

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 9-1-03 By Faith Development Corporation/
Mark Engel, Engel and Associates, 7665 Davie Road Extension, Generally located
at the northeast corner of Davie Road Extension and NW 77 Avenue

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

V 9-1-03 By Faith Development Corporation, 7665 Davie Road Extension (B-2)

REPORT IN BRIEF: The applicant has requested a variance from: §12-83 of the Land Development Code, B-2 Community Business District, which requires a minimum 25' setback adjacent to rights-of-way; to: reduce the front setback to 20' along Davie Road Extension so a 10,480 building may be developed on the site.

The owner purchased a 31,015 square foot (0.712 acres) property which contained a vacant metal building (previously Frye's Tool Rental) with the intent of demolishing it to develop an office building. While the parcel was a legal lot of record, replatting was required because of the demolition and since the land was not specifically delineated on a plat approved by the Broward County Board of County Commissioners. Upon replatting Broward County required 10' (2,471 square feet) of right-of-way on the southern boundary to accommodate a future turn lane as part of the upcoming Broward County Davie Road Extension expansion project; making the ultimate right-of-way of Davie Road Extension in front of the site 116', and reducing the size of the site to 28,544 square feet (0.66 acres). Additionally, the access opening on Davie Road Extension was eliminated, and the two (2) openings on NW 77 Avenue were changed to one (1) 50' opening.

This request is the result of additional right-of-way required by Broward County at the time of platting. This right-of-way is to accommodate a turn land for the upcoming Davie Road Extension expansion project. The applicant's request to reduce the front setback from 25' to 20' will match the setback allowed on the parcel to the east and poses no negative impacts on the surrounding area. The request does not allow the building to be placed any closer to the centerline of Davie Road Extension than what is permissible on the adjacent parcel to the east which does not have turn lane. The preliminary site plan shows that all of the landscape buffers being provided meet the requirements of the Land Development Code, as well as parking, open space, and maximum building coverage.

PREVIOUS ACTIONS: None

CONCURRENCES: At the November 12, 2003, Planning and Zoning Board meeting, Casey Lee made a motion, seconded by Mimi Turin to approve (Motion carried 4-0 with John Stevens absent).

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. Additionally, staff recommends that the applicant enter into a trafficways beautification agreement so landscape materials may be installed on the Davie Road Extension right-of-way to enhance the site.

Attachment(s): Planning Report, Survey, Plat, Preliminary Site Plan, Future Land Use Plan Map, Zoning and Aerial Map

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



Applicant Information

<u>Owner:</u>		<u>Agent:</u>	
Name:	William Byrd By Faith Development Corp.	Name:	Mark Engel, AIA Engel and Associates, Inc.
Address:	9000 W. Sheridan Street, Suite 94	Address:	4800 SW 64 Avenue, Suite 104
City:	Pembroke Pines, FL 33324	City:	Davie, FL 33314
Phone:	(954) 723-0027	Phone:	(954) 791-4810

Background Information

Date of Notification: November 5, 2003 **Number of Notifications:** 179

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendation: At the November 12, 2003, the Planning and Zoning Board meeting, the board made a motion to approve the variance application.

Application Request: Variance **FROM:** §12-83 of the Land Development Code, B-2 Community Business District, which requires a minimum 25' setback adjacent to rights-of-way; **TO:** reduce the front setback to 20' along Davie Road Extension so a 10,480 square foot building may be developed on the site.

Address/Location: 7665 Davie Road Extension/Generally located at the northeast corner of Davie Road Extension and NW 77 Avenue

Future Land Use Plan Map: Commercial

Zoning: B-2, Community Business District

Existing Use: Single story metal building under demolition (Frye's Tool Rental)

Proposed Use: 10,480 square foot two (2) story office building

Parcel Size: 28,544 square feet (0.66 acres)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	Single family dwellings	Residential (5 DU/AC)
South:	House of Worship (City of Hollywood)	Community Facilities
East:	Vacant	Commercial
West:	Mixed use (office & multi-family dwellings)	Commercial
	Single family dwelling	Residential (5 DU/AC)

Surrounding Zoning:

North:	R-5, Low Medium Density Dwelling District
South:	CF, Community Facilities District (City of Hollywood)
East:	B-2, Community Business District
West:	B-2, Community Business District, R-5, Low Medium Density Dwelling District

Zoning History

Related Zoning History: Pursuant to a referendum vote, the subject site was annexed to the Town of Davie by Ordinance 81-7, on March 5, 1981.

Previous Requests on same property: Available records indicate the Future Land Use Plan Map designation and zoning classification were in place prior to the site's annexation.

The site plan, Frye's Tool Rental, was approved on June 1, 1983.

The plat, P 10-5-03 W.W.J.D., was approved on July 2, 2003, with a note restricting the site to 13,400 square feet of office use.

The site plan, SP 9-1-03 By Faith Development, is being processed concurrently with this variance request.

Applicable Codes and Ordinances

§12-309(B) (1) Review for variances.

§12-83 Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: 52,500 square feet lot area, 200' frontage and depth, 20' on sides abutting residentially zoned properties, 25' adjacent to rights-of-way, 30% open space, 40% maximum building coverage, and 35' maximum height.

§12-107(D) Site Landscaping for Commercial and Industrial Districts requires 20' buffers adjacent to arterial and collector streets, and 10' buffers adjacent to all other streets.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

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

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details and Staff Analysis

The applicant has requested a variance from: §12-83 of the Land Development Code, B-2 Community Business District, which requires a minimum 25' setback adjacent to rights-of-way; to: reduce the front setback to 20' along Davie Road Extension so a 10,480 building may be developed on the site.

The owner purchased a 31,015 square foot (0.712 acres) property which contained a vacant metal building (previously Frye's Tool Rental) with the intent of demolishing it to develop an office building. While the parcel was a legal lot of record, replatting was required because of the demolition and since the land was not specifically delineated on a plat approved by the Broward County Board of County Commissioners. Upon replatting Broward County required 10' (2,471 square feet) of right-of-way on the southern boundary to accommodate a future turn lane as part of the upcoming Broward County Davie Road Extension expansion project; making the ultimate right-of-way of Davie Road Extension in front of the site 116', and reducing the size of the site to 28,544 square feet (0.66 acres). Additionally, the access opening on Davie Road Extension was eliminated, and the two (2) openings on NW 77 Avenue were changed to one (1) 50' opening.

This request is the result of additional right-of-way required by Broward County at the time of platting. This right-of-way is to accommodate a turn lane for the upcoming Davie Road Extension expansion project. The applicant's request to reduce the front setback from 25' to 20' will match the setback allowed on the parcel to the east and poses no negative impacts on the surrounding area. The request does not allow the building to be placed any closer to the centerline of Davie Road Extension than what is permissible on the adjacent parcel to the east which does not have turn lane. The preliminary site plan shows that all of the landscape buffers being provided meet the requirements of the Land Development Code, as well as parking, open space, and maximum building coverage.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought;

The subject site is an odd shaped corner lot, resembling a triangle, adjacent to an irregular roadway, Davie Road Extension. This angle of the roadway and the angle of the lot create a condition that makes designing a site with a preconceived square footage difficult.

which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district;

These conditions, the irregular lot shape in addition to the angle of Davie Road Extension, while out of the ordinary, do apply generally to other parcels in the B-2, Community Business District along Davie Road Extension.

and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The applicant contends that if the 25' front setback must be adhered to, the building would have to be reduced in size and would not have enough rentable square footage to support the land and building costs, and would therefore deprive the applicant of reasonable use of the land. Since the proposed office use is not the most intense use allowed in the B-2, Community Business District the request does not represent an unjustifiable unnecessary hardship claim that the best use of the land is being lost.

and that alleged hardship is self-created by any person having an interest in the property.

The applicant contends that since the additional right-of-way was taken through the platting process it is not self-created, however, the variance request is created by the desire to develop the property with the proposed office building at the requested square footage.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Staff cannot state that granting this variance is necessary for reasonable use of the land; however the request is the minimum needed to construct the proposed office building at the requested square footage.

- (c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the front setback to be reduced from 25' to 20' will not be detrimental to the neighborhood as the required 20' landscape buffer will be provided, and the building will not be placed any closer to the centerline of Davie Road Extension than what is permissible on the adjacent parcel to the east which does not have a turn lane.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. Additionally, staff recommends that the applicant enter into a trafficways beautification agreement so landscape materials may be installed on the Davie Road Extension right-of-way to enhance the site.

Planning and Zoning Board Recommendation

At the November 12, 2003, Planning and Zoning Board meeting, Casey Lee made a motion, seconded by Mimi Turin to approve (Motion carried 4-0 with John Stevens absent).

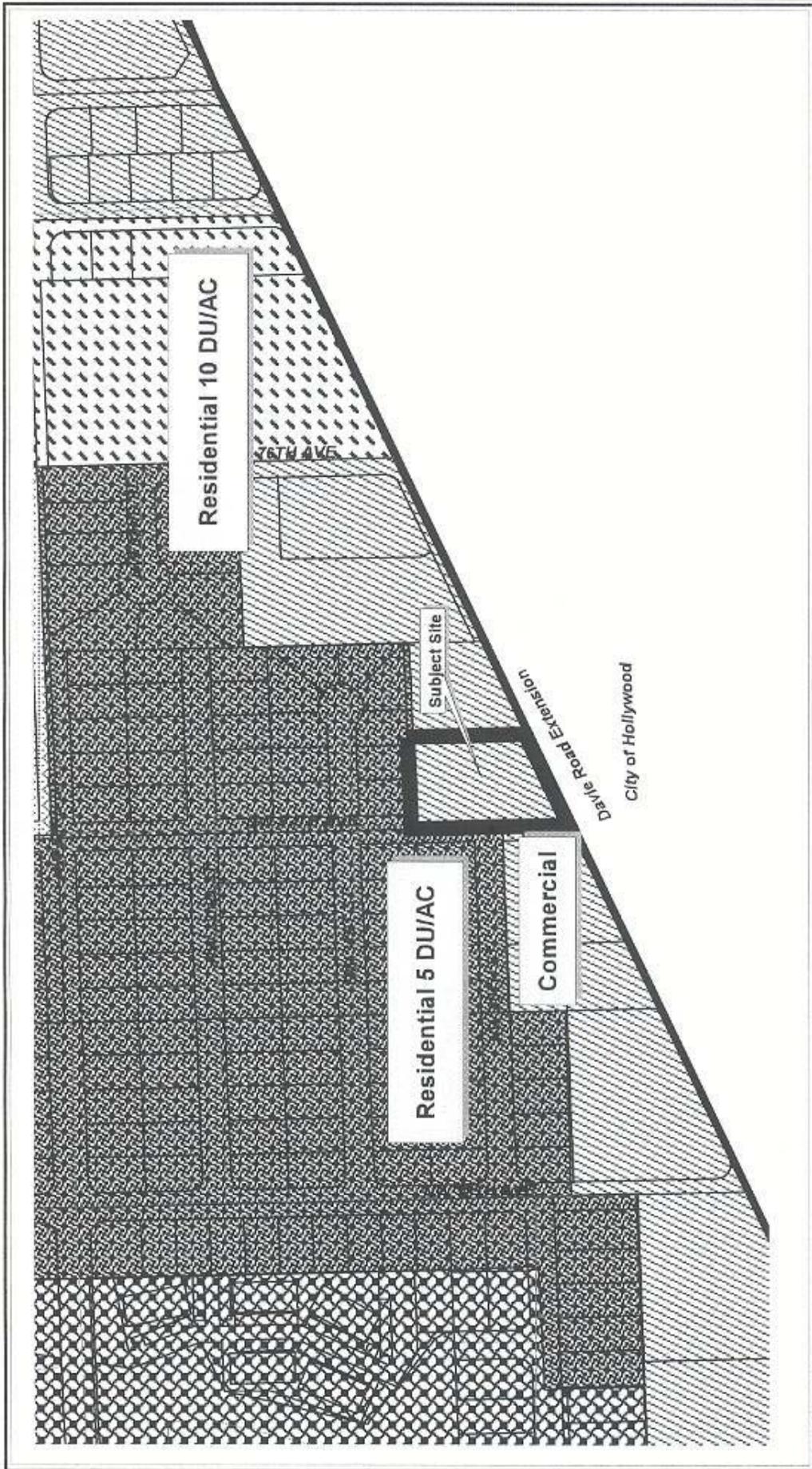
Town Council Action

Exhibits

1. Survey
2. Plat
3. Preliminary Site Plan
4. Future Land Use Plan Map
5. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



Date Flown:
12/31/00

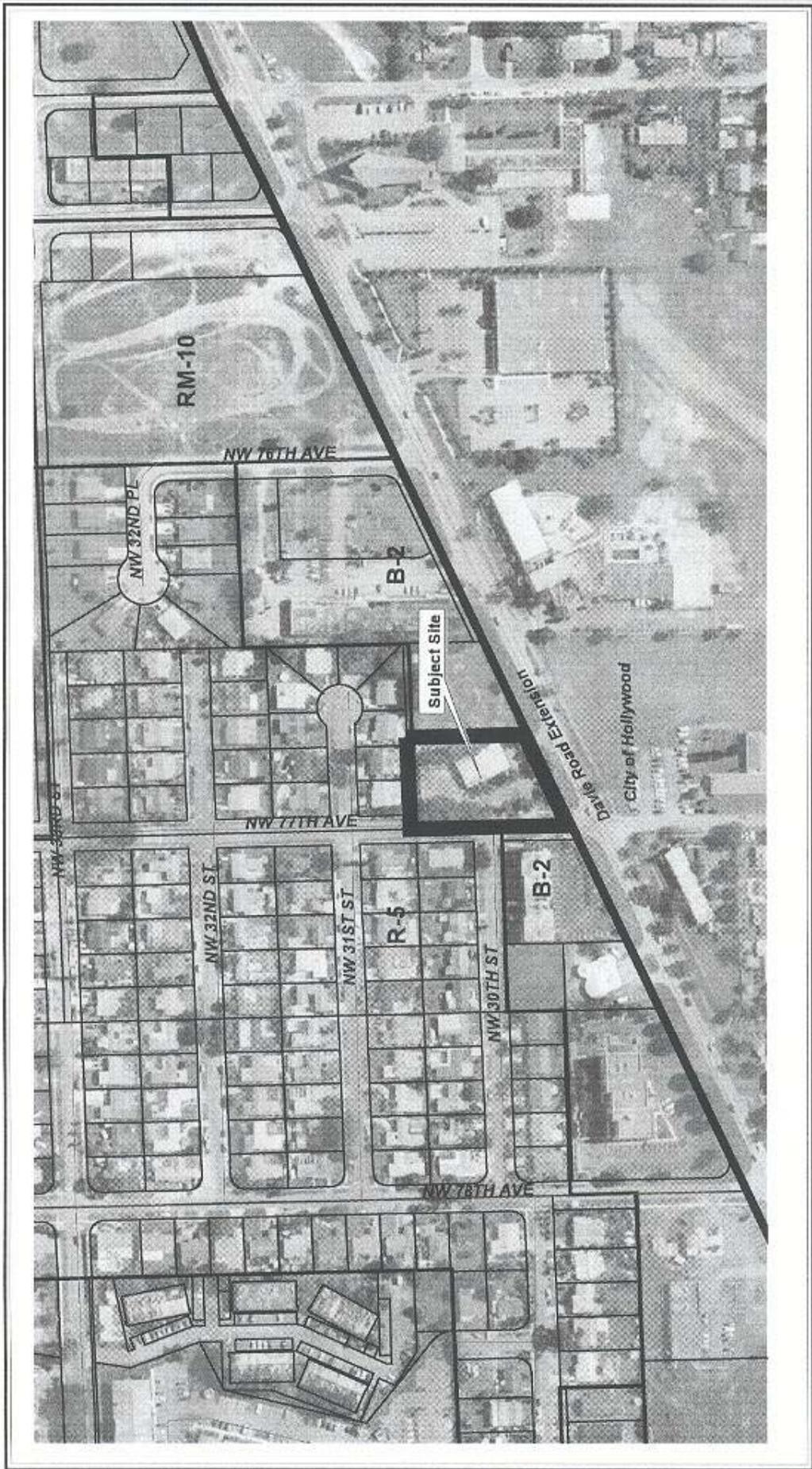
Prepared By: CMG
Date Prepared: 10/28/03



Planning & Zoning Division - GIS



**Variance and Site Plan
V 9-1-03 & SP 9-1-03
By Faith Development Corporation
Future Land Use Plan Map**



Date Flown:
12/31/00

Prepared By: CMG
Date Prepared: 10/28/03



Planning & Zoning Division - GIS



**Variance and Site Plan
V 9-1-03 & SP 9-1-03
By Faith Development Corporation
Zoning and Aerial Map**

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