5.5
PUBLIC HEARING

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Development Services Director / (954) 797-1101

PREPARED BY: Maria C Sanchez, Planner II

SUBJECT: Quasi Judicial Hearing: Rezoning Application, ZB 2-1-08/08-54/New Life Assembly of God/8151 Stirling Road

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-08, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-08, New Life Assembly of God, 8151 Stirling Road) {Approved on First Reading July 2, 2008. The vote was as follows: Mayor Truex - yes; Vice Mayor Luis - yes; Councilmember Starkey - yes; Councilmember Caletka - no; Councilmember Crowley - yes}

REPORT IN BRIEF: The petitioner (John D. Voigt) requests to rezone the subject site from B-2, Community Business District, to CF, Community Facilities District. The 11.8 acres (512,963 sq. ft.) is currently vacant land. Approval of this request will allow the property to be used to build a house of worship and a family life center. According to the Land Development Code, the subject site meets the minimum technical requirements for the CF, Community Facilities District zoning classification, as the minimum lot size required is 43,560 square feet (1 acre), and a minimum lot frontage of 100 feet. The rezoning request is in conformance with all applicable Codes and Ordinances and is consistent with surrounding land use designations.

PREVIOUS ACTIONS: At the July 2, 2008 Town Council meeting, rezoning application (ZB 2-1-08, New Life Assembly of God) was approved on first reading. **(Motion carried 4-1, Councilmember Caletka opposed)**

CONCURRENCES: Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Capozzoli – no; Ms. Turin – yes. Motion carried 3-2

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

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

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-08, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS 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:** B-2, Community Business District **TO:** CF, Community Facilities District; and

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 B-2, Community Business 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.

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 _____, 2008.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2008.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2008.

Exhibit "A"
Application: ZB 2-1-08/08-54/New Life Assembly of God
Original Report Date: 5/16/08 **Revision(s):**

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:
Name: Lantana Square Shopping Center, Ltd.
Address: 8151 Stirling Road
City: Davie, Florida 33328
Phone: (954) 420-1001
Fax: (954) 475-4002

Petitioner:
Name: John D. Voigt
Address: 31177 S.E. 3rd Avenue
City: Fort Lauderdale, Florida, 33316
Phone: (954) 762-3400
Fax: (954) 468-1469

Background Information

Date of Notification: June 4, 2008 **Number of Notifications:** 141

Petitioner's Request: Rezone subject property
FROM: B-2, Community Business District
TO: CF, Community Facilities District

Address: 8151 Stirling Road

Location: Generally located on the northeast corner of Stirling Road and SW 82nd Avenue, approximately 670' west of South University Drive

Future Land Use Plan Map: Commercial

Existing Zoning(s): B-2, Community Business District

Proposed Zoning(s): CF, Community Facilities District

Existing Use(s): Vacant Land

Parcel Size: Approximately 11.8 acres (512,963 sq. ft.)

Proposed Use(s): House of worship, family center and associated parking

	Surrounding Uses:	**Surrounding Land Use Plan Designation:**
North:	Vacant Land	Commercial
South:	Cooper City	Cooper City
East:	Home Depot	Commercial
West:	Vacant Land and the Jewish Community Center	Residential (3.0 DU/AC)

	Surrounding Zoning:
North:	B-2, Community Business District
South:	Cooper City
East:	B-2, Community Business District
West:	A-1, Agricultural District and CF, Community Facilities

Zoning History

Related Zoning History: Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Concurrent Requests on Same Property:
Variance Application (V 5-1-08), this application is to request a variance from the Land Development Code section 12-34 (DD), Churches, Houses of Worship requiring a minimum distance between freestanding houses of worship to be no less than 2500'; to: Reduce the requirement so that the proposed house of worship is located 1,445.64' from a house of worship located at 5490 Pine Island Road and 273.98' from another house of worship located at 8530 Stirling Road.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezonings and Variances, the purpose of this division is to guide the processing and granting of rezonings and variances in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 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 2,500' 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 10. Planning Area 10 is bound by Griffin Road on the north, SW 76 Avenue on the east, Pine Island Road on the west, and Stirling Road on the south. This planning area has commercial development that is mainly located over the Griffin Road, University Drive and Stirling Road corridors. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses.

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 7-2:
The Town Shall endeavor to expand its economic base through expansions of the commercial sector of its economy.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: T*he (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.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Application Details

The petitioner requests to rezone the subject site from B-2, Community Business District, to CF, Community Facilities District in order to build the New Life Assembly of God which is a house of worship and a family life center. The proposed family life center is to be a two-story building with a total of 40,000 square feet. The house of worship is also planned to be a two-story building totaling 40,000 square feet, and with capacity to hold 2,500 people. Additionally, the site would also include a three story parking garage, surface parking, and a courtyard area.

The subject site is located on the northeast corner of Stirling Road and SW 82nd Avenue, approximately 670' west of South University Drive. The existing adjacent zoning districts to the north and east consist of B-2, Community Business District. To the west, the adjacent zoning districts are A-1, Agricultural District and CF, Community Facilities, and the property immediately to the south is within Cooper City. Adjacent future land use plan map designations are Commercial to the north and the east, and Residential 3.0 DU/Acre to the west.

A variance application (V 5-1-08) has been submitted concurrently with this rezoning application. The variance request is to reduce the 2,500' minimum separation between houses of worship so that the proposed New Life Assembly of God can be located 1,445.64' from a house of worship located at 5490 Pine Island Road and 273.98' from a house of worship located at 8530 Stirling Road.

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 petitioner conducted meetings with the public at the Town of Davie Community Room on April 8, 2008 and April 11, 2008. Attached is the petitioner's Citizen Participation Report.

Staff Analysis

The purpose of this rezoning request is to allow the proposed 80,000 square feet New Life Assembly of God to have the required CF, Community Facilities District, zoning district designation. According to the Land Development Code, the 11 acre site meets the 43,560 square feet (approximately 1.0 acres) minimum lot area requirement and the minimum 100' frontage requirement of the CF, Community Facilities District.

The following information is staff's analysis *(italic font*) based on the criteria established in the Town of Davie's, Land Development Code, Section 12-307(A)(1) for rezoning applications:

(a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Comprehensive Plan allows community facilities to be permitted in land use categories other than the Community Facilities category, provided that such development is compatible with and does not adversely affect the development of the surrounding land for designated purposes.

(b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Rezoning the subject site from B-2, Community Business District, to CF, Community Facilities District would allow a house of worship and a family life center on the subject site. This proposed rezoning is considered to be related and compatible with the adjacent zoning district A-1, Agricultural, and CF, Community Facility to the west and B-2, Community Business District to the north and east.

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

The existing B-2, Community Business District boundaries are logically drawn and are part of a larger commercial node at a major intersection

(d) The proposed change will adversely affect living conditions in the neighborhood;

Rezoning the parcel from B-2, Community Business District, to CF, Community Facilities District is not expected to adversely affect living conditions in the neighborhood. 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 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;

Although the peak hour traffic impacts are different, rezoning the parcels from B-2, Community Business District to Development to CF, Community Facilities District would probably generate less traffic overall as compared to currently allowed commercial uses. All potential traffic impacts must be addressed as part of the site plan or plat applications.

(f) The proposed change will adversely affect other property values;

Considering the current commercial uses allowed with the B-2 Zoning, it is not expected that the proposed change will adversely affect other surrounding property values.

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

The proposed change is not expected to be a significant deterrent to the improvement or development of surrounding uses.

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

Rezoning the subject site does not give the owner a unique benefit that harms the welfare of the general public.

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

Staff is not aware of any substantial reasons why the property cannot be used in accord with the existing zoning.

(j) The proposed rezoning is 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.

Although the CF district is among the acceptable districts for implementing the Commercial Future Land Use Designation and is not inherently incompatible with the adjacent uses in the area, because most of the uses permitted within the CF district are non-profit, the proposed change could remove a significant portion of this commercial "node" from the tax roll.

Staff Recommendation

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

Planning and Zoning Board Recommendation

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Capozzoli – no; Ms. Turin – yes. Motion carried 3-2

Town Council Action

At the July 2, 2008 Town Council meeting, rezoning application (ZB 2-1-08, New Life Assembly of God) was approved on first reading. **(Motion carried 4-1, Councilmember Caletka opposed)**

Exhibits

1. Justification Letter
2. Sketch and Legal Description
3. Proposed Site Plan
4. 1,000' Mail out Radius Map
5. Property Owners within 1,000' of the Subject Site
6. Public Participation Notice
7. Public Participation Sign-in Sheet
8. Public Participation Summaries
9. Future Land Use Plan Map
10. Aerial, Zoning, and Subject Site Map

Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\ZB_Rezoning\ZB_08\ZB 2-1-08 New Life Assembly of God

Exhibit 1 (*Justification Letter*)

Applicant: Lantana Square Shopping Center, Ltd./
C. William Laystrom, Jr./John D. Voigt
Project: New Life Assembly of God
Date : May 7, 2008

AMENDED
JUSTIFICATION STATEMENT
FOR REZONING REQUEST

The subject site contains approximately 11.0 acres that is currently vacant land. The property is located on the northeast corner of Stirling Road and S.W. 82nd Avenue. Immediately to the east of the subject property is the University Creek Plaza and Home Depot, both of which front University Drive. To the north of the property are the parking lots for the shopping center and vacant land. To the south of the property is Stirling Road, a divided arterial highway. Across Stirling Road to the south is land which is also predominantly vacant. Immediately to the west of the subject property is S.W. 82nd Avenue. Across S.W. 82nd Avenue is vacant land and the Jewish Community Center Campus. In the near vicinity is the residential neighborhood known as Davie Lake Estates.

Future land use for the subject property is commercial and the property is currently zoned B-2. The owner/applicant proposes to rezone the property to Community Facility (CF) for the purpose of building the New Life Assembly of God Worship Center and Family Life Center. The proposed facility would include a church, classrooms, family center, and a small school. These items would be phased in over a period of several years. Phase I calls for construction of the Family Life Center consisting of two stories with a total of 40,000 square feet. Phase II is scheduled as construction of the Worship Center, which again would be a two story building totaling 40,000 square feet. The proposed sanctuary and the Worship Center would seat 2,500 people with adequate parking provided for all. The site would also include a courtyard area and adequate dry and wet retention areas including a lake. Initially, there would be classrooms for approximately 100 students ranging in age from pre-k through 1st grade.

At this time, the applicant is filing only the rezoning application, although a conceptual site plan has been prepared and will be submitted in support of the rezoning request. In addition, the applicant would seek to limit by a deed restriction the other community facility uses to insure that the property could only be

utilized for the purpose of a church and ancillary school and related uses. Concurrently with this application, the applicant is filing a variance application seeking relief from the 2,500 foot distance separation requirement between freestanding houses of worship.

A review of the rezoning request should include a consideration of the criteria listed in Section 12-307(A)(1) of the Town of Davie Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): Whether the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

The subject property lies within Planning Area 10, which is predominantly commercial in nature. The Town of Davie Comprehensive Plan does state, however: "There are a number of community facilities located in this planning area, including churches, community centers, and governmental facilities..." The future land use of the subject site is commercial, but community facilities are allowed in all land use designations within the Town of Davie. Clearly a church/house of worship/family center is considered a community facility and is, therefore, allowed in this land use and in this planning area.

As a result, the rezoning request is consistent with the adopted comprehensive plan and satisfies this criterion.

Criterion (b): Whether the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby zoning districts.

The requested rezoning B-2 to CF is consistent in that it provides a transitionary zoning category between the residential and community facility to the west and the commercial to the east. Since the comprehensive plan indicates that community facilities are compatible with all zoning and land use districts, the proposed development is compatible with both the commercial use to the east and residential and community facility uses to the west.

As a result, the requested rezoning does not create an isolated zoning district and, therefore, satisfies this criterion.

Criterion (c): Whether existing zoning districts are illogically are illogically drawn in relation to existing conditions on the property proposed for change.

While the existing zoning districts are not illogically drawn, the owner of the property has determined that the future best use of the property is as a community facility. The owner/applicant has developed most of the commercial centers beginning at the northwest corner of Stirling Road and University Drive and continuing northward along University Drive for quite a distance. The owner/applicant originally intended to develop this parcel as an additional commercial shopping center, but has found that the need does not exist. In actuality, the owner/applicant has discovered that the need for a community facility location does exist and this is an ideal location for such a facility.

As a result, the proposed rezoning should adequately address this criterion.

Criterion (d): Whether the proposed change will adversely affect living conditions in the neighborhood.

The only nearby residential neighborhood that could be impacted is Davie Lake Estates to the west. Initial meetings with residents and the homeowners association of Davie Lake Estates indicate that they are in favor of the proposed rezoning and construction of the New Life Assembly of God. The residents do not want additional commercial development and greatly prefer the community facility use over another commercial shopping center.

As a result, the requested rezoning satisfies this criterion.

Criterion (e): Whether 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.

The proposed community facility would create substantially less traffic than would the approved B-2 commercial shopping center. Commercial land use normally generates the highest volume of traffic and vehicles per square foot. Community facility traffic generations are far less and tend to generate traffic only at off-peak hours. The church's expected main times of operation are Sunday morning and Wednesday night at times when typical commuter

traffic is no longer on the roadways.

As a result, the proposed rezoning satisfies this criterion.

Criterion (f): Whether the proposed change will adversely affect other property values.

It is not anticipated that the proposed rezoning from commercial to community facility will either increase or decrease surrounding property values, but should rather have a neutral effect. The residents of Davie Lake Estates, however, greatly prefer the community facility use over another commercial shopping center. This would indicate that they do not anticipate that their property values will be adversely affected by the rezoning to community facility, but might be by the use as currently permitted for a B-2 shopping center.

As a result, the requested rezoning satisfies this criterion.

Criterion (g): Whether the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

As indicated in response to Criterion (f) above, the proposed rezoning should not be a deterrent to improvement or development of other property, but rather should have a neutral impact. The rezoning is utilizing vacant land to the rear of two commercial shopping centers that the owner/applicant had been attempting unsuccessfully to develop for some time. The proposed rezoning will allow for the immediate development of the subject property and should not impact properties around it in any fashion.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (h): Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed rezoning request is consistent with the Town fo Davie comprehensive plan and future land use and, therefore, would not constitute a grant of special privilege to an individual owner. Rather, the requested change is within the boundaries of the adopted regulations and is consistent with the land use to the west where the Jewish Community Center is located.

As a result, the requested rezoning satisfies this criterion.

Criterion (i): Whether there are substantial reasons why the property cannot be used in accordance with the existing zoning.

The property is currently vacant and is zoned B-2 for commercial shopping center use. While there are not substantial reasons that the property cannot be used for B-2 zoning, the owner/applicant has attempted to develop it in accordance with the existing zoning and land use for some time and has found it to be financial unfeasible. As a result, the owner has determined that the highest and best use for the property is to sell the property to a community facility use.

As a result, the requested rezoning adequately satisfies this criterion.

Criterion (j): Whether 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.

The requested rezoning is entirely consistent with the Town's land use designation on the future land use map and the Town of Davie comprehensive plan in that community facilities are allowed in all land use categories. As a result, it is assumed that this is an appropriate zoning designation, although it certainly will not enhance the Town's tax base, but will rather slightly diminish that tax base. Unfortunately, if this criterion was controlling, then there would never be any community facility uses allowed in the Town of Davie. Federal legislation has recognized that religious institutions are to be given preferential consideration in zoning requests due to these difficulties and limitations.

As a result of the existing status of the law, the requested rezoning satisfies this criterion.

As has been demonstrated, the requested rezoning from B-2 to CF is consistent with the Town of Davie Comprehensive Plan, the Town's Future Land Use Map, and adequately addresses all the criteria contained in the Land Development Code. As a result the proposed rezoning request merits favorable consideration.

Exhibit 2 (*Sketch and Legal Description*)

LAND DESCRIPTION:

ALL OF PARCEL 'A', MJB/DAVIE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 173, PAGE 32, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID MJB DAVIE I PLAT; THENCE NORTH 88°04'33" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°04'33" EAST, A DISTANCE OF 335.58 FEET; THENCE SOUTH 01°54'23" EAST, A DISTANCE OF 413.08 FEET; THENCE NORTH 87°28'45" EAST, A DISTANCE OF 264.43 FEET TO A POINT ON THE WESTERLY LIMITS OF TRACT 'A', STERLING TRAIL WEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 123, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 01°54'15" EAST, ALONG THE WESTERLY LINE OF THE SAID TRACT 'A', A DISTANCE OF 615.20 FEET; THENCE SOUTH 42°56'20" WEST, A DISTANCE OF 22.69 FEET; THENCE SOUTH 86°26'33" WEST, A DISTANCE OF 11.57 FEET; THENCE NORTH 84°28'02" WEST, A DISTANCE OF 75.95 FEET; THENCE SOUTH 86°26'33" WEST, A DISTANCE OF 127.38 FEET; THENCE SOUTH 87°46'51" WEST, A DISTANCE OF 89.62 FEET; THENCE SOUTH 02°13'09" EAST, A DISTANCE OF 12.00 FEET; THENCE NORTH 88°22'35" WEST, A DISTANCE OF 100.72 FEET; THENCE SOUTH 87°46'51 WEST, A DISTANCE OF 150.00 FEET; THENCE NORTH 47°05'57" WEST, A DISTANCE OF 42.53 FEET; THENCE NORTH 01°54'18" WEST, A DISTANCE OF 1007.48 FEET TO THE POINT OF BEGINNING.

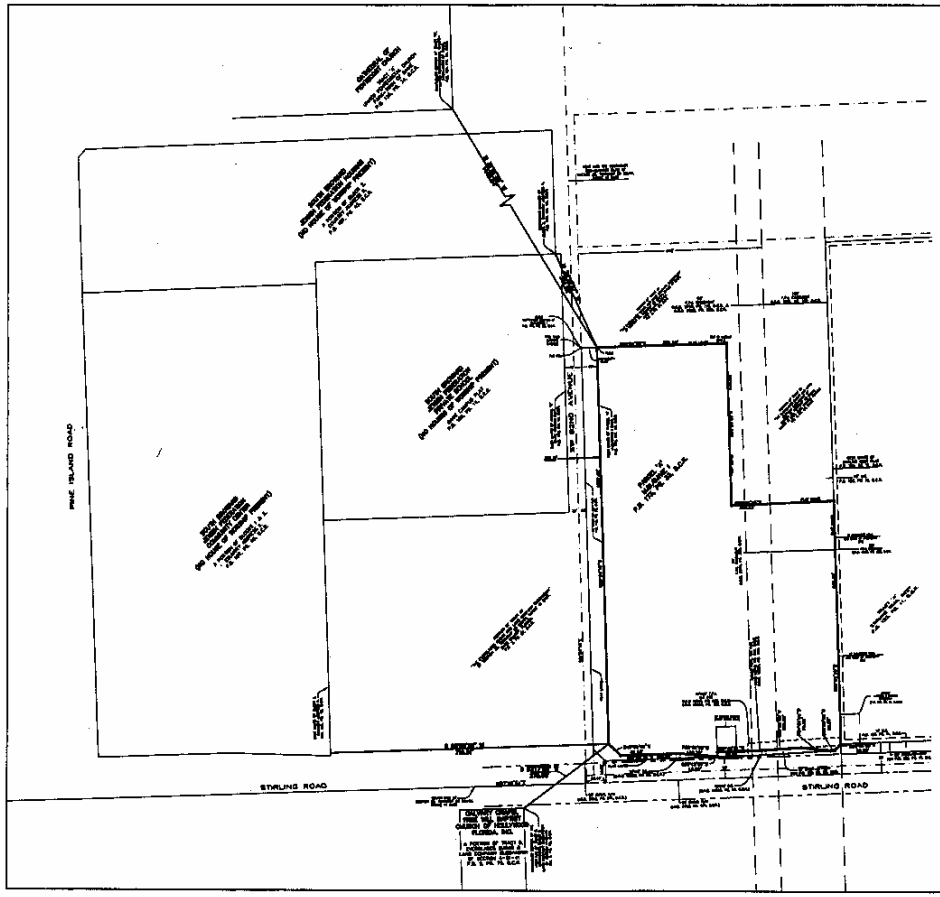
SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA. CONTAINING 512,963 SQUARE FEET (11.8 ACRES) MORE OR LESS.

LEGEND:

PB. – PLAT BOOK
PG. – PAGE
B.C.R. – BROWARD COUNTY RECORDS
D.C.R. – DADE COUNTY RECORDS
O.R.B. – OFFICIAL RECORDS BOOK
U.E. – UTILITY EASEMENT
D.E. – DRAINAGE EASEMENT
FP&L – FLORIDA POWER & LIGHT
℄ – CENTERLINE
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
PRM – PERMANENT REFERENCE MONUMENT

SURVEY NOTES:

1. THIS SURVEY HAS BEEN PREPARED TO SATISFY THE REQUIREMENTS OF THE TOWN OF DAVIE CODE, SECTION 12–34 DETAILED USAGE PERTAINING TO CHURCHES. THIS CODE SECTION STATES THAT THE



LEGEND

P.B. - PLAT BOOK
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D.E. - DRAINAGE EASEMENT
F.P.&L. - FLORIDA POWER & LIGHT
℄ - CENTERLINE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
P.R.M. - PERMANENT REFERENCE MONUMENT

SURVEY NOTES

1. THIS SURVEY HAS BEEN PREPARED IN SUBJECT TO REQUIREMENTS OF THE "STANDARDS OF PRACTICE" AS SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. THIS SURVEY MAY BE SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, WHICH MAY BE DISCLOSED BY A TITLE SEARCH OR TITLE OPINION, NOT PERFORMED BY OR MADE KNOWN TO THE UNDERSIGNED SURVEYOR. ALL EASEMENTS OF RECORD OR OF PUBLIC RECORD ARE NOT SHOWN ON THIS SURVEY UNLESS OTHERWISE SPECIFIED.
2. THERE ARE NO OBVIOUS BUILDING OR FUEL PUMP ISLANDS WITHIN TEN FEET OF THE PROPERTY SHOWN HEREON AS PARCEL "A", SUBDIVISION 1 PLAT BOOK 173, PAGE 24, BROWARD COUNTY RECORDS.
3. UNDER SUBDIVISION RULES AND REGULATIONS FOR PARCEL "A"-1974, A DRAINAGE EASEMENT OF BROWARD COUNTY IS REQUIRED.
4. THERE MAY BE ADDITIONAL INFORMATION CONTAINED WITHIN THE PUBLIC RECORDS THAT MAY AFFECT THIS PROPERTY.
5. BEARING REFERENCE: THE BEARINGS ON SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SUBDIVISION PLAT "SUBDIVISION OF PARCEL "A" - 1974" AS RECORDED IN PLAT BOOK 173, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND HAVE A BEARING OF N 01°30' 00"E.
6. DATE OF LAST FIELD WORK: APRIL 12, 2006.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, TO BROWARD COUNTY AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET TITLE
BOUNDARY SURVEY

REVISIONS

PILLAR CONSULTANTS, INC.
Consulting Engineers, Planners, Surveyors, Construction Management, General Contracting
5530 S. University Drive - Suite 104
Davie, Florida 33328
Phone: (954) 680-1533 Fax: (954) 680-1533
F.E. # 28481

NEW LIFE ASSEMBLY CHURCH
STIRLING ROAD
BROWARD COUNTY, FLORIDA

SCALE: 1"=100'
DATE: 04/18/06
DRAWN BY: TKF
SHEET No. 1
070058

Exhibit 3 ***(Proposed Site Plan)***

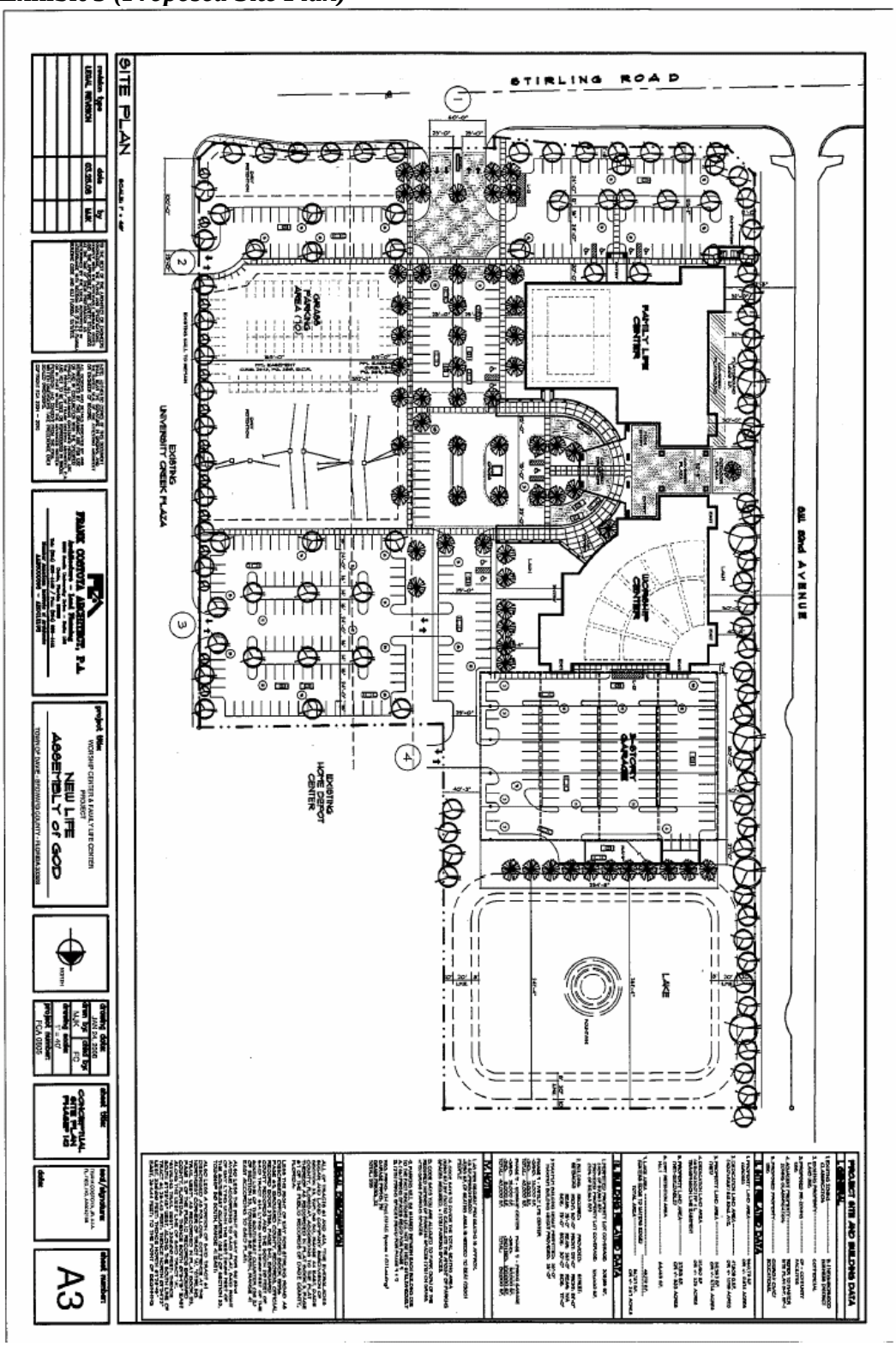
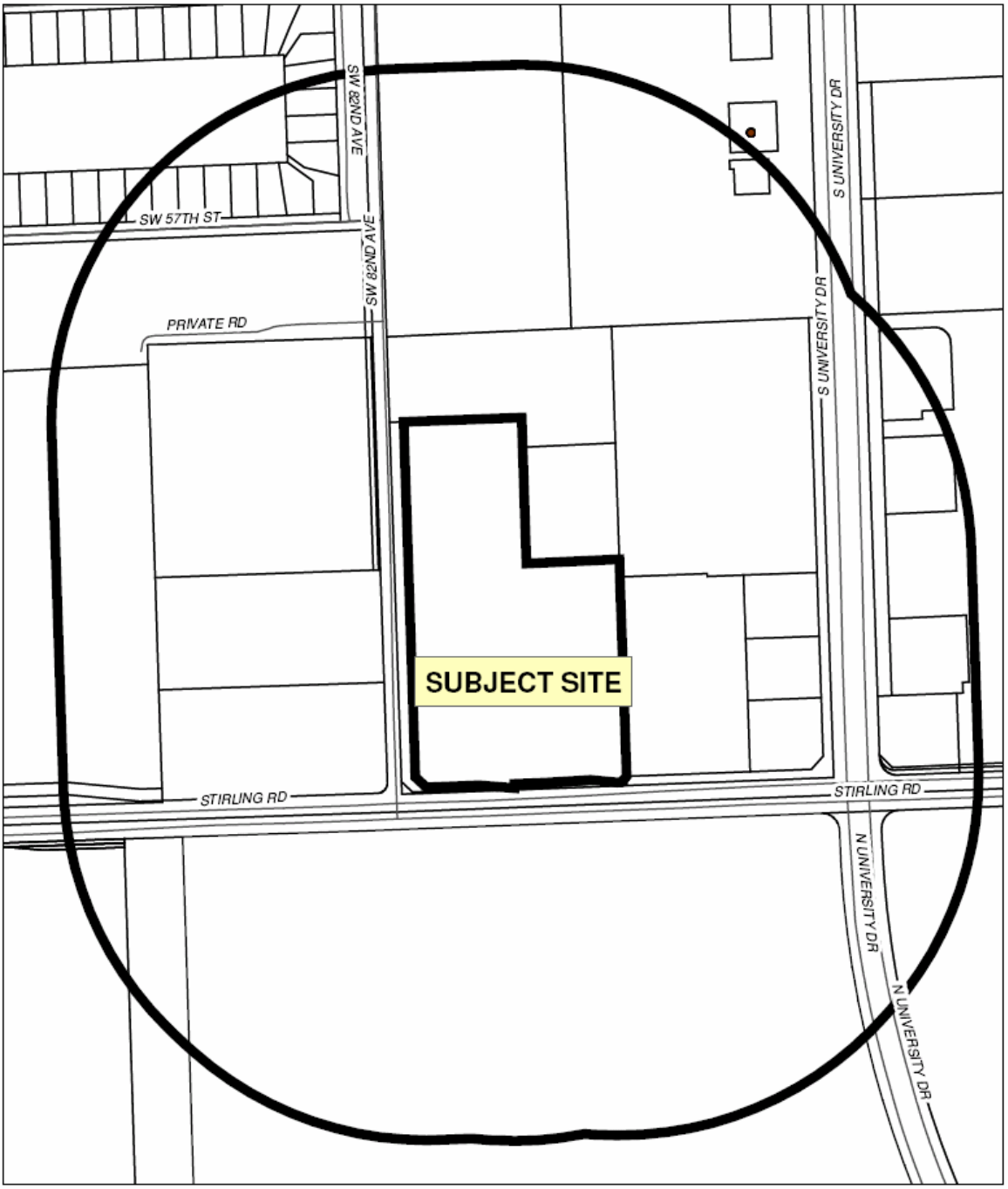


Exhibit 4 ***(1,000' Mail out Radius Map)***



Date Flown:
12/2006

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Feet

Prepared by the Town of Davie GIS Division

Rezoning
ZB 2-1-08

1000 Foot Buffer

Prepared by: ID
Date Prepared:3/10/08

Exhibit 5 *(Property Owners within 1,000' of Subject Site)*

ZB 2-1-08
APPEL,ALAN J & CHERYL L
8321 SW 57TH ST
DAVIE FL 33328-6014

ZB 2-1-08
CENTRAL BROWARD WATER CONTROL DISTRICT
8020 STIRLING ROAD
HOLLYWOOD FL 33024

ZB 2-1-08
GRESELY,LUIS A & MARIA T
5631 SW 82ND AVE
DAVIE FL 33328-6001

ZB 2-1-08
HOYT,GENE A & TERRI L
12301 NW 4TH ST
PLANTATION FL 33325-2425

ZB 2-1-08
LANTANA SQUARE SHOPPING CTR LTD
1645 SE 3 CT STE 200
DEERFIELD BEACH FL 33441

ZB 2-1-08
NAUGLE'S NURSERY INC
5001 SW 82ND AVE
DAVIE FL 33328-4414

ZB 2-1-08
SHORTYS II INC
9150 SW 87TH AVE STE 205
MIAMI FL 33176-2313

ZB 2-1-08
SOUTH BROWARD JEWISH FED HOUSING
5701 SW 82 AVENUE
DAVIE FL 33328-6021

ZB 2-1-08
STENA INC
8861 N LAKE DASHA DR
PLANTATION FL 33324-3029

ZB 2-1-08
UNIVERSITY CREEK ASSOC I LTD
% SOUTHEAST PROP ASSOC
1645 SE 3RD COURT SUITE 200
DEERFIELD BEACH FL 33441

ZB 2-1-08
ASHLEY,IVAN K & BETH
5591 SW 82ND AVE
DAVIE FL 33328-5207

ZB 2-1-08
CIACCI,JOSEPH &
CIACCI,HONG YING LISA
8201 SW 57 ST
DAVIE FL 33328-6018

ZB 2-1-08
HOME DEPOT U S A INC
% NW BLDG C 20 FLR
2455 PACES FERRY ROAD
ATLANTA GA 30339

ZB 2-1-08
JEWISH FEDERATION OF BROW CO
5890 S PINE ISLAND RD
DAVIE FL 33328

ZB 2-1-08
MARINO,JOSE L &
MARINO,SANDRA
8221 SW 57 ST
DAVIE FL 33328-6018

ZB 2-1-08
PENA,YOLANDA
5601 SW 82 AVE
DAVIE FL 33328-6001

ZB 2-1-08
SILVERMAN,RICHARD S
8241 SW 57 ST
DAVIE FL 33328-6018

ZB 2-1-08
SPEAR,RACHAEL J TR &
VARAT,CYNTHIA L TR
10026 SW 93 PL
MIAMI FL 33176-3061

ZB 2-1-08
TARGET CORPORATION
% PROP TAX DEPT/T-2022
PO BOX 9456
MINNEAPOLIS MN 55440-9456

ZB 2-1-08
WALDREP ENTERPRISES LTD
3707 NW 110 AVE
OCALA FL 34482

ZB 2-1-08
CALVARY CHAPEL FREE WILL BAPTIST CHURCH OF HWD FLA INC
8530 STIRLING RD
DAVIE FL 33024-8212

ZB 2-1-08
DAVIE SQUARE LLC
1645 SE 3 CT #200
DEERFIELD BEACH FL 33441-4465

ZB 2-1-08
HOOTEN,CHAD &
HOOTEN,PAMELA
8231 SW 57 ST
DAVIE FL 33328-6018

ZB 2-1-08
LAKESIDE TOWN SHOPS (E&A) LLC
1901 MAIN ST STE 900
COLUMBIA SC 29201-2457

ZB 2-1-08
MOBILE OIL CORP
PROPERTY TAX DIVISION
PO BOX 4973
HOUSTON TX 77210

ZB 2-1-08
PEREZ,ANTONIO P & RENELLYS
8211 SW 57 ST
DAVIE FL 33328-6018

ZB 2-1-08
SIMMONS,RONALD J & LINDA T
8301 SW 57TH ST
DAVIE FL 33328-6014

ZB 2-1-08
STEAK N SHAKE OPERATIONS INC
500 CENTRY BUILDING
PO BOX 26088
PLANO TX 75026-0888

ZB 2-1-08
TRAPEZA INC
4151 SW 131 AVE
DAVIE FL 33330

ZB 2-1-08
WERBIN,MARIO
8251 SW 57TH ST
DAVIE FL 33328-6018

ZB 2-1-08
YI,EDUARDO & MARIANA
8311 SW 57 ST
DAVIE FL 33328-6014

ZB 2-1-08
ZAIDI,TAYYAB
1200 NW 10TH AVE
MIAMI FL 33136-2206

ZB 2-1-08
BENEFITS OUTSOURCE INC
800 E HALLANDALE BEACH BLVD
HALLANDALE BEACH FL 33009

ZB 2-1-08
CHEDIAK,GILBERT A &
CHEDIAK,MIRTA
596 NW 164 AVE
PEMBROKE PINES FL 33028

ZB 2-1-08
DAVIE SQUARE OFFICE LLC
1645 SE 3 CT STE 200
DEERFIELD BEACH FL 33441

ZB 2-1-08
FLORIDIAN COMMUNITY HOLDINGS INC
5599 S UNIVERSITY DR
DAVIE FL 33328

ZB 2-1-08
I75 REALTY LLC
5599 S UNIVERSITY DR STE 301
DAVIE FL 33328

ZB 2-1-08
LEVINE,MICHAEL
2915 STIRLING ROAD
FORT LAUDERDALE FL 33312

ZB 2-1-08
PRESENT VALUE INVESTMENTS LLC
347 N NEW RIVER DR STE 301
FORT LAUDERDALE FL 33301

ZB 2-1-08
R&P PROPERTIES LLC
633 SE 3 AVE STE 303
FORT LAUDERDALE FL 33301

ZB 2-1-08
SUNRISE CAPITAL CORP
3201 GRIFFIN ROAD SUITE 206
FORT LAUDERDALE FL 33312

ZB 2-1-08
TLC ENTERPRISES OF S FLORIDA LLC
5599 S UNIVERSITY DR # 202
FORT LAUDERDALE FL 33328

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Current Occupant
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5812 Pine Island Rd
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5601 SW 82 Ave
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5900 SW 82 Ave
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5850 SW 82 Ave
Davie, FL 33328

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Current Occupant
5710 SW 82 Ave
Davie, FL 33328

ZB 2-1-08
Current Occupant
5990 S University Dr
Davie, FL 33328

ZB 2-1-08
Current Occupant
8530 Stirling Rd
Davie, FL 33024

Exhibit 6 ***(Public Participation Notice)***

LAW OFFICES
DOUMAR, ALLSWORTH, LAYSTROM,
VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
KAREY L. BOSACK, P.A.
RAYMOND A. DOUMAR, P.A.*

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN

1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33316-1109
BROWARD (954) 762-3400
TOLL FREE (866) 242-9488
TELEFAX (954) 525-3423
WEBSITE: DACLLAW.COM

C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
ANDRE PARKE, P.A.
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.†

OF COUNSEL
WILLIAM S. CROSS, P.A.
JOHN W. PERLOFF, P.A.

MEETING NOTICE

March 26, 2008

Re: Citizen Participation Plan Meeting for:
New Life Assembly of God Rezoning Application
Project Number: ZB2-01-08

Dear Neighbor:

This letter is to invite you to a citizen participation meeting relating to a proposed rezoning for a parcel located on the northwest corner of University Drive and Stirling Road in the westernmost portion of the University Creek Plaza shopping center. The property is currently zoned for commercial development, but has been purchased by the church which seeks to rezone the property to community facility to allow for a house of worship in lieu of the commercial development. Enclosed is a map showing the area of the property subject to the rezoning application. A detailed conceptual site plan will be available at the meetings or can be provided to you upon request to the undersigned.

Under a Town of Davie ordinance, the petitioner is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior the Town initiating their review of the application. We have scheduled the following meetings.

First Citizen Participation Meeting

Date: Tuesday, April 8, 2008
Time: 7:00 p.m.
Location: Town of Davie
Town Hall Community Room

Second Citizen Participation Meeting

Date: Friday, April 11, 2008
Time: 6:00 p.m.
Location: Town of Davie
Town Hall Community Room

EXHIBIT "C"

If you wish to submit written comments, please send them to:

John D. Voigt
Attorney for Applicant
1177 S.E. 3rd Avenue
Fort Lauderdale, FL 33316
(954) 762-3400

or

Maria Sanchez, Planner II
Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314
(954) 797-1088

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,

JOHN D. VOIGT
For the Firm

Attachments: Location Maps

Exhibit 7 ***(Public Participation Sign-in Sheets)***

(MEMBERS OF TOWN COUNCIL MAYBE PRESENT)
SIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

NEW LIFE REZONING

(*Date*)
TUES, APRIL 8, 2008
@ 7:00pm

NAME	ADDRESS	PHONE
JOHN VOIGT	ATTORNEY FOR APPLICANT 1177 SE 3RD AVE. FT. LAUD, FL.	954-762-3400
Rev. MARIA KHALEEL	NEW LIFE ASSEMBLY OF GOD 7885 PINES BLVD PEMBROKE PINES FL 33024	954-981-6405
Tom Truex	Town of Davie	954-792-6800
JAY GEISERMAN	1851 SE 4th ST DEERFIELD BCH, FL	954.420.1001
Francisco Costola PROJECT ARCHITECT	52365 UNIV DR. SUITE 103 DAVIE, FL	954.680.4480 786.407.1482
SORAYA NOBLES	NEW LIFE	954-655-7880

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II.

NEW LIFE REZONING

(Date)
FRI, APRIL 11, 2008
@ 6:00pm

NAME	ADDRESS	PHONE
JOHN VOIGT	ATTORNEY FOR APPLICANT	
REV. MARIA KHALEEL	REPRESENTATIVE OF APPLICANT	
JAY GEISERMAN	PROPERTY OWNER'S REPRESENTATIVE	
JAY EVANS	PROJECT ENGINEER	
SORAYA NOBLES	APPLICANT REPRESENTATIVE	

Exhibit 8 (Public Participation Report)

SUMMARY OF
PUBLIC PARTICIPATION MEETINGS

April 16, 2008

Ms. Maria Sanchez, Planner II
Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

Re: Citizen Participation Plan for:
New Life Assembly of God Rezoning Application
Project Number: ZB2-1-08

Dear Ms. Sanchez:

Please be advised that as required by the Town of Davie, Land Development Code, Chapter 12, Division 7, we, as attorneys for New Life Assembly of God, advertised and notified all the property owners surrounding the subject property within 1,000 feet, invited them to two (2) Public Participation Meetings, located at the Community Center at Town Hall, Town of Davie, 6591 Orange Drive, Davie, Florida 33314, on Tuesday, April 8, 2008, at 7:00 p.m., and again on Friday, April 11, 2008, at 6:00 p.m. The above scheduled meetings were held, however, none of the Town of Davie property owners attended, although Mayor Truex did attend the first meeting. The following is a summary of the key issues brought up by Town of Davie property owners.

NONE

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING I.

(The following information should be minutes of the first public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the first Public Participation Meeting shall be attached to this section)

The proposed site plan was discussed with Mayor Truex, although no formal presentation was given. No members of the public attended the meeting, although the undersigned did receive the attached e-mail from Eddie Yi, dated March 30, 2008, requesting a copy of the site plan. Also attached you will see an e-mail from our architect, dated March 31, 2008, providing Mr. Yi with the conceptual site plan. Also, the undersigned received a telephone message from Steve DiSalvo, who is the owner of DiSalvo's Pizza located in a nearby shopping center. The undersigned returned his call but never received a call back. It should be noted that counsel for the applicant has made Mr. DiSalvo's acquaintance through prior applications in dealing with the shopping center. The voice mail message did not express any concerns or questions, but merely indicated he was calling about this project.

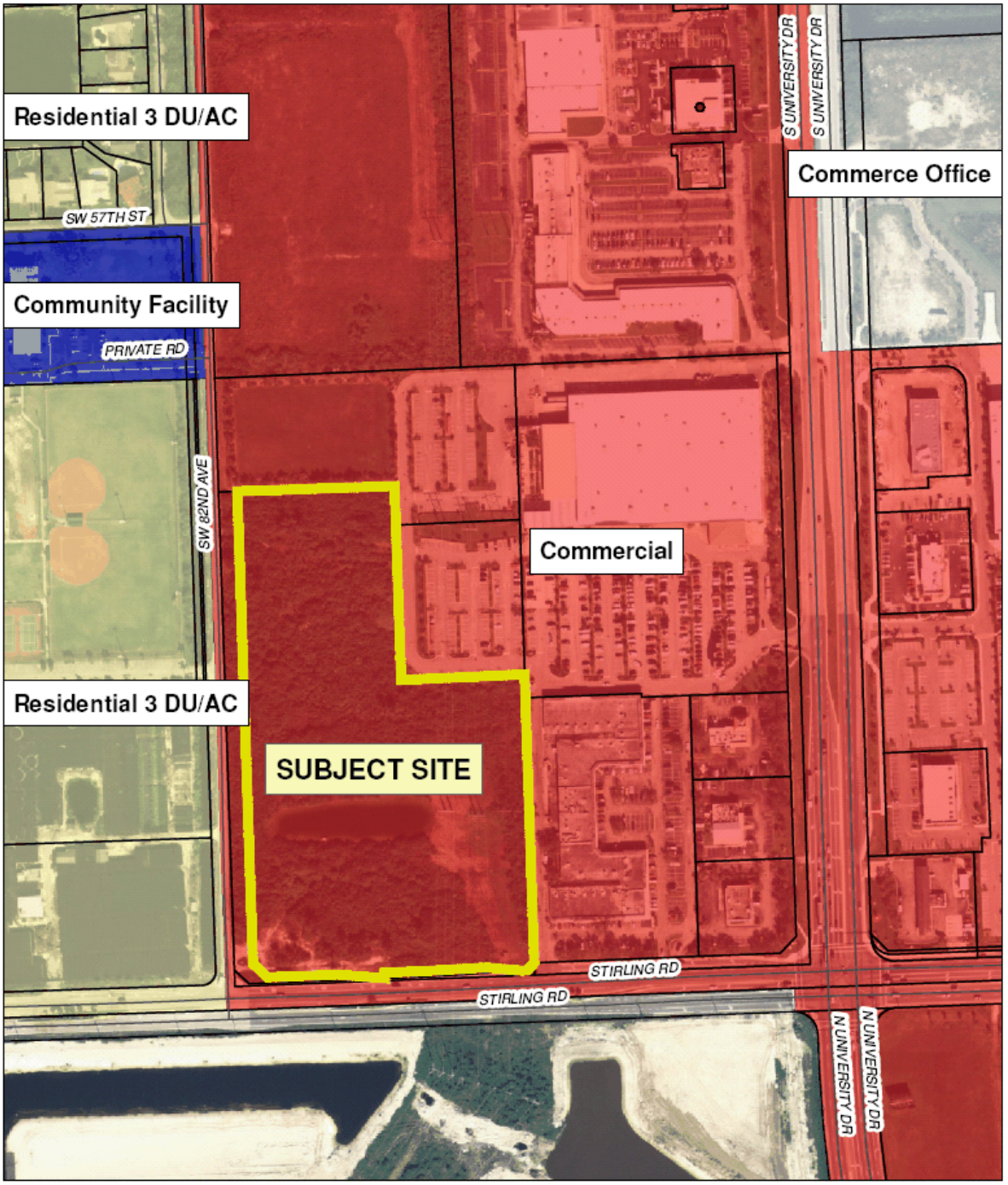
SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING II.

(The following information should be minutes of the second public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the second Public Participation Meeting shall be attached to this section)

No one attended other than development team. As a result no presentation was given and there was no discussion of any issues.

Exhibit 9 (*Future Land Use Map*)



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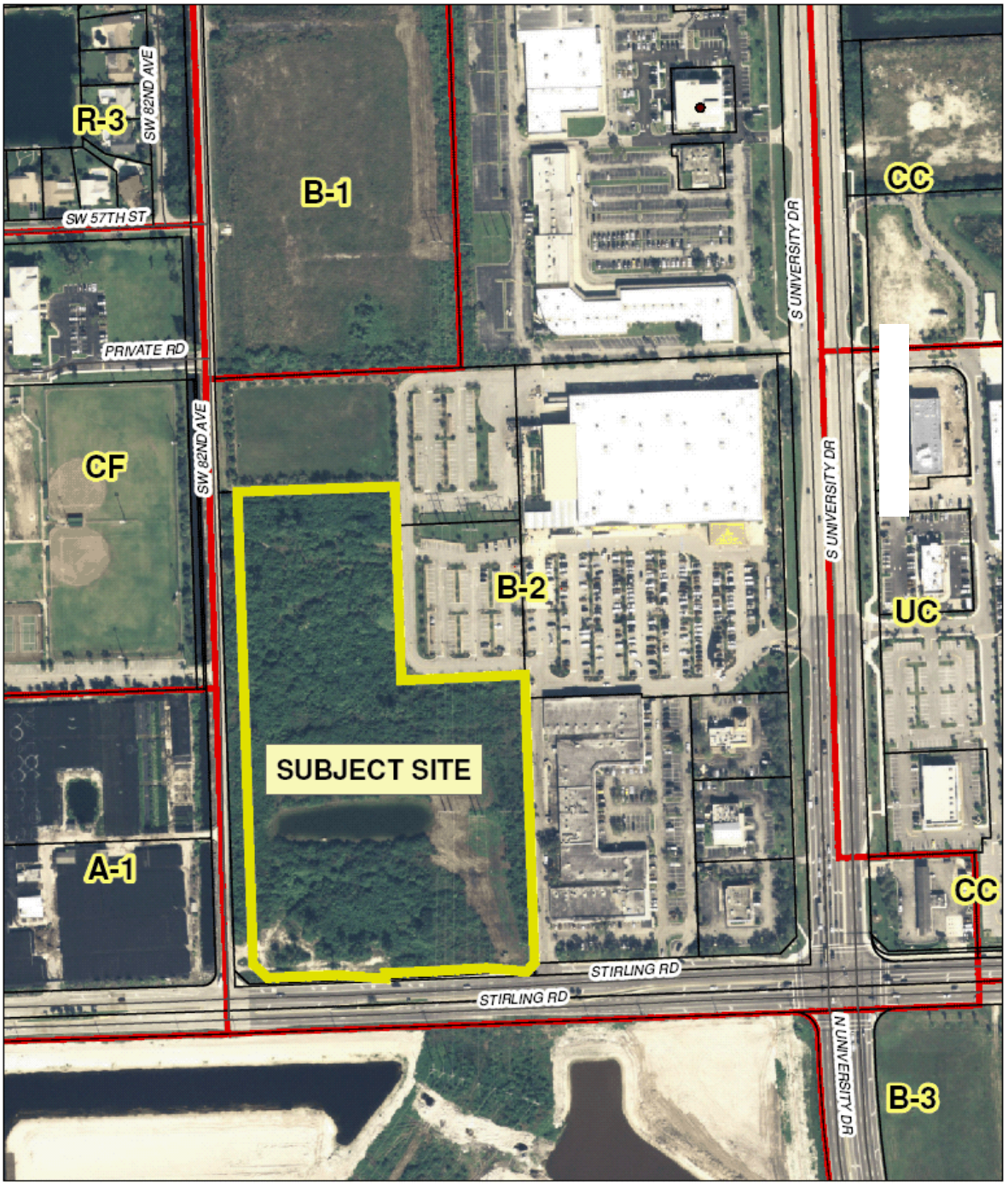
Prepared by the Town of Davie GIS Division

Rezoning
ZB 2-1-08

Future Land Use Map

Prepared by: ID
Date Prepared:3/10/08

Exhibit 10 (*Aerial, Zoning, and Subject Site Map*)



Date Flown:
12/2006

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Prepared by the Town of Davie GIS Division

Rezoning
ZB 2-1-08
Zoning and Aerial Map

Prepared by: ID
Date Prepared:3/10/08