

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP
(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Rezoning

ZB 1-2-01 Ramos/Parkway Christian Church, 1200 South Flamingo Road/Generally located at the northeast corner of Flamingo Road and SW 14 Street

TITLE OF AGENDA ITEM:

ZB 1-2-01 Arnold Ramos, petitioner/ Parkway Christian Church, owner

REPORT IN BRIEF: The applicant is proposing to expand the school facilities on this site. The Declaration of Restrictions that were provided with the rezoning limits the parcel to a church and 140 children per day preschool through kindergarten with the school closing at 3:00 pm. The applicant wishes to change the Declaration of Restrictions to a church and 140 children per day preschool and 300 full time children per day kindergarten through fifth grade with the school closing at 5:00pm. The school addition would take the form of a two-floor linear building of approximately 15,000 square feet in area, located immediately east of the existing sanctuary and education buildings. The school would represent an approximate increase in building area of 40 percent. The applicant states that no other site modifications are planned at this time in association with the school building.

PREVIOUS ACTIONS:

Town Council tabled the item from the 3/7/01 to 4/4/01 meeting at the request of the applicant.

Town Council tabled the item from the 4/4/01 to 5/2/01 meeting at the request of the applicant.

CONCURRENCES: The Planning and Zoning Board recommended denial of the request at its 3/28/01 meeting. Mr. Davis motioned, seconded by Mr. Waitkus, denial. (3-2 with Vice-Chair Stahl and Ms. Moore opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification letters, Existing and proposed Deed Restrictions, Conceptual Site Plan, Subject Site Map, Land Use Map, Aerial

Application #: ZB 1-2-01

Revisions: 4/27/01

Exhibit "A"

Original Report Date: 2/28/01

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

APPLICANT INFORMATION

Owner:

Name: Parkway Christian Church
Address: 1200 South Flamingo Road
City: Davie, FL 33325
Phone: (954)476-0020

Agent:

Name: Arnold Ramos
Address: 5681 SW 9 Street
City: Plantation, FL 33317
Phone: (954)584-7704

BACKGROUND INFORMATION

Date of Notification: February 21, 2001 **Number of Notifications:** 88

Application History: Applicant requested tabling from the 2/28/01 to 3/28/01 Planning and Zoning meeting, and from the 3/7/01 to 4/4/01 Town Council meeting.

Applicant requested tabling from the 4/4/01 to 5/2/01 Town Council meeting.

Application Request: Change Declaration of Restrictions **FROM:** a church and 140 children per day preschool through kindergarten with the school closing at 3:00pm; **TO:** a church and 140 children per day preschool and 300 full time children per day kindergarten through fifth grade with the school closing at 5:00pm.

Address/Location: 1200 South Flamingo Road/Generally located at the northeast corner of Flamingo Road and SW 14 Street.

Future Land Use Plan Designation: Residential (5 DU/Acre)

Zoning: CF, Community Facilities District

Existing Use: 28000 square-foot church and 140 children per day preschool through kindergarten with the school closing at 3:00pm.

Proposed Use: 28000 square-foot church, 140 children per day preschool and 300 full time children per day kindergarten through fifth grade with the school closing at 5:00pm.

Parcel Size: 8.632 acres (376, 009.92 square feet)

Surrounding Uses:

**Surrounding Land
Use Plan Designation:**

North:	Nursery	Residential 5 DU/AC
South:	Horse Ranch	Residential 5 DU/AC
East:	C.H.E. Acres	Residential 5 DU/AC
West:	Little Lake Estates	Residential 1 DU/AC

Surrounding Zoning:

North:	AG, Agricultural District
South:	AG, Agricultural District
East:	RM-5, Low Medium Dwelling District
West:	R-1, Estate Dwelling District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property:

1. Town Council approved rezoning petition ZB 9-1-92 on November 4, 1992, which rezoned the property from AG, Agricultural District to CF, Community Facilities District with voluntary deed restrictions.
 2. Town Council approved plat request P 6-3-93 on August 18, 1993, with a plat note restricting the plat to 28,000 square feet of church use and 13,500 square feet of school use.
 3. Town Council approved the site plan SP 11-3-94 for this parcel on February 16, 1995.
 4. Town Council approved the modified site plan SP 12-3-95 for this parcel on January 9, 1996.
-

APPLICATION DETAILS

The applicant is proposing to expand the school facilities on this site. The Declaration of Restrictions that were provided with the rezoning limits the parcel to a church and 140 children per day preschool through kindergarten with the school closing at 3:00 pm. The applicant wishes to change the Declaration of Restrictions to a church and 140 children per day preschool and 300 full time children per day kindergarten through fifth grade with the school closing at 5:00pm. The school addition would take the form of a two-floor linear building of approximately 15,000 square feet in area, located immediately east of the existing sanctuary and education buildings. The school would represent an approximate increase in building area of 40 percent. The applicant states that no other site modifications are planned at this time in association with the school building.

Applicable Codes and Ordinances

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

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This area 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 S.W. 100 Ave. 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: None.

Staff Analysis

In evaluating the compatibility of this request to increase school capacity, staff considered traffic impact, noise and aesthetics as it relates to the scale of the overall facility, as proposed.

Traffic from the school will access Flamingo Road via SW 14 Street and this street does not connect to residential areas. Flamingo Road in 1999 averaged 29,000 trips per day, is projected to have 33,400 trips per day in the year 2020 and has a capacity of 52,500 trips per day. Both the 1999 and 2020 trips per day estimates are both within the favorable Level of Service "B" range. The additional 300 students will generate 192 pm peak hour trips. According to Broward County this segment of Flamingo Road has adequate capacity to handle to the additional traffic that will be generated by the increased intensity of use of this site and will still remain within an acceptable Level of Service.

The properties adjacent to the north and south have agricultural uses, and the western portion of the site is substantially buffered by Flamingo Road, and existing church buildings. The adjacent residential property to the east is buffered by approximately 480 feet of land that is comprised of a retention pond, overflow parking, and paved parking. The outside areas that children will utilize are west of the proposed school building, approximately 700 feet from the adjacent residential parcels to the east. Staff finds that the buffering provided by the open space on this site will mitigate any adverse impacts that activities conducted in the outside areas may pose on the surrounding properties.

Findings of Fact

Rezoning:

Section 12-309(B)(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;
- (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 not 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 finding of facts in the positive, staff recommends **approval**, of petition ZB 1-2-01.

Planning & Zoning Board Recommendation

Mr. Davis motioned, seconded by Mr. Waitkus, denial. (3-2 with Vice-Chair Stahl and Ms. Moore opposed).

Exhibits

1. Justification letters
2. Existing and proposed Deed Restrictions
3. Conceptual Site Plan
4. Subject Site Map
5. Land Use Map
6. Aerial

Prepared by: _____

Reviewed by: _____



Parkway Christian Church

(Disciples of Christ)

1200 S. Flamingo Road, Davie, Florida 33325

Telephone (954) 476-0020

Rev. Terry Piscatello, Senior Minister

January 8, 2001

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

Letter of Justification for Change of Declarations of Restrictions for Parkway Christian Church of Davie, FL.

Parkway Christian Church proposes to expand the school from 140 children per day for preschool through kindergarten to 140 full time children per day for preschool and 300 full time children per day for kindergarten to 5th grade. Closing school hours will be extended from 3pm to 5pm. No other restrictions within the Declarations of Restrictions will be changed.

Be it known that:

1. The proposed change is consistent with the comprehensive plan.
2. The current CF zoning is not being changed, only the Declarations of Restrictions.
3. The zoning district boundaries remain the same.
4. No landscape buffers will be changed and neighbors are satisfied with the changes.
5. There is sufficient traffic capacity on Flamingo Road and the service road to handle increases in traffic without affecting public safety.
6. The proposed change should increase property value due to presence of a well managed and architecturally attractive elementary school facility for residents use.
7. The proposed change will not affect any development of adjacent property.
8. The proposed change does not grant any special privilege to an individual owner. On the contrary, it provides a benefit to the welfare of the general public.
9. We are not changing the property zoning, only the Declaration of Restrictions, limiting student occupancy to 140.

We trust this letter provides answers to all criteria for the review process. Please feel free to contact me or the church office, if further information is needed. We look forward to continuing our good working relationship with the town of Davie to ensure that we have the strongest community services possible.

Sincerely,

Arnold Ramos
Arnold Ramos (for)





Parkway Christian Church

(Disciples of Christ)

1200 S. Flamingo Road, Davie, Florida 33325

Telephone (954) 476-0020

Rev. Terry Piscutello, Senior Minister

Jeff Katims, AICP
Planning & Zoning Manager
Development Services Department
Planning & Zoning Division
Town of Davie
6591 Orange Dr.
Davie, FL 33314-3399

Re: Additional Justification for rezone request of Parkway Christian Church

Dear Jeff

As additional information to the request to rezone in order to provide for an elementary school, we offer the following:

1. The existing school of approximately 10,000 sq feet has parking provided for 50 spaces for school use.
2. We currently use a multi-purpose room of approximately 8,000 sq feet, but provided sufficient parking for our future 600 seat sanctuary.
3. The proposed school, which will serve Kindergarten to 5th grade, will have a total of 14 classrooms, therefore requiring 28 parking spaces. There will be additional multi-use areas, not counting hallways, of 15,000 sq feet requiring 75 additional parking spaces. Thus, total new school requirements are 103 parking spaces.
4. There are currently 240 spaces on site. At no time are there activities scheduled that would conflict between the church and the school. There is a central calendar administered for all activities.

What is being proposed as shown in attached sketch is a 2 story addition that will utilize open space that will not affect existing parking, existing landscaping, nor reduce that required open space for site below the town standards.

Sincerely,

Arnold Ramos

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that Ludwell and Gilda O'Quinn, being the owners of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this dedication shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above described property shall be used for the following uses:

a) Use limited to a Church and a Church School, nursery, day care, preschool.

The school will operate Monday through Friday for preschool through kindergarten and will be limited to 140 children per day. School hours will be completed by 3:00 p.m.

b) There will be no vehicular access from SW 121st Avenue onto the property.

c) A 30' landscape buffer will be provided on all sides of the property.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.

3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination thereof.

4. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provision, which shall remain in full force and effect.

5. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie.

IN WITNESS WHEREOF, the owners have set their hands and seals this 13 day at NOVEMBER, 1992

Witnesses:

1) Linda Williams

Ludwell O'Quinn
Ludwell O'Quinn, Owner

2) Gaye Castuley

1) Cynthia Horcio

Gilda O'Quinn
Gilda O'Quinn, Owner

2) Gaye Castuley

STATE OF FLORIDA)

)SS:

COUNTY OF BROWARD)

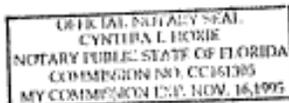
The foregoing instrument was acknowledged before me this 13 day of November, 1992, by Gilda O'Quinn / Lopez LL O'Quinn who is personally known to me or has produced FL. DRIVER'S LICENSE / FL. DRIVER'S LICENSE as identification and who did take an oath.

Cynthia St. Horcio
Cynthia L. Horcio

Sign Linda M. Williams

Print LINDA M. WILLIAMS

My Commission Expires:



NOTARY PUBLIC, State of Florida

DECLARATIONS OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that Parkway Christian Church of Davie, FL., being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above described real property, specifying that this dedication shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above described property shall be used for the following uses:
 - a) Use limited to a church and a church school, nursery, day care, preschool, kindergarten and 1st to 5th grade school. The school will operate Monday through Friday for daycare, preschool through 5th grade and will be limited to 140 full time children per day for preschool and 300 full time children per day for kindergarten to 5th grade. School hours will be completed by 5:00PM.
 - b) There will be no vehicular access from SW 121st Avenue onto the property.
 - c) A 30' landscape buffer will be provided on all sides of the property.
2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination thereof.
4. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provision, which shall remain in full force and effect.



5. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie.

IN WITNESS WHEREOF, the owner has set their hands and seals this 03 day of JAN, 2001.

Witnesses:

1) Carol A. Nicotard

2) Therese Pascatello

Douglas E. Stenge
Douglas E. Stenge

Parkway Christian Church of Davie,
Florida

STATE OF FLORIDA)

) SS:

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 3 day of January, 2001.

by Douglas E. Stenge who is personally known to me or has produced _____ as identification and who did take an oath.

Sign Dona Grice

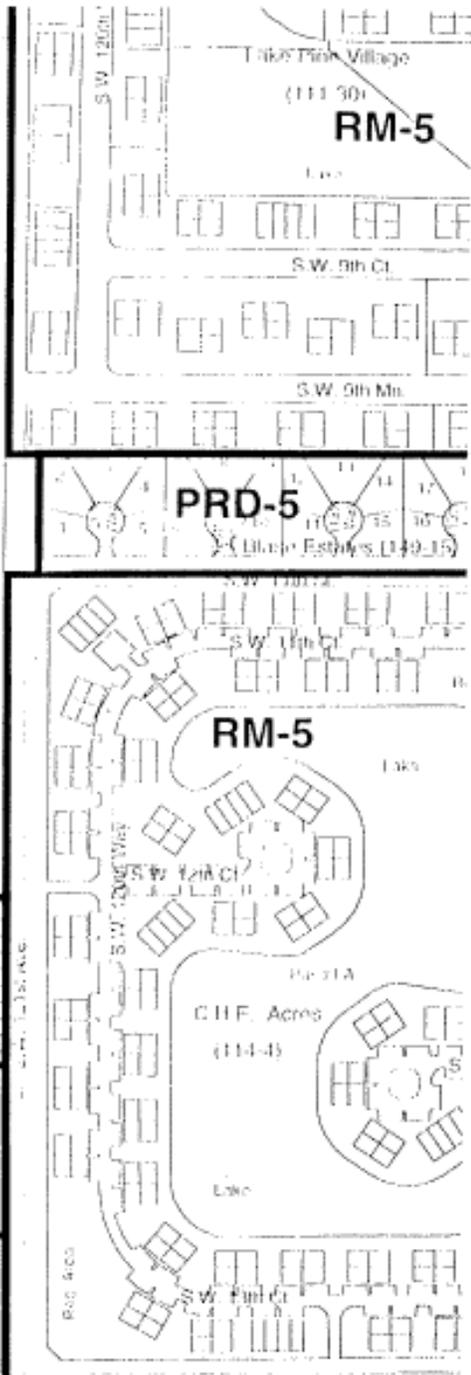
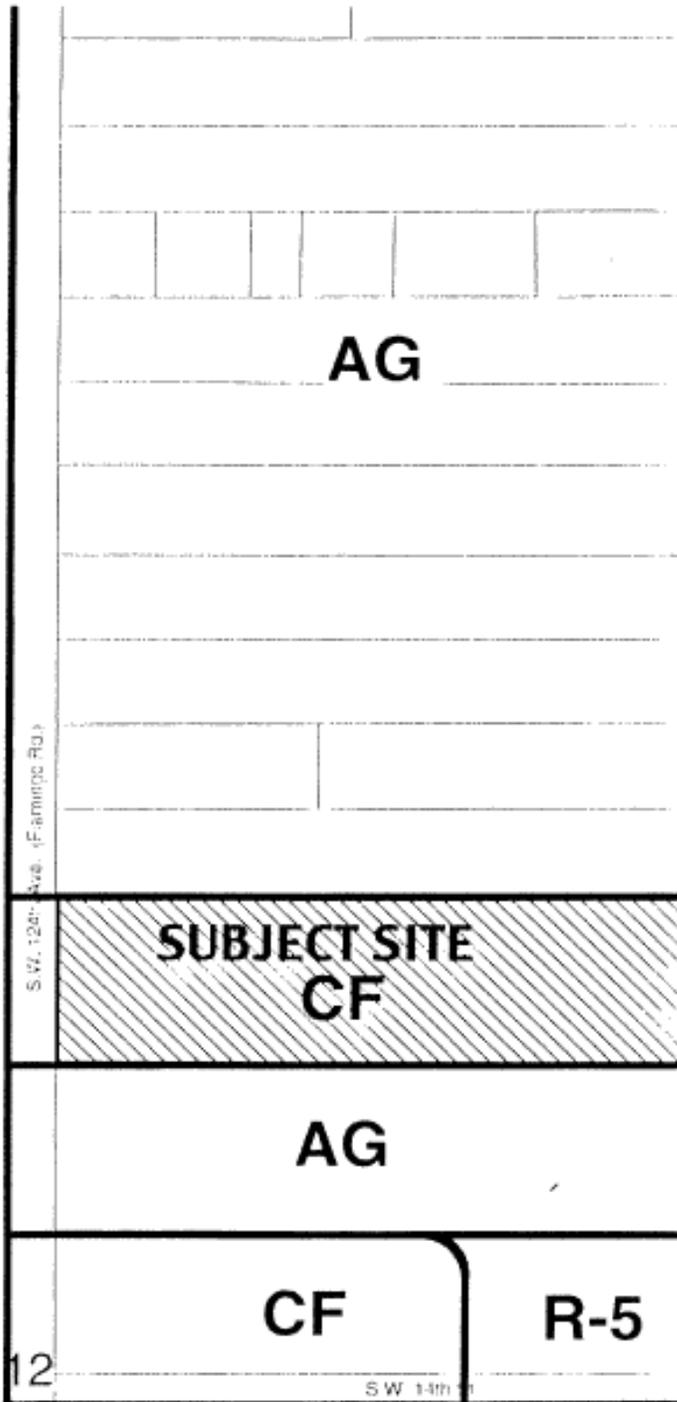
Print Dona Grice

3/16/2002

NOTARY PUBLIC, State of Florida

My Commission Expires:





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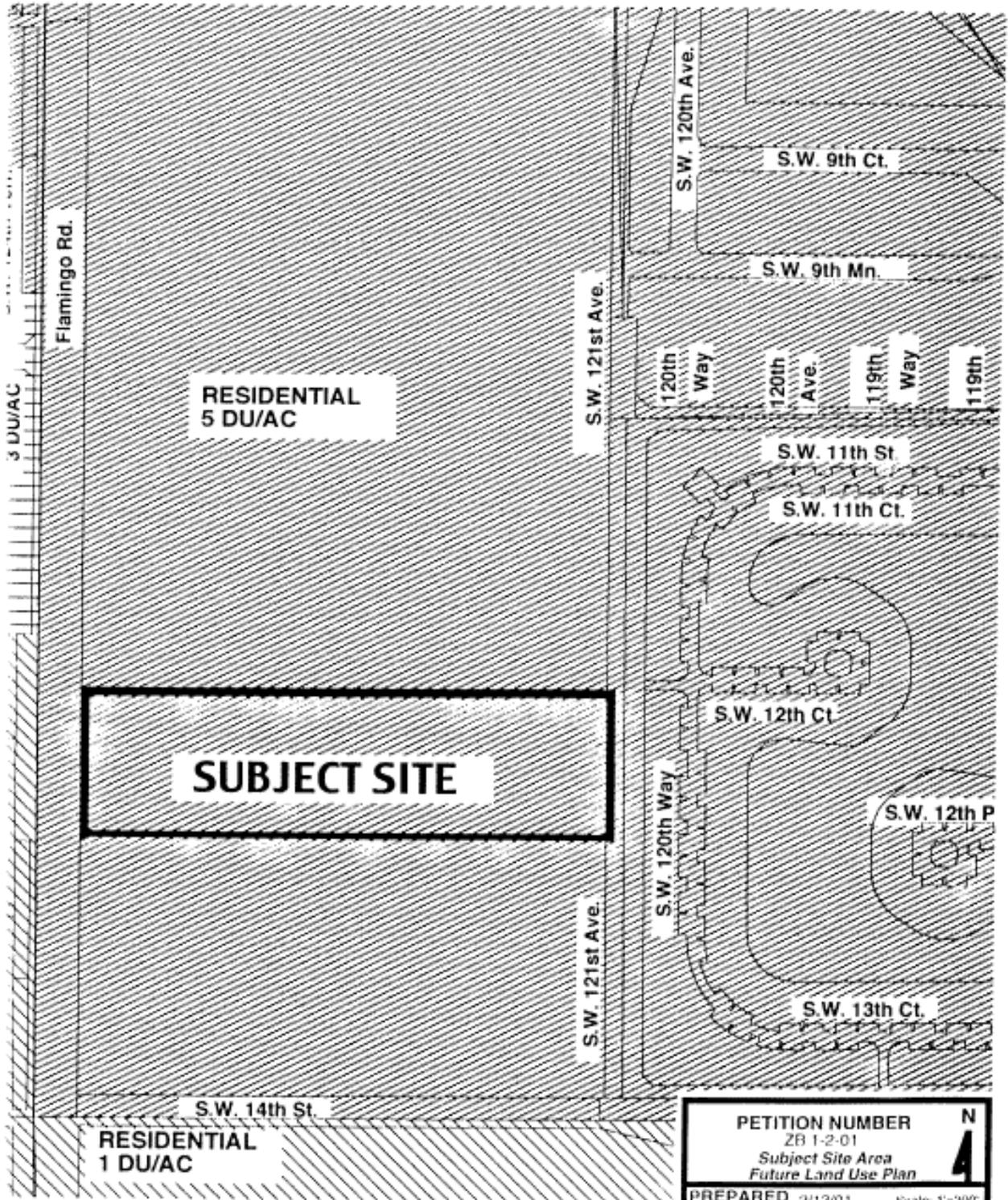
PETITION NUMBER
ZB 1-2-01

Subject Site Area Zoning Map

PREPARED 2/13/01 **Scale** 1"=300'

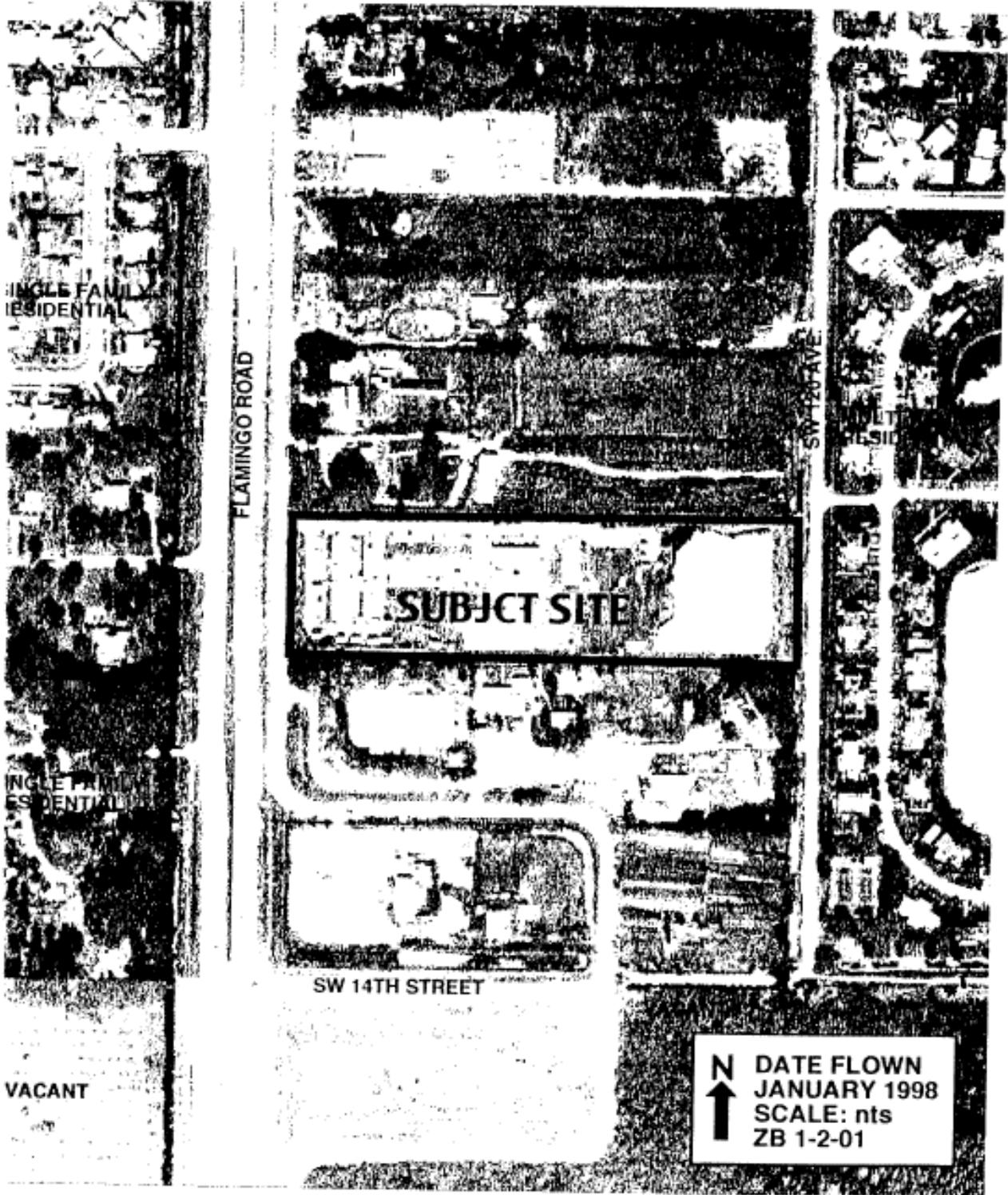
BY THE PLANNING & ZONING DIVISION

N



PETITION NUMBER ZB 1-2-01 <i>Subject Site Area</i> <i>Future Land Use Plan</i>		N  4
PREPARED 2/13/01 BY THE PLANNING & ZONING DIVISION		

Scale: 1"=300'



SINGLE FAMILY
RESIDENTIAL

FLAMINGO ROAD

SUBJECT SITE

SW 126 AVE

SINGLE FAMILY
RESIDENTIAL

SW 14TH STREET

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
ZB 1-2-01