

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark Kutney, AICP/(954) 797-1101
SUBJECT: Rezoning

Project Name and Location: Home Depot University Creek. 5801 South University Drive, generally located on the west side of University Drive, east of SW 82nd Avenue, and north of Stirling Road.

TITLE OF AGENDA ITEM:

ZB 10-1-00 Applicant: Home Depot USA, petitioner/Fidel Farias, and Marc Geiserman, Trustee, owners.

REPORT IN BRIEF:

The applicant requests to rezone the 6.12 acre property from A-1 to B-2 for the construction of a parking lot, retention area and landscaping, all requirements of a new Home Depot store proposed for the parcel to the east zoned B-2. A 165' FPL easement currently exists on the property consuming 2.5 acres of the eastern most portion. The rezoning will provide a consistent zoning designation with the properties to the north (zoned B-1, B-2) and west (zoned B-2). It would also remain consistent with the commercial designation within Broward County's Comprehensive Plan.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board recommended approval of the request at its February 28, 2001 meeting (motion carried 5-0).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Justification letter, Site Plans, Land Use Map, Subject Site Map, Aerial.

Application #: ZB 10-1-00

Revisions: 3/1/01

Exhibit "A":

Original Report Date: 12/1/00

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

APPLICANT INFORMATION

Owner:

Agent:

Name: Marc Geiserman
Address: 1645 SE 3rd CT. Suite 200
City: Deerfield Beach, Fl.
Phone: (954) 421-1001

Name: Home Depot USA
Address: 1600 W. Oakland Park Blvd.
City: Ft. Lauderdale, FL 33311
Phone: (954)777-3123

BACKGROUND INFORMATION

Application Request: To rezone 6.12 acres of property from A-1, Agricultural District to B-2, Community Business Center District.

Address/Location: 5801 South University Drive, generally located on the west side of University Drive east of 82nd Ave north of Stirling Road to the west of the University Creek Plaza.

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District

Existing Use: Residential/Agricultural

Proposed Zoning: B-2, Community Business Center District

Proposed Use: Parking lot, retention, landscaping

Parcel Size: 6.12 acres (266,587 square feet)

Surrounding Land Use:

North: Vacant land

South: Residential dwelling/agricultural

East: University Creek Plaza

West: Residential dwelling/ agricultural/ JCC across 82nd Avenue

Surrounding Zoning:

North: B-1 (Neighborhood Business District), B-2 (Community Business District)

South: A-1, (Agricultural District 1du/ac)

East: B-2, (Community Business Center District)

West: CF, (Community Facility District)

ZONING HISTORY

Related Zoning History: None

Previous Requests on same property: The site plan for the University Creek Plaza was approved by Town Council on May 5, 1985.

DEVELOPMENT PLAN DETAILS

The applicant requests to rezone the 6.12 acre property from A-1 to B-2 for the construction of a parking lot, retention area and landscaping, all requirements of a new Home Depot store proposed for the parcel to the east zoned B-2. A 165' FPL easement currently exists on the property consuming 2.5 acres of the eastern most portion. The rezoning will provide a consistent zoning designation with the properties to the north (zoned B-1, B-2) and west (zoned B-2). It would also remain consistent with the commercial designation within Broward County's Comprehensive Plan.

The property to the south and southeast is currently zoned A-1 occupied by a few single family dwellings with agricultural uses.

Site Area Information:

1. All applicable code requirements will have to be met (open space, parking, buffers, landscaping, etc...) and a full site plan filed. The conceptual site plan attached herto is made part of the rezoning request shall not be deemed as a site plan approval.
2. Access to the site will be provided via University Drive.

Applicable Codes and Ordinances

The applicable code is the Town of Davie Land Development Code.

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 10, generally located north of Stirling Road, south of Griffin Road, east of proposed Pine Island Road, and west of SW 76 Avenue. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed)

and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half.

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

Applicable Goals, Objectives & Policies:

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Staff Analysis

The petitioner is requesting to rezone the subject site to the B-2, Community Business Center District in order to construct parking, retention and landscaping. that will be required for a proposed Home Depot store. The proposed zoning will be consistent with the surrounding zonings to the north and east. It will also remain consistent with Broward County's Land Use Plan designation as commercial use. Staff does not believes traffic intensities will increase with the rezoning due to the existing commercial land use designation on the north, south, east and partial west sides of the property.

Staff believes the requested zoning is among the most appropriate to enhance the Town's tax base at this location. Also, the proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. Therefore, the proposed use can be considered to be in harmony with the general intent and purpose of the code and will not be harmful to the public welfare.

Findings of Fact

Section 12-309(B)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated

and incompatible with adjacent and nearby districts;

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application no. ZB 10-1-00.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended conditional approval of petition ZB 10-1-00. (Motion carried 5-0, February 28, 2001).

Exhibits

- 1. Justification
- 2. Site Plans
- 3. Land Use Map
- 4. Subject Site Map
- 5. Aerial

Prepared by: _____

Reviewed by: _____

REZONING APPLICATION
TOWN OF DAVIE
FROM A-1 AGRICULTURAL TO B-2 ZONING DISTRICT

This is a request to rezone a 6.12 acre tract of property in the Town of Davie from the Town's A-1 Agricultural Zoning District to the B-2 Business Zoning District. The proposed change is consistent with the adopted Comprehensive Plan of both the Town of Davie and Broward County which designate the subject parcel as commercial. The proposed change is necessary to avoid the creation of an isolated zoning district and will instead provide a zoning district consistent with the existing zoning districts to the east. The existing Agricultural Zoning District boundary does not reflect the existing conditions on the property or the development of the property for the intended use.

The proposed change will not adversely affect the neighborhood, but will instead provide an area for vehicular parking to serve the business uses located to the east.

The proposed zoning district will not create or increase automobile or vehicular traffic congestion because the site will only be used for automobile parking.

The proposed change will not adversely affect other property values, but will instead enhance the overall property values of the area.

The proposed change will be a significant benefit will allow the orderly development of other property in accordance with the Town of Davie's zoning regulations.

The proposed change will not constitute a variance or special privilege, but will instead merely allow the project to be consistent with the adjoining properties.

The zoning change is necessary in order to allow for a uniform zoning district within the proposed zoning site.

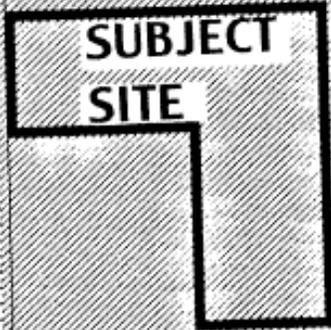
ESIDENTIAL
3 DU/AC

COMMUNITY
FACILITY

RESIDENTIAL
3 DU/AC

S.W. 82nd Ave.

COMMERCIAL



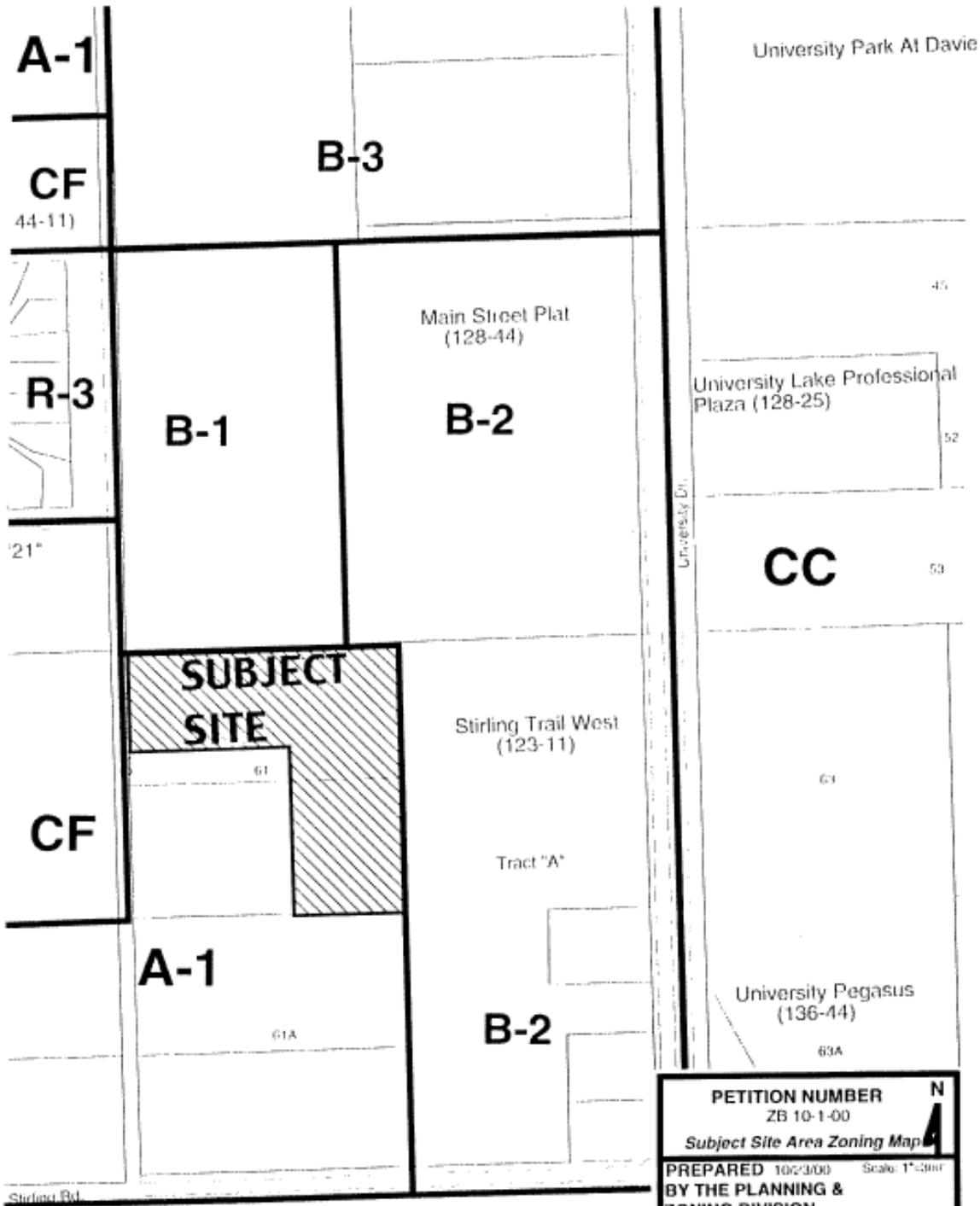
SUBJECT
SITE

University Dr.

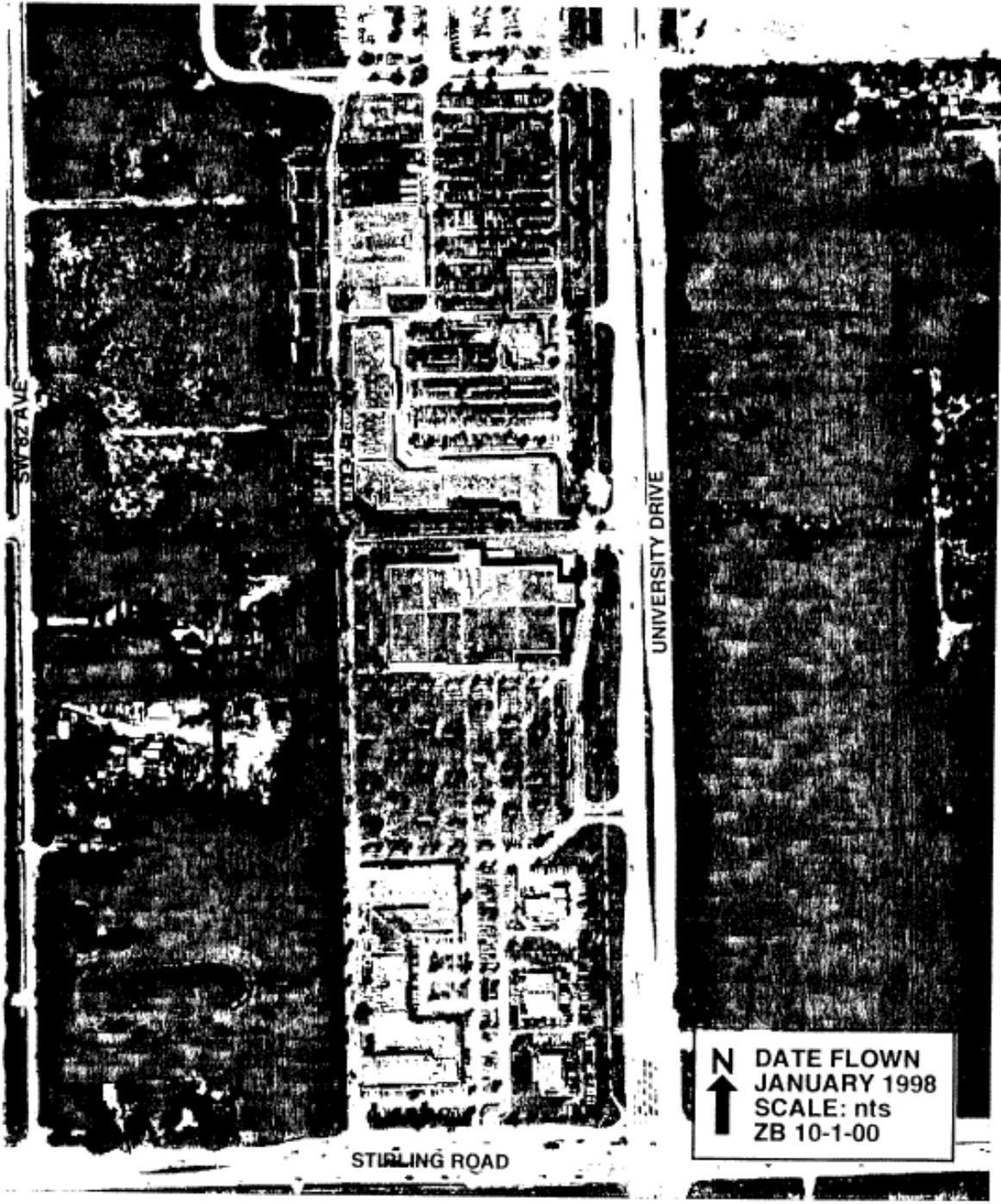
COMMERCE / OFFICE

Stirling Road

PETITION NUMBER ZB 10-1-00 Subject Site Area Future Land Use Plan	N 4
PREPARED 10/23/00 BY THE PLANNING & ZONING DIVISION	Scale: 1" = 60'



PETITION NUMBER
 ZB 10-1-00
Subject Site Area Zoning Map **4**
 PREPARED 10/23/00 Scale: 1"=500'
BY THE PLANNING & ZONING DIVISION



N
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DATE FLOWN
JANUARY 1998
SCALE: nts
ZB 10-1-00