not fulfill the intent of the B-3, Planned Business Center District.

Second, the parking ratios being employed are not consistent with the established use of the Town's parking standards. Typically, flex space office/warehouse developments, are located in the CC, Commerce Center District or Industrial Districts, and utilize a parking ratio of 1:450. This applicant is utilizing a parking ratio of 1:300 for office areas and 1:1,000 for warehouse areas. The Code allows warehouses (long-term), storage buildings having no other use, and in which no business of any type is conducted to use the 1:1,000 parking ratio. The Land Development Code requires a guarantee that no business of any type will be conducted in these warehouse areas or no retail sales will occur.

According to the Land Development Code, the parcel meets the minimum requirements for the B-3, Planned Business Center District zoning classification, minimum lot size required is 43,560 square feet, and the subject site is 3.068 acres (133,644 square feet), minimum frontage and depth required is 150′ and 250′ respectively; and the subject site has 186′ frontage and approximately 700′ depth. The conceptual site plan shows that the following minimums are being met: 25′ setbacks, 30% open space (33.1% provided), and the following maximums are not being exceeded: 40% building coverage (24.5% provided) and 35′ height.

In conclusion, staff believes that approval of this request will set a precedent in how the B-3, Planned Business Center District can be applied. While this office/warehouse development proposal meets the technical requirements of the Code, it does not meet the intent of the zoning district.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 10, 2003, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, 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. In addition, the following conditions shall be met:

1. Provide a restrictive covenant along with a Unity of Title or Unified Control Agreement prior to Site Plan approval or within three weeks of the issuance of a building permit pursuant to §12-376 of the Land Development Code, Master Planned Developments.
2. Provide adequate assurances that the warehouse areas shall be used solely for warehouse or storage use; such assurance shall include a restrictive note on a recorded plat, or a similar recordable document pursuant to §12-208 (G) of the Land Development Code.

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

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (BROWARD COUNTY) TO B-3, PLANNED BUSINESS CENTER 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 (Broward County) to B-3, Planned Business Center 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 A-1, Agricultural District (Broward County) to B-3, Planned Business Center District:

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

b. The subject property shall be developed in substantial conformance with the conceptual site plan as shown in Exhibit "A", so long as it meets all applicable Codes and Ordinances of the Town of Davie, 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, B-3, Planned Business Center 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 _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2004.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2004.

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:		**Agent:**	
Name:	Jamie Rey, President Nob Hill Commerce Center, LLC	**Name:**	Mikki Ulrich, PSM Deni Land Surveyors, Inc.
Address:	7951 SW 49 Street, Suite 206	**Address:**	1991 NW 35 Avenue
City:	Miami, FL 33155	**City:**	Coconut Creek, FL 33066
Phone:	(954) 916-3636	**Phone:**	(954) 973-7966

Background Information

Date of Notification: November 19, 2003 **Number of Notifications:** 29

Application History: The applicant requested deferral of the request from the November 26, 2003, to the December 10, 2003, Planning and Zoning Board meeting.

Planning and Zoning Board Recommendation: At the December 10, 2003, Planning and Zoning Board meeting, the board made a motion to approve the rezoning request.

Application Request: Rezone 3.068 acres **FROM:** A-1, Agricultural District (Broward County); **TO:** B-3, Planned Business Center District, in order to allow a 42,775 square foot office/warehouse development to be built on the site.

Address/Location: 10220 SW 101 Road/ Generally located on the south side of SW 101 Road, approximately 600' west of Nob Hill Road.

Future Land Use Plan Map: Commercial

Existing Zoning: A-1, Agricultural District (Broward County)

Proposed Zoning: B-3, Planned Business Center District

Existing Use: Park City Farmer's Market (Agricultural)

Proposed Use: 42,775 square foot office/warehouse development

Proposed Uses: 11,602 square foot 1st floor office

21,173 square foot 1st floor warehouse
10,000 square foot mezzanine storage

Parcel Size: 3.068 acres (133,644 square feet)

	Surrounding Uses:	**Surrounding Future Land Use Plan Map Designations:**
North:	SR 84/I-595	Transportation
South:	Indian Ridge Middle School	Commercial
East:	Jaffee at 595 (office building)	Commercial
West:	Diamond 5 Plat (office/warehouse)	Commerce/Office

Surrounding Zoning:

North:	T, Transportation District
South:	CF, Community Facilities District
East:	B-3, Planned Business Center District
West:	CC, Commerce Center District

Zoning History

Related Zoning History: The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

Previous Requests on same property: The rezoning, ZB 4-1-02 ZAS, was withdrawn by the applicant on August 16, 2002. The proposal was for CC, Commerce Center District zoning, which has never been applied to land with a Commercial Future Land Use Plan Map designation. The applicant withdrew the request to revise the proposal by providing a master site plan in order to obtain B-3, Planned Business Center District zoning.

The plat, P 4-2-02 ZAS, is being considered concurrently with this request.

The master site plan, MSP 2-1-03 Indian Ridge Commerce Center, is being considered concurrently with this request.

Applicable Codes and Ordinances

§12-307 of the Land Development Code, review for rezonings; criterion in the Findings of Fact.

§12-24 (J) (6) of the Land Development Code, Planned Business Center (B-3) District. The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-3, Planned Business Center District requires the following minimums: lot area of 43,560 square feet, 150′ frontage, 200′ depth, 25′ setbacks on all sides except 50′ on sides abutting residentially zoned, occupied, or Land Use Plan designated properties, 30% open space, and the following maximums: height 35′, 40% building coverage.

§12-208 (A) of the Land Development Code, Requirements for off-street parking.

(5) (a) Flexible space office/warehouse developments. One (1) space for each four hundred and fifty (450) square feet of gross floor area.

(14) Manufacturing, wholesale warehousing, distribution centers, and industrial uses. One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

(37) Warehouses (long-term), self-storage facilities and storage buildings having no other use, and in which no business of any type is conducted. One (1) space for every one thousand (1,000) square feet for warehouses and storage buildings and one (1) space for every two thousand (2,000) square feet of self-storage facilities area. Long-term storage, as indicated, on a site plan, may be considered an accessory to an industrial use at the discretion of the development services director.

§12-208 (G) of the Land Development Code, Warehouse and/or Storage Buildings:

The parking requirement for warehouse and/or storage buildings contained in §12-208 (A) (37) shall apply only when the gross floor area of the structure will be used solely for a storage facility or where merchandise, products or materials are stored until later disposed of or distributed. The developer shall provide adequate assurances that the proposed development shall be used solely for warehouse or storage use; such assurance shall include a restrictive note on a recorded plat, or a similar recordable document.

No structure shall be designated as a warehouse or storage building if it is to be utilized for wholesale or retail sales or office use. If it is determined by the development services department that the principal use is not warehouse or storage use, parking requirements will then be based on the use determined as the principal use by the Development Services Department.

§12-375 through §12-380 of the Land Development Code, Master planned developments.

§12-375 (B) of the Land Development Code, Applicability. A master development plan is required regardless of parcel size in the Planned Business Center District (B-3).

§12-379 (B) of the Land Development Code, Architectural review criteria. The master development plan shall be evaluated for architectural consistency and harmony with the existing and approved developments in the surrounding area. Buildings proposed for the master development plan shall have common architectural elements to ensure a unified and

cohesive design. Any exterior changes to an individual building within a master planned development shall also be consistent with the remainder of the entire development. The degree of the proposed facade change may require that the other building facades within the master planned development be redesigned.

§12-503 of the Land Development Code, Definitions, Retail. The sale, exchange or trade of merchandise, goods or items in small quantities to individual consumers, excluding personal services uses.
§12-503 of the Land Development Code, Definitions, Warehouse. A Building or part of a building utilized for the storage and distribution of goods, materials, merchandise, substances or articles.

§12-503 of the Land Development Code, Definitions, Wholesale. An establishment for the sale of goods or services in relatively large quantities and usually at lower prices than at retail, especially such selling to retailers for resale to consumers.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 4. This planning area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village at Harmony Lake development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities and mobile home parks.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2*: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

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 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details and Staff Analysis

The request is to rezone 3 acres on the south side of SW 101 Road, now occupied by the Park City Farmer's Market, from: A-1, Agricultural District (Broward County) to: B-3, Planned

Business Center District, in order to allow a 42,775 square foot office/warehouse development to be built on the site.

Staff has identified the following as significant issues involved in the review of the proposal.

First, the proposed use is in conflict with the intent of the B-3, Planned Business Center District. The B-3, Planned Business Center District, consistent with the Commercial Future Land Use Plan Map designation, is intended to provide for a business area to meet the shopping and service needs of large sections of the town. The proposal does not include any retail, shopping, or service uses as it is an office/warehouse development. The Commercial Future Land Use Plan Map designation allows for a variety of commercial type uses, and there are two (2) Future Land Use Plan Map designations, Commerce/Office and Industrial, which permit and encourage office/warehouse developments. In this proposal, the primary use is wholesale and warehouse, these two uses, in combination, does not fulfill the intent of the B-3, Planned Business Center District.

Second, the parking ratios being employed are not consistent with the established use of the Town's parking standards. Typically, flex space office/warehouse developments, are located in the CC, Commerce Center District or Industrial Districts, and utilize a parking ratio of 1:450. This applicant is utilizing a parking ratio of 1:300 for office areas and 1:1,000 for warehouse areas. The Code allows warehouses (long-term), storage buildings having no other use, and in which no business of any type is conducted to use the 1:1,000 parking ratio. The Land Development Code requires a guarantee that no business of any type will be conducted in these warehouse areas or no retail sales will occur.

According to the Land Development Code, the parcel meets the minimum requirements for the B-3, Planned Business Center District zoning classification, minimum lot size required is 43,560 square feet, and the subject site is 3.068 acres (133,644 square feet), minimum frontage and depth required is 150′ and 250′ respectively; and the subject site has 186′ frontage and approximately 700′ depth. The conceptual site plan shows that the following minimums are being met: 25′ setbacks, 30% open space (33.1% provided), and the following maximums are not being exceeded: 40% building coverage (24.5% provided) and 35′ height.

In conclusion, staff believes that approval of this request will set a precedent in how the B-3, Planned Business Center District can be applied. While this office/warehouse development proposal meets the technical requirements of the Code, it does not meet the intent of the zoning district.

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 Future Land Use Plan Map designates the parcel as Commercial, and the comprehensive plan allows the B-3, Planned Business Center District designation to be applied to parcels with this Future Land Use Plan Map designation. However, the intended use is more consistent with the Commerce/Office and Industrial Future Land Use Plan Map designations.

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

The requested B-3, Planned Business Center District is related and compatible to the adjacent zoning districts. To the north is an access road and commercially zoned parcels should be located next to them, to the south is a school site and the conceptual site plan shows the development to be separated by a 97' x 193' retention area and landscaping, to the west is vacant CC, Commerce Center District zoned land platted for office/warehouse use which is the same as this request, and to the east is a new office building which can be compatible with an office/warehouse development.

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

The existing A-1, Agricultural District (Broward County) boundaries were logically drawn; the A-1, Agricultural District (Broward County) is a transitional category until development activity occurs.

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

The development of this site under the B-3, Planned Business Center District, as proposed on the conceptual site plan, will not have adverse impacts on the road the north, the school site to the south, the vacant CC, Commerce Center District land to the west, or the new office building to the east. The setbacks and landscaping adequately separate and buffer the proposed development from all the adjacent uses. All traffic will be separated from adjacent uses so as not to affect residents in the area.

(e) The proposed change <u>will not</u> 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 conceptual site plan shows no use more intense than office/warehouse use, when much more intensive commercial uses are permitted in the proposed zoning district. Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met. Broward County will require any necessary off-site improvements to support the development based upon the square footage of the development and the intensity of use.

(f) The proposed change <u>may</u> adversely affect other property values;

The value of the lands to the east and west would be greater if retail and/or service uses that capitalize on the high volume of passer-by traffic from I-595 were being placed on the property.

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

The property to the north, a road, cannot be developed, the school site to the south and new office building to the west are developed. Designating the site B-3, Planned Business Center District will not deter adjacent property owner to the west from developing the property with the platted office/warehouse use.

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

This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

(i) There <u>are not</u> substantial reasons why the property cannot be used in accord with existing zoning.

The property is currently being used in accord with the existing A-1, Agricultural District (Broward County) designation; however this zoning does not allow the property to be used to its maximum potential as permitted by the Commercial Future Land Use Plan Map designation.

(j) The proposed zoning designation <u>is</u> the most appropriate designation to enhance the Town's tax base given the site's 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 B-3, Planned Business Center District zoning is the most logical choice of designation for this parcel because it is located near a transportation corridor, adjacent to non-residential uses, and is consistent with its Commercial Future Land Use Plan Map classification. The proposal does not take advantage of the wide variety of more intense uses that are allowed.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Provide a restrictive covenant along with a Unity of Title or Unified Control Agreement prior to Site Plan approval or within three weeks of the issuance of a building permit pursuant to §12-376 of the Land Development Code, Master Planned Developments.

2. Provide adequate assurances that the warehouse areas shall be used solely for warehouse or storage use; such assurance shall include a restrictive note on a recorded plat, or a similar recordable document pursuant to §12-208 (G) of the Land Development Code.

Planning and Zoning Board Recommendation

At the December 10, 2003, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 5-0).

Town Council Action

Exhibits

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

Prepared by: _____ Reviewed by: _____

Higgins • Deni & Associates

1721 NORTH STATE ROAD 7 • MARGATE, FL 33063 • PHONE: (954) 971-0540
FAX: (954) 971-5980

February 10, 2003

Mr. Chris Gratz
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Justification letter for rezoning request for Z.A.S. Plat

Dear Chris:

This shall serve as a Justification Letter for the above referenced project.

The owners of the property, Belle Commerce, LLC, hereby requests to rezone the property from A-1 to B-3 per Chapter 12, Sec. 12-307 of the Davie Land Development Code and hereby states the following:

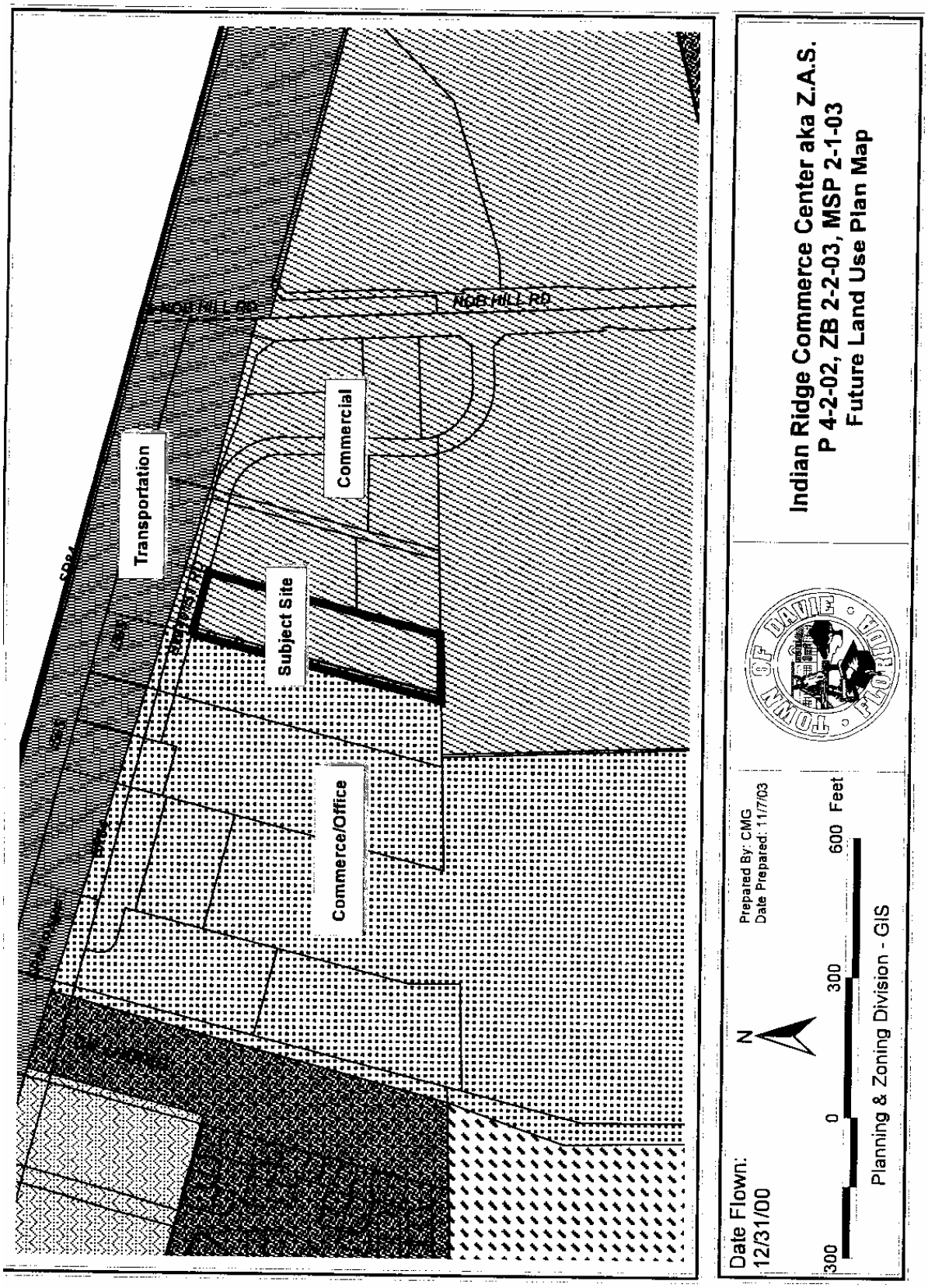
(a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element of portion thereof. The Land Use for the property is Commercial and the proposed change is consistent with adjacent properties;
(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
(c) Existing zoning district is A-1 (Agriculture) which is illogically drawn in relation to existing conditions on the property.
(d) The proposed changes will not adversely affect living conditions in the neighborhood;
(e) The proposed change will create or excessively increase automobile and vehicular traffic congestion. The plat will be reviewed by Broward County for road concurrency;
(f) The proposed change will not adversely affect other property values;
(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
(h) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
(i) There are substantial reasons why the property cannot be used in accord with the existing zoning. The land use for this property is Commercial and A-1 zoning is not would not allow for 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 map, appropriate land use planning practice, and comprehensive plan policies directing land use location. This rezoning request was previously submitted and the Planning and Zoning Board found that B-3 zoning (instead of CC zoning) was the appropriate zone.

Your assistance in this matter would be greatly appreciated. Should you have any questions, please don't hesitate to call.

Yours truly,

Mikki H. Ulrich, P.S.M.


Transportation
Commercial
Subject Site
Commerce/Office
NOB HILL RD
Indian Ridge Commerce Center aka Z.A.S.
P 4-2-02, ZB 2-2-03, MSP 2-1-03
Future Land Use Plan Map
TOWN OF DAVIE
Prepared By: CMG
Date Prepared: 11/7/03
Date Flown:
12/31/00
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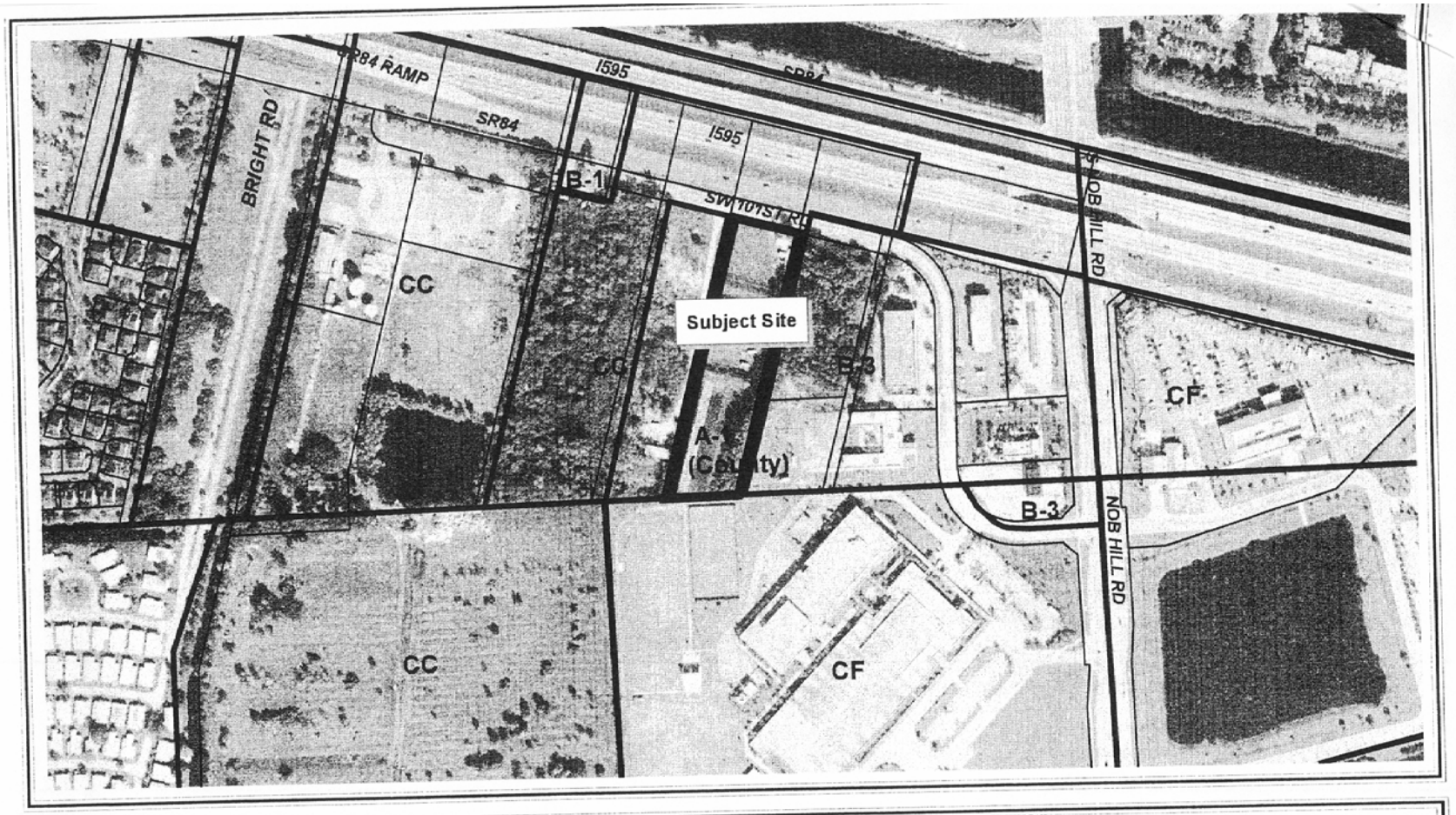
Planning & Zoning Division - GIS



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Prepared By: CMG
Date Prepared: 11/7/03

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Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

Indian Ridge Commerce Center aka Z.A.S.
P 4-2-02, ZB 2-2-03, MSP 2-1-03
Zoning and Aerial Map