

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: Annie Feng, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 5-2-04, Clifford Lloyd/Frank Toral, 4760 & 4820 SW 64 Avenue, Generally located on the east side of Davie Road and south of Griffin Road

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The subject site is 1.34 net acres located on the east side of Davie Road and south of Griffin Road. The petitioner is requesting to rezone the site from A-1, Agricultural District to B-2, Community Business District. The purpose of this request is to rezone the property to a zoning district consistent with the underlying Commercial Future Land Use Plan Designation. The applicant is proposing an office building on the property. The adjacent parcel to the south is an office plaza zoned B-2, to the east is a vacant parcel zoned B-2, and to the west is Davie Road. A single-family home zoned A-1, Agricultural District with the underlying land use of Commercial is located north of the site. An eight-foot wall will be required to separate these two properties when the subject site is developed into office or commercial uses.

The Future Land Use Plan allows lands designated Commercial to be rezoned to B-2, Community Business District. This request will allow the subject site, currently occupied by a single-family home, to be developed for an office use that is permitted in the B-2 zoning district. The parcel exceeds the Land Development Code's minimum requirements for the B-2 zoning district. The minimum required lot size is 52,500 square feet and the subject site is 58,370 square feet, or 1.34 net acres. The minimum required lot frontage is 200 feet and the subject site has 200 feet of lot frontage.

Staff finds the proposed rezoning appropriate based upon its relationship to the surrounding uses, zoning districts, location, and the underlying Commercial Future Land Use. The proposed office use is compatible with the surrounding uses.

PREVIOUS ACTIONS: None

CONCURRENCES: At the September 8, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve (Motion carried 4-0 with Ms. Lee absent).

FISCAL IMPACT: N/A

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

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

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS 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 B-2, Community Business 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 to B-2, Community Business 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 B-2, Community Business 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

| | | | |
|----------------------|-------------------|----------------------|--------------------|
| <u>Owner:</u> | | <u>Agent:</u> | |
| Name: | Clifford Lloyd | Name: | Frank Toral |
| Address: | 4760 SW 64 Avenue | Address: | 13131 SW 19 Street |
| City: | Davie, FL 33314 | City: | Davie, FL 33325 |
| Phone: | (954) 583-4632 | Phone: | (954) 224-3283 |

Background Information

Date of Notification: September 1, 2004 **Number of Notifications:** 121

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendation: At the September 8, 2004 Planning and Zoning Board meeting, the Board made a motion to approve the rezoning request.

Application Request: Rezone 1.34 acres **FROM:** A-1, Agricultural District; **TO:** B-2, Community Business District. The purpose of this request is to rezone the property to a zoning district consistent with the underlying Commercial Future Land Use Designation.

Address/Location: 4760 & 4820 SW 64 Avenue/Generally located on the east side of Davie Road and south of Griffin Road

Future Land Use Plan Map Designation: Commercial

Existing Zoning: A-1, Agricultural District

Proposed Zoning: B-2, Community Business District

Existing Use: One single-family home

Proposed Use: Commercial

Parcel Size: 1.34 net acres
1.45 gross acres

| | | |
|---------------|---------------------------------|--|
| | <u>Surrounding Uses:</u> | <u>Surrounding Land</u> |
| North: | Single-family home | <u>Use Plan Map Designations:</u> |
| South: | Office Building | Regional Activity Center |
| East: | Vacant | Commercial |
| | | Regional Activity Center |
| West: | Town homes | and Commercial |
| | | Regional Activity Center |
| | | and Residential (10 DU/AC) |

Surrounding Zoning:

| | |
|---------------|--|
| North: | A-1, Agricultural District |
| South: | B-2, Community Business District |
| East: | B-2, Community Business District and RM-16, Medium-high Density Dwelling District |
| West: | RM-10, Medium Density Dwelling District |

Zoning History

This section of the Town was incorporated into the Town in 1964.

Concurrent with the rezoning application, the applicant has filed a plat application for office use.

Application Details

The subject site is 1.34 net acres consisting of a single-family home. The petitioner has requested to rezone the site from A-1, Agricultural District to B-2, Community Business District.

The purpose of this request is to rezone the property to a zoning district consistent with the underlying Commercial Future Land Use Plan Designation.

Applicable Codes and Ordinances

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

Section 12-24 (J) (6) of Land Development Code provides the intent of B-2 zoning district.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-

family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)planning, 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 Uses portion of the Implementation Section.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

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.

Staff Analysis

This request will allow the subject site, currently occupied by a single-family home, to be used for all uses permitted in the B-2, Community Business District. The parcel exceeds the Land Development Code's minimum requirements for the B-2 zoning district. The minimum required lot size is 52,500 square feet and the subject site is 58,370 square feet, or 1.34 acres. The minimum required lot frontage is 200 feet and the subject site has 200 feet of lot frontage.

Land Use and Zoning: The Future Land Use Plan Map designates the parcel Commercial. The Future Land Use Plan allows lands designated Commercial to be rezoned to any of the Town's zoning districts approved under the Commercial land use category including B-2, Community Business District. The B-2 zoning district allows for office and other non-intensive commercial uses to serve the shopping and limited service needs of several neighborhoods or the local community.

Compatibility: The proposed rezoning is consistent with the surrounding parcels to the south and east that are zoned B-2. The proposed office use, permitted in the B-2, Community Business District, is compatible with the surrounding uses. The adjacent parcel to the south is an office plaza zoned B-2, to the east is a vacant parcel zoned B-2, and to the west is Davie Road. A single-family home zoned A-1, Agricultural District with the underlying land use of Commercial is located north of the site. An eight-foot wall will be required to separate these two properties when the subject site is developed into office or commercial uses.

Findings of Fact

Rezoning:

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. The B-2, Community Business District is a permitted zoning district within the Commercial category. Therefore, the proposed change is consistent with the comprehensive plan.

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

The requested B-2 zoning district is an expansion of the adjacent B-2 zoning district to the south and east. As such, the proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

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

The existing A-1 district boundaries are logically drawn in relation to existing conditions on the subject property. However, this zoning classification is not consistent with the underlying Commercial land use classification and would not allow the parcel to be developed for an office use.

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

The proposed change is compatible with the office development to the south. It will have minimum impact to the single-family home to the north since an eight-foot wall will be required between these two properties at time of site planning. To the west, separated by Davie Road, is a new town home development. Therefore, the proposed change is not expected to adversely affect living conditions in the neighborhood.

(e) The proposed change is not expected 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 proposed change will not create or excessively increase automobile and vehicular traffic above that which would be anticipated with permitted intensities of the underlying Commercial land use plan designation. Davie Road is an 80-foot collector on the Broward County Trafficways Plan. Prior to the final approval of the plat by Broward County, traffic impacts will be assessed and concurrency must be met.

(f) The proposed change is not expected to adversely affect other property values;

The proposed change will not adversely affect surrounding properties value, as the proposed zoning district is a logical expansion of the existing B-2 zoning district south and east of the subject site.

(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 not deter adjacent property owners from improving their property, as the proposed zoning and use are compatible with the surrounding properties.

(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;

This request is a privilege for any property owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification consistent with the underlying Commercial land use designation. Therefore, the proposed change does not constitute a grant of special privilege to the property owner as contrasted with the welfare of the general public.

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

The existing A-1, Agricultural District with the underlying Commercial land use designation permits single-family residential use and special residential facilities. However, the property, by its size, location, and land use, is more appropriate for an office building.

(j) The proposed zoning designation is the most appropriate designations 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 designation is the most appropriate designations to enhance the Town's tax base given the location being close to Griffin Road, on a collector roadway, and with a land use designation of commercial.

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 September 8, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve (Motion carried 4-0 with Ms. Lee absent).

Town Council Action

Exhibits

1. Justification
2. Future Land Use Map
3. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

**Leigh Robinson Kerr
& Associates, Inc.**

Member, American Institute
of Certified Planners

May 18, 2004

Mr. Mark Kutney
Development Services
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Sherrod/Lloyd Rezoning

Dear Mark:

The purpose of this letter is to provide justification for this application for rezoning from Agricultural to B-2 Business Zoning. The purpose of this rezoning is to rezone the property to a zoning district consistent with the comprehensive designation of Commercial land use on the subject site (please see attached 1/14/04 letter). In addition, we offer the following information:

- A. The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

This proposed change is consistent with the comprehensive plan designation of Commercial land use.

- B. The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The proposed change would not create an isolated zoning district, as the property to the south is presently zoned B-2.

- C. Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

The existing zoning district classification of Agriculture is not appropriate for the future use of this site, which is designated on the Town's Comprehensive plan as Commercial land use.

• Planning • Zoning • Land Use • Expert Testimony •

808 East Las Olas Boulevard, Suite 104, Fort Lauderdale, Florida 33301

2414 - Justification Letter

Phone (954) 467-6308 Fax (954) 467-6309

lkerr808@bellsouth.net

D. The proposed change will adversely affect living conditions in the neighborhood;

The proposed change will not adversely effect on living conditions within the neighborhood.

E. 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;

This proposed change will not create, or excessively increase, automobile traffic over and above that which was anticipated by the permitted uses and intensities of the Commercial land use designation.

F. The proposed change will adversely affect other property values;

**The proposed change will increase property values on the subject site.
The proposed change will increase property values on the adjacent properties.**

G. The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will not be a deterrent to the improvement and development of other property in accordance with existing regulations.

H. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

This proposed rezoning will not grant a special privilege to an individual owner. This change is consistent with the comprehensive plan designation of Commercial.

I. There are substantial reasons why the property cannot be used in accord with existing zoning;

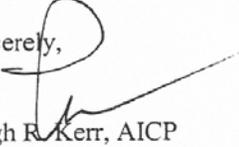
The property, by its size, and configuration is not appropriate for agricultural uses.

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.

This proposed zoning designation is the most appropriate designation to enhance the Town's tax base due to its location, pattern of land uses in the area and the fact that the property is presently designated Commercial land use under the Town's comprehensive plan.

We thank you for your review and consideration of the above and attached rezoning application. If you should have any questions or require additional information, please do not hesitate to contact me.

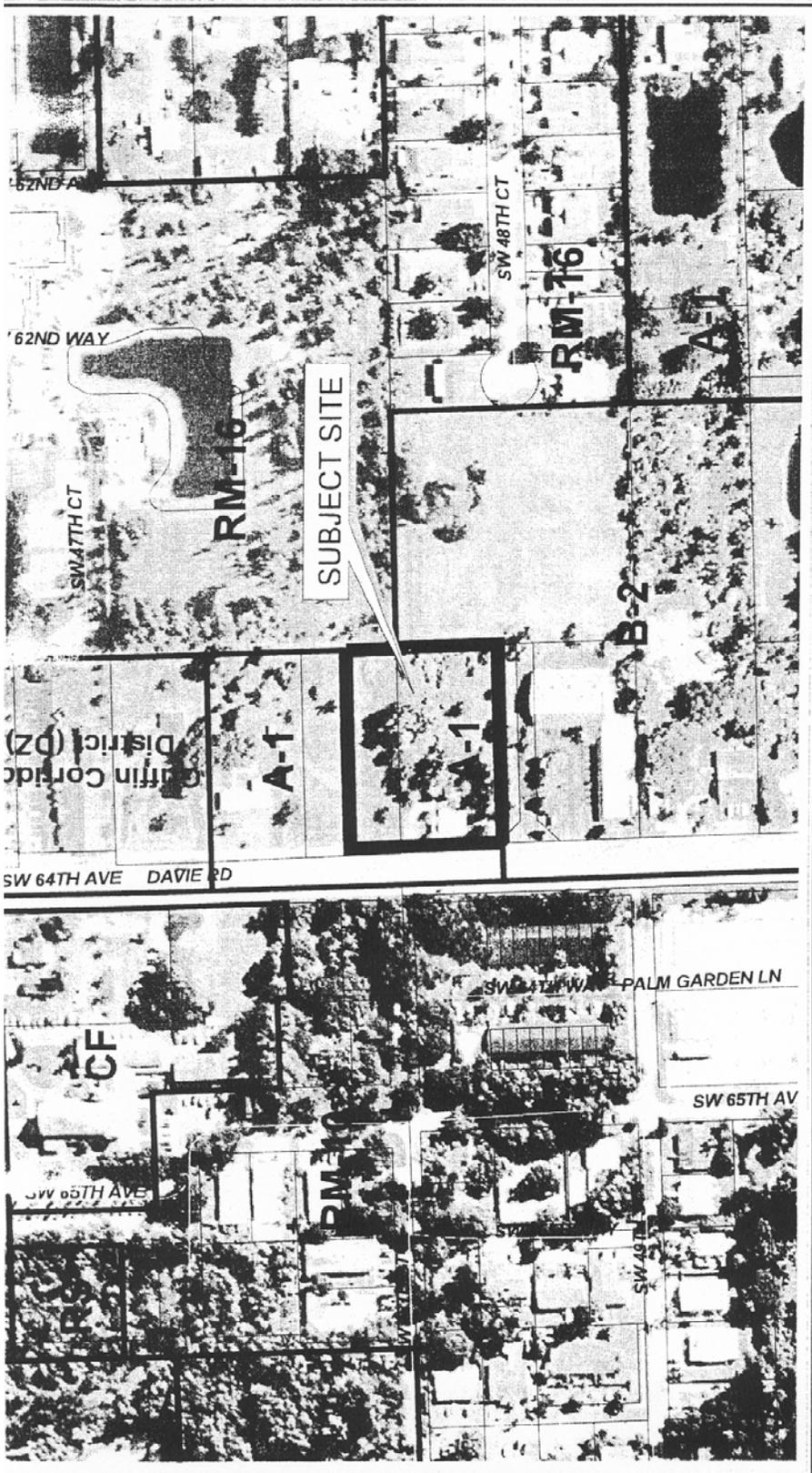
Sincerely,



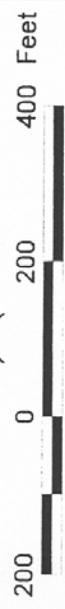
Leigh R. Kerr, AICP
President

Cc: Frank Toral, Esquire

LRK/kar



Date Flown:
12/31/02

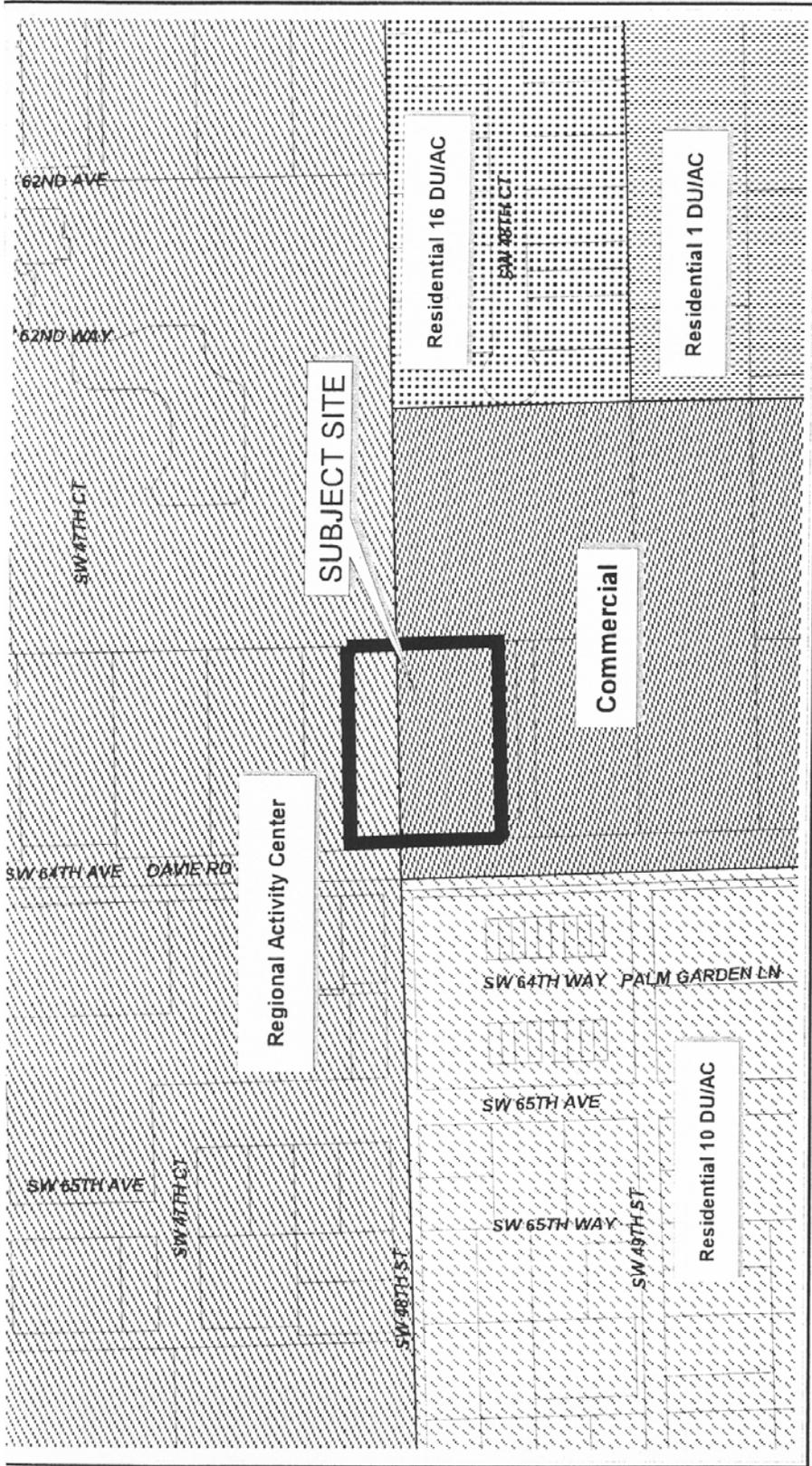


Prepared by the Town of Davie GIS Division



REZONING ZB 5-2-04 Zoning and Aerial Map

Prepared By: ID
Date Prepared: 7/13/04



**REZONING
ZB 5-2-04
Future Land Use Map**

Prepared By: ID
Date Prepared: 7/13/04



Prepared by the Town of Davie GIS Division

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