

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 6-1-01 Stirling Place, Inc., 6851 Stirling Road/Generally located at the northeast corner of Stirling Road and SW 70 Avenue.

TITLE OF AGENDA ITEM:

ZB 6-1-01 Stirling Place, Inc. (B-1)

REPORT IN BRIEF:

The applicant requests to rezone the subject site from B-1, Neighborhood Business District to B-2, Community Business District, in order to expand the variety of uses, and to have a uniform zoning designation for the Shops at Stirling Place commercial retail center. Currently, the Shops at Stirling Place are illogically split by two zoning districts. There are no modifications to the site associated with this request. Staff recommends approval given that the current zoning district boundaries are not logically drawn, and this request will give the commercial retail center a consistent zoning designation.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its July 25, 2001 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification letter, Land use map, Subject site map, Aerial

Application #: ZB 6-1-01
Exhibit "A"

Revisions:
Original Report Date: 7/26/01

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

APPLICANT INFORMATION

Owner/Agent:

Name: Stirling Place, Inc.
Address: 7764 NW 44 Street
City: Sunrise, FL 33351
Phone: (954)741-7620

BACKGROUND INFORMATION

Date of Notification: July 18, 2001 **Number of Notifications:** 103

Application History: No deferrals have been requested.

Application Request: Rezone the 3 acre subject site **FROM:** B-1, Neighborhood Business District; **TO:** B-2, Community Business District.

Address/Location: 6851 Stirling Road/Generally located at the northeast corner of Stirling Road and SW 70 Avenue.

Future Land Use Plan Designation: Commercial

Zoning: B-1, Neighborhood Business District

Existing Use: 76,390 square foot commercial retail center (Shops at Stirling Place)

Proposed Use: same

Parcel Size: 3 acres (135,000 square feet)

Surrounding Uses:

North: Wetland mitigation area

South: Colonial Village Apartments,

Oak Path Condominiums,

St. Bernadette Catholic Church

East: Portion of Shops at Stirling Place zoned B-2

West: Vacant

Surrounding Land

Use Plan Designation:

Residential (2 DU/AC)

Residential (16 DU/AC)

Community Facility

Commercial

Residential (10 DU/AC)

Surrounding Zoning:

North: R-2, Low Density Dwelling District

South: CF, Community Facilities District and RM-16, High Density Dwelling District

East: B-2, Community Business District

West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: 1. Town Council approved the Country Market Place plat (168-8) on June 10, 1988, with a plat note restricting the plat to 80,000 square feet of commercial use.

2. A Declaration of Restrictions for the subject site was executed on November 3, 1997, prohibiting motor fuel pump islands, auto repair, and convenience stores from operating after 11 pm or before 7 am. These Declarations were originally recorded when the property was originally rezoned, and then reaffirmed during the site plan process.

3. Town Council approved a variance request for the subject site under petition V 2-1-99 on April 21, 1999, reducing the required open space ratio from 30 to 26.8 percent subject to the applicant preserving 5 acres of wetlands.

4. Town Council approved the Davie Town Center site plan, now known as The Shops at Stirling Place, SP 1-9-00, on February 16, 2000.

5. Town Council denied variance request V 10-1-00 on February 8, 2001, which requested a flag pole to exceed the permissible height limit of 43.75 feet by 36.22 feet for a total height of 80 feet.

APPLICATION DETAILS

The applicant is requesting to rezone the 3 acre subject site from B-1, Neighborhood Business District to B-2, Community Business District, in order expand the variety of uses within the Shops at Stirling Place commercial retail center. There are no modifications to the site associated with this request. The Shops at Stirling Place are split by two zoning districts and this request creates uniformity for the entire development.

Applicable Codes and Ordinances

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

2. Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-2, Community Business Districts, requires minimum lot area of 52,500 square feet, minimum lot frontage of 200 feet, minimum front setback of 25 feet, minimum side and rear setbacks of 25 feet, and maximum building height of 35 feet.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

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

Applicable Goals, Objectives & Policies: 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 rezoning request seeks to increase the variety of uses within the Shops at Stirling Place. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the Land Development Code's conventional nonresidential development criteria for the B-2, Community Business District, and will have adequate parking. The Shops at Stirling Place is required to have 428 parking spaces, and 439 have been provided. The current zoning district boundaries are not logically drawn and this request will give the center a consistent zoning designation. It is noted that the Declaration of Restrictions executed on November 3, 1997, which prohibits motor fuel pump islands, convenience stores with operation hours after 11 pm or before 7 am, and auto repair will remain in tact. The request will not create automobile traffic in excess of that which was anticipated by the underlying Commercial land use classification. The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

Findings of Fact

Rezoning:

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;
- (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 not 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 may be 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 6-1-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its July 25, 2001 meeting (Motion carried 5-0).

Exhibits

1. Justification letter
2. Land use map
3. Subject site map
4. Aerial

Prepared by: _____

Reviewed by: _____

Appendix A
Uses Permitted in B-2, Community Business Districts and
not permitted in B-1, Neighborhood Business Districts

Athletic/Health Clubs, Gyms
Auction House *
Bars, Lounges *
Bingo Establishments 1
Bowling, Skating
Car Wash
Catering(Food)

Golf Courses
Medical Clinic, Doctor's Office
Mortuary
Movie Theatre, Performing Arts
Pharmacy
Pool Rooms
Printer
Repair Shop, except vehicle or boat repair
Restaurant, Fast Food
Restaurant, Other
Schools - Special, Private *
Schools, Trade, Vocational, Other *
Vehicle Repair, Minor *
Wholesale

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

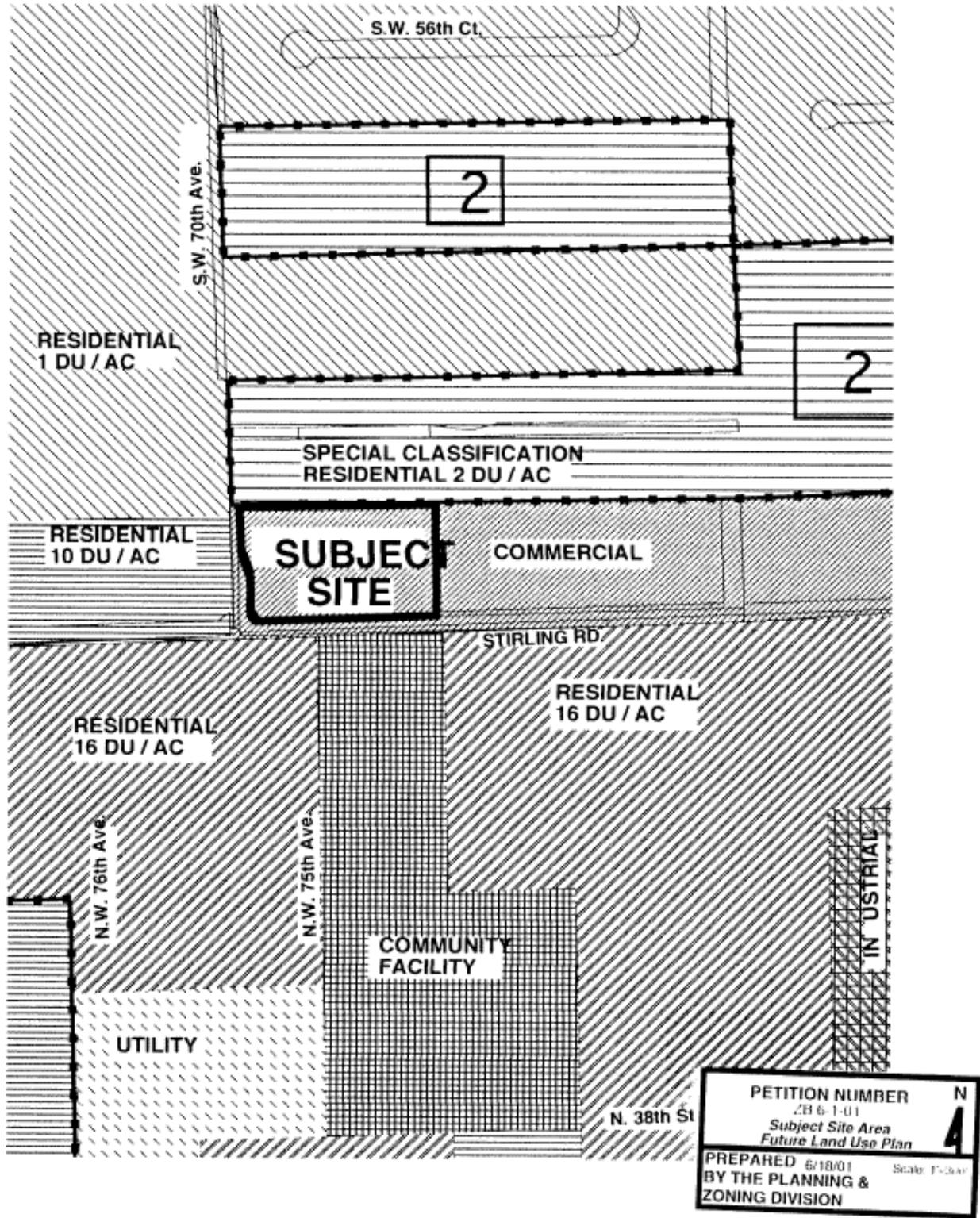
**Town of Davie
Rezoning Application**

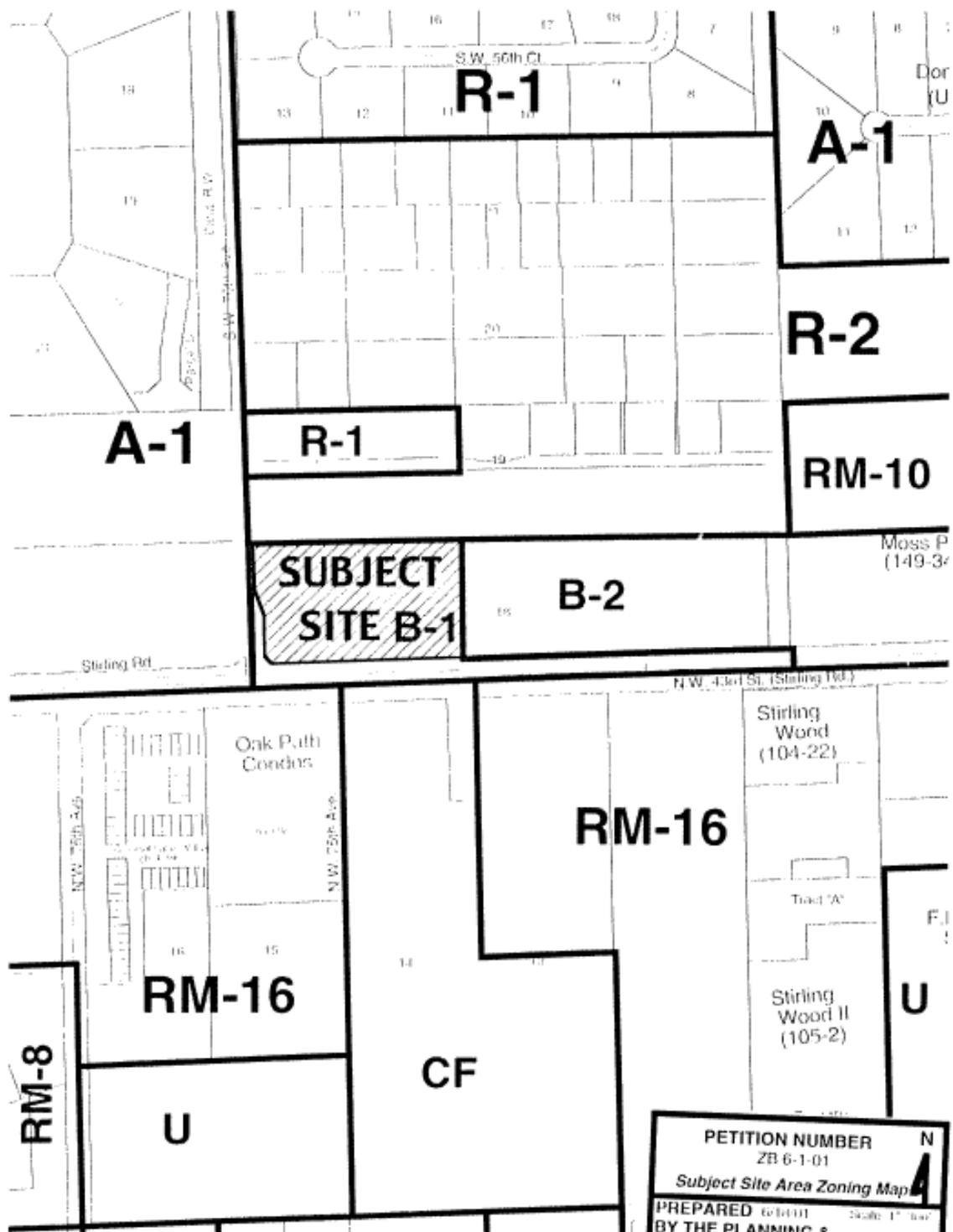
REASON FOR REQUEST

The purpose of this rezoning application is to standardize the zoning of The Shops at Stirling Place Shopping Center to B-2. Currently, the western 1/3 of the center is zoned B-1, while the rest of the center is zoned B-2. The reason for the B-1 zoning was to limit certain uses at the corner of 70th Ave. that would have been permitted under B-2 zoning. However, the uses which the neighborhood was opposed to are also deed restricted at the property. Therefore, this rezoning would be in keeping with the intentions of the original B-1 zoning of the property. This change would not be contrary to the adopted comprehensive plan or create an isolated zoning district. It also will not affect public safety in any way.

This rezoning will increase the variety of uses available to the Shopping Center, without adversely affecting the neighborhood. It will help ensure the success of the Shopping center by increasing the potential uses and expanding the tenant base. A successful center will in turn positively affect the surrounding properties. Because this change helps to standardize the zoning of the property, it does not constitute a grant of special privilege, while serving to expand the use of the property. This rezoning allows the Town to regulate its zoning of the land parcel and expands the uses available to the Shopping Center, without any negative or adverse effects to the neighborhood or surrounding land.

JUN 15 2011





PETITION NUMBER
 ZB 6-1-01
 Subject Site Area Zoning Map **A**
 PREPARED BY THE PLANNING & ZONING DIVISION



SINGLE FAMILY RESID.

SW 56 CT.

SINGLE FAMILY RESID.

SW 70 AVE.

SUBJECT SITE

VACANT

COMMERCIAL
(UNDER CONSTRUCTION)

STIRLING RD.

SINGLE FAMILY RESID.

SINGLE FAMILY RESID.

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE:nts
ZB 6-1-01