DEVELOPMENT SERVICES DEPARTMENT
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

Memorandum

TO: Christopher Kovanes, Town Administrator
Mayor and Town Council members

FROM: Christopher M. Gratz, Planner II

THROUGH: Mark A. Kuntey, AICP, Development Services Director
Bruce Dell, AICP, Planning and Zoning Manager

SUBJECT: SE 6-1-05 Perfect Competition

DATE: September 23, 2005

REQUEST: Staff is requesting that the above referenced item, currently scheduled for the October 5, 2005, Town Council meeting be tabled to November 2, 2005.

JUSTIFICATION: The Planning and Zoning Board tabled the item because the applicant did not properly conduct the required Citizen Participation meetings.

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: Special Permit, SE 6-1-05, Sean O'Brien/Perfect Competition, Sam Jazayri/Nova 95, Inc., 2240 SW 71 Terrace, Generally located on the east side of SW 71 Terrace, approximately 750 feet (0.15 miles) north of Nova Drive, within the Hayberg Industrial Park

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: SE 6-1-05 Perfect Competition (M-1)

REPORT IN BRIEF: A special permit to allow an athletic development professional to utilize an outdoor running track on a site zoned M-1, Light Industrial District (Old Code) has been requested. The Land Development Code allows unique and unanticipated 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 to be reviewed as a special permit. The athletic training that is being conducted within the building is a permitted use. The special permit is required because the Land Development Code states that all activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building. The only exceptions provided for are vehicle sales, nonresidential agriculture, outdoor dining, commercial recreation activities in the CR, Commercial Recreation District, and marinas. Since this is an accessory use to the permitted athletic training being conducted within the building it is not considered a commercial recreation activity that must be conducted in the CR, Commercial Recreation District. To be considered as such the majority of site would have to be devoted to the use.

Athletic training on an outdoor running track was not anticipated by the Land Development Code in the M-1, Light Industrial District (Old Code). 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.

The running track is located behind a large structure, adjacent to a landscape buffer that is adjacent to a retention area. Across the retention area and to the north are other industrial developments and to the south is a park. It is 180' long and 8' wide, providing for two (2) running lanes, and is roped off with safety tape. This area was designated for parking, but is no longer needed. At the time of site plan approval parking was provided at a ratio of 1:300 (264 spaces). Since this time the Code has been revised to require areas used for warehouse to

provide for parking at a ratio of 1:600, resulting in excess parking spaces on the site (now only 152 spaces are required for the uses on the site). It appears that this location is such that the running track neither impedes the use of the site nor poses a nuisance for the adjacent property owners.

PREVIOUS ACTIONS: None

CONCURRENCES: At the September 14, 2005, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to table this item until the October 12th meeting pending the applicant redoing his public participation meetings. (Motion carried 4-1 with Chair Bender being opposed)

FISCAL IMPACT: N/A

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

Attachment(s): Planning Report

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Lessee:
Name: Sean O'Brien/Perfect Competition
Address: 2240 SW 71 Terrace
City: Davie, FL 33317
Phone: (954) 577-3331

Owner:
Name: Sam Jazayri/Nova 95, Inc.
Address: 3121 W. Hallandale Beach Blvd., Suite 101
City: Pembroke Park, FL 33009
Phone: (954) 981-1154

Background Information

Date of Notification: September 7, 2005 **Number of Notifications:** 228

Application History: At the September 14, 2005, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to table this item until the October 12th meeting pending the applicant redoing his public participation meetings. (Motion carried 4-1 with Chair Bender being opposed)

Application Request: Special Permit for an outdoor running track pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

Address/Location: 2240 SW 71 Terrace, Generally located on the east side of SW 71 Terrace, approximately 750 feet (0.15 miles) north of Nova Drive, within the Hayberg Industrial Park.

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

Zoning: M-1, Light Industrial District (Old Code)

Existing/Proposed Use: Office/warehouse development with an outdoor running track

Net Parcel Size: 4.83 acres (210,259 square feet)

	Surrounding Uses:	Surrounding Land Use Plan Map Designations:
North:	Davie Commerce Center	Regional Activity Center (RAC)
South:	Town of Davie Park	Regional Activity Center (RAC)
East:	Baldwin Electronics	Regional Activity Center (RAC)
West:	Villas of Arista Park	Residential (10 DU/AC)

	Surrounding Zoning:
North:	M-1, Light Industrial District (Old Code)
South:	M-1, Light Industrial District (Old Code)
East:	M-1, Light Industrial District (Old Code)
West:	R-5, Low Medium Dwelling District

Zoning History

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

Plat: The plat, Hayberg Industrial Park, was approved on December 2, 1987, and was subsequently recorded in Plat Book 138, Page 9, of the official records of Broward County on March 9, 1989.

Site Plan: The site plan, SP 6-3-88 Global Precision Inc., was approved on August 3, 1988.

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.

§12-33(X) Outdoor Activities Restricted.
(1) All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building except as follows:

a. Automobile parking lots, including display and parking lots associated with permitted automobile, truck, recreational vehicle, and/or boat dealerships.
b. Nonresidential agricultural uses.
c. Designated seating areas when utilized as an accessory use to a restaurant, pursuant to an approved site plan and when permitted pursuant to the zoning district.
d. In the CR, Commercial Recreation District only, commercial recreational activities may be permitted outdoors.
e. Boats for sale and storage associated with yacht manufacturing and repair and marinas are permitted.

§12-503 Commercial recreation. Recreational related businesses, uses, and facilities operated for profit. This may include but not be limited to amusement centers providing mechanical and/or electronic coin or token operated amusement devices or video games, archery range, bowling alley, country club or golf course, golf driving range, health spas, horse shoes and quoits, miniature golf course, tennis, racquetball, shuffleboard, squash and handball courts, swimming pools, running tracks.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

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

Application Details

A special permit to allow an athletic development professional to utilize an outdoor running track on a site zoned M-1, Light Industrial District (Old Code) has been requested. The Land Development Code allows unique and unanticipated 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 to be reviewed as a special permit. The athletic training that is being conducted within the building is a permitted use. The special permit is required because the Land Development Code states that all activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building. The only exceptions provided for are vehicle sales, nonresidential agriculture, outdoor dining, commercial recreation activities in the CR, Commercial Recreation District, and marinas. Since this is an accessory use to the permitted athletic training being conducted within the building it is not considered a commercial recreation activity that must be conducted in the CR, Commercial Recreation District. To be considered as such the majority of site would have to be devoted to the use.

Staff Analysis

Athletic training on an outdoor running track was not anticipated by the Land Development Code in the M-1, Light Industrial District (Old Code). 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.

The running track is located behind a large structure, adjacent to a landscape buffer that is adjacent to a retention area. Across the retention area and to the north are other industrial developments and to the south is a park. It is 180' long and 8' wide, providing for two (2) running lanes, and is roped off with safety tape. This area was designated for parking, but is no longer needed. At the time of site plan approval parking was provided at a ratio of 1:300 (264 spaces). Since this time the Code has been revised to require areas used for warehouse to provide for parking at a ratio of 1:600, resulting in excess parking spaces on the site (now only 152 spaces are required for the uses on the site). It appears that this

location is such that the running track neither impedes the use of the site nor poses a nuisance for the adjacent property owners.

Public Participation

The applicant held Public Participation meetings on August 16, 2005, and August 17, 2005; attached is the Citizen Participation Report.

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 running track is an accessory use to the permitted athletic training that is being conducted within the building, and athletic training uses are permitted on parcels with the M-1, Light Industrial District (Old Code) zoning classification and the Regional Activity Center Future Land Use Plan Map designation.

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

The outdoor running is located behind a large industrial building in an area that is not needed for required parking. This use does not appear to pose negative impacts on either the site itself or the adjacent properties.

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

The proposed outdoor running track may not adversely impact the living conditions in the neighborhood or in the town because it is located in an area not visible from the right-of-way and its impact does not result in conditions that can be considered a nuisance.

(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;

The outdoor running track will not generate any more traffic than is already occurring at this facility.

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

The proposed outdoor running track will not have an adverse impact on surrounding property values because the activity is not visible from the right-of-way and does not result in nuisance conditions.

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

The surrounding properties are developed and the outdoor running track will not deter owners from maintaining their properties, as the surrounding properties will not be negatively impacted by the use.

(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.

Staff Recommendation

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

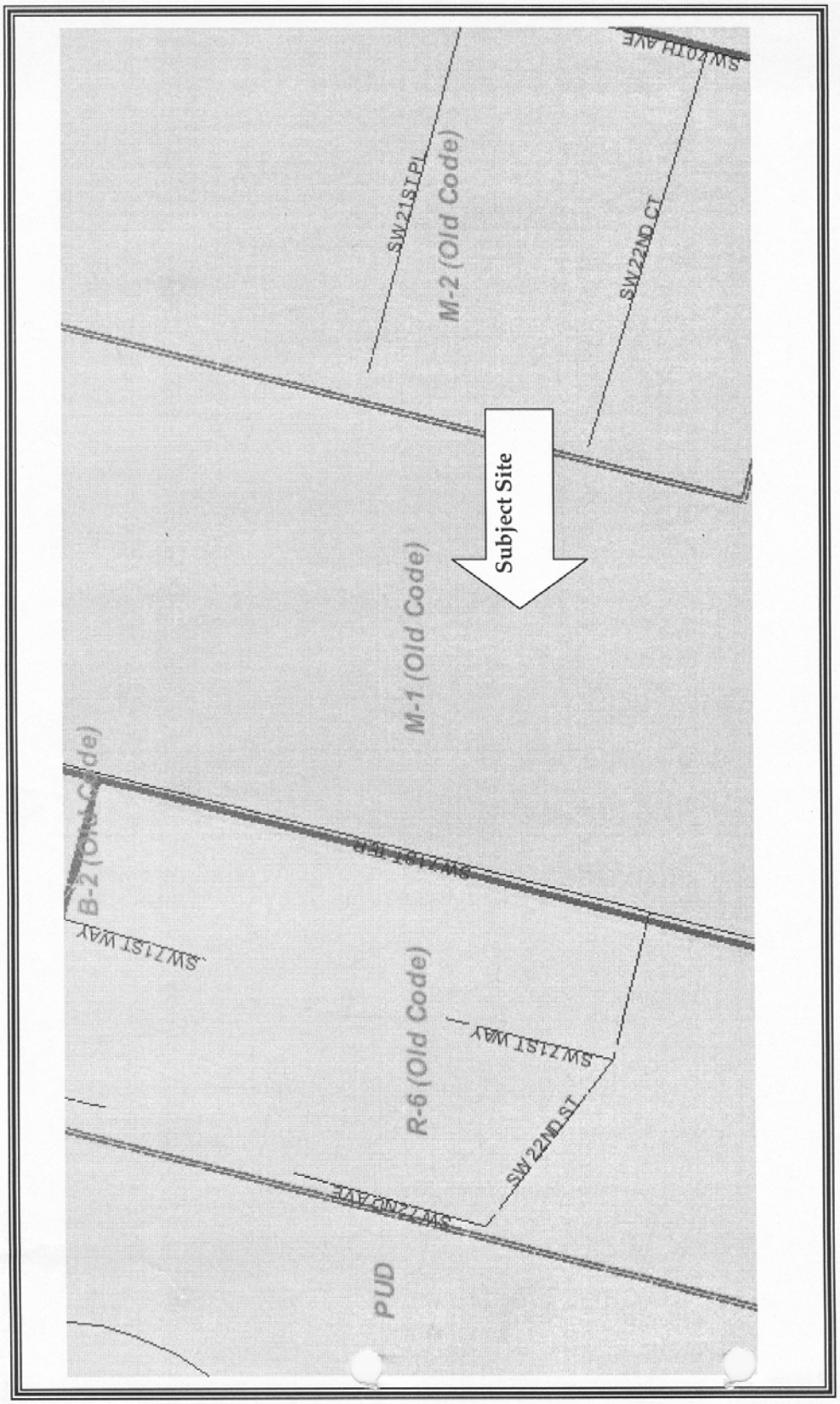
Planning and Zoning Board Recommendation

Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Justification
4. Citizen Participation Plan

Prepared by: _____ Reviewed by: _____



Special Permit
SE 6-1-05, Perfect Competition
Future Land Use Plan Map

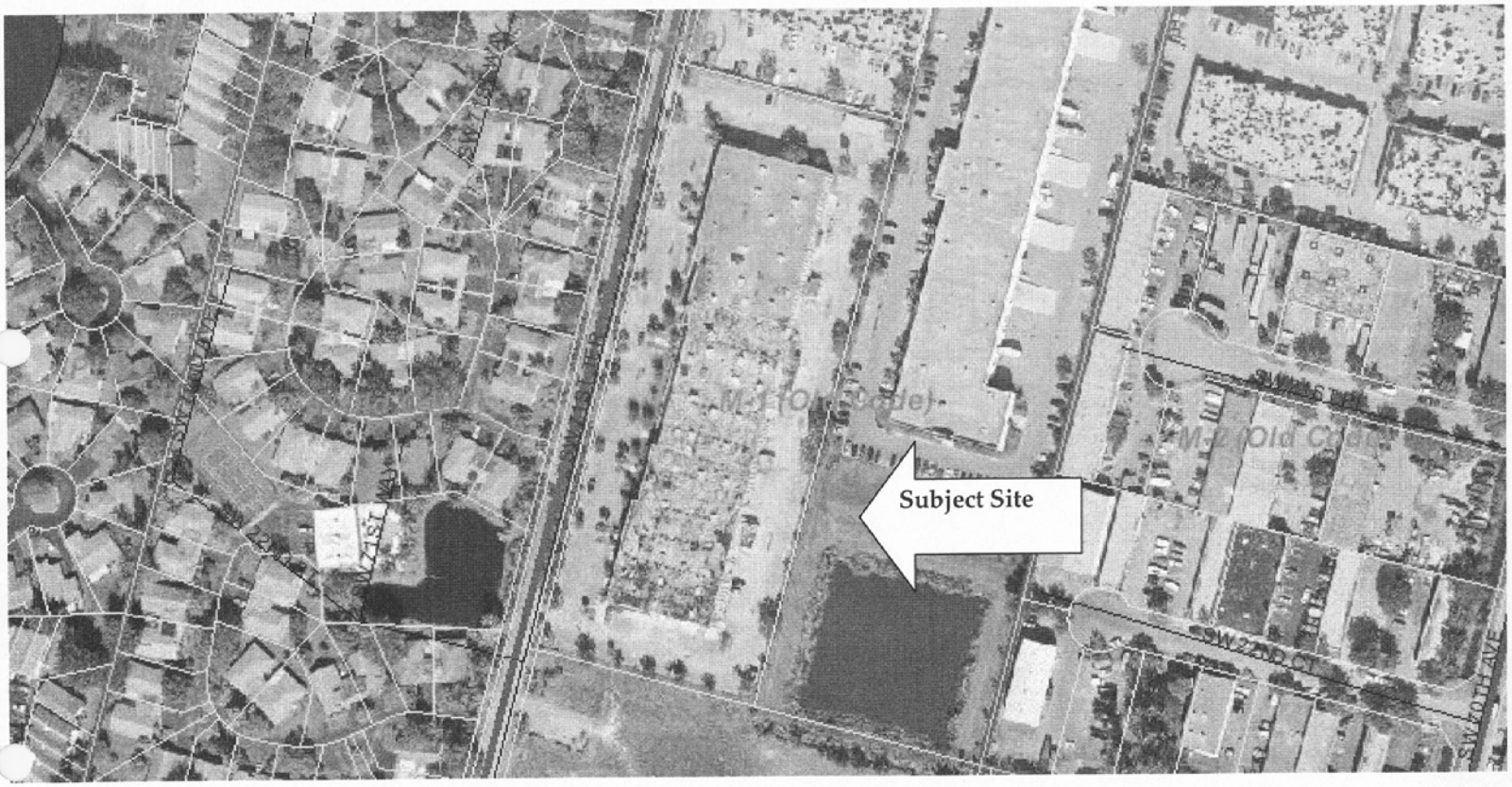
Prepared By: C.M.G.
Date Prepared: 8/24/05

TOWN OF DAVIE FLORIDA

N

The Town of Davie
Development Services Department
Planning and Zoning Division

Scale: N.T.S.



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The Town of Davie
Development Services Department
Planning and Zoning Division

Scale: N.T.S.

Special Permit
SE 6-1-05, Perfect Competition
Aerial, Zoning, Subject Site Map

Prepared By: C.M.G.
Date Prepared: 8/24/05

PERFECT COMPETITION

ATHLETIC DEVELOPMENT

June 20, 2005

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

Re: Letter of Justification

Dear Sir or Madame,

It would be of great benefit to all of the stakeholders of Perfect Competition to garner permission from the Town of Davie to make use of the running track that is located behind the building at 2240 SW 71st Terrace. The running track is an essential resource for all of the athletes that we train. Its continuous availability has been essential to our success as an organization in the Town to date.

The track meets all of the criteria called for in the Land Development Code which allows unique and unanticipated 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.

(i.) Is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

We do not have enough information to speak to the comprehensive plan.

(ii.) Will create an unrelated and incompatible adjacent use;

The track will not create an unrelated and incompatible adjacent use.

(iii.) Will adversely affect living conditions in the neighborhood or the town;

There is no one adjacent to the land.

(iv.) Will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;

The track is an accessory to the primary use of the business. There have been no traffic issues at all at the location.

(v.) Will adversely affect surrounding property values;

The track will in no way affect property values.

(vi.) Will be a deterrent to the improvement or development of other property in accord with existing regulations;

The track will only improve the development of property.

June 20, 2005

(vii.) Will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The track is associated with the primary use so it does not constitute a grant of special privilege.

Enclosed you will find the Special Permit Application. Please accept these documents as our complete application.

We appreciate all of your efforts in this matter and we look forward to working with the Town again in the future.

Have a Great Season

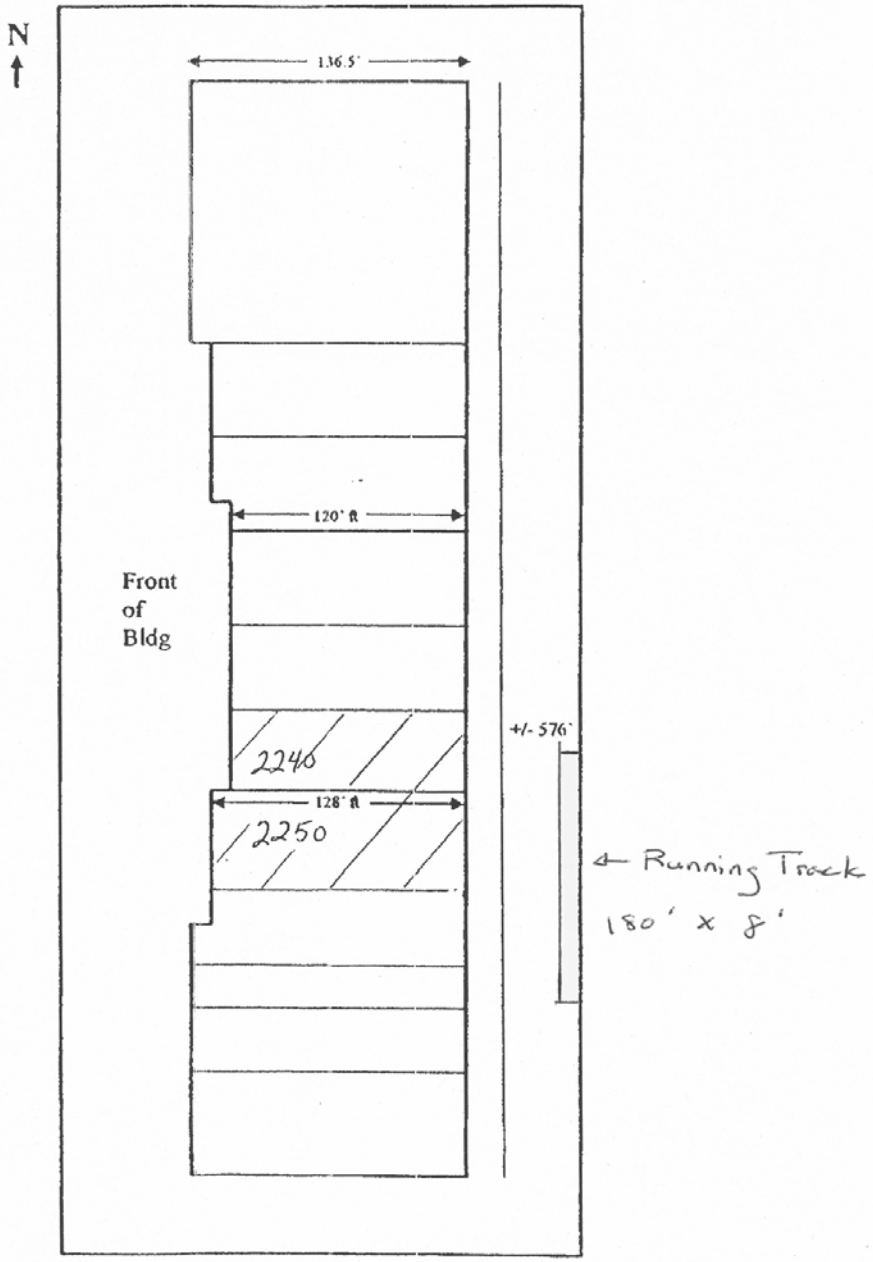
Sean O'Brien
Founder / CEO
Perfect Competition, Inc.

2240 SW 71ST TERRACE • DAVIE, FL • 33317
PHONE: 954.577.3331 • FAX: 954.358.0777

EXHIBIT "A"

SITE PLAN OF BUILDING AND SKETCH OF PREMISES

2200-2290 SW 71st Terrace Davie, Florida



Landlord Tenant

BUILDING
FOOTPRINT

Not-to-Scale

August 18, 2005

Town of Davie Planning
6591 S.W. 45th Street
Davie, FL 33314

Attn: Mr. Chris Gratz

Re: Petition Number: ASP6-01-05

Dear Mr. Gratz:

Please be advised that as required by Davie Code, we did advertise and notify all the property owners surrounding the subject property within 1000 feet to invite them to two Public Hearings dated August 16, 2005 and August 17, 2005. The meetings were scheduled to take place at 6:00 p.m. on both dates. We waited on both days and nobody attended these two meetings.

We hope that the above satisfies the requirements of public participation in the site plan review process.

Sincerely,

Sean E. O'Brien
Founder/CEO
Perfect Competition