

# **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 9-1-01 Patricia Assef/Benjamin and Margart Wolf, 6851 SW 45  
Street/Generally located between Orange Drive and SW 43 Court

**TITLE OF AGENDA ITEM:**

ZB 9-1-01 Patricia Assef/Benjamin and Margart Wolf, 6851 SW 45 Street (A-1 to R-3)

**REPORT IN BRIEF:**

The applicant is requesting to rezone the 1.84 acre subject site from A-1, Agricultural District to R-3, Low Density Dwelling District, in order to permit development of single family homes. The maximum density permitted on the subject site by its Future Land Use Designation is six (6) dwelling units. At this time it is not known how many units will be constructed. The subject site has been utilized for planting of exotic vegetation in association with an Agricultural Laboratory for approximately 25 years. Present on the site is a stand of mature Lychee nut trees and a variety of fruit trees.

The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets all of the Land Development Code's conventional single family residential development standards for the R-3, Low Density Dwelling District. The request will not create automobile traffic in excess of that which was anticipated by the underlying Residential land use designation. 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.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** The Planning and Zoning Board recommended approval at its November 14, 2001 meeting (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Motion to approve

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

**Application #: ZB 9-1-01**  
**Exhibit "A"**

**Revisions:**  
**Original Report Date: 11/30/01**

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

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**APPLICANT INFORMATION**

<b>Owner:</b>		<b>Agent:</b>	
<b>Name:</b>	Benjamin and Margaret Wolf	<b>Name:</b>	Patricia Asseff
<b>Address:</b>	6851 SW 45 Street	<b>Address:</b>	950 S. Southlake Drive
<b>City:</b>	Davie, FL 33314	<b>City:</b>	Hollywood, FL 33019
<b>Phone:</b>	(954)587-7126	<b>Phone:</b>	(954)925-0847

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**BACKGROUND INFORMATION**

**Date of Notification:** November 7, 2001    **Number of Notifications:** 55

**Application History:** No deferrals have been requested.

**Application Request:** Rezone the 1.84 acre subject site **FROM:** A-1, Agricultural District;  
**TO:** R-3, Low Density Dwelling District.

**Address/Location:** 6851 SW 45 Street/Generally located between Orange Drive and SW 43 Court.

**Future Land Use Plan Designation:** Residential (3 DU/AC)

**Zoning:** A-1, Agricultural District

**Existing Use:** Vacant

**Proposed Use:** Single family residential (exact number of dwellings is undetermined)

**Parcel Size:** 1.84 acres (80,150.4 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land</u></b>
<b>North:</b>	Single Family Residential	<b><u>Use Plan Designation:</u></b>
<b>South:</b>	Single Family Residence & Office Space	Residential (3 DU/AC)
<b>East:</b>	Single Family Residential	Residential (3 DU/AC)
<b>West:</b>	Town of Davie Facility	Residential (3 DU/AC)
		Community Facility

**Surrounding Zoning:**

<b>North:</b>	R-3, Low Density Dwelling District
<b>South:</b>	RO, Residential/Office District
<b>East:</b>	R-3, Low Density Dwelling District
<b>West:</b>	CF, Community Facilities District

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**ZONING HISTORY**

**Related Zoning History:** Town Council approved petition, ZB 9-1-84 Wolf, rezoning the

adjacent 1.13 acres to the south from A-1, Agricultural District to RO, Residential/Office District on September 5, 1984.

**Previous Request on same property:** None

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### APPLICATION DETAILS

The applicant is requesting to rezone the 1.84 acre subject site from A-1, Agricultural District to R-3, Low Density Dwelling District, in order to permit development of single family homes. The exact number of homes to be built has not been determined at this time. The subject site has been utilized for planting of exotic vegetation in association with an Agricultural Laboratory for approximately 25 years. Present on the site is a stand of mature Lychee nut trees and a variety of fruit trees.

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### Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
2. Section 12-81A of the Land Development Code, Conventional Single Family Residential Development Standards, R-3, Low Density Dwelling District, requires minimum lot area of 12,000 square feet net dry land area, minimum lot frontage of 100 feet, setbacks: front 30 feet, side 15 feet, rear 25 feet, and maximum height of 35 feet.

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### Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99. Development of the subject site will require satisfying Broward County platting requirements.

**Applicable Goals, Objectives & Policies:** 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 Uses portion of the Implementation Section.

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.

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### Staff Analysis

The purpose of this rezoning request is to allow development of single family homes on the subject site. The maximum density permitted on the subject site by its Future Land

Use Designation is six (6) dwelling units. At this time it is not known how many units will be constructed. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets all of the Land Development Code's conventional single family residential development standards for the R-3, Low Density Dwelling District. The request will not create automobile traffic in excess of that which was anticipated by the underlying Residential land use designation. 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.

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### 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.

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### Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends approval, of petition ZB 9-1-01.

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### Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval at its November 14, 2001 meeting

(Motion carried 5-0).

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**Exhibits**

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

Prepared by: \_\_\_\_\_

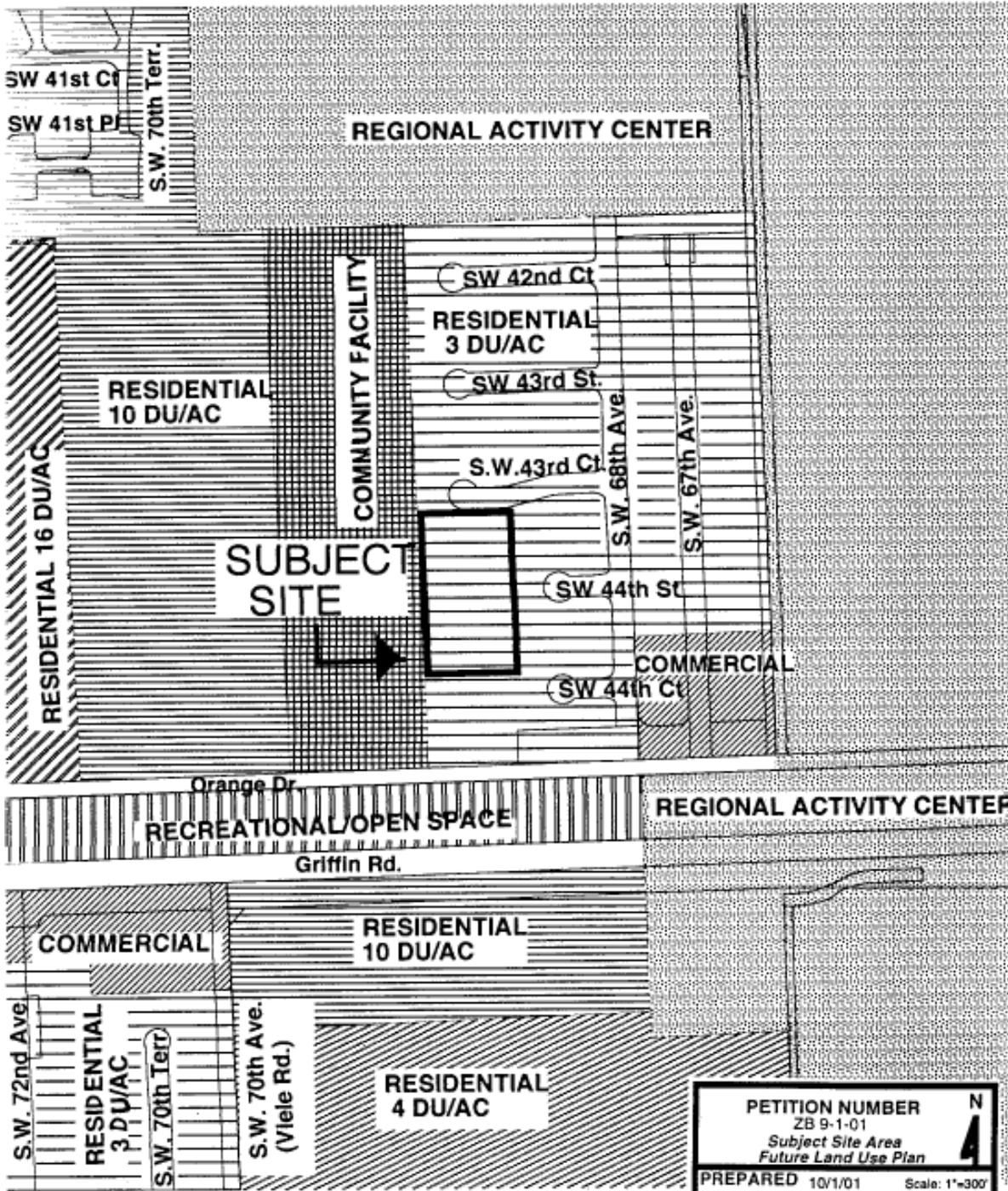
Reviewed by: \_\_\_\_\_

Property Address: 6851 S.W. 45 Street  
Davie, Florida

Owners Names: Dr. and Mrs. Benjamin Wolf  
Petitioner Name: Patricia Asseff

This is a request for a zoning change for the subject property:

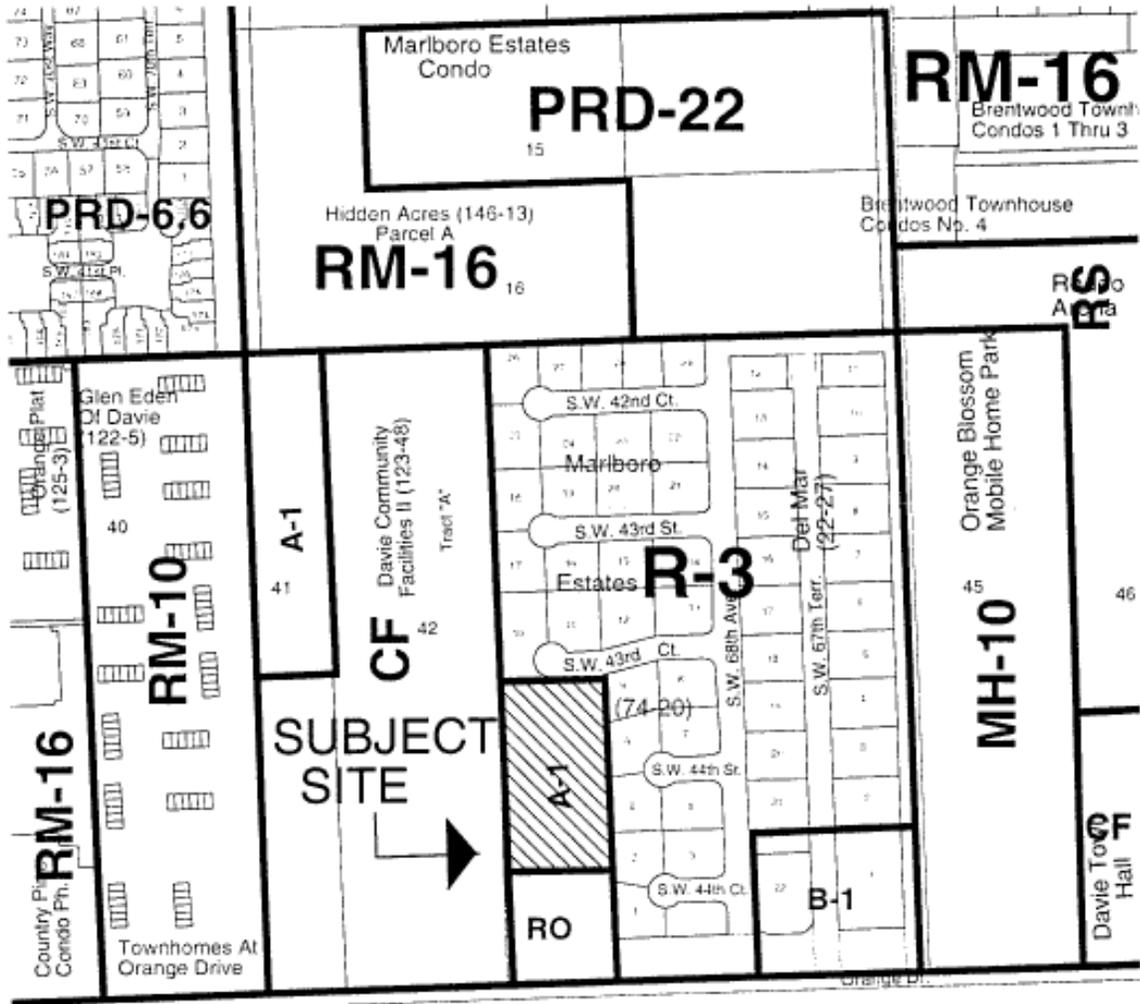
1. The proposed change is not contrary to the adopted comprehensive plan, Or any element or portion thereof.
2. The proposed change is in concurrency with the zoning district.  
A residential zoning is compatible with the adjacent and nearby districts.
3. The boundaries are logically drawn in relation to existing conditions proposed for change.
4. The proposed change will not adversely affect living conditions in the neighborhood. The properties directly adjacent are zoned residential.
5. The proposed change will not create an excessive increase in automobile and vehicular traffic congestion or affect public safety.
6. The proposed change will help increase property values and tax base.
7. The proposed change is a positive improvement to the area and existing properties.
8. The proposed change will not grant a special privilege to an individual owner as contrasted with the welfare of the general public.
9. There are substantial reasons why this property cannot be used in accord with the existing zoning: This property has been for sale for approximately 8 months, in that time the prospects were either interested in the front two homes, zoned Office Residential, or interested in the back which is now zoned agriculture if they could use it for residential homes. The changes in the neighborhood and City have been tremendous since the twenty-five or so years ago that The Wolf's purchased this property for his Agriculture Laboratory and raising and experimenting with Exotic plantings and Trees. We would have entertained an offer from a University or someone who would continue with this type of use. The realization is that it is not the highest and best use or economically feasible for most establishments. The zoning change would give this property a better opportunity to be sold and be in concurrency with the existing neighborhoods.



PETITION NUMBER  
ZB 9-1-01  
Subject Site Area  
Future Land Use Plan

PREPARED 10/1/01 Scale: 1"=300'  
BY THE PLANNING &  
ZONING DIVISION

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SOUTH NEW RIVER CANAL

Griffin Rd.

**Griffin Corridor District**  
(West Gateway Zone) (Downtown Zone)

