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 12-2-02 Town of Davie, 4703 SW 148 Avenue/Generally located on the southwest corner of Griffin Road and SW 148 Avenue

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie has requested to rezone the 50.8282 acre (2,214,076.4 square feet) subject site from P.U.D. (County), Planned Unit Development District to B-3, Planned Business Center District. This request will allow the remaining development of the subject site to be completed in accordance with the development standards of the Town's B-3 District. The requested B-3 District for the subject site is consistent with the intent and policies of the Land Development Code and Comprehensive Plan. Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan will be waived. Development of the site will be regulated in accordance with the B-3 District development standards in relation to landscaping, parking, open space, lot frontage and setbacks. The remaining commercial outparcels on the site will not be required to meet the Land Development Code requirements for the B-3 District in relation to maximum number of outparcel, lot depth, separation, and street frontage as indicated in Section 12-33(Q)(11) and Section 12-83 of the Land Development Code because they are legal lots of record.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval at its February 12, 2003 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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

DEVELOPMENT SERVICES DEPARTMENT (954) 797-1111
Administration (954) 797-1101
Planning & Zoning (954) 797-1103, FAX (954) 797-1204
Building & Occupational Licensing (954) 797-1111
Code Enforcement (954) 797-1121
Engineering (954) 797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030

MEMORANDUM
PZ 5-32-03

TO: Mayor and Councilmembers
Thomas J. Willi, Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning & Zoning Manager
Deborah Ross, AICP, Planning Supervisor

FROM: Bradley Swing, AICP, Planner II

DATE: August 14, 2003

RE: Regency Square Rezoning – B-3 & UC – ZB 12-2-02, generally located at the southeast corner of I-75 and Griffin Road

REPORT IN BRIEF:

Background:
Staff has initiated a series of administrative rezonings for various development sites throughout the Town in order to apply the Town's zoning regulations and to determine the compatibility of these sites with all other applicable rules. The Regency property was identified as having a zoning designation that is not consistent with the Future Land Use Plan of the Town of Davie.

The subject site is located at the southwest corner of Griffin Road and SW 148 Avenue. The 50.82 acre portion of the Regency Plat proposed for rezoning consists of Tract A (25.5 acres), Tract B (14.0 acres), and Tract F (11.3 acres). Tract A is the Regency Square Shopping Center, Tract B is vacant, and Tract F is a lake. (See attached Exhibit) A site plan application has been filed for a proposed automobile dealership on Tract B. Property owners in the area have expressed concerns regarding traffic and site design issues associated with the proposed automobile dealership.

A delegation request for a proposed Warren Henry car dealership was approved by Town Council contingent upon a meeting with the adjacent homeowners associations prior to presenting a site plan for Town Council review. DG 10-4-02 was approved for the Regency Plat on December 4, 2002 to restrict the plat to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage and 235,454 square feet of commercial use.

Purpose:
This Issue Paper responds to the request by Town Council to examine the rezoning of the Regency property to UC. The purpose of this paper is to provide a comparison of the UC and B-3 zoning districts.

Land Development Code Comparison of the UC and B-3 Zoning Districts:
Upon review of the subject rezoning, staff has provided the following comparison of the Land Development Code requirements for development in the UC and B-3 zoning districts.

Permitted Uses
Based on Sec. 12-32(B) Table of permitted uses, the UC and B-3 zoning districts provide the same permitted uses except as amended by Ordinance 2003-10 which prohibits vehicle sales and leasing in the UC district.

Development Standards	B-3	UC
Minimum Lot Area	1 Acre	8-10 Acres
Minimum Lot Frontage	150 ft.	None
Minimum Lot Depth	250 ft.	None
Front Setback	25 ft. (50 ft.)*	66-80 ft. (variable with front parking) 15 ft. (with rear parking)
Side Setback	25 ft. (50 ft.)*	10 ft.
Rear Setback	25 ft. (50 ft.)*	25 ft.
Maximum Height	35 ft.	None
Maximum Building Coverage	40%	None
Maximum Floor Area Ratio	None	21-30%
Minimum Building Separation	30 ft.	None
Minimum Open Space	30%	None
Minimum Landscape Ratio	None	30-35%

* 50 foot setback required on sides abutting residentially zoned, occupied or Land Use Plan designated properties.

Scale of Development

Zoning District	***Center/Park/Campus***	***Individual Building***
UC (Regional)	300,000+ Square Feet	None
B-3 (Community)	100,000-300,000 Square Feet	100,000 Square Feet

Master Development Plan
Required for both UC and B-3 (Sec 12-375).

Purpose and Intent
The intent of the UC district to provide for a mix of retail, office and residential uses in a medium to high-density environment. These areas will have some open space requirements to complement the higher densities permitted in the district. The B-3 district is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do

not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

Town of Davie Comprehensive Plan:
The 1997 Town of Davie Comprehensive Plan defines three (3) types of commercial centers and provides guidance for their classification based on land size, service area, scale of development and total leasable area. The three (3) types of shopping center developments are referred to as Neighborhood, Community and Regional shopping centers.

Shopping Centers
Based on the Future Land Use Element of the Comprehensive Plan, community shopping centers (B-3) typically range in area from approximately 10 to 30 acres and require a minimum market support population of 40,000 to 150,000 people. Regional shopping centers (UC) are approximately 30 acres in size or larger, and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 16 miles or more.

Development standards for the B-3 district would allow the development of community shopping opportunities 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.

Development standards for the UC district would allow the development of regional shopping centers with a range of approximately 300,000 square feet to 1,000,000 square feet of gross leasable area and provide a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such centers are usually built around full line department stores as the major tenant.

Non-Conformance Considerations:
UC District
The UC district sets development standards to regulate maximum intensities permitted based on minimum lot area, setbacks, maximum floor area ratio (FAR) and minimum landscape surface ratio (LSR). The UC district does not provide standards for minimum outparcel size and the existing shopping center on Tract A has five (5) existing outparcels and three (3) vacant outparcels. (See attached Exhibit)

B-3 District
Development of Tract A under B-3 development standards would require the following nonconformities with the requirements of the Land Development Code to be grandfathered in for future development:

- A maximum of one (1) outparcel may be created within an overall development for each fifty thousand (50,000) square feet, or fraction thereof, of gross building area.

The Regency Square Shopping Center, located on Tract A, was originally approved under the County's PUD zoning for 133,590 square feet of commercial development and three (3) outparcels. The Regency Square Shopping Center site plan did not include the four (4) outparcels adjacent to Griffin Road. Based on code requirements for the proposed B-3 district and the existing square footage of the Regency

Square Shopping Center, the development of only two (2) outparcels would be permitted according to the Land Development Code.

- An outparcel shall not be created so as to diminish the street frontage of the overall development by more than twenty (20) percent.

Staff notes that according to the development standards of the proposed B-3 district and based on the street frontage of 1,310 feet along SW 148 Avenue, only one (1) outparcel would be permitted making all other outparcels nonconforming.

- There shall not be created two or more contiguous outparcels within a single overall development.

As shown in the attached Exhibit, the existing development on Tract A has contiguous parcels along the northern boundary and five (5) parcels in close proximity to each other along the eastern boundary. According to the proposed B-3 district, two or more contiguous parcels within a single overall development would not be allowed.

- Minimum lot depth – 250 feet (See attached Exhibit)

  Outparcel 1: actual lot depth = 239 feet
  Outparcel 2: actual lot depth = 201 feet
  Outparcel 3: actual lot depth = 200 feet

- Minimum lot size – 43,560 square feet

Two (2) outparcels along SW 148 Avenue, one existing and one vacant, are existing legal lots of record less than one (1) acre in size.

Conclusions:

The existing zoning of the Regency property, PUD (County), is not a valid Town of Davie zoning district and therefore does not allow the Town to ensure that proposed development on the site is regulated in accordance with the Town's Land Development Code. Rezoning the subject site to B-3 or UC district will provide the site with a valid Town of Davie zoning district. Rezoning to B-3 district does create several legal nonconformities that would be grandfathered as a result of a prospective change to B-3. The UC district does not engender the same problems with nonconformities but does permit unlimited intensities controlled only by limitations of the site plan process and the land in question.

Staff brings forward this report in order to provide the Town Council with a comparison of the development standards, Comprehensive Plan and non-conformance considerations associated with each of the potential zoning districts which may be appropriate for the Regency property.

N

300 0 300 600 Feet

Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

REGENCY PLAT
Tract Map

Date Prepared: 2/5/03
Prepared By: ILD

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER 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 P.U.D. (County), Planned Unit Development District to B-3, Planned Business Center 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 P.U.D. (County), Planned Unit Development District to B-3, Planned Business Center 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-3, Planned Business Center 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

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

APPLICANT INFORMATION

Agent:		**Owner:**
Name:	Town of Davie	Multiple Owners
Address:	6591 Orange Drive	
City:	Davie, FL 33314	
Phone:	(954)797-1035	

BACKGROUND INFORMATION

Date of Notification: February 5, 2003 **Number of Notifications:** 192

Application Request: Rezone the 2,214,076.4 square foot (50.8282 acres) subject site **FROM:** P.U.D. (County), Planned Unit Development District; **TO:** B-3, Planned Business Center District

Address/Location: 4703 SW 148 Avenue/Generally located on the southwest corner of Griffin Road and SW 148 Avenue

Future Land Use Plan Designation: Commercial

Zoning: P.U.D. (County), Planned Unit Development District

Proposed Zoning: B-3, Planned Business Center District

Existing Use: Commercial uses (Tract A), vacant (Tract B), and a lake (Tract F)

Proposed Use: Commercial uses (Tract A), automobile dealership (Tract B), and a lake (Tract F)

Parcel Size: 50.8282 acre (2,214,076.4 square feet)
Tract A: 25.5089 acres (1,111,165 square feet)
Tract B: 14.0123 acres (610,377 square feet)
Tract F: 11.3070 acres (492,533 square feet)

	Surrounding Uses:	**Surrounding Land Use Plan Designation:**
North:	Griffin Road/I-75 Off-Ramp	Transportation
South:	Residential	Residential (3 DU/AC)
East:	Residential	Residential (Southwest Ranches)
West:	Transportation (I-75)	Transportation

Surrounding Zoning:

North: T, Transportation
South: Planned Unit Development (PUD) District (County)
East: E, Estate District
West: T, Transportation

ZONING HISTORY

Related Zoning History: The Ivanhoe PUD was approved and developed under Broward County codes in 1980. Broward County Ordinance 80-76, approved by Broward County September 29, 1980, rezoned the 864 acre Ivanhoe Development from A-1 to Planned Unit Development (PUD). The Regency property is part of the Ivanhoe PUD. The Regency Plat was recorded on January 7, 1985. Town of Davie Ordinance 86-14, approved February 1986, annexed the PUD into the Town of Davie and kept Broward County Ordinance 80-76 in effect.

Previous Requests on same property: There have been numerous development requests on the Regency Plat including the following:

On February 1, 1989, Town Council approved SP 10-13-88, Regency Square Shopping Center.

On February 2, 1997, Town Council passed DG 9-2-97, Shell Oil at Regency Square, a request to relocate the northernmost access opening 275 feet south of the northern limits of the plat.

On October 6, 1999, Town Council approved both SP 8-5-99, Regency Square Roadway Modification and, SP 6-14-99, Regency Park Office Center.

DG 10-2-99, a delegation request to change the plat note from "382 multi-family units, 25.5 acres of commercial use and 10.5 acres of office park" to "182 single family units, 172,500 square feet of commercial use, a 120 room hotel, 12,500 square feet of restaurant and 140,000 square feet of office use," was approved by Town Council on November 17, 1999.

Town Council approved SP 12-8-99, Holiday Inn Express, on February 2, 2000.

Town Council approved SE 10-1-00, Nextel at Regency Square on November 15, 2000 a special permit for the construction of a stealth-facility communications site.

Denny's Restaurant site plan, SP 8-6-00, was approved on April 4, 2001 by Town Council.

A site plan application (SP 10-7-02) for the Warren Henry automobile dealership to be located on Tract B has been submitted to staff for approval.

A Delegation Request (DG 10-4-02) for the Regency Plat to restrict the plat to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage and 235,454 square feet of commercial use was approved on December 4, 2002 by Town Council.

APPLICATION DETAILS

The Town of Davie has requested to rezone the 2,214,076.4 square foot (50.8282 acres) subject site from P.U.D. (County), Planned Unit Development District; to B-3, Planned Business Center District in order to provide the parcel with a Town of Davie zoning district.

Applicable Codes and Ordinances

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

Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the B-3, Planned Business Center District.

Section 12-54 of the Land Development Code, which establishes standards to regulate the maximum intensities permitted in the Planned Business Center 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 Planned Business Center District.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of SW 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 117.

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 Analysis

This request is to rezone the subject site from the County's PUD zoning district to the Town of Davie's B-3, Planned Business Center zoning district. As noted, the Regency property was annexed into the Town of Davie in February 1986 as part of the Ivanhoe PUD. The Town maintained the Broward County zoning classification for the Regency property and the site continues to maintain the PUD (County) zoning classification today.

The Town of Davie Future Land Use Plan Map designates the subject parcel "Commercial" and the requested B-3 District allows for the site to be classified with a commercial zoning district which is intended to implement the commercial designation of the Town's Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists. The location of the existing shopping center is consistent with the intent of the location policies of the B-3 District as it is in a conspicuous, easily accessible location at the intersection of an interstate highway and a major arterial roadway. The site occupies approximately 50 acres and caters primarily to automobile traffic. This site serves the regional shopping and service needs of the area.

Surrounding land uses include I-75 to the west and Griffin Road to the north. Existing large lot residential development located in the Town of Southwest Ranches is located to the east and existing residential development is located south of the subject site (Chelsea at Ivanhoe). Staff notes this development is part of the Ivanhoe PUD and is buffered from the commercial property to the north with an access road and a lake.

Staff notes a portion of the subject parcel is currently developed with the Regency Square Shopping Center (Tract A) and the remaining site consists of an undeveloped parcel (Tract B) and a lake (Tract F). (See Exhibit 3).

Any new development of the site located on Tract B will be regulated in accordance with the B-3 District development standards in relation to landscaping, parking, open space, lot frontage and setbacks. The remaining outparcels (See Exhibit 3) are legal lots of record, therefore the development of these outparcels will not be required to meet the Land Development Code requirements for the B-3 District in relation to maximum number of outparcel, lot depth, separation, and street frontage as indicated in Section 12-33(Q)(11) and Section 12-83 of the Land Development Code.

The following exceptions to the B-3 development standards of the Land Development Code will be required for Tract A:

- A maximum of one (1) outparcel may be created within an overall development for each fifty thousand (50,000) square feet, or fraction thereof, of gross building area.
- An outparcel shall not be created so as to diminish the street frontage of the overall development by more than twenty (20) percent.
- There shall not be created two or more contiguous outparcels within a single overall development.
- Minimum lot ~~frontage~~ depth – 250 feet (See Exhibit 3)
  Outparcel 1: ~~minimum lot frontage~~ actual lot depth = 239 feet
  Outparcel 2: ~~minimum lot frontage~~ actual lot depth = 201 feet
  Outparcel 3: ~~minimum lot frontage~~ actual lot depth = 200 feet
- Minimum lot size – 43,560 square feet

~~Staff notes at the time of annexation, the~~ The Regency Square Shopping Center located on Tract A was ~~approved for approximately 150,000 square feet of commercial development and eight (8) outparcels~~ originally approved under the County's PUD zoning for 133,590 square feet of commercial development and three (3) outparcels. The Regency Square Shopping Center site plan did not include the four (4) outparcels adjacent to Griffin road. Based on code requirements for the proposed B-3 district and the existing square footage, the development of ~~three (3)~~ only two (2) outparcels would be permitted.

The site plan as approved ~~by Broward County under PUD zoning~~ had ~~four~~ three (3) outparcels located adjacent to SW 148 Avenue. Staff notes that according to the proposed B-3 district and based on the street frontage of 1,310 feet, one outparcel would be permitted making all other outparcels non-conforming.

As shown by Exhibit 3, the approved ~~Broward County~~ site plan for Tract A had contiguous parcels along the northern and eastern boundaries and five (5) parcels in close proximity to each other along the eastern boundary. ~~As such, the eventual development of these parcels may continue, as they were part of the original annexation agreement.~~ It is noted according to the proposed B-3 district that two or more contiguous parcels within a single overall development would not be allowed.

Two (2) outparcels along SW 148 Avenue, one existing and one vacant are existing legal lots of record less than one (1) acre in size.

Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the B-3, Planned Business Center District will be waived. However, it is noted that a site plan is currently under review for a Warren Henry automobile dealership on Tract B (Tentatively scheduled for February 19, 2003 Town Council) and an Outback Steakhouse site plan has been submitted for one of the three vacant outparcels in Tract A (Tentatively scheduled for Site Plan Committee of February 11, 2003).

Findings of Fact

<u>Rezonings:</u>
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;

The Future Land Use Plan Map designates the parcel as "Commercial". The B-3 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-3, Planned Business Center District is intended to provide for business uses within areas designated for commercial land use and with a conspicuous and accessible location convenient for motorists. This site is located adjacent to major transportation corridors.

(c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

The existing PUD (County) classification is the original zoning of the property. This zoning district is not a Town of Davie zoning district and will not provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code.

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

Development of this parcel as a B-3 District will not have adverse impacts on the neighborhood as the subject parcel is currently zoned for commercial uses under the PUD County district. The B-3 District will allow the remainder of the site to be developed subject to the requirements of the Town of Davie Land Development Code.

(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;

Surrounding property values will not be adversely impacted by development of this rezoning. ~~vacant site as the subject site is an existing shopping center. In addition, the~~ The subject site is located adjacent to two major transportation corridors; I-75 to the west, and Griffin Road to the north. The site is currently platted for commercial development and rezoning to the Town of Davie B-3 District will allow development of the remaining outparcels consistent with the Town of Davie Land Development Code.

(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 to the east and south, and transportation corridors to the north and west.

(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 rezoning of the site to B-3 will help promote development of the final remaining outparcels on the site which will provide employment opportunities and generate tax revenues which is in the public interest and general welfare of the Town of Davie.

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

The existing zoning of the subject site is not a Town of Davie zoning district, therefore development of the site using the existing county zoning district would not allow the site to be developed according to the Town's Land Development Code.

(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.

Development of the site will ultimately enhance the Town's tax base. 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 commercial uses adjacent to a major Interstate.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

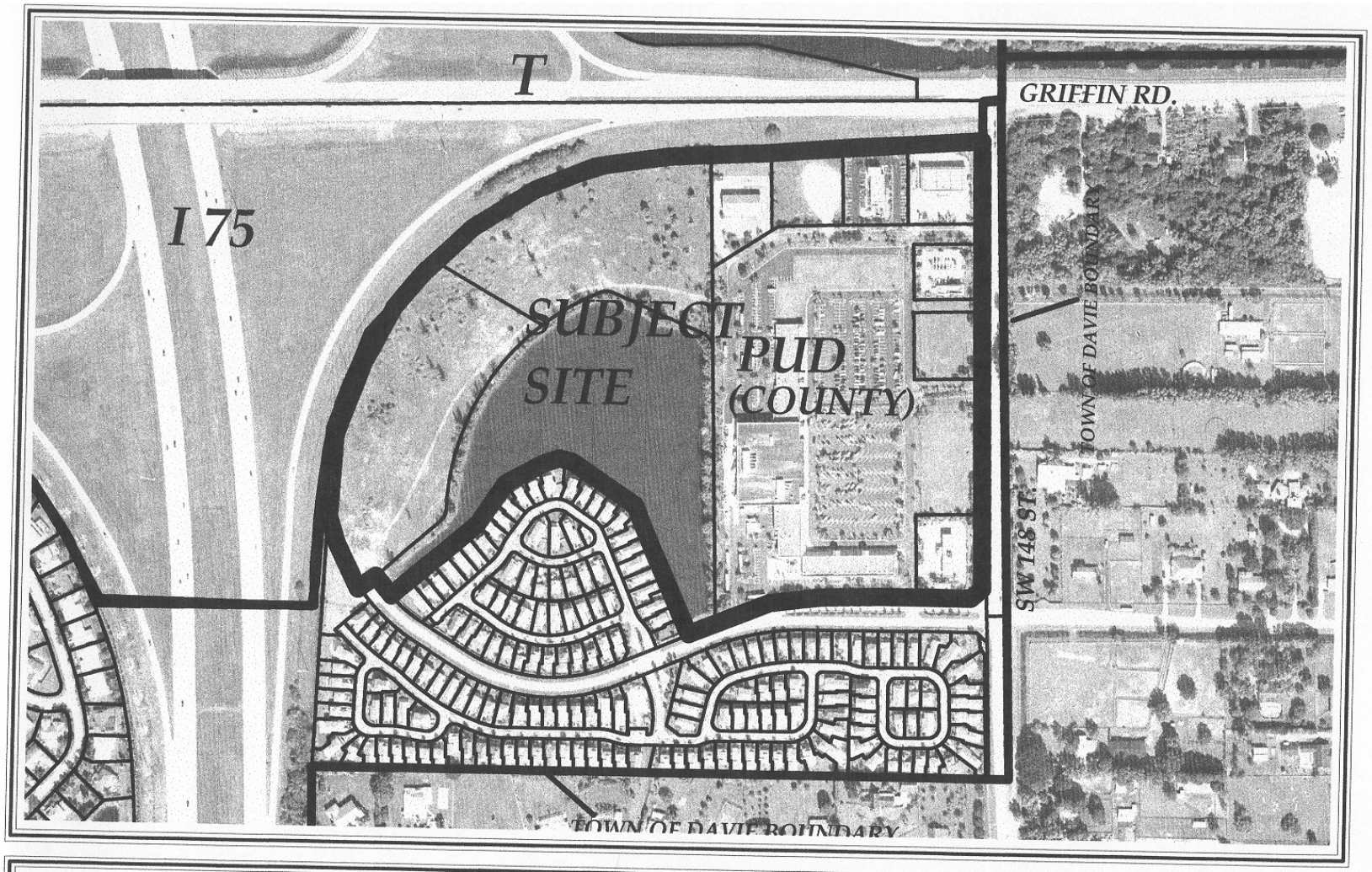
Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATIONS: On February 12, 2003, Mr. Waitkus made a motion, seconded by Ms. Lee, to approve. Motion carried: 5-0.

Prepared by: _____ Reviewed by: _____

Exhibits

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



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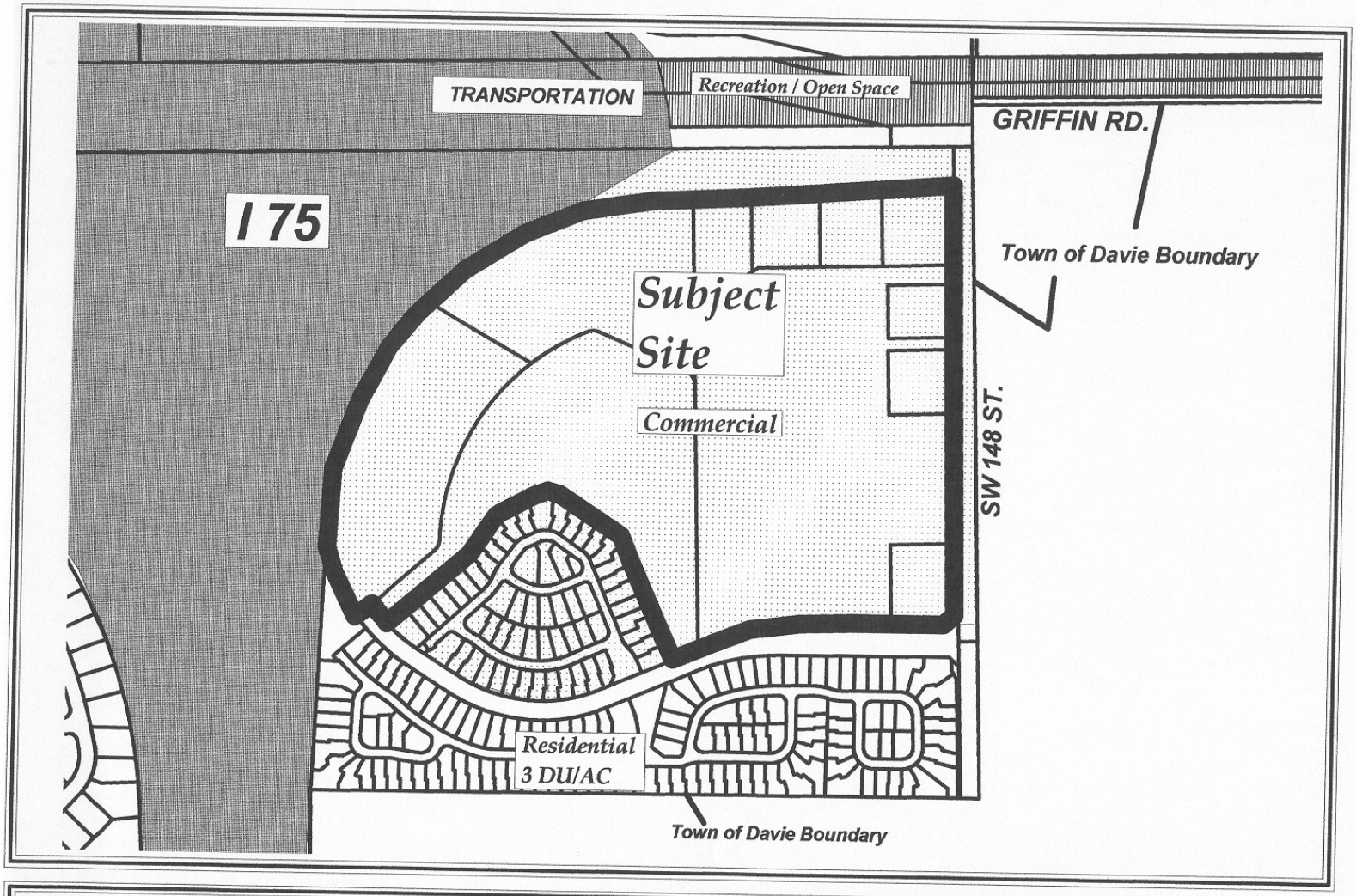
Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

Rezoning
ZB 12-2-02
Subject Site and Aerial Map

Date Flown: 12/31/01



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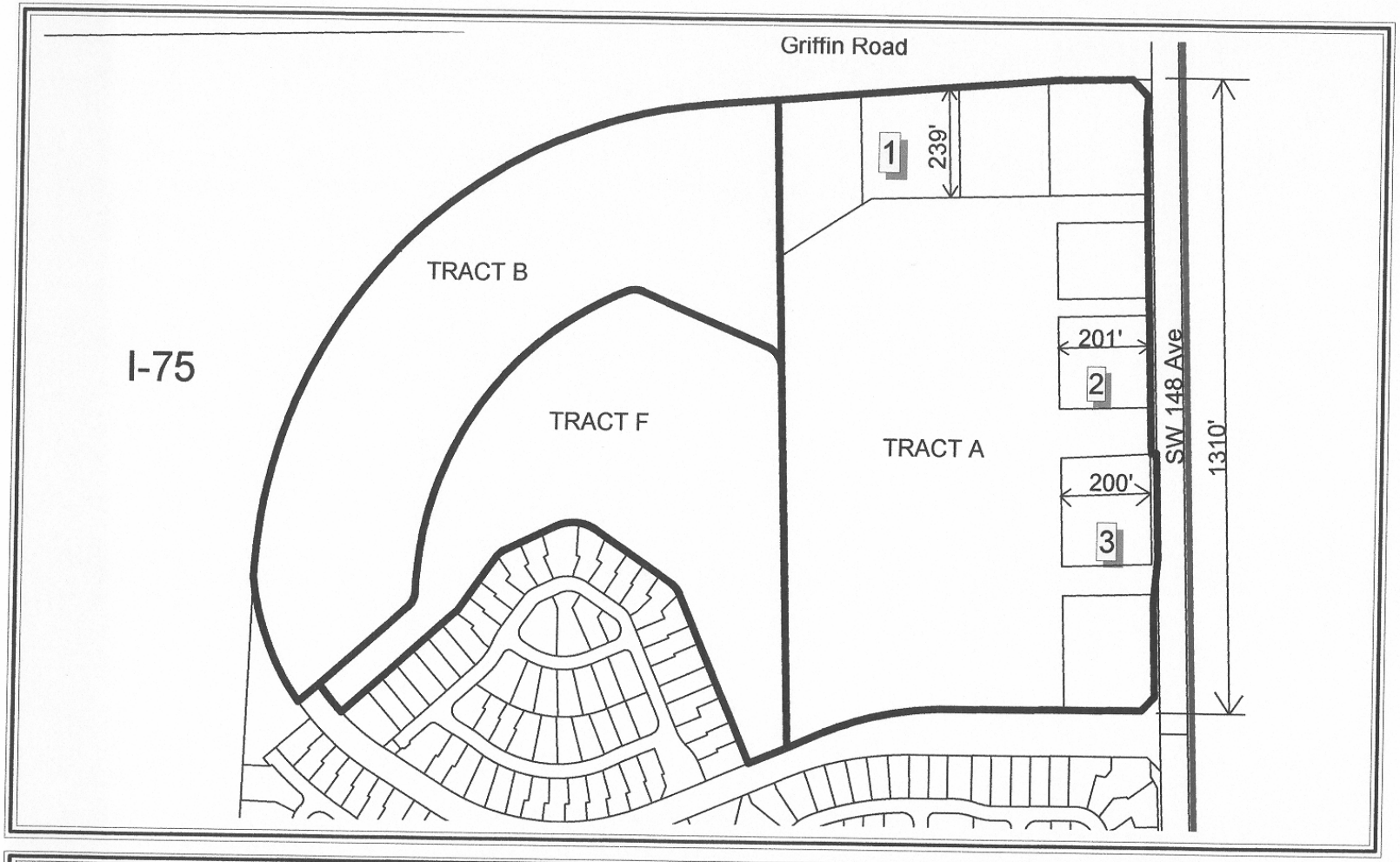
Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

Rezoning
ZB 12-2-02
Existing Future Land Use Map



Date Flown:
12/31/00

N

300 0 300 600 Feet

Planning & Zoning Division - GIS

REZONING
ZB 12-2-02
Tract Map

Date Prepared:2/5/03
Prepared By: ILD

LEGAL DESCRIPTION

All of Tracts A, B and F of the Plat of Regency, according to the Plat thereof Recorded in Plat Book 121, Page 48 of the Public Records of Broward County, Florida.