

# **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 M. Abramson, Planner II

**SUBJECT:** Quasi Judicial Hearing: Special Permit / SE 3-2-05 / Summit Questa / 5451 Southwest 64<sup>th</sup> Avenue / generally located on the Westside of Southwest 64<sup>th</sup> Avenue between Griffin and Stirling Road.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** SE 3-2-05 / Summit Questa

**REPORT IN BRIEF:**

The petitioner has requested a special permit in order install a new modular classroom/administration office building within the Summit Questa Montessori School's property. The school's attendance has grown quickly and space is becoming limited. As a result, the school is concurrently petitioning a new site plan in the Town to accommodate this growth. This modular is the first step in preparing for the future expansion of their educational facilities.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of a modular classroom/administration office building consistent with the existing educational uses existing on the property. The proposed modular location is not visible from the right-of-way, exceeds the required setback, will be adequately landscaped, and will not have an adverse impact on the surrounding area.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the June 22, 2005, Planning and Zoning Board Meeting, Ms. Turin made a motion, seconded by Mr. Stevens, to approve SE 3-2-05 Summit Questa, subject to a 36-month time line. (Motion carried 4-0, Ms. Lee was absent)

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** 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. Necessary access as required by the Development Service Department shall be complete prior to the issuance of a certificate of occupancy for modular building.

**Attachment(s):** Staff Report, Justification Letter, Public Participation Report, Site Plan, Future Land Use Plan Map, and Zoning and Aerial Map

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

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**Applicant Information**

**Owner/Petitioner:**

**Name:** Jedco, Inc. (Judith E. Dempsey)  
**Address:** 5451 Southwest 64<sup>th</sup> Avenue  
**City:** Davie, FL 33314  
**Phone:** (954) 584-3466

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**Background Information**

**Planning and Zoning**

**Board Recommendation:** At the June 22, 2005, Planning and Zoning Board Meeting, Ms. Turin made a motion, seconded by Mr. Stevens, to approve SE 3-2-05 Summit Questa, subject to a 36-month time line. (Motion carried 4-0, Ms. Lee was absent)

**Date of Notification:** June 15, 2005      **Number of Notifications:** 108

**Application History:** No deferrals have been requested.

**Application Request:** Special Permit in order to install a new modular classroom/administration office building within the Summit Questa School property pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

**Address/Location:** 5451 Southwest 64<sup>th</sup> Avenue / generally located on the Westside of Southwest 64<sup>th</sup> Avenue between Griffin and Stirling Road.

**Future Land Use  
Plan Map Designation:** Special Classification Residential (2 DU/AC), Residential/Office.

**Zoning:** CF, Community Facilities District

**Existing/Proposed Use:** Summit Questa Private School

**Net Parcel Size:** 9.853 acres (429,184 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
<b>North:</b>	Church/Bishop Kardas Memorial Home	Special Class Res. 2 DU/AC Residential/Office
<b>South:</b>	Vacant Land	Special Class Res. 2 DU/AC Residential/Office
<b>East:</b>	SW 64 Avenue/Davie Road	Residential/Office
<b>West:</b>	Single Family Residential	Residential (1 DU/AC)
	<u>Surrounding Zoning:</u>	
<b>North:</b>	CF, Community Facilities	
<b>South:</b>	A-1, Agricultural District, RO, Residential Office	
<b>East:</b>	RO, Residential Office	
<b>West:</b>	A-1, Agricultural District	

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## Zoning History

### Previous Requests on same property:

*Plat Request (P 7-5-02):* Town Council approved Summit Questa Plat on June 4, 2003.

*Site Plan Request (SP 2-1-01):* Town Council approved Summit Questa (3,000 square foot classroom building, minor landscaping improvements, and additional parking,) Site Plan April 18, 2001.

### Concurrent requests on same property:

*Site Plan Request (SP 9-3-04):* The petitioner is requesting site plan approval for Summit Questa (10,340 square foot of additional education facilities)

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## Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code. Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires the following minimums: lot area of 43,560 square feet, 100' frontage, 25' side and rear yards, 30 percent open space, and 35' maximum building height.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property is 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 proposed plat is in Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 10: Regional Activity Center Use, Policy 10-1:* The Regional Activity Center land use designation shall encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and employment opportunities, including the use of mix residential/nonresidential land uses.

*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.

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**Application Details**

The petitioner has requested a special permit in order install a new modular classroom/administration office building within the Summit Questa School’s property. The school’s attendance has grown quickly and space is becoming limited. As a result, the school is concurrently petitioning a new site plan in the Town to accommodate this growth. This modular is the first step in preparing for the future expansion of the educational facilities.

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**Public Participation**

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town’s development procedures. As per the Town of Davie Code, the petitioner conducted two (2) meetings with the public on Wednesday, May 25, 2005 and Tuesday 31, 2005 at 6:00p.m. The first meeting was held at Town Hall Community Room, while the second was held at the Eastside Community Hall. The applicant sent one-hundred and eight (108) mailings to the surrounding property owners. Two (2) members of the public attended the first meeting and there was no public attendance at the second meeting. (The approved public participation report is attached)

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**Staff Analysis**

The modular classroom/administration office building is being proposed within the Summit Questa Montessori School’s property. Vehicular access to the modular building is provided through proposed and existing parking lots on the property. The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of a modular classroom/administration office building consistent with the existing educational uses existing on the property. The proposed modular location is not visible from the right-of-way, exceeds the required setback, will be adequately landscaped, and will not have an adverse impact on the surrounding area.

## Findings of Fact

### Review for Special Permits:

#### Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

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

*The proposed modular building is an accessory use on the Summit Questa Montessori School. This use is consistent with the intent of the Future Land Use Plan Map designation and is permitted on the property.*

- (ii) The proposed change will not create an unrelated an incompatible use;

*The proposed modular building is the first step needed in the future expansion plan of Summit Questa Montessori School and poses no incompatibilities with surrounding properties, as the use remains the same. Also, the modular is temporary until the new buildings are completed in approximately 36 months.*

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

*The proposed modular building will have no adverse impacts on living conditions in the neighborhood or in the Town as it is set interior to the school site.*

- (iv) 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;

*A minimally increase to traffic will generate by the accessory use of this modular building. In addition, necessary access as required by the Development Service Department shall be complete prior to the issuance of a certificate of occupancy for modular building.*

- (v) The proposed change will not adversely affect surrounding property values;

*The proposed modular building will have no impact on surrounding property values the as property surrounding the site will not be negatively impacted either visually or by additional traffic issues.*

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

*The proposed modular building would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues.*

- (vii) 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 use that may be permitted if it is determined by the Town Council to be compatible with the surrounding uses.*

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### **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. Necessary access as required by the Development Service Department shall be complete prior to the issuance of a certificate of occupancy for modular building.
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### **Planning and Zoning Board Recommendation**

At the June 22, 2005, Planning and Zoning Board Meeting, Ms. Turin made a motion, seconded by Mr. Stevens, to approve SE 3-2-05 Summit Questa, subject to a 36-month time line. (Motion carried 4-0, Ms. Lee was absent)

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### **Town Council Action**

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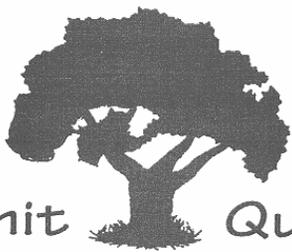
#### **Exhibits**

1. Justification Letter
2. Public Participation Report
3. Site Plan
4. Future Land Use Plan Map
5. Zoning and Aerial Map

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

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

**Exhibit 1 (Justification Letter)**



Summit-Questa  
Montessori School

5451 S.W. 64th Ave. (Davie Road)  
Davie, FL 33314

(954) 584-3466  
Fax (954) 584-7816

March 10, 2005

Town of Davie  
Planning and Zoning Division  
Development Services Department  
6591 Orange Drive  
Davie, FL 33314

**RE: Special Permit for Summit-Questa Montessori School**

To Whom It May Concern:

In December of 1998, I purchased our existing site and converted the property into the beautiful 10-acre campus it is today. Our Montessori school and community have grown very quickly such that upon receiving our permits we will begin construction of our new multi-purpose building. Our school has the honor of being accredited by AISF (Association of Independent Schools of Florida), SACS (Southern Association of Colleges and Schools, Commission on Elementary and Middle Schools), and CITA (The Commission on International and Trans-Regional Accreditation). AMS

(American Montessori Society) has certified us as a full member school and we are recipient of the Gold Seal Award of Excellence. We are proud to have achieved these honors. The majority of our students enroll as a preschooler and continue with us through elementary with a large portion continuing on through middle school. Since we do not have enough space to house the preschoolers as they move on into our elementary program, we had to begin our expansion process. During this process, we need the use of two modular buildings which can be seen on the attached drawings.

We request that you grant us a special permit for the two modular buildings based on the following information.

- 1) The modular buildings would be used for the same use (education/administration); therefore, it will not be contrary to the adopted comprehensive plan, as amended, or any element or portion thereof. The modulars will allow us to develop our property further by adding a new multi-purpose building.

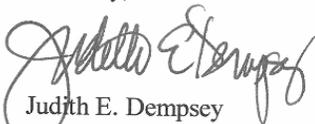
A Montessori Community

- 2) The modular buildings will be used for the same Summit-Questa Montessori educational purpose as currently exists and will, therefore, not create an unrelated and incompatible use.
- 3) The modular buildings will only be used in conjunction with our existing Montessori School (i.e. tutoring rooms, art, reading groups, teacher/staff work space etc.) and will not have any adverse affect on the living conditions of our neighborhood and the Town of Davie.
- 4) Although we will be putting in a new right turn lane, the overall use of these modular buildings will only increase the traffic flow minimally at drop off and pick-up times (possibly 5 to 10 more cars). The buildings will be used primarily for teacher work space, office space, and for tutoring and art and music.
- 5) This will not adversely affect the surrounding property values. We are looking at buildings similar to the GE modular building currently sitting on the southeast corner of Griffin and Davie Road. Our campus is beautifully landscaped and we will make every effort to make the buildings and the adjacent landscaping as attractive as possible. The buildings will not be visual from the street or the properties surrounding us.
- 6) These modulars will not be a deterrent to the improvement or development of other property in accordance with existing regulations. We only plan to use these buildings during our expansion process (no longer than 36 months).
- 7) Our vision is to provide our children with the environment they need to develop an enthusiasm for learning, a positive self-image, and a sense of community and belonging. The purpose of the special permit will allow us to provide more children in Davie the opportunity to join our Montessori environment. This will not constitute a grant of special privilege to the individual owner as contrasted with the welfare of the general public.

Please find enclosed the original application, a check in the amount of \$930 made payable to the Town of Davie, a copy of the warranty deed, and two full scale certified and sealed surveys, along with a site plan showing the proposed locations of our temporary modular buildings.

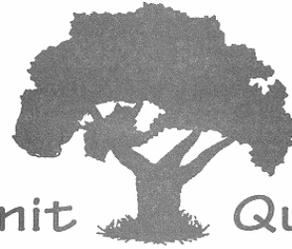
If you have any questions, please feel free to contact me or Sherry McMullen at 954-584-3466. Thank you for your consideration.

Sincerely,

  
Judith E. Dempsey  
Owner & Principal



**Exhibit 2 (Public Participation Report)**



**Summit Questa  
Montessori School**

5451 S.W. 64th Ave. (Davie Road)  
Davie, FL 33314 May 31, 2005

(954) 584-3466  
Fax (954) 584-7816

Town of Davie Planning & Zoning Division  
6591 Orange Drive  
Davie, FL 33314  
Attention: Marcie Nolan and David Armstrong

RE: Summit-Questa Montessori School  
5451 SW 64<sup>th</sup> Avenue  
Davie, FL 33314  
Special Permit Application SE 3205

Dear Marcie and David,

As required, our first town meeting was held on Wednesday, May 25, 2005 at 6:00 p.m. at the Town Hall Community Room, 6591 Orange Drive, Davie, Florida. Present at the meeting was Judy Dempsey (property owner), Sherry McMullen (Business & Office Administrator), and our construction contractor. The following two gentlemen came to the meeting, Mr. Thomas Jacob, (who lives directly behind us to the west of the canal) and Mr. Levy, (who lives directly southwest of us to the west of the canal and adjacent to Mr. Jacob). They wanted to know if we were going to have trees or bushes at the western end of the property to provide visual privacy. We assured them that we did plan to have trees or bushes bordering the western end of the property. No other concerns were communicated concerning our current project.

Our second town meeting was held on Tuesday, May 31, 2005 at 6:00 p.m. at the Eastside Community Hall, 4300 SW 55<sup>th</sup> Avenue in Davie. Present at the meeting was Judy Dempsey (property owner), Sherry McMullen (Business & Office Administrator), our construction contractor, and our architect. No one else showed up for the meeting.

Also enclosed are two letters we received from neighbors - none of which had any concerns regarding our special permit.

We understand that this satisfies the requirements of public participation in the site plan review process.

Sincerely,

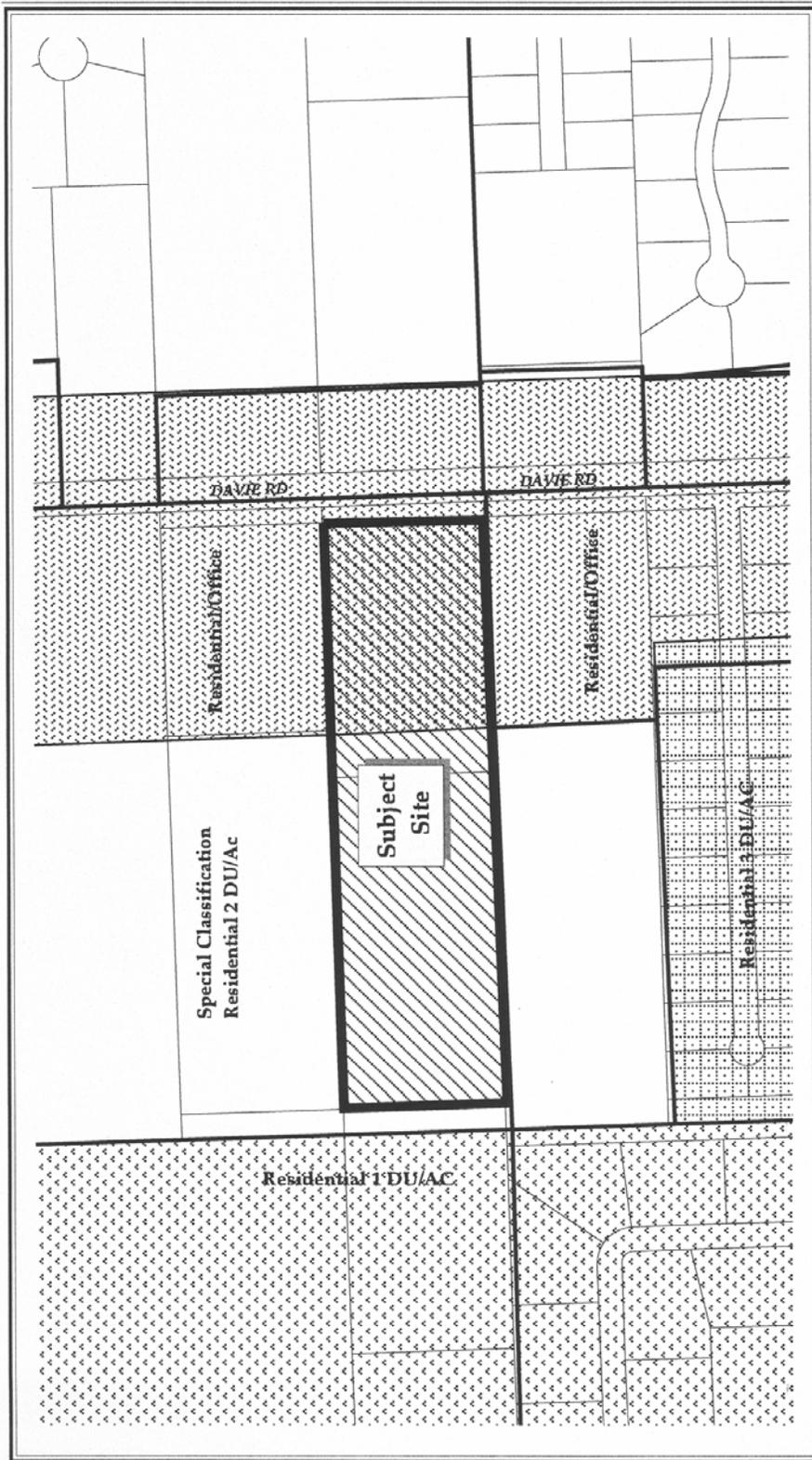
A handwritten signature in black ink that reads "Judy Dempsey". The signature is fluid and cursive, with the first and last names clearly legible. Below the signature, the name "Judy Dempsey" is printed in a simple, sans-serif font.

Judy Dempsey

A Montessori Community



**Exhibit 4 (Future Land Use Plan Map)**



**Special Permit Application  
SE 3-2-05 / Summit Questa  
Future Land Use Map**

Prepared By: D.M.A.  
Date Prepared: 6/15/05



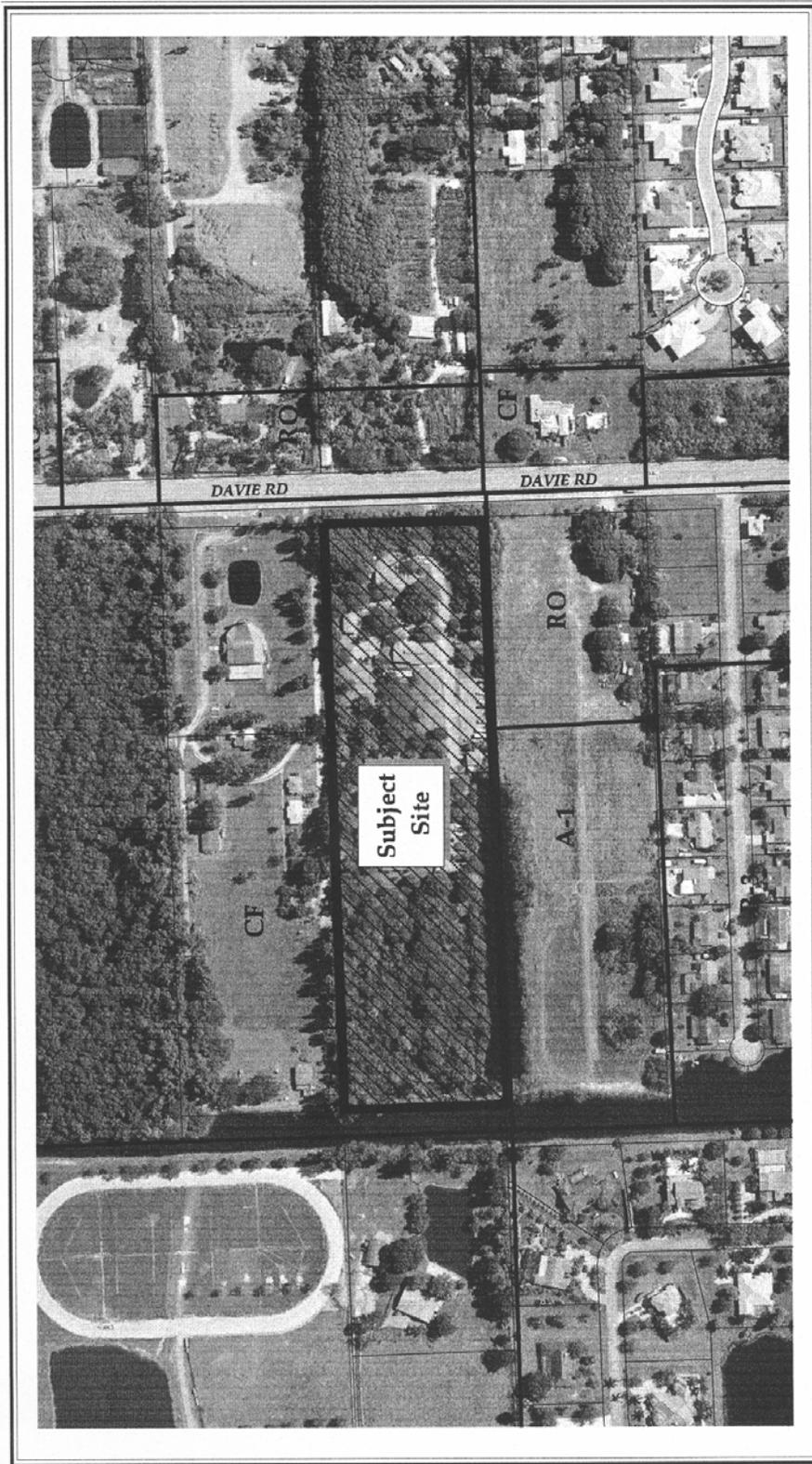
**The Town of Davie**  
Development Service Department  
Planning & Zoning Division



Scale



**Exhibit 5 (Aerial, Zoning, and Subject Map)**



The Town of Davie  
 Development Service Department  
 Planning & Zoning Division



Scale



Special Permit Application  
 SE 3-2-05 / Summit Questa  
 Aerial, Zoning, and Subject Site Map

Prepared By: D.M.A.  
 Date Prepared: 6/15/05