TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 3-2-03 Town of Davie, 14901 Orange Drive/Generally located on the east side of Shotgun Road and the I-75 on-ramp.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Davie Town Administrator has requested to rezone the 27.24 acres (1,186,574 square foot) subject site from A-1, Agricultural District to B-2, Community Business District. The subject site is located on the east side of Shotgun Road and the I-75 on-ramp. Development in the vicinity of the site includes Riverstone to the north and the existing Regency Square Shopping Center to the south. Broward County's Vista View Park is located to the northeast and vacant commercial property is located to the east of the subject site.

Commercial development under the B-2, Community Business District standards is consistent with the property's "Commercial" land use designation and is compatible with the proposed SC, Suburban Commercial District to the east and the RS, Recreation/Open Space District to the northeast. The adjacent parcel to the north is zoned E, Estate, and the Regency Square Shopping Center, located to the south across Orange Drive, the C-11 Canal and Griffin Road, is currently zoned PUD (County).

The requested B-2 District for the subject site is consistent with the intent and policies of the Land Development Code and Comprehensive Plan. Staff notes that this request is a Town initiated rezoning, and compliance with Section 12-306(C)(9) of the Land Development Code, which requires a copy of a certified and sealed survey dated within two (2) years will be waived.

Staff believes that rezoning the subject site to B-2 would best implement the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code. The proposed rezoning of the site at a neighborhood scale is compatible with existing low density residential development and open space uses in the area, consistent with the intent of the Town's Land Development Code to provide a neighborhood scale of commercial development, and conforming with the goals and objectives of the Town's Comprehensive

Plan to provide varying intensities of commercial development through the application of appropriate zoning districts without adversely impacting adjacent surrounding residential uses. The B-2 District is the most appropriate zoning district for the site because of its location away from primary transportation facilities and near existing low density residential neighborhoods, the County's Vista View Park, and the planned public middle school on Shotgun Road. Rezoning the site to B-2 will allow for development at neighborhood scale to meet the need of the community while generating less traffic than large scale commercial development and helping to maintain the rural character of Orange Drive. Rezoning the subject site to B-2 will also allow a less intense scale of commercial development on the property that is in harmony with the suburban character of the neighborhood.

PREVIOUS ACTIONS: On April 15, 2003, Town Council voted to waive the one (1) year time limit for consideration of any further application for rezoning of this property as required in Section 12-307(B)(4) of the Land Development Code.

CONCURRENCES:
April 9, 2003: On April 9, 2003, Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. Motion carried 4-1 with Vice-Chair Bender being opposed.

April 23, 2003: This item was readvertised by Staff for the April 23, 2003 Planning and Zoning Board meeting. Staff summarized the revisions to the staff report addressing the concerns raised at the April 9, 2003 Planning and Zoning Board meeting and requested that the Board vote to reconsider and table this item until the May 14, 2003 meeting. Mr. Bender made a motion to reconsider. No second was made to reconsider this item and the motion to reconsider died.

FISCAL IMPACT: N/A

RECOMMENDATION(S): In light of the designation of the property for "Commercial" land use under the Comprehensive Plan, staff recommends that the agricultural zoning of the subject property be changed to a Commercial, Office or Business zoning district. Based on the analysis described above, staff is of the opinion that the requested B-2 District would best implement the goals and objectives of the Comprehensive Plan and the public health, safety and welfare objectives set forth in the Town of Davie's Land Development Code.

Attachment(s): Ordinance, Planning Report, Land Use Map, Subject Site, Zoning and Aerial Map, Legal Description

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS 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 A-1, Agricultural District to B-2, Community Business 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 A-1, Agricultural District to B-2, Community Business 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 B-2, Community Business 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_____, 2003

PASSED ON SECOND READING THIS_____DAY OF_____, 2003

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2003

Application: ZB 3-2-03 **Revisions:** 4/18/03, 7/3/03
Exhibit "A" **Original Report Date:** 4/7/03

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

APPLICANT INFORMATION

Agent:		**Owner:**	
Name:	Town of Davie	**Name:**	Edward H. Gilbert, TR
Address:	6591 Orange Drive	**Address:**	5100 Town Center Circle #330
City:	Davie, FL 33314	**City:**	Boca Raton, FL 33486-1008
Phone:	(954)797-1035		

BACKGROUND INFORMATION

Date of Notification: April 2, 2003 **Number of Notifications:** 10

Application Request: Town initiated administrative rezoning of the 27.24 acre (1,186,574 square foot) subject site **FROM:** A-1, Agricultural District; **TO:** B-2, Community Business District.

Address/Location: 14901 Orange Drive/Generally located on the east side of Shotgun Road and the I-75 on-ramp.

Future Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District

Proposed Zoning: B-2, Community Business District

Existing Use: Undeveloped

Proposed Use: Commercial retail and office

Parcel Size: 27.24 acres (1,186,574 square feet)

	Surrounding Uses:	**Surrounding Land Use Plan Designation:**
North:	Single-Family residential - Riverstone	Residential (1 DU/AC)
South:	Commercial, Regency Square	Recreation/Open Space, Commercial, Transportation
East:	Vacant	Recreation/Open Space, Commercial
West:	I-75	Transportation

Surrounding Zoning:

North: E, Estate District
South: PUD (County), Planned Unit Development
East: A-1, Agricultural District, and RS Recreation and Open Space
West: T, Transportation District

ZONING HISTORY

Related Zoning History: This parcel was part of a large agricultural tract of land owned by Imagination Farms, Inc. and/or the Pownall family. The property currently has an A-1 (Agricultural District) zoning designation.

On June 7, 2000, Town Council denied application ZB 1-4-00 to rezone the subject site from A-1, Agricultural District to B-3, Planned Business Center District.

On March 18, 2002, the Broward County Circuit Court entered a final judgment which quashed the Town Council's denial of application ZB 1-4-00 and remanded the matter to the Town Council for further consideration.

On October 2, 2002, the Town Council reconsidered and denied application ZB 1-4-00 to rezone the subject site.

Also on this agenda, the Town is requesting the adjacent 33.81 acre parcel to the east be rezoned from A-1 to SC, under application number ZB 3-1-03.

Previous Requests on same property: In March 2000 the property owner requested, under application number ZB 1-4-00, that this property be rezoned from A-1 to B-3. On June 7, 2000 and October 2, 2002, Town Council denied this rezoning application.

APPLICATION DETAILS

The Davie Town Administrator has requested to rezone the 27.24 acres (1,186,574 square foot) subject site from A-1, Agricultural District to B-2, Community Business District. The subject site is located on the east side of Shotgun Road and the I-75 on-ramp. Development in the vicinity of the site includes Riverstone to the north and the existing Regency Square Shopping Center to the south. Broward County's Vista View Park is located to the northeast and vacant commercial property is located to the east of the subject site.

Commercial development under the B-2, Community Business District standards is consistent with the property's "Commercial" land use designation and is compatible with the proposed SC, Suburban Commercial District to the east and the RS, Recreation/Open Space District to the northeast. The adjacent parcel to the north is zoned E, Estate, and the Regency Square Shopping Center, located to the south across Orange Drive, the C-11 Canal and Griffin Road, is currently zoned PUD (County).

Actions subsequent to the April 9, 2003 Planning and Zoning Board Meeting.

On April 15, 2003, Town Council voted to waive the one (1) year time limit for consideration of any further application for rezoning of this property as required in Section 12-307(B)(4) of the Land Development Code.

Staff notes that this request is a Town initiated rezoning, and compliance with Section 12-306(C)(9) of the Land Development Code, which requires a copy of a certified and sealed survey dated within two (2) years will be waived.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, Review for Rezonings.

Section 12-54 of the Land Development Code, Nonresidential Performance Standards, which establishes standards to regulate the maximum intensities permitted in the Community Business District.

Section 12-55 of the Land Development Code, Scale of Nonresidential Development, which is intended to govern the size and scope of development within the Community Business District.

Section 12-24 of the Land Development Code, Statement of Purpose and Intent of Zoning Districts, which is intended to regulate development within the Town of Davie.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 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 SW 100 Avenue. 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. The property owner will be required to obtain Plat approval by the Town of Davie and Broward County prior to site plan approval. Concurrency review pertaining to roadways and utilities will occur at the time of platting.

Applicable Goals, Objectives & Policies:

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

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

Future Land Use Element, 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 of arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial uses.

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

Future Land Use Element, 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.

Staff Review

Background

This vacant parcel of land currently has a zoning designation that is not consistent with the Future Land Use Plan of the Town of Davie. In order to provide for Town of Davie zoning regulations to govern any proposed development, the Town has initiated an administrative rezoning to bring the subject parcel into compliance with Town of Davie's Comprehensive Plan and Future Land Use Plan Map. In reviewing the pending application, staff has identified eleven (11) Commercial, Office and Business zoning districts which may be consistent with the subject property's "Commercial" land use designation[1]. As such, this report discusses potential rezoning of the subject property under the B-2, B-3 and SC zoning designations in light of the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code.

Analysis of Options

B-2, Community Business District: This request is to rezone the subject site from A-1 to the Town of Davie's B-2, Community Business District. This request will allow the subject site to be developed with commercial retail and office use. The Future Land Use Plan Map designates the parcel "Commercial" and the requested zoning classification, B-2, Community Business District, provides for a community scale of commercial development that is intended to meet the daily needs of several neighborhoods or the local community. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to serve the shopping and limited service needs of the local community. The types of retail stores that are intended for this area include convenience, fashion and durable goods. The maximum size of individual buildings in the B-2 District is limited to 40,000 square feet while the maximum sizes of shopping centers are 100,000 square

[1] These include Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), Business Park (BP), Western Theme (WT), Neighborhood Business (B-1), Community Business (B-2), Planned Business Center (B-3), Office (O), Heavy Commercial (C1), and Residential Office (RO). Because of the size, location and other characteristics of the subject property, staff has not analyzed the use of UC, FB, BP, WT, B-1, O, C1 and RO in any detail.

feet. Shopping centers typically range in area from 3 to 10 acres and require a minimum market support population of 2,500 to 40,000 people.

The B-2 District is compatible with the surrounding residential neighborhoods to the north and the proposed SC District to the east. The lower intensity, community scale of development of the B-2, Community Business District is in harmony with the suburban character of the area. With additional a greater amount of uses afforded in the B-2 District than the proposed SC District to the east, rezoning the site to B-2 will provide an increased intensity consistent with the intent of the Town's Comprehensive Plan while maintaining a scale of development consistent with the suburban character of the neighborhood. In addition, the development standards of the B-2 District and the scenic corridor overlay district will assist in minimizing the intrusion of commercial development and preserve the suburban character of the area.

The B-2 District implements the goals and objectives of the Town's Comprehensive Plan and Land Development Code to provide for varying intensities of commercial development, and direct application of appropriate zoning districts where compatible with adjacent and surrounding residential uses. Due to the surrounding land uses, the use of the subject site for commercial development at a neighborhood scale is compatible, consistent and conforming with the adjacent low density residential and open space uses.

B-3, Planned Business Center District: The B-3, Planned Business Center District, while generally consistent with the "Commercial" land use designation of the site, is intended to meet the shopping and service needs of larger sections of the Town. The B-3 District would allow an intense scale commercial retail and office use on the subject site. Development standards for the B-3 District would allow the development of community shopping centers with a maximum size of 300,000 square feet and with individual buildings no greater than 100,000 square feet. The types of large scale commercial retail stores that are intended for this zoning district include "big-box" specialty retail stores and supermarkets as the major tenants. Based on the Future Land Use Element of the Comprehensive Plan, community shopping centers typically range in area from approximately 10 to 30 acres and require a minimum market support population of 40,000 to 150,000 people.

The intent of the policies of the Town's Comprehensive Plan and Land Development Code is to ensure that the level of development within each zoning district conforms to the intended character of the district. The B-3 zoning district is not the most compatible district nor the most appropriate based upon the existing low density residential development found in the area. Rezoning the subject site to B-3 would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts. The areas to the north and east of the subject site are either low density residential or County Park. Due to the surrounding land uses, rezoning the subject site to B-3 would not facilitate adequate transitional uses to the adjacent low density residential development to the north and the open space to the east.

Based on the results of a traffic study performed by Tinter Associates, Inc. in May 2000 associated with the proposed rezoning of the subject site and the adjacent property to B-3, the resulting development may increase traffic between 10,000 and 13,000 trips per day for each of the proposed sites. Rezoning the subject site to B-3 may potentially adversely affect living

conditions in the neighborhood by significantly increasing automobile and vehicular traffic congestion on Orange Drive.

Subsequent to the property owner's original request to rezone the subject site to B-3, the Broward County School Board has acquired land, through dedication of property located northwest of the subject site, for the construction of a middle school. As such, large scale commercial development, such as that permitted by B-3, would not be as compatible as neighborhood and community business development.

As discussed in more detail below, on March 27, 2003, Orange Drive was removed from the Broward County Trafficways Plan and will come under Town jurisdiction and will not support more intense levels of development. In light of the removal of Orange Drive from the Trafficways Plan and its designation as a local collector road it will not provide the facilities necessary to serve B-3 development.

Development standards for B-3 require a 50 foot setback on sides abutting residentially zoned, occupied or Land Use Plan-designated properties. The site is located within the scenic corridor overlay district of the Town's Rural Lifestyle Initiative and is subject to the 100 foot scenic corridor buffer requirement along the north side of Orange Drive.

SC, Suburban Commercial District: The SC District is also consistent with the "Commercial" land use designation of the subject site. The SC District is intended for properties west of Pine Island Road where commercial uses are anticipated. It is intended to provide a less restrictive, more open form of commercial development in the western part of the Town of Davie that is compatible with the lower residential densities called for in that area.

The Future Land Use Element of the Town's Comprehensive Plan calls for zoning regulations to provide for varying intensities of commercial development that are compatible with surrounding residential uses. While the SC District affords the same neighborhood scale of commercial development as the B-2 District, according to the table of permitted uses (Sec. 12-32) of the Land Development Code, the SC District affords fewer uses than are allowed in the B-2 District. However, the SC District does not provide an appropriate level of transition between the low-density residential land uses and public space found in the vicinity of the subject site.

Analysis of Transportation

The intent of the Town's Comprehensive Plan is to provide high intensity commercial development with access to primary transportation facilities including interstates and arterial roadways. The site's location on Orange Drive, a two (2) lane local collector roadway, does not provide the site with an easily accessible location with convenient access to I-75, Griffin Road and Flamingo Road, the nearest interstate and major arterial roadways in the area. Orange Drive, while currently on the Broward County Trafficways Plan as a future four (4) lane divided roadway with an eighty (80) foot right-of-way, is in the process of being deleted from the Trafficways Plan. The Broward County Planning Council, on March 27, 2003 recommended approval of deletion of Orange Drive from the Trafficways Plan subject to execution of a Road Transfer Agreement within three (3) months. The Town plans to retain the eighty (80) foot Trafficways dedication for incorporation into the 100 foot landscape

buffer/scenic corridor buffer of the scenic corridor overlay district of the Rural Lifestyle Initiative.

The subject site is located adjacent to the Robbins-Vista View Park Trail and the Linear Park Trail and within the planned scenic corridor overlay district north of Orange Drive which will provide the site with convenient access to pedestrians. It is the intent of the SC District to provide a safe and attractive area for pedestrians while the B-3 District encourages the type of businesses that do not cater directly to pedestrians. While the SC District would be appropriate to provide commercial development to meet the needs of the local community, given the location of the site on Orange Drive and proximity to I-75, the B-2 District is the most appropriate zoning district to provide a transition between the existing and proposed low density development in the area and the proposed SC District to the east.

The Transportation Element of the Town's Comprehensive Plan indicates that Griffin Road, Shotgun Road and Orange Drive are currently operating at Level of Service "A". Preliminary traffic estimates associated with the subject site utilizing the TRIPS model indicate 406 trips per day associated development of the subject site for every 100,000 square feet of specialty retail (Institute of Transportation Engineers, *Trip Generation*, 6th Edition). It is believed that the uses associated with the proposed rezoning will not excessively increase traffic beyond what was anticipated by the underlying "Commercial" land use plan designation.

Conclusion

In light of the above, staff believes that rezoning the subject site to B-2 would best implement the goals and objectives of the Town's Comprehensive Plan as well as the public health, safety and welfare objectives set forth in the applicable provisions of the Town's Land Development Code. The proposed rezoning of the site at a neighborhood scale is compatible with existing low density residential development and open space uses in the area, consistent with the intent of the Town's Land Development Code to provide a neighborhood scale of commercial development, and conforming with the goals and objectives of the Town's Comprehensive Plan to provide varying intensities of commercial development through the application of appropriate zoning districts without adversely impacting adjacent surrounding residential uses. The B-2 District is the most appropriate zoning district for the site because of its location away from primary transportation facilities and near existing low density residential neighborhoods, the County's Vista View Park, and the planned public middle school on Shotgun Road. Rezoning the site to B-2 will allow for development at neighborhood scale to meet the need of the community while generating less traffic than large scale commercial development and helping to maintain the rural character of Orange Drive. Rezoning the subject site to B-2 will also allow a less intense scale of commercial development on the property that is in harmony with the suburban character of the neighborhood.

Review for Rezonings

The following addresses the review criteria set forth in Section 12-307(A)(1):

(a) The proposed change **is not** contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as "Commercial". The proposed B-2 zoning district is consistent with the land use plan "Commercial" classification.

(b) The proposed change **will not** create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The B-2, Community Business District is intended to provide a business area to serve the shopping and limited service needs of the local community. The parcel to the north is currently vacant but under construction as a single family home subdivision known as Riverstone. Vista View Park and vacant commercial land is located to the east, commercial property zoned BP, Business Park is located to the west of the I-75 interchange and commercial property is also located to the south across Orange Drive, the C-11 Canal and Griffin Road.

(c) Existing zoning district boundaries **are not** logically drawn in relation to existing conditions on the property proposed for change;

The existing A-1, Agricultural District classification is the original zoning of the property. This zoning district does not allow office and retail uses consistent with the Future Land Use Plan Map designation of Commercial and agricultural use is no longer envisioned for the site.

(d) The proposed change **will not** adversely affect living conditions in the neighborhood;

Development of this parcel as Community Business will not have adverse impacts on the neighborhood. Community Business is intended to provide a neighborhood scale of development that is compatible with the lower residential densities in the area. The proposed rezoning to B-2 will provide the business services needed by the local community.

(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;

The traffic generated by commercial development of the site is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. Prior to County approval of plats, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts.

(f) The proposed change **will not** adversely affect other property values;

Staff is unaware of any adverse impact on surrounding property values associated with the potential development of this vacant site. The B-2, Community Business District is intended to provide a scale of commercial development that conforms to the intended character of the area. The Riverstone subdivision is currently under construction to the north of the site, there is a vacant commercial parcel and Vista View Park to the east, I-75 to the west and the Regency Square commercial parcel to the south.

(g) The proposed change **will not** be a deterrent to the improvement or development of other property in accord with existing regulations;

Development of the subject site will not deter development or improvement of adjacent parcels. There are single family homes under construction to the north, Vista View Park and vacant commercial land to the east, I-75 to the west and the Regency Square shopping center to the south.

(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;

The proposed development of the site with B-2, Community Business Center District zoning provides a neighborhood scale of commercial development that would provide shopping and employment opportunities and generate tax revenues which is in the public interest and general welfare of the Town of Davie. The change in scale of development that is proposed for the site is in conformance with the Town's Comprehensive Plan.

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

The subject site could not be developed according to the existing zoning district standards due to the existing commercial land use designation and the fact that the property will no longer provide for agricultural uses due to the surrounding development.

(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.

The proposed zoning is consistent with the Town of Davie Future Land Use Plan Map designation of commercial for the subject site and is also consistent with the Town's Comprehensive Plan by providing for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent surrounding residential uses. The proposed rezoning is also consistent with the Town's Comprehensive Plan Policy to locate non-residential uses in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATIONS:

April 9, 2003: On April 9, 2003, Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. Motion carried 4-1 with Vice-Chair Bender being opposed.

April 23, 2003: This item was readvertised by Staff for the April 23, 2003 Planning and Zoning Board meeting. Staff summarized the revisions to the staff report addressing the concerns raised at the April 9, 2003 Planning and Zoning Board meeting and requested that the Board

vote to reconsider and table this item until the May 14, 2003 meeting. Mr. Bender made a motion to reconsider. No second was made to reconsider this item and the motion to reconsider died.

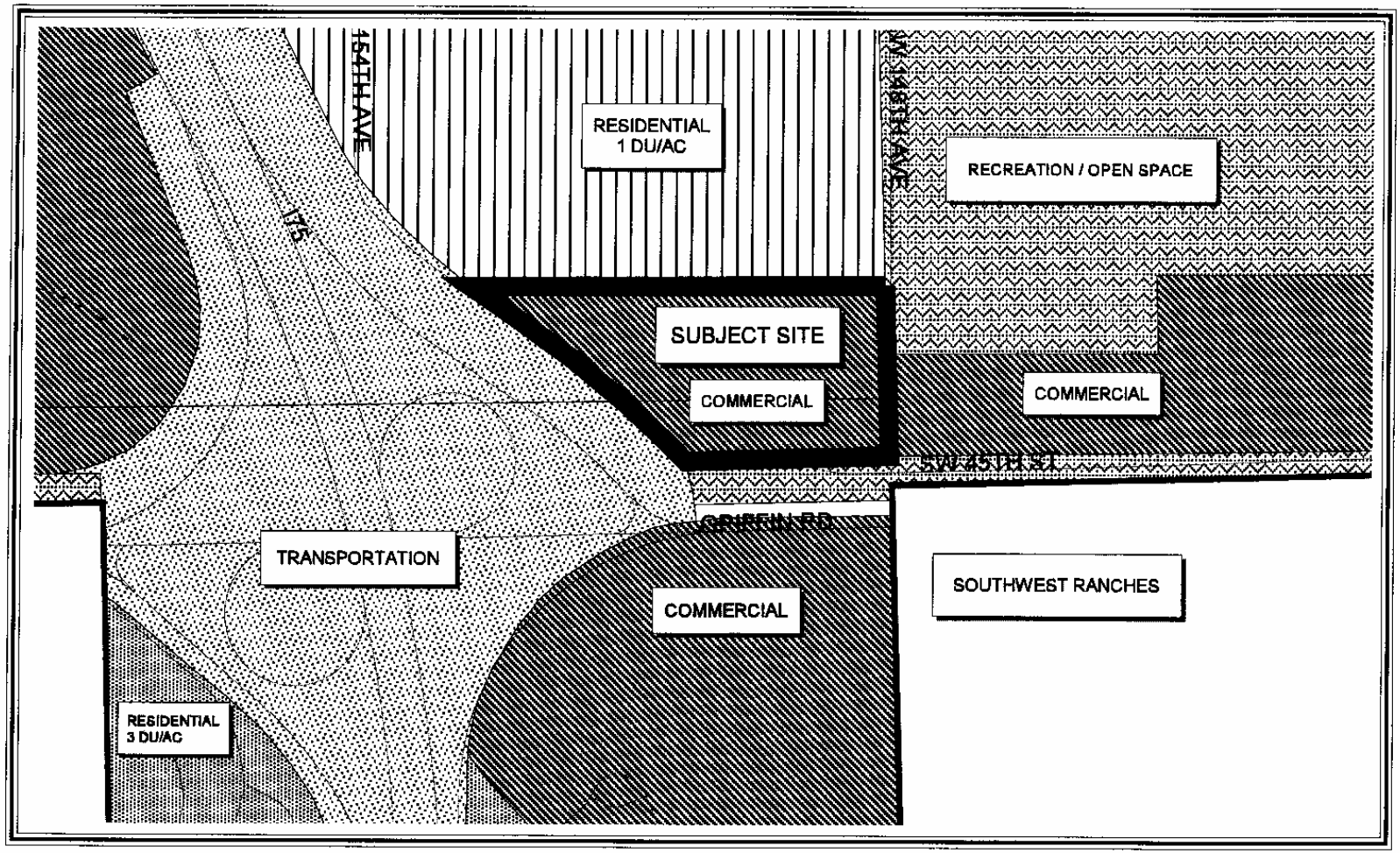
Staff Recommendation

Recommendation: In light of the designation of the property for "Commercial" land use under the Comprehensive Plan, staff recommends that the agricultural zoning of the subject property be changed to a Commercial, Office or Business zoning district. Based on the analysis described above, staff is of the opinion that the requested B-2 District would best implement the goals and objectives of the Comprehensive Plan and the public health, safety and welfare objectives set forth in the Town of Davie's Land Development Code.

Prepared by: _____ Reviewed by: _____

Exhibits

1. Future Land Use Map
2. Subject Site, Zoning and Aerial Map
3. Legal Description



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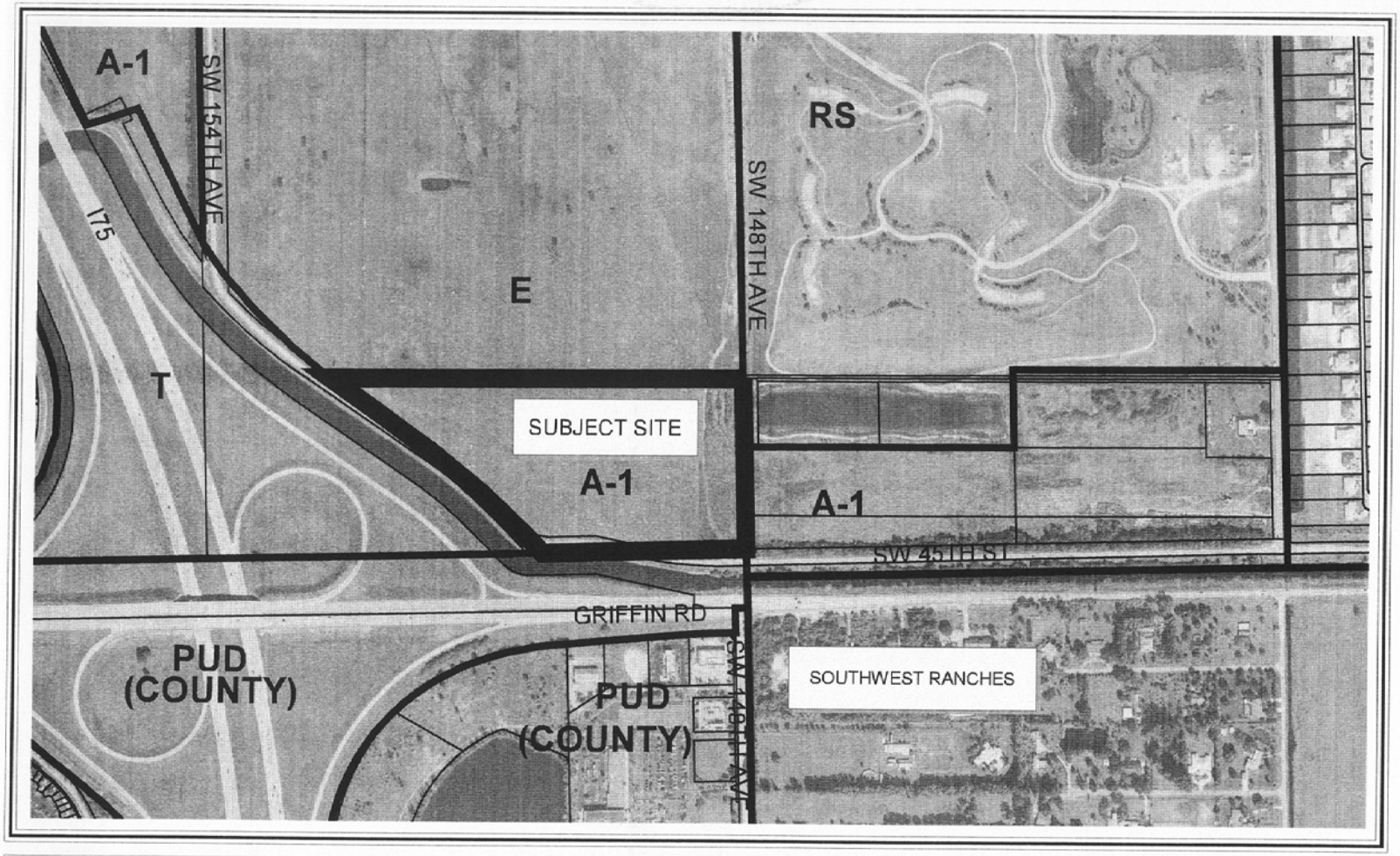
600 0 600 1200 Feet

Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

REZONING
ZB 3-2-03
Future Land Use Map

Date Prepared: 3/5/03
Prepared By: ILD



Date Flown:
12/31/00

N

600 0 600 1200 Feet

Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

REZONING
ZB 3-2-03
Zoning and Aerial Map

Date Prepared:3/5/03
Prepared By: ILD

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER (E 1/4) CORNER OF SAID SECTION 28; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), (BEARING BASIS) SOUTH 01°44'27" EAST 819.61 FEET TO THE NORTH RIGHT OF WAY LINE OF SOUTH NEW RIVER CANAL PER CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT RIGHT OF WAY MAP DWG. NO. C-11-3 SHEET 2 OF 3; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°37'04" WEST 407.96 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SHOTGUN ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 9527, PAGE 976 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES: (1) NORTH 78°35'03" WEST 337.59 FEET; (2) SOUTH 88°37'13" WEST 210.41 FEET TO A POINT OF CURVATURE OF A 270.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH; (3) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°12'08" AN ARC DISTANCE OF 213.01 FEET TO A POINT OF TANGENCY; (4) NORTH 46°10'46" WEST 150.09 FEET TO A POINT OF CURVATURE OF A 2199.86 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; (5) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'56" AN ARC DISTANCE OF 397.98 FEET TO A POINT OF TANGENCY; (6) NORTH 56°32'42" WEST 605.65 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF SECTION 28; THENCE ALONG SAID NORTH LINE, NORTH 89°49'30" EAST 2041.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 1,186,359 SQUARE FEET (27.235 ACRES) MORE OR LESS.