

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: Roberta Moore, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 12-3-03, Town of Davie Oakes Road Fire Station, 4491 Oakes Road, Generally located west of State Road 7 / 441, east of Burriss Road.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3, INTENSE MANUFACTURING AND INDUSTRIAL DISTRICT (COUNTY) AND B-3, INTENSE COMMERCIAL BUSINESS DISTRICT (COUNTY) TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The applicant proposes to rezone the property from M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County) to CF, Community Facilities for a parcel located on the west side of State Road 7 / U.S. 441, east of Burriss Road. These existing zoning districts are not valid Town of Davie zoning districts and do not permit the proposed use while the CF, Community Facility zoning district will allow for a Fire / Rescue Station. The proposed Fire / Rescue Station that is scheduled to be built will service the areas east of the Florida's Turnpike and adjacent major highways.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 11, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve. Motion carried 5-0.

FISCAL IMPACT: N/A

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

Attachment(s): Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3, INTENSE MANUFACTURING AND INDUSTRIAL DISTRICT (COUNTY) AND B-3, INTENSE COMMERCIAL BUSINESS DISTRICT (COUNTY) TO CF, COMMUNITY FACILITIES 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 M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County) to CF, Community Facilities District;

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 M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County) to CF, Community Facilities 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 Community Facilities 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 _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

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

Applicant Information

Owner / Petitioner:

Name: Town of Davie
Address: 6591 Orange Drive
City: Davie, FL 33314
Phone: (954) 797-1000

Background Information

Date of Notification: January 27, 2004 **Number of Notifications:** 25

Planning and Zoning Board Recommendation: At the February 11, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve. Motion carried 5-0.

Application History: No deferrals have been requested.

Application Request: Rezone 1.1292 acres **FROM:** M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County); **TO:** CF, Community Facilities District. The purpose of this request is to allow the subject site to be developed into the Town of Davie Oakes Road Fire / Rescue Station.

Address/Location: 4491 Oakes Road/ Generally located west of State Road 7 / U. S. 441, east of Burris Road.

Future Land Use Plan Map Designation: Industrial

Existing Zoning: M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County)

Proposed Zoning: CF, Community Facilities District

Existing Use: Vacant

Proposed Use: Town of Davie Fire / Rescue Station

Parcel Size: Approximately 1.13 acres (49,188 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	United Rentals, Self Storage	Industrial
South:	Lake	Industrial
East:	State Road 7 / U. S. 441	Transportation
West:	G. S. Equipment	Industrial

	<u>Surrounding Zoning:</u>
North:	M-3, Intense Manufacturing and Industrial District (County)
South:	M-3, Planned Industrial Park District (Hacienda Village)
East:	B-3, Intense Commercial Business District (County)
West:	M-3, Planned Industrial Park District (Hacienda Village)

Zoning History

Related Zoning History: None

Previous Request on same property: The applicant has submitted a Vacation of Right-of-Way application (VA 12-2-03) to run concurrently with this application. The vacation of right-of-way application proposes to vacate a 35-foot section of right-of-way of Oakes Road between Oakes Road and State Road 7 / U.S. 441.

Town Council approved on January 21, 2004, Resolution 2004-16, to amend the Restrictive Plat Note to allow a 20,000 square foot Fire / Rescue Station, 4,800 square feet of office and 195,000 square feet of industrial use.

Town Council approved on September 6, 2001, Resolution 2001-232, to amend the restrictive note on the "Y.A.F. Plat" from 4,800 square feet of office and 215,000 square feet of industrial use to 25,000 square feet of industrial use across the plat; and 16,000 square feet of office use on Parcel "A"; 10,000 square feet of industrial use on Parcel "B"; and 140,000 square feet of industrial use and single 2-bedroom garden apartment on Parcel "C". Broward County Commission approved the item (Item Number 46) on November 6, 2001. The plat note amendment was not recorded.

Town Council approved a plat note amendment by Resolution Number 91-186 on August 7, 1991. The approval was for the amendment of the restrictive note on the Y.A.F. Plat to permit a watchman's quarters on Parcel "C". However, this request was never recorded.

Town Council approved a subdivision plat by Resolution Number 85-123 on July 17, 1985. The Plat was recorded in the public records of Broward County, Plat Book 125, Page 26 on November 1985.

Applicable Codes and Ordinances

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

Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires minimum lot area of 43,560 square feet, minimum lot frontage of 100 feet, setbacks: front 50 feet, side 25 feet, rear 25 feet, and maximum height of 35 feet.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 58.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 13: Community Facilities Use, Policy 13-1:* The Community Facilities category shall provide for the development of a wide range of activity centers necessary to satisfy the demands of the existing and future Town populations.

Future Land Use Plan, Objective 13: Community Facilities Use, Policy 13-3: The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses.

Future Land Use Plan, Objective 13: Community Facilities Use, 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.

Application Details and Staff Analysis

The proposed rezoning requests a change in zoning from M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County) to CF,

Community Facilities for a parcel located on the west side of State Road 7 / U.S. 441, east of Burris Road. These existing zoning districts are not valid Town of Davie zoning districts and do not permit the proposed use while the CF, Community Facility zoning district will allow for a Fire / Rescue Station.

The subject site located within a developed industrial area is consistent and compatible with the designated Industrial land uses located adjacent to State Road 7 / U.S. 441 and Oakes Road. Located north of the subject site the zoning district is M-3, Intense Manufacturing and Industrial District (County) and is currently developed as United Rentals and Self Storage. Located east of the subject site is State Road 7 / U.S. 7. Located south of the subject site the zoning district is M-3, Planned Industrial Park District (Hacienda Village) and is currently a lake. Located west of the subject site the zoning district is M-3, Planned Industrial Park District (Hacienda Village) and is currently developed as G.S. Equipment.

The proposed Fire / Rescue Station that is scheduled to be built primary service area will be east of the Florida's Turnpike and include adjacent major highways. The Town of Davie Fire Rescue Department currently services 34 square miles of incorporated area, and six additional square miles via contract to the Town of Southwest Ranches and unincorporated Pine Island Ridge. Presently four fire stations service cover an average of 8.5 miles per station, almost twice that of the countywide average of 5.0 miles per station. Two additional fire stations, including the one under discussion, were approved through a 2003 bond issue which will reduce the average square miles to less than 6 miles per station and improve coverage townwide.

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;

The land use is Industrial and the CF zoning district is a permitted zoning district within the Industrial Land Use.

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

The surrounding uses consist of M-3, Intense Manufacturing and Industrial District (County) to the north, M-3, Planned Industrial Park District (Hacienda Village) to the south, B-3, Intense Commercial Business District (County) to the east, and M-3, Planned Industrial Park District (Hacienda Village) to the west.

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

Existing uses include to the north United Rentals and Self Storage, to the south is a lake, to the east is State Road 7 / U.S. 441, and to the west is G. S. Equipment. The proposed use is consistent and compatible with the existing zoning districts.

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

The proposed zoning district would allow for a Fire / Rescue Station to be built which will service the eastern site of the Town and the major roadways (Florida's Turnpike and all adjacent major highways).

- (e) The proposed change is not expected to 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 industrial 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 is not expected to adversely affect other property values;

The rezoning would not affect adjacent property values as the proposed zoning district is compatible with the surrounding zoning districts and these properties are currently developed with industrial uses.

- (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 as the properties to the north and west are developed with industrial uses, to the south is a lake and to the east is State Road 7 / U.S. 441 .

- (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;

This request is as submitted is not a grant of special privilege as this proposal was submitted in accordance the Land Development Code's and reviewed for consistency with the Comprehensive Plan. In addition, the requested CF zoning district is permitted in residential, commercial, and industrial land use categories to provide for a range of community uses which support the interests of the Town. The proposed development of the site with a CF zoning district would allow the Fire / Rescue Station which is in the public interest and general welfare of the Town of Davie.

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

The proposed use is not a permitted use within the existing zoning district and as such, the property can not be developed utilizing the existing zoning as stated in Section 12-2 of the Town of Davie Land Development Code. The requested CF, Community Facility zoning district will allow the parcel to be developed with a Fire / Rescue Station which will provide a public service to the Town and adjacent major highways.

(j) The proposed zoning designation may not be the most appropriate designations 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 designation is consistent with the Town of Davie Future Land Use Plan Map, adjacent to an arterial roadway, but the use, a Fire / Rescue Station, would be exempt from property taxes and, as such, would not enhance the Town's tax base. However, the proposed Fire / Rescue Station will be providing a public service to the area of the town that is east of the Florida's Turnpike and all adjacent major roadways.

Planning and Zoning Board Recommendation

At the February 11, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve. Motion carried 5-0.

Staff Recommendation

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

Exhibits

1. Justification
2. Conceptual Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

JUSTIFICATION FOR REZONING

ZB 12-3-03

The Town of Davie would like to develop this property for the use as a Fire Station.

**OAKES ROAD FIRE STATION
4491 OAKES ROAD
DAVIE, FLORIDA**

LEGAL DESCRIPTION:

Parcel "A" YAF Plat, according to the Plat thereof, as recorded in Plat Book 125, page 26, of the Public Records of Broward County, Florida together with:

A portion of the right of way as show on the YAF Plat, according to the Plat thereof, as recorded in Plat Book 125, Page 26, of the Public Records of Broward County, Florida and a portion of Newman's Survey according to the Plat thereof, as recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida, being more particularly described as follows:

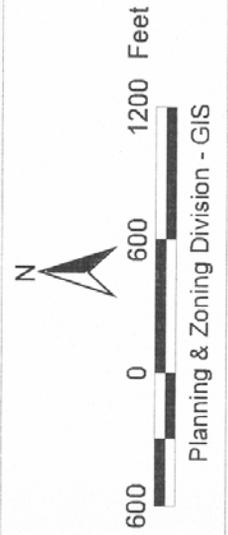
Commence at the Southwest corner of Parcel A of said YAF Plat; thence North 88°41'49" East, along the South line of Parcel A of said YAF Plat, 41.64 feet to the point of beginning; (The following five courses are along the south line of said Parcel A); Thence North 88°41'49" East, 43.39 feet; Thence North 01°18'11" West, 12.00 feet; Thence North 88°41'49" East, 70.00 feet; Thence South 76°01'35" East, 45.54 feet; Thence North 51°51'38" East, 41.97 feet; Thence South 15°01'28" West, along a line being the prolongation of the East line of said Parcel A, a distance of 67.90 feet; thence South 88°41'49" West, along the centerline of SW 36th street (Oakes Road) 183.40 feet; Thence North 14°50'17" East, along a line being the prolongation of the East line of the 40 foot access easement along the West side of said Parcel A, as shown on said YAF Plat, 41.64 feet to the point of beginning. Said lands situate, lying and being in the Town of Davie, Broward County, Florida, containing 8772 square feet (0.201 acres), more or less.

Total Parcel Area = 49,188 square feet or 1.1292 acres, more or less.



Rezoning Application
ZB 12-3-03, Oaks Road Fire Station
Subject Site, Zoning, & Aerial Map

Prepared By: D.M.A.
 Date Prepared: 02/06/04





**Rezoning Application
ZB 12-3-03, Oaks Road Fire Station
Future Land Use Map**

Prepared By: D.M.A.
Date Prepared: 02/06/04



600 0 600 1200 Feet

Planning & Zoning Division - GIS