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: Ingrid Allen, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance, ZB 9-2-05 / Vietnamese Buddhist Cultural Center/ 2321 SW 127th Avenue/ Generally located on the westside of SW 127th Avenue approximately 970 feet north of SW 26th Street.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:
Rezone the subject site **FROM:** A-1, Agricultural District **TO:** CF, Community Facilities District

The 2.09 acre site currently houses the Vietnamese Buddhist Cultural Center. In order to allow the existing facility and a proposed expansion, it is required that the applicant rezone the site from A-1, Agricultural District which does not permit Houses of Worship to CF, Community Facilities District, which does permit Houses of Worship.

According to the Town's Comprehensive Plan, Community Facilities including Houses of Worship are allowed in the R1, Residential 1 Dwelling Unit per Acre, land use category provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes. As a means of making the site compatible, the applicant has agreed to the construction of drainage improvements, paving on the one half portion of the roadway of 127th Avenue immediately adjacent to the eastside property, and the construction of the nearest paved road to the south. In addition, the applicant will be required to comply with the landscaping and development standards of the Land Development Code to include landscaping buffering, street trees, minimum setbacks, maximum height, and maximum building coverage.

The applicant has submitted concurrently with this rezoning application the variance application, V 9-1-05, requesting to reduce the required 2500' distance separation between Houses of Worship.

PREVIOUS ACTIONS:
At the October 18th, 2006 Town Council meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to approve ZB 9-2-05 subject to the following conditions: a limit on the maximum number of people living on the premises shall be eight (8); that the property be deed restricted to only the Vietnamese Buddhist Cultural Center; if a sale takes place, the property shall revert back to A-1, Agricultural District, zoning designation; a Temporary Use permit, maximum four (4) per year, shall be required for special events and if a special event should exceed 100 people then a suitable alternative location shall be found. **(Motion carried 3-2 with Councilmember's Paul and Caletka being opposed. Councilmember Paul's opposition due to traffic concerns as a result of the expansion. Councilmember Caletka indicated that the proposed zoning change would not enhance the Town's tax base).**

At the November 1, 2006 Town Council meeting, Councilmember Starkey made a motion, seconded by Councilmember Paul, to table Variance V 9-1-05 and Rezoning ZB 9-2-05 to the November 15, 2006 Town Council meeting. (**Motion carried 5-0).**

CONCURRENCES:
At the September 27, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve subject to not having to contribute to the "traffic calming fund" however, they had to improve the roadway. (Motion carried 4-1 with Vice-Chair McLaughlin being opposed. Vice-Chair McLaughlin's reasons for denial include not meeting the required distance from existing Houses of Worship and the opposition to removing A-1 zoning district to accommodate CF.)

FISCAL IMPACT: None

RECOMMENDATION(S):
Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the following condition:

1. Contingent upon approval of Variance application, V 9-1-05, submitted concurrently with this Rezoning application.

Attachment(s): Ordinance, Planning Report, Citizen Participation Report, Justification, Survey, Location Map, Proposed Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES 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:** CF, Community Facilities 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.

WHEREAS, the Town Council of the Town of Davie finds that it is in the best interest of the Town that the property owner, based upon voluntary commitments, enter into a voluntary restrictive covenant.

WHEREAS, the subject property is located on a two-lane local road (SW 127th Avenue) and in the best interest of the local health, welfare and safety of the surrounding neighborhood, the property owner is voluntarily agreeing to mitigate as provided herein.

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:** CF, Community Facilities 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 CF, Community Facilities District subject to the following voluntarily stipulated matters by the owner:

a. A limit on the maximum number of people living on the premises shall be eight (8).

b. That the property be deed restricted to only the Vietnamese Buddhist Cultural Center.

c. If a sale takes place, the property shall revert back to A-1, Agricultural District, zoning designation.

d. A Temporary Use permit, maximum four (4) per year, shall be required for special events and if a special event should exceed 100 people then a suitable alternative location shall be found.

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 _____, 2006.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2006.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2006.

Application: ZB 9-2-05 Vietnamese Buddhist Cultural Center

Revisions: 10/3/06

Exhibit "A"

Original Report Date: 9/8/06

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:		**Petitioner:**
Name:	Vietnamese Buddhist Cultural Center	Tina Franetic
Address:	2321 SW 127th Avenue	4845 SW 148th Avenue
City:	Davie, FL 33325	Davie, FL 33330
Phone:	(503) 957-7739	(954) 434-2299

Background Information

Date of Notification: September 20, 2006 **Number of Notifications:** 32

Application History: No deferrals have been requested.

Application Request: Rezone the 2.09 acre subject site **FROM:** A-1, Agricultural District; **TO:** CF, Community Facilities District.

Address/Location: 2321 SW 127th Avenue/Generally located on the westside of SW 127th Avenue approximately 970 feet north of SW 26th Street.

Future Land Use Plan Map Designation: Residential (1 DU/AC)

Existing Zoning: A-1, Agricultural District

Proposed Zoning: CF, Community Facilities District

Existing Use: Vietnamese Buddhist Cultural Center - one story mobile home, and one story garage

Proposed Use: 4,800 square foot house of worship

Parcel Size: 2.09 acres

Surrounding Uses:

North: Nursery
South: Single family dwelling
East: Nursery and single family dwelling
West: Nursery

Surrounding Future Land Use Plan Map Designations:

North: Residential (1 DU/AC)
South: Residential (1 DU/AC)
East: Residential (1 DU/AC)
West: Residential (1 DU/AC)

Surrounding Zoning:

North: A-1, Agricultural District
South: A-1, Agricultural District
East: AG, Agricultural District
West: A-1, Agricultural District

Zoning History

Plat: The plat, Flamingo Groves Unit 'E', was approved by Broward County on February 23, 1929, and subsequently recorded in Plat Book 15, Page 5.

Concurrent requests on same property: Variance application, V 9-1-05, requesting a Variance from: Section 12-34 (DD) of the Land Development Code, which requires that no freestanding house of worship shall be located closer than 2500' from any other freestanding house of worship. To: Reduce the requirement so that the Vietnamese Buddhist Cultural Center is located 1609.64' from the Hanmi Bapist Church and 2310.54' from the Calvery Chapel Sawgrass.

Related zoning requests: Rezoning application, ZB 2-1-02 Hanmi Baptist Church, requesting the rezoning of 4.99 acre subject site from AG, Agricultural District, to CF, Community Facilities District, in order to allow the development of a House of Worship, was approved by Town Council on February 19, 2003.

Applicable Codes and Ordinances

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

§12-24 (J) (13) Community Facilities (CF) District. The CF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of community facilities.

§12-83 Commercial Conservation Standards, CF, Community Facilities District requires the following minimums: lot area of 43,560 square feet, 100' lot frontage, 50' front setback, 25' side setback, 25' rear setback, 35' maximum height, 40% maximum building coverage, and 30% minimum open space.

§12-34 (DD) Churches, Houses of Worship: No freestanding house of worship shall be located closer than twenty-five hundred (2500) feet from any other freestanding house of worship, measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line. The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the property lines of the proposed house of worship and any other house of worship.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

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, Community Facilities Use, Policy 13-2: Community Facilities may be permitted in land use categories other than Community Facilities category, provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes.

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.

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. The applicant conducted two (2) meetings with the public on December 5, 2005 and December 10, 2005. Attached is the applicant's Citizen Participation Report.

Application Details

The applicant is requesting to rezone the 2.09 acre subject site from A-1, Agricultural District to CF, Community Facilities District in order to allow the existing facility (House of Worship)

and the proposed expansion of the Vietnamese Buddhist Cultural Center. According to the applicant, there are approximately 28 members at the current facility although within the next ten (10) years membership will grow to a maximum of 200 to 250 members. As a result of this estimated growth, the applicant proposes a 4,800 square foot worship building for which a site plan has been submitted with this application. The current zoning district of A-1, Agricultural District, does not permit Houses of Worship therefore it is required that the applicant rezone the site to CF, Community Facilities District which does permit Houses of Worship. In addition, Variance application, V 9-1-05, has been submitted concurrently with this rezoning application. The variance request is to reduce the 2,500 foot minimum separation between Houses of Worship so that the existing Vietnamese Buddhist Cultural Center can be located 1609.64' from the Hanmi Bapist Church and 2310.54' from the Calvery Chapel Sawgrass.

Staff Analysis

The purpose of this rezoning request is to allow the existing facility of the Vietnamese Buddhist Cultural Center and the proposed 4,800 square foot worship building to have the required CF, Community Facilities District, zoning district designation. According to the Land Development Code, the 2.09 acre site meets the 43,560 square feet minimum lot area requirement and the minimum 100 foot frontage requirement of the CF, Community Facilities District.

According to the Town's Comprehensive Plan, Community Facilities including Houses of Worship are allowed in the R1, Residential 1 Dwelling Unit per Acre, land use category provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes. Access to this site is off SW 127th Avenue, a local road. Currently there are no other Houses of Worship on this road. Both the Hanmi Baptist Church and the Calvery Chapel Sawgrass access off Flamingo Road, a major arterial road.

The applicant has proposed to make the project compatible through the following: agreeing to the construction of drainage improvements, paving on the one half portion of the roadway of 127th Avenue immediately adjacent to the eastside of the property, the construction of the nearest paved road to the south~~, and pledging to contribute to the "local road and traffic calming fund"~~. In addition, the applicant will be required to comply with the landscaping and development standards of the Land Development Code to include landscape buffering, street trees, minimum setbacks, maximum height, and maximum building coverage. The proposed site plan for a 4,800 sq. ft. worship building places the worship building in the center of the site, the furthest portion of the site from residential and also places a proposed retention pond on the southern part of the site further buffering the building from residential.

The proposed rezoning to CF, Community Facilities District is compatible with surrounding land use categories all of which are R1, Residential 1 DU/AC.

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 Town of Davie Comprehensive Plan permits Community Facilities to include Houses of Worship within the Residential 1 DU/AC Future Land Use Plan Map designation and therefore rezoning the site to CF, Community Facilities District, is compatible with the underlying land use category.

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

Designating the site to CF, Community Facilities District, is compatible with the adjacent, Agricultural District zoning designation since this district is compatible with the R1, Residential 1 DU/AC, land use category and the proposed development of the site as a House of Worship will be made compatible through the application of the Land Development Code's setback and buffering requirements.

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

The existing A-1, Agricultural District, boundaries are the original zoning boundaries and are logically drawn.

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

Designating the site CF, Community Facilities District, in order to allow the existing facility and the proposed 4,800 square foot House of Worship is not expected to have a negative impact on the neighborhood. Community Facilities including Houses of Worship are permitted in the Residential 1 DU/AC land use category. The Land Development Code requires that the site be designed to account for the adjacent uses by providing for minimum setbacks, limiting building height, and requiring landscape buffers.

(e) The proposed change may 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 traffic generated by the proposed 4,800 square foot House of Worship may be, at times, considerably more than single family residential development on the site. As a means of addressing this issue, the applicant has agreed to the construction of drainage improvements, paving on the one half portion of the roadway of 127th Avenue immediately adjacent to the eastside of the property, the construction of the nearest paved road to the south~~, and pledged to contribute to the "local road and traffic calming fund"~~.

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

The applicant will be required to meet the conventional nonresidential development standards for the CF, Community Facilities District, to include minimum setbacks, limiting building height, and requiring landscape buffers. In addition, the applicant held the required two (2) public participation meeting whereby notices were sent to all property owners within 1000 feet of the subject property. The applicant's public participation report indicates that no questions were raised regarding the affect to surrounding property values.

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

Designating the site CF, Community Facilities District, will not cause the adjoining property owners from continuing to utilize the property as it is now, or how it can be used.

(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;

Approval of this rezoning request will not give the owner a unique benefit that harms the welfare of the general public. The request is consistent with the Future Land Use Plan Map designation of Residential (1 DU/AC).

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

The existing zoning designation of A-1, Agricultural District, is intended to implement the Agricultural and Residential one (1) dwelling unit per acre classifications of the Town of Davie Comprehensive Plan and therefore the site can be developed according to the existing zoning district standards with the exception of a House of Worship.

(j) The proposed zoning designation <u>may not be</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.

According to the applicant, the Vietnamese Buddhist Cultural Center is a non-profit corporation. The proposed zoning designation of CF is the most appropriate as it currently exists as the Vietnamese Buddhist Cultural Center, a House of Worship, and whereby the underlying land use of Residential 1 DU/AC permits a House of Worship. However, under the existing zoning designation of A-1, Agricultural District, the 2.09 acre parcel may be developed as a single family residence which would 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 subject to the following condition:

1. Contingent upon approval of Variance application, V 9-1-05, submitted concurrently with this Rezoning application.

Planning and Zoning Board Recommendation

At the September 27, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve subject to not having to contribute to the "traffic calming fund" however, they had to improve the roadway. (Motion carried 4-1 with Vice-Chair McLaughlin being opposed. Vice-Chair McLaughlin's reasons for denial include not meeting the required distance from existing Houses of Worship and the opposition to removing A-1 zoning district to accommodate CF.)

Town Council Action

Exhibits

1. Citizen Participation Report
2. Justification
3. Survey
4. Location Map
5. Proposed Site Plan
6. Future Land Use Plan Map
7. Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____

December 20, 2005

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

Re: Rezoning Application No. ZB9-205
Variance Application No. V9-1-05
"Citizens Participation Report"

Dear Chris;

In accordance with the Town of Davie's Citizens Participation Ordinance and the "Citizen Participation Plan" which was previously submitted to the Town, we have held two (2) meetings with neighbors. The following is a summary of the process which was followed.

On Monday November 21, 2005, a meeting notice was mailed via "Certified Mail" to all property owners within 1,000 feet of the subject property; a copy of the notice is attached for your reference. A total of 31 notices were mailed. On Monday November 28, 2005 an additional notice was mailed indicating an address correction, these notices were also delivered by "Certified Mail" to all property owner. A copy of the second notice is also attached. The Citizens Participation meetings were held at the "Eastside Community Hall" at 4300 SW 55 Avenue, Davie. On Monday December 5, 2005 at 7:00 pm and Saturday December 10, 2005 at 11:00 am. Attached is the "Sign-In Sheet" from each meeting, and a summary of the meeting discussion.

Exhibit "A" - Sign-in sheet for meeting held December 5, 2005
Exhibit "B" - Summary of Discussion for meeting held Dec.5, 2005
Exhibit "C" - Sign-in sheet for meeting held December 10, 2005
Exhibit "D" - Summary of Discussion for meeting held Dec.10, 2005

I trust this information will comply with the Town's requirements and will allow the Town Council to proceed with the review of the rezoning and variance applications. Should you have any questions or need any additional information, please give me a call at (954) 804-7210.

Sincerely,

Tina Franetic

Tina Franetic, Realtor
Century 21, Ouellette Realty
On behalf of the Vietnamese Buddhist Cultural Center of Florida, Inc.

cc: Thanh Pham, President
Vietnamese Buddhist Cultural Center of Florida, Inc.

November 21, 2005

Dear Neighbors,

We are your neighbors , members of the Vietnamese Buddhist Cultural Center of Florida Inc, a non- profit corporation, legally organized according to the Florida laws, living @ 2321 SW 127th Ave Davie FL 33325.

This letter is to invite you to a citizen participation meeting relating to a rezoning application for a 2.09 acre parcel located at 2321 SW 127th Avenue. The property subject to the rezoning application is located on the East 276 feet of tract 181, Flamingo Groves unit 'E'. (See attached location map). The request is to change the zoning from its current Agriculture (AG) district to Community Facility (CF).

Under a Town of Davie ordinance, we are required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the site before the Town will initiate their review of the rezoning application. We have scheduled the following meetings.

First Meeting:	Date:	Monday December 5, 2005	Time: 7:00 PM
	Location:	Eastside Community Room 4300 SW ~~85th Avenue~~ 55 Davie, FL 33314	
Second Meeting:	Date:	Saturday December 10, 2005	Time: 11:00 AM
	Location:	Eastside Community Room 4300 SW 85th Avenue Davie, FL 33314	

Note: Members of the Town Council may be present.

Our corporation is a spiritual, cultural and charitable institution *especially carrying out social activities* such as:
1-Daily and weekend tutoring classes for underprivileged kids,
2-Visit to sick senior people,
3- Aid to our needy disciple members,
4- Individual and family counseling,
5- Orientation for newcomers into USA to adjust to a new life in the USA.
6- Help provided to the people recommended by the community.

We are helping people. ***Please help us to fulfill our duty.***

We are distributing a petition requesting that our neighbors favorably accept our settlement into the Town of Davie. Kindly sign this petition which will then be forwarded to the Town of Davie Council members showing your support.

Please believe that we respect our community and care very much about maintaining the quietness and peace to our neighbors in minimizing the noise, discomfort and avoiding the inconvenience caused by our car circulation.

Awaiting your favorable response, we would like beforehand to convey our expression of very warm thanks, appreciation and profound gratefulness to all of you.

Sincerely,
Vietnamese Buddhist Cultural Center of Florida Inc,
Board of Directors, President,

Thanh Pham .
Tel: 954 - 424 9865.

(Petition joined)

PETITION

The undersigned property owner/tenant voluntarily signs this Petition in support of the Vietnamese Buddhist Cultural Center of Florida Inc. plans, to continue operating its Buddhist Cultural Center , ***in residential zone*** @ 2321 SW 127th Ave, Davie FL 33325, City of Davie, County of Broward, State of Florida.
We are living in the neighborhood of the Buddhist Cultural Center.

(A brief description of the current Buddhist Cultural Center activities, along with the names of its principal leaders, is attached as a part of this Petition).

_____
Print Property Owner/Tenant Name

_____
Print Property Owner/ Tenant Address

_____ _____
Date signed Signature

Vietnamese Buddhist Cultural Center of Florida Inc.

_____
Print Property Owner/Tenant Name
2321 SW 127th Ave, Davie FL 33325

_____
Print Property Owner/Tenant Address

_____ _____
Date signed Signature

Legal Description of Property: The East 276 feet of Tract 181, FLAMINGO GROVES
UNIT " E " , according to the Plat thereof , as recorded in Plat Book 15 , at page 5 Of Public Records of Broward County , Florida .

****

Memory note

Dear Sir / Madam ,

Please call us @ 954-424-9865 any time when this petition has been signed and ready to be picked up by us.

Please also leave your address and your phone number, in your phone message.

We thank you very much.

Sincerely,

The Buddhist Cultural Center.

Tel: 954 - 424 9865

ATTENTION PLEASE
ADDRESS CORRECTION

NOTICE

CITIZENS PARTICAPATION MEETING
Held on behalf of
The Vietnamese Buddhist Cultural Center
Scheduled for Dec. 5th & 10th
New Address:
4300 SW 55th Avenue Davie 33314

Tina Franetic
(954) 804-7210

ALMANDOZ,CARLOS M		2100 SW 130 AVE	DAVIE FL 33325
ALVAREZ,STEWART & AMY JO		12791 SW 26 ST	DAVIE FL 33325
ARPIN,THEODORE J 1/2 INT	ARPIN,JULIANN	2430 SW 130 AVE	DAVIE FL 33325
BENSON,HAYWARD STEPHAN		2017 NW 46 AVE #205A	LAUDERHILL FL 33313
CASTANO,FRANCIS F & CLARA I		2100 SW 127 AVE	DAVIE FL 33325
DIBIASE,DOROTHY FAM LTD	PARTNERSHIP	PO BOX 780	LYNNFIELD MA 01940
DODDS,MARK R &	DODDS,ANAT	1431 SW 106 TERR	DAVIE FL 33324
EVERGLADES BOTANICAL LC		2075 S FLAMINGO RD	DAVIE FL 33325
FRIEDEWALD,DON E JR &	RIDGEWAY,DONNA	12911 SW 26 ST	DAVIE FL 33325
GONZALEZ,JORGE L & CANDIDA P &	GONZALEZ,FERNANDO & JUSTINA N	2269 SW 127 AVE	DAVIE FL 33324
LETO,JOHN A SR & JOAN A		2550 NOAH PL	DAVIE FL 33325
MASTER SOUND BUILDERS		5722 FLAMINGO ROAD #325	DAVIE FL 33330
MIELE,VERONICA		2421 SW 127TH AVE	DAVIE FL 33325-5600
MIELE-SIMONSON ESTATES HOA	% SIMONESON REAL ESTATE HOLDING	931 HARRISON ST	HOLLYWOOD FL 33019-1622
NICHOLS ASSOCIATES LTD		5021 SW 51ST ST	DAVIE FL 33314-5509
PACC DEVELOPMENT LLC		7116 SW 47 ST	MIAMI FL 33155
PEGG,W S,PEGG,H S & ET UXES	PEGG,JOE H	RR2 BOX 3408	NASHVILLE GA 31639
PENCE,RONALD R &	PENCE,DIANE L	2470 SW 130 AVE	DAVIE FL 33325-5601
QUINLIVAN,JOYCE E REV TRUST	QUINLIVAN,M R & QUINLIVAN,S M TR	1700 HILLCREST RD	SAINT CLOUD MN 56303-1415
REJA ENTERPRISES INC		1300 SE 17 ST CAUSEWAY #202	FT LAUDERDALE FL 33316
RENNER,MARK &	RENNER,MARIA	1604 SALERNO CIR	WESTON FL 33327
SABAU,AUREL & DANIELA		5706 NE 17 TER	FT LAUDERDALE FL 33334
SANCHEZ,MAURICIO & SIUPING		3271 NW 64 ST	FT LAUDERDALE FL 33309
SILER,WYMER		2400 SW 130TH AVE	DAVIE FL 33325-5601
THEODORE,JOSEPH & MONIQUE		1944 WATER RIDGE DR	WESTON FL 33326
TODINCA,GEORGE & VALERIA ETAL		406 NW 68 AVE #514	PLANTATION FL 33317
TSAI,JAMES H & SUE C		11795 SW 2ND ST	FORT LAUDERDALE FL 33325-2925
WARREN,DAVID & CHARLENE		12761 SW 26 ST	DANIA FL 33325
WILSON HEIGHTS DEV INC		3842 W 16 AVE	HIALEAH FL 33012
WOOD,ROBERT L	% STAN WOOD	2075 S FLAMINGO RD	DAVIE FL 33325

Ken Cohen, Town Administrator
Mayor Tom Truex
Vice Mayor Lisa Hubert — District 1
Councilmember Mike Crowely — District 2
Councilmember Susan Starkey — District 3
Councilmember Judy Paul — District 4

— EXHIBIT "A" —

VIETNANESE BUDDHIST CULTURAL CENTER OF FLA.

1ST CITIZENS PARTICAPATION MEETING
December 5, 2005 7:00 PM

SIGN-IN SHEET

NAME	ADDRESS	PHONE
DANNY SMITH	841 SW 63 Terr Ft Lauderdale	954-973-7603
THUONG SMITH	//	//
[illegible]		954-731-3965
Nga Nguyen		954-643-5405
Peter Pham		954-430-8787
BAY PHAM		954-971-0950
Minh Tran		954-326-4336
VIET SMITH		754-366-6913
DANNY SMITH		954-973-7603
Mang Nguyen		954 993 6264
Dung M Truong		305-829-7264
Tony Van Pham		954-430-8787
Peter PHAM		954-986-9209
Huong Thi Nguyen		954 551-6054
Anh TIEN VAN		954-382-3952
Gai PHAM		954 442-8476
Hung Van		954 701-9673
Anh Minh VAN		954-989-2270
HANH TRUONG		305 409 7331
Gai thi Lê		305 409 7337
Linda Truong		954-205-5209

VIETNANESE BUDDHIST CULTURAL CENTER OF FLA.

1ST CITIZENS PARTICAPATION MEETING
December 5, 2005 7:00 PM

SIGN-IN SHEET

NAME	ADDRESS	PHONE
phuc Cong Van		954 517-9061
Cac Thi Truong		305 823 3144
Duong C. Van		954 435-9695
Nhan nguyen		954 435-9695
Monique & Joseph Theodore		(954) 309-8708
JUAN CAO		(561) 866-7028
Thanh pham		954-424-9565

Joseph & Monique Theodore (954) 309-8808
1944 Water Ridge Drive
Weston, FL · ~~33326~~ 33326

EXHIBIT "B"

Summary of Discussion
Meeting held December 5, 2005

The first of two Citizens Participation meetings was held Monday December 5, 2005 at 7:00 pm at the Eastside Community Hall, 4300 SW 55 Avenue Davie, Florida 33314. The meeting was attended by 29 people, two of which were neighbors, the rest of the attendees were members of the Vietnamese Buddhist Cultural Center. The sign-in sheet is attached as "Exhibit "A".

Tina Franetic, Realtor with Century 21 Ouellette Realty, speaking on behalf of the Vietnamese Buddhist Cultural Center opened the meeting and explained the Town's Citizens Participation Ordinance, which requires an applicant to hold two meetings with neighbors who live within 1,000 feet of the subject property. She also explained to those in attendance that they will also have the opportunity to speak and raise their concerns at the Planning and Zoning Board and Town Council public hearings.

Tina Franetic explained that both a rezoning and variance application have been filed with the Town of Davie for the 2.09 acre parcel located at 2321 SW 127th Avenue. The property subject to the rezoning application is located on the East 276 feet of tract 181, Flamingo Groves unit "E". (See attached location map). The request is to change the zoning from its current Agriculture (AG) district to Community Facility (CF).

A discussion with the neighbors ensued. Joseph and Monique Theodore residing at 1944 Water Ridge Drive Weston viewed the proposed future site plan for the cultural center's Temple and the only question raised was in regards to the width of the easement on the South side of the property. While Mr. Theodore stated that he had no real concerns, he believes that the easement needs to be 16 feet wide. Tina Franetic responded by stating that she would contact the Planning and Zoning Dept. for the Town of Davie and would respond back to Mr. Theodore in writing with their reply.

No other questions were raised.

Refreshments were served and the meeting was adjourned at 8:15 pm.

— EXHIBIT — "C"

Sign-in Sheet

DEC. 10, 2005

Name	Address	Phone
HONG VAN		954-442-8476
Jerry Pham		954 430 8787
HUA TRUONG		(305) 409-7331
MINH TRAN		954-326-4386
DANNY SMITH		954-973-7603
VIET SMITH		754-366-6913
Tom Pham		561-622-4205
Katie Golden		954-433-9186
Phuc Cong Van		954 517 9061
DUNG M TRUONG		305-829-7264
THAIAN TRAN		954-572-2815
Angela Steele		954 551 2857
Tom Pham		954-424-9865
Chau Tram		(954) 572 2815

EXHIBIT "D"

Summary of Discussion
Meeting held December 10, 2005

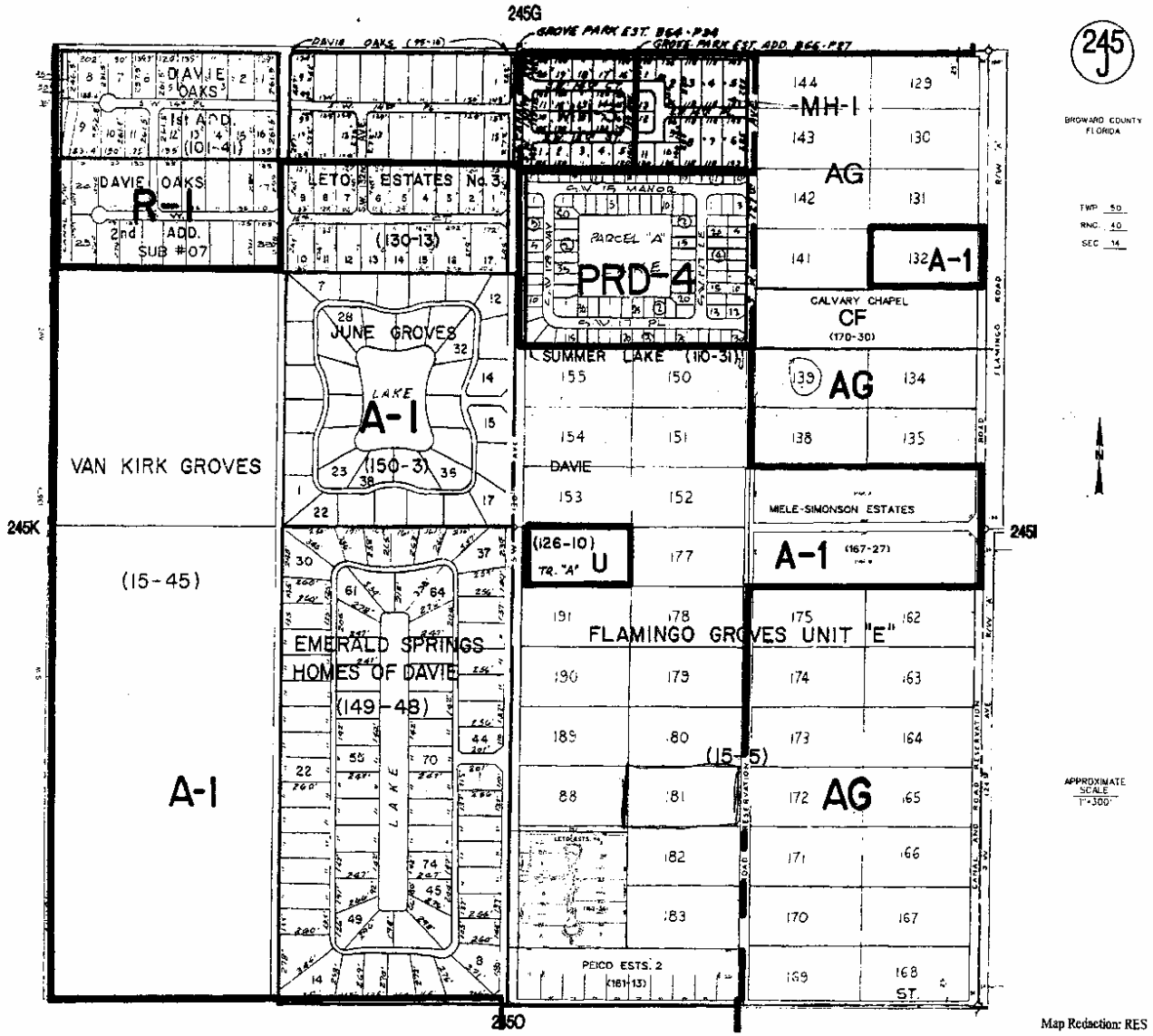
The second of two Citizens Participation meetings was held Saturday December 10, 2005 at 11:00 am at the Eastside Community Hall, 4300 SW 55 Avenue Davie, Florida 33314. The meeting was attended by 14 people; all the attendees were members of the Vietnamese Buddhist Cultural Center. No neighbors were in attendance. The sign-in sheet is attached as "Exhibit "C".

Tina Franetic, Realtor with Century 21 Ouellette Realty, speaking on behalf of the Vietnamese Buddhist Cultural Center opened the meeting and explained the Town's Citizens Participation Ordinance, which requires an applicant to hold two meetings with neighbors who live within 1,000 feet of the subject property. She also explained to those in attendance that they will also have the opportunity to speak and raise their concerns at the Planning and Zoning Board and Town Council public hearings.

Tina Franetic explained that both a rezoning and variance application have been filed with the Town of Davie for the 2.09 acre parcel located at 2321 SW 127th Avenue. The property subject to the rezoning application is located on the East 276 feet of tract 181, Flamingo Groves unit "E". (See attached location map). The request is to change the zoning from its current Agriculture (AG) district to Community Facility (CF).

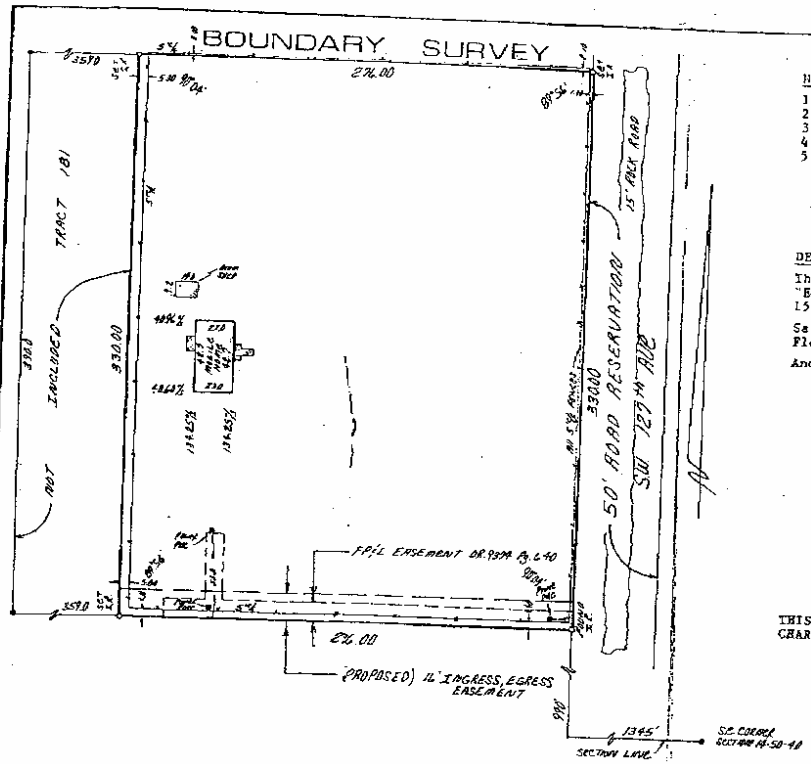
No questions were raised.

Refreshments were served and the meeting was adjourned at 12:00 pm.



Map Redaction: RES

BOUNDARY SURVEY



NOTES:

1. o INDICATES MARKER.
2. ELEVATIONS SHOWN HEREON ARE BASED ON N.G.V.D. OF 1929.
3. LOWEST FLOOR ELEVATION = 11.82 FEET.
4. HIGHEST ADJACENT ELEVATION = 11.4 FEET.
5. THE N.F.I.P. FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LANDS TO BE SITUATED IN ZONE A1. BASE FLOOD ELEVATION = 7.00 FEET.

DESCRIPTION:

The East 276.00 feet of Tract 181, "FLAMINGO GROVES UNIT "E", according to the plat thereof, recorded in Plat Book 15, Page 5, of the Public Records of Broward County, Florida.

Said lands situate, lying and being in Broward County, Florida.

And containing 2.09 Acres more or less.

THIS SURVEY IS CERTIFIED TO: ATTORNEYS' TITLE INSURANCE FUND, CHARLES B. BUTMAN P.A. and DONALD and SUSAN FROEBER.

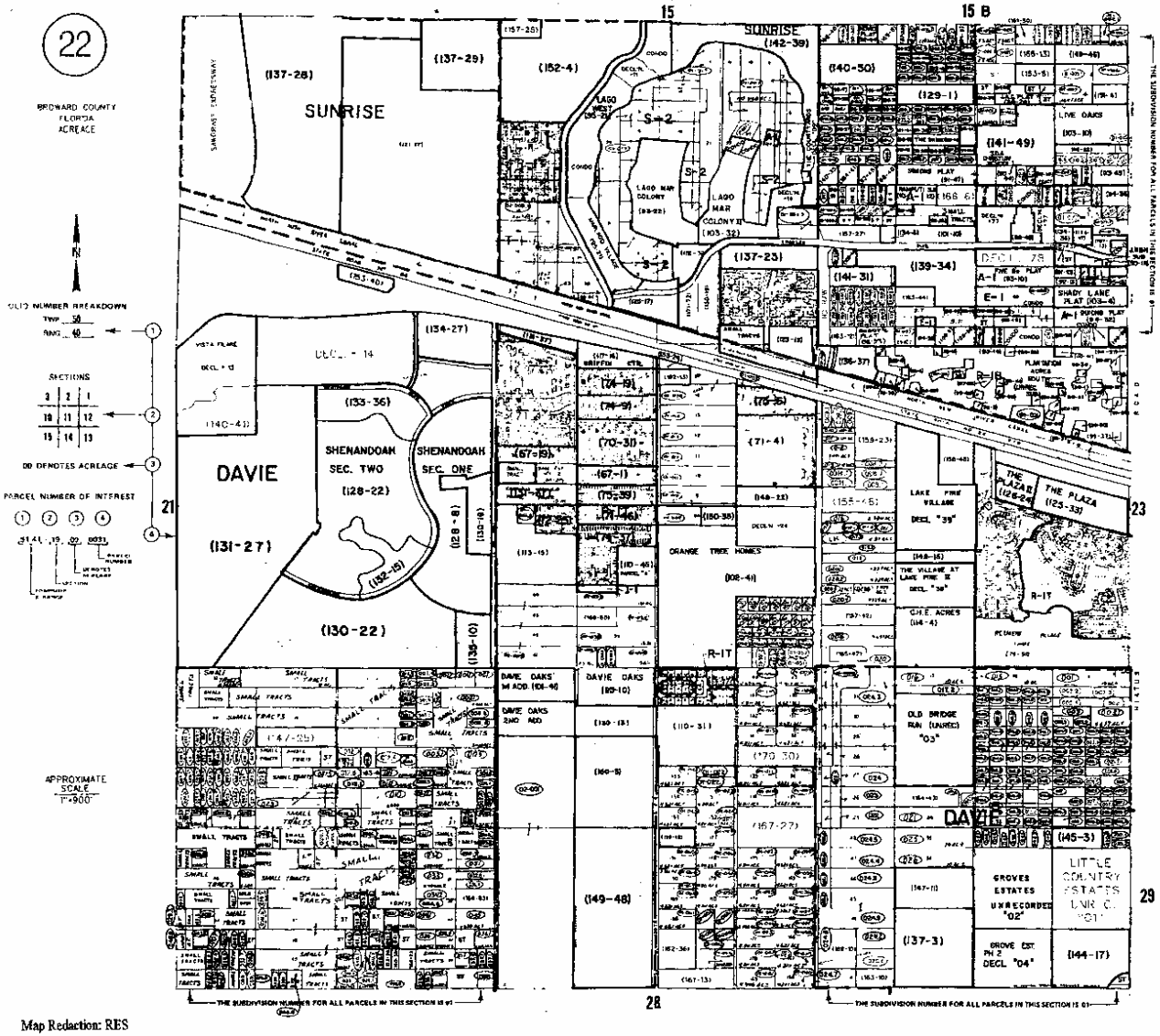
RON CAHILL & ASSOCIATES, INC.
LAND SURVEYORS
6043 KIMBERLY BLVD. NORTH LAUDERDALE, FLORIDA 33068 - PHONE (305) 975-0555

Property Address:	2321 S.W. 127th Avenue, Davie, Florida
Buyer:	DONALD and SUSAN FROEBER
Prepared for:	CHARLES BUTMAN
Scale: 1"=50' Job No: 880340	Date: APRIL 6, 1988 FB 147 PG 34
CERTIFICATE:	Last Day in Field 3-31-88

I hereby certify that the survey shown herein was made in accordance with the "Minimum Technical Standards" for land surveying in the State of Florida: 21-HH-6, FAC.

RONALD E. CAHILL, Sr.
REGISTERED LAND SURVEYOR
No 3526 STATE OF FLORIDA

The FPL lines were moved to the property line about 2001 this does not show the garage
3. I thought I have one done 1994



Map Redaction: RES

40

9211-710

FR No. RMJ 3199-1-710
Pole No. 04-23535

EASEMENT

This instrument prepared by:

PRESTON E. PRATT
c/o Florida Power & Light Co.
P.O. Box 8248
Fort Lauderdale, Florida 33310

Date Dec. 26, 1980
Sec. 14 Twp. 50S Rge. 40E

The undersigned, owner(s) of the premises described below, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the size of and remove such facilities or any of them, on the property described as follows:

The South 10 feet of the East 250 feet and the South 50 feet of the West 10 feet of the East 225 feet all in Tract 101 of "FLAMINGO GROVES UNIT 'E'" as recorded in Plat Book 15, Page 5 of the Public Records of Broward County, Florida. Said land situate in Broward County, Florida.

STATE OF FLORIDA
DOCUMENTARY TAX STAMP TAX
DEPT OF REVENUE
$0.40

JAN 23 2 33 PM '81

together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the right of way and to operate the same for communications purposes with the right of ingress and egress to said premises at all times, to clear the land and keep it cleared of all trees, undergrowth or other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution, and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along and under the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned have signed and sealed this agreement on December 26, 1980.

Signed, sealed and delivered in the presence of:

Preston E. Pratt
W. E. York

Jess F. Jeckel (SEAL)
JESS F. JECKEL
Consuelo C. Jeckel (SEAL)
CONSUELO C. JECKEL (HIS WIFE)
(SEAL)

STATE OF FLORIDA AND COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19__,
by _____ and _____
respectively the _____ President and _____ Secretary of _____
_____ a _____ corporation, on behalf of the corporation.

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES:

RECORDED IN THE OFFICIAL RECORDS BOOK OF BROWARD COUNTY, FLORIDA
GRAHAM W. WATT
CLERK ADMINISTRATOR

REC 9374 PAGE 140

STATE OF FLORIDA AND COUNTY OF Broward

The foregoing instrument was acknowledged before me this 26 day of December, 1980
by Jess F. Jeckel and Consuelo C. Jeckel

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES:

August 23, 2005

Town of Davie

Re: Vietnamese Buddhist Cultural Center of Florida, Inc.
Thanh Pham, President
2321 SW 127 Avenue
Davie, Florida 33325
ID #504014010531

This is a rezoning and variance request for the 2.09 acres located on the East 276 feet of tract 181, Flamingo Groves unit 'E'. I am writing this letter on behalf of the Vietnamese Buddhist Cultural Center of Florida Inc., a facility that caters to an ancient worship of peace and tranquility. Currently there are approximately 28 members and their families who visit the property to enjoy the peaceful setting and meditation.

The Vietnamese Buddhist Cultural Center of Florida has occupied this property since October 2004 with the approval of our Mayor, Mayor Truex. They have made a conscious effort to meet their neighbors and everyone is happy and getting along beautifully. In order for the members of the Cultural center to continue worship, they need the support of The Town of Davie. Services will be in Vietnamese. Because of this, the facility is estimated to grow to a maximum of 200 to 250 members within the next ten years. A future 4,800 square foot building will be more than adequate. Their plea today, is to present a site plan for the possible re-zoning of their property to Community Facility.

The rezoning will not affect the living conditions in the neighborhood because the members do not meet daily. The proposed change would not create an isolated zoning district, the adjacent properties are compatible to what we are trying to accomplish. We also understand that there needs to be at least 2500 feet between Houses of Worship. "The Hamni Baptist Church" is 1609.64 feet away, and "The North Calvery Church" is 2310.54 feet away, we are also asking for a variance.

Enclosed you will find a check in the amount of $1,170 for zoning, and a check in the amount of $930 for the variance. Please consider their plea. The Vietnamese Buddhist Cultural Center members are active contributing citizens of our great Town of Davie.

Thank you for your time and we look forward to hearing from you soon.

Tina Franetic
On behalf of Thanh Pham, President
Vietnamese Buddhist Cultural Center of FL Inc.

LEGAL DESCRIPTION

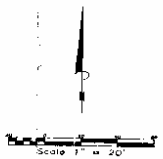
THE EAST 276.00 FEET OF TRACT 181, FLAMINGO GROVES UNIT "E", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

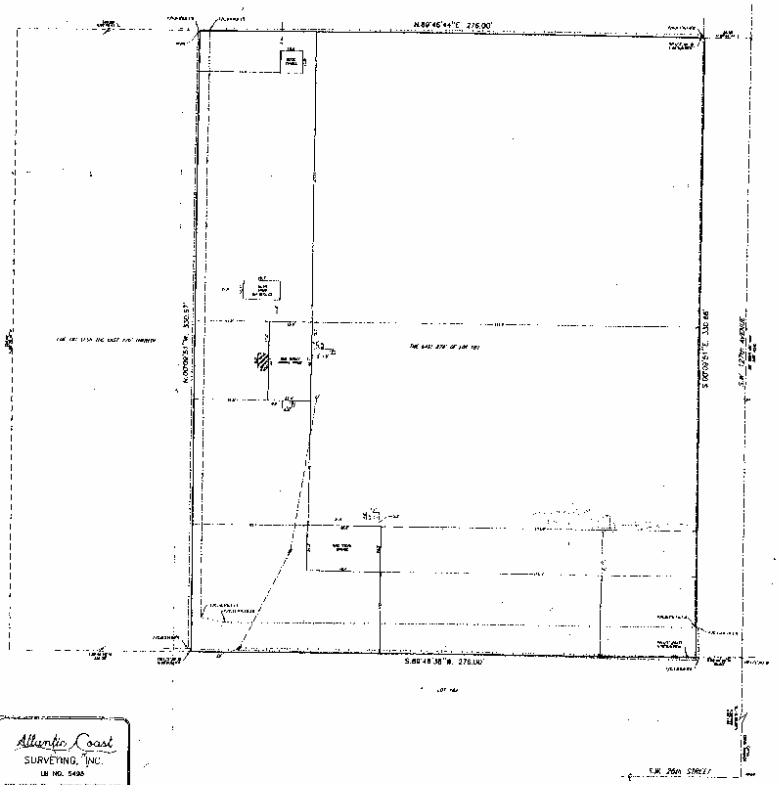
CERTIFIED TO:
VIETNAMESE BUDDHIST CULTURAL CENTER
MARGARET HERNANDEZ, ITS SUCCESSORS AND/OR ASSIGNS
COOPERATIVE TITLE & ESCROW, INC.
ATTORNEYS' TITLE INSURANCE FUND, INC.

PROPERTY ADDRESS
2521 SW 177TH AVENUE
DAVIE, FL 33325

BOUNDARY SURVEY
INVOICE #25820
COOPERATIVE TITLE #004-4970
SURVEY DATE 10/04/04

FLOOD ZONE AH-7.00
MAP DATE 10/02/97
MAP NUMBER 1200.15 0295 F
WBS





Atlantic Coast
SURVEYING, INC.
LB NO. 5495

LOCATION MAP SCALE: N.T.S.

2005 Aerial Photograph
Broward County Public Records

Survey Date: 09/06/2005
Job Number: 05-0193

Field Book: 05-0193
Revision:

R. Minguell, Inc.

Land Surveyors & Planners
L.B. 7272
954-880-0908
Fax: 954-880-0920
Minguell@bellsouth.net
2841 Montevideo Avenue
Cooper City, Florida 33026

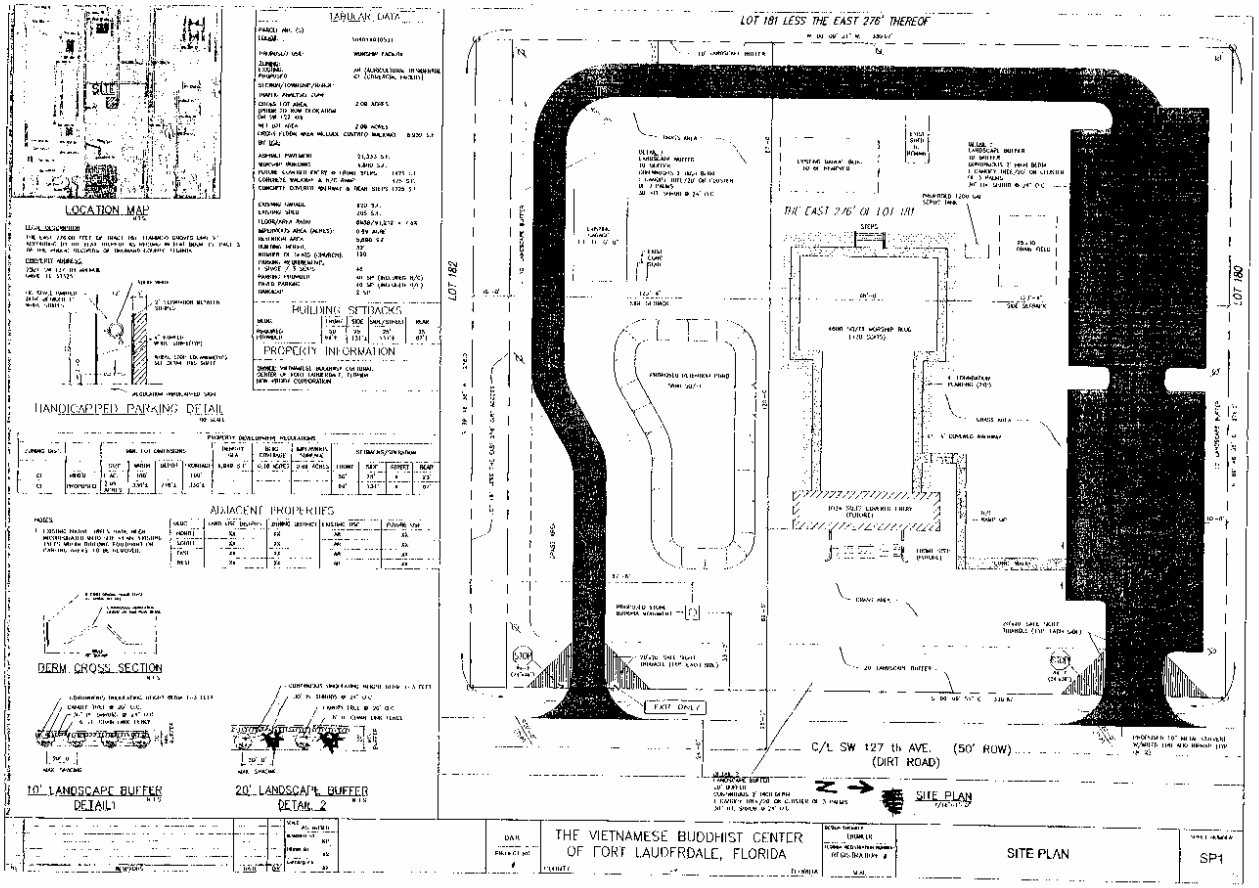
Certified to:
Vietnamese Buddhist Cultural Center of Florida, Inc.

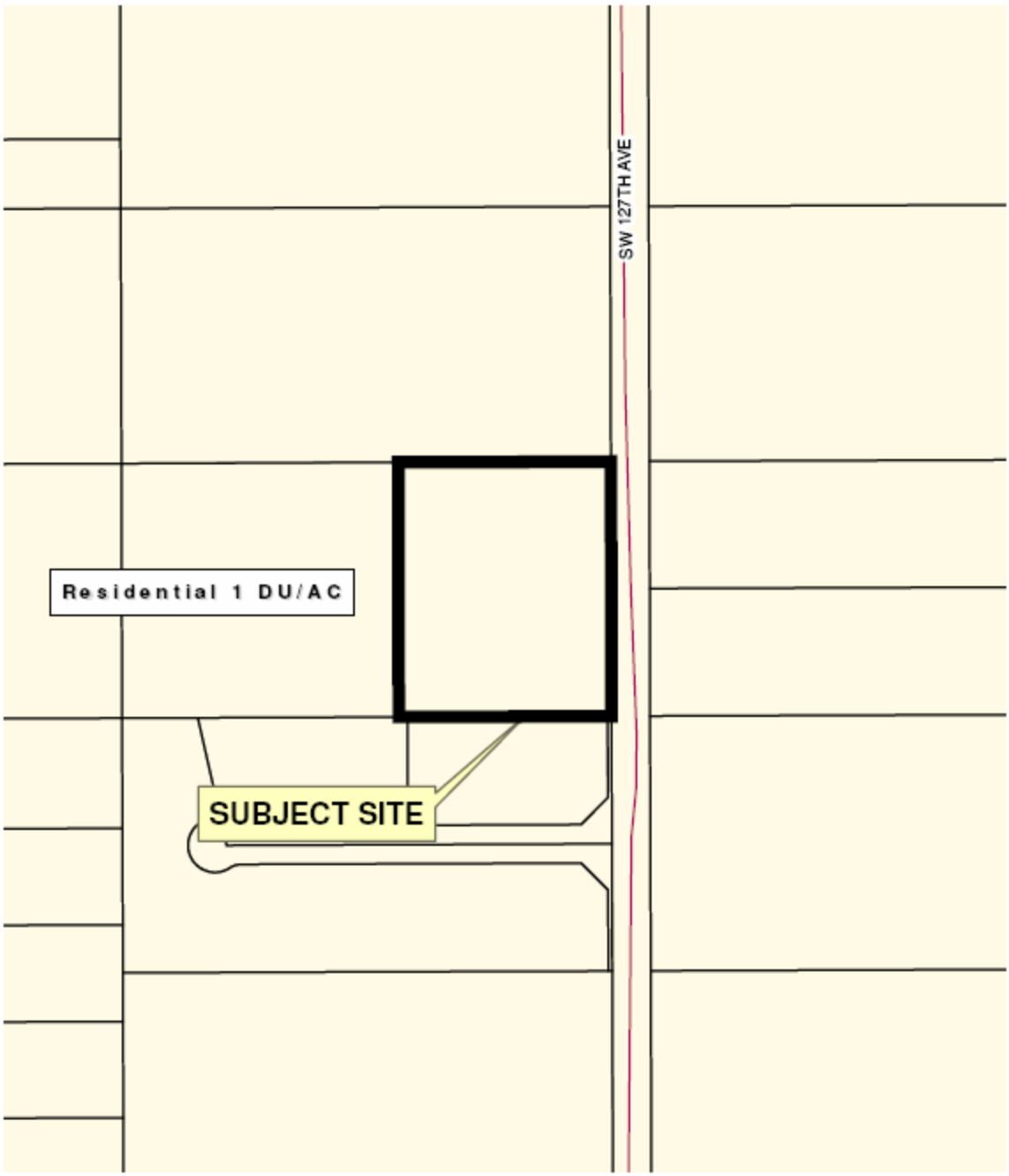
I hereby certify that upon physical inspection of the three properties, that the strait line distance between the closest point on property line between the two properties are as follows:

2321 S.W. 127th Avenue, Davie, Florida to 1775 S. Flamingo Road : 2310.54 feet
2321 S.W. 127th Avenue, Davie, Florida to 2150 S. Flamingo Road : 1609.64 feet

This Survey has been prepared for the exclusive use of the entities named hereon and do not extend to any unnamed parties.
NOT valid without the signature & raised seal of a Florida licensed surveyor & mapper

Richard J. Minguell
Registered Land Surveyor & Mapper
No. 6402, State of Florida


LOCATION MAP
TABULAR DATA
BUILDING SETBACKS
PROPERTY INFORMATION
HANDICAPPED PARKING DETAIL
ADJACENT PROPERTIES
DERM CROSS SECTION
10' LANDSCAPE BUFFER DETAIL 1
20' LANDSCAPE BUFFER DETAIL 2
LOT 181 LESS THE EAST 276' THEREOF
THE EAST 276' OF LOT 181
LOT 182
LOT 180
EXIT ONLY
C/L SW 127 th AVE. (50' ROW)
(DIRT ROAD)
SITE PLAN
THE VIETNAMESE BUDDHIST CENTER OF FORT LAUDERDALE, FLORIDA
SITE PLAN
SP1



N
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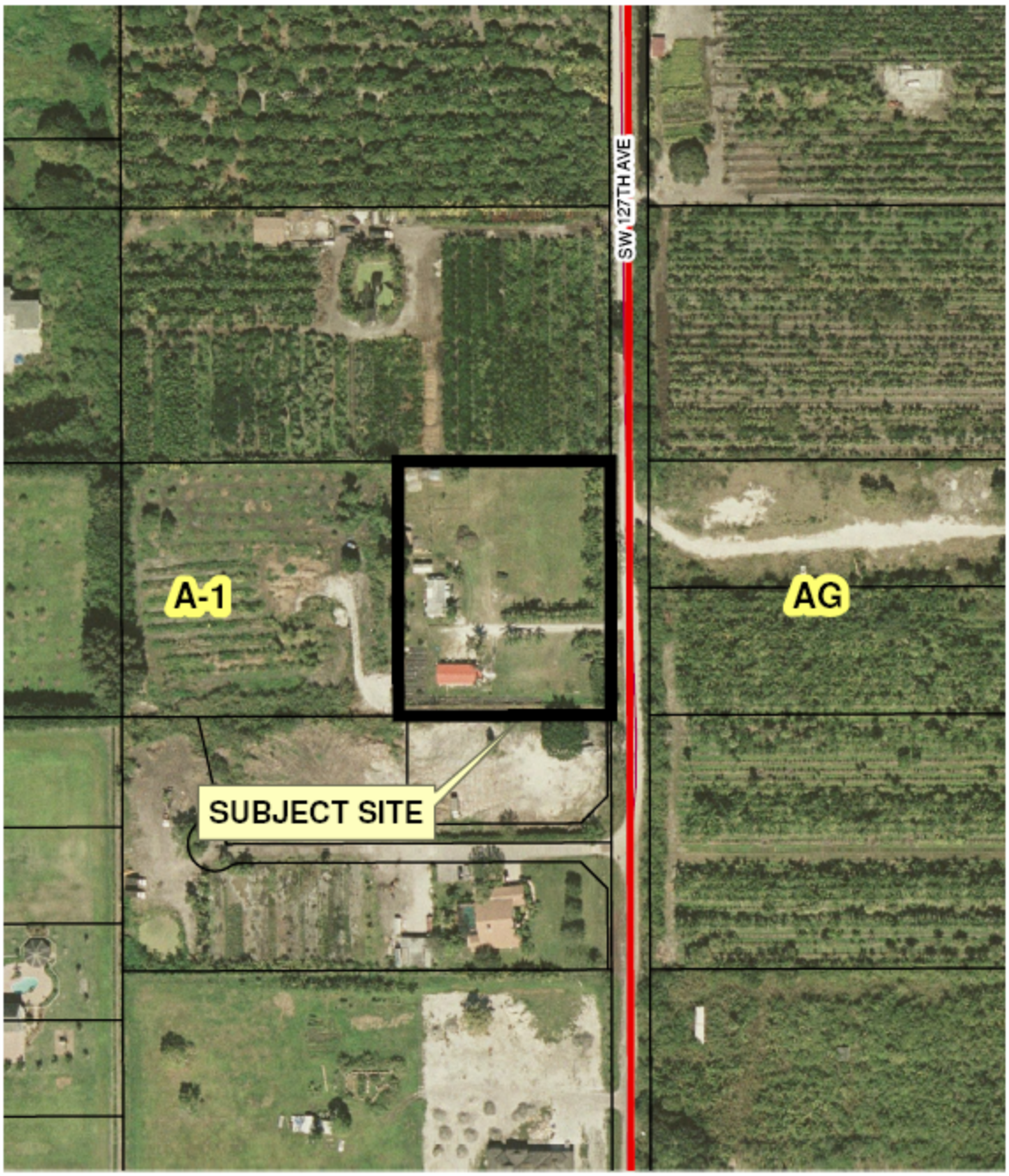
0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

REZONING
ZB 9-2-05
Future Land Use Map

Prepared by: ID
Date Prepared: 9/5/06



Date Flown:
12/2004

N
W E
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0 100 200 400
Feet

Prepared by the Town of Davie GIS Division

REZONING
ZB 9-2-05
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 9/5/06

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