

# 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: David M. Abramson, Planner II

**SUBJECT:** SP 4-9-05 / 05-523 / Steak & Shake / 5700 South University Drive/  
Generally located on the northeast side of Stirling Road and University Drive

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** SP 4-9-05 / 05-523 / Steak & Shake / 5700 South University Drive

### REPORT IN BRIEF:

The subject site is a 1.54-acre out-parcel of land situated within the approved Master Site Plan for Lakeside Town Shops. The subject site is located on the northeast corner of Stirling Road and University Drive. The petitioner is proposing a one-story, 4,409 sq. ft. Steak & Shake restaurant. The subject site is currently vacant and is zoned UC, Urban Commercial District with an underlying land use of Commercial. To the east is Exotic Acres single-family homes and a plant nursery zoned A-1, Agricultural District and R-1, Estate District, to the south is Silverado single-family homes and a vacant lot zoned RM-5, Low Medium Density Dwelling and a B-3, Planned Business Center District. To the west is University Creek Shops zoned B-2, Community Business District.

The proposed Steak & Shake restaurant mirrors Lakeside Town Shops architectural design. The building distinguishes itself by exterior walls painted with earth tone colors (Barbados Sand-colored exterior and wing walls), accented by Butternut Squash color for the trim. The design consists of clean, simple, straight lines. Rectangular doors and windows are located proportionately apart from one another. At the base of all exterior walls is stone veneer that matches the Lakeside Town Shops. Lastly, on all four corners of the restaurant are wing walls, arced at the top staying true to the old fashion dinner theme. As per land development code, all mechanical equipment on the roof will be hidden from public view.

Access into the site is via a vehicular openings located at the northeastern and southern portions of the site from internal roads within Lakeside Town Shops. Vehicular traffic enters the site and parks along the northern, eastern, and western boundary lines. A one-way vehicular throat has been provided at the southern access opening creating a counter-clock traffic rotation.

The subject site is located at a commercial node, the intersection of University Drive and Stirling Road. The proposed restaurant is compatible with the Lakeside Town Shops to the north and existing retail plazas across University Drive. The proposed restaurant presents an architectural style of stone and other natural materials consistent with the Town's image of

valuing natural areas and elements. The structures are compatible with the surrounding commercial structures in terms of mass, scale, and architectural style.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:**

At the November 8, 2005, Site Plan Committee Meeting, Mr. Evans made a motion, seconded by Vice-Chair Engel, to approve based on the planning report; that there be striping at all crosswalks on the site; that on the west elevation, on the raised stone element, that it be made their main sign; and that the 14-to-16 foot tall double Alexanders in front of that stone element be substituted with a five-to-six foot double Phoenix Roebelenii. (Motion carried 4-0, Mr. Breslau was absent)

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):**

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

**Attachment(s):** Site Plan, Planning Report, 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**

**Owner:**

**Name:** Stiles Development Co.  
**Address:** 300 SE 2<sup>nd</sup> Street  
**City:** Fort Lauderdale, FL 33301  
**Phone:** (954) 627-9173

**Petitioner:**

**Name:** Eduardo L. Carcache  
CKE Group, Inc.  
**Address:** 15500 New Barn Road, #106  
**City:** Miami Lakes, Florida 33014  
**Phone:** (305) 558-4124

---

**Background Information**

**Application Request:** Site plan approval for a new Steak & Shake restaurant

**Address/Location:** 5480 SW 70 Avenue / Generally located on the northeast side of Stirling Road and University Drive

**Future Land Use Plan Map:** Commercial

**Zoning:** UC, Urban Commercial District and CC, Commerce Center District

**Existing/Proposed Use(s):** Vacant / 4,409 sq. ft. restaurant (Steak & Shake)

**Parcel Size:** Out-parcel / 1.54 acres (67,126 sq. ft.)

**Surrounding Uses:**

**North:** Nursery  
**South:** Vacant Commercial Land/CBWCD/  
Silverado Homes  
**East:** Exotic Acres/Landscape Nursery  
With Single Family Homes  
**West:** University Creek Shops/Gas Station

**Surrounding Land**

**Use Plan Map Designations:**

Commerce/Office  
Commercial  
Residential (5 DU/AC)  
Residential (1 DU/AC),  
Residential (10 DU/AC)  
Commercial

**Surrounding Zoning:**

**North:** CC, Commerce Center District  
**South:** B-3, Planned Business Center District /RM-5, Low Medium Density Dwelling District/CF, Community Facilities District  
**East:** A-1, Agricultural District/R-1, Estate Dwelling District  
**West:** B-2, Community Business District

---

**Zoning History**

**Related Zoning History:**

*Rezoning Application* (ZB 12-1-03), On June 16, 2004, Town Council approved the rezoning request for the Wolf Family Plat, from CC, Commerce Center District to UC, Urban Commercial District subject to the recordation of a Declaration of Restrictive Covenant to restrict the subject property from the following uses: catering establishments, dance hall/club, game room/arcade, golf course, hotel/motel, mobile home sales, mortuary, motor fuel pumps, motorcycle shop, pawnshop, private clubs, massage parlor, adult bookstore, pinball or electronic game room, an establishment that permits nude or partially nude entertainment, or so called "head shop".

**Concurrent Request on same property:**

*Delegation Request* (DG 9-1-04), This application is proposing to amend the plat restriction note, From: this plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Broward County Commissioners who shall review and address their uses for increased impacts. To: this plat is restricted to 279,800 square feet of commercial use and 6,200 square feet of bank use.

*Site Plan Modification* (SPM 3-8-05), This application is proposing modification to the approved Lakeside Townships master site plan.

**Previous Requests on same property:**

*Plat Application*, Meeks Farms Plat, was approved by the Broward County Commission on January 17, 1995 for 27,810 square feet of office use under the *de minimis* exception to traffic concurrency, with a requirement that a building permit be issued by January 17, 1998. On March 18, 1997, the County Commission approved a delegation request amending the note on the plat to permit 125,000 square feet of office use, with the requirement that a building permit be issued by March 18, 2002. No building permit has been issued and the County's finding of adequacy expired on March 18, 2002.

*Plat Application*, On March 16, 1999, Town Council approved Wolf Family Plat (Plat Book 171, Page 85) through Resolution R 99-91 that allows for 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. This plat was approved by the Broward County Board of County Commissioners on November 7, 2000.

*Land Use Plan Amendment Application* (LA 00-01A), May 3, 2000, Town Council denied to change the land use of the subject site from Commerce/Office to Commercial

*Delegation Request* (DG 12-2-03), On May 19, 2004, Town Council approved the delegation request to amend the restrictive note on the "Wolf Family Plat." From: "This plat is restricted to 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. Commercial uses shall be restricted to restaurants, retail establishments, and personal service and shall not consume more than 20 percent of the gross floor area on this plat. Commercial/retail uses are not permitted within the warehouse/storage and/or office use without the approval of the Board of County Commissioners who shall review and address these uses for increase impacts." To: "This plat is restricted to 275,000 square feet of commercial use."

*Master Site Plan* (MSP 2-1-04), On June 22, 2004, Town Council approved Lakeside Townships master site plan for 272,375 square feet of retail use.

*Developers Agreement* (DA 3-1-04), On May 19, 2004, Town Council approved the developers agreement for the findings of adequacy for Meeks Farms Plat, and amending the restrictive note on the plat From "This plat is restricted to 125,000 square feet of office use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increases impact." To "This plat is restricted to 7,000 square feet of bank use."

*Delegation Request* (DG 3-1-04), On June 16, 2004, Town Council approved the delegation requesting to amend the non-vehicular access line (NVAL) along Stirling Road to allow a 100-foot opening rather than the 50-foot opening recorded on the Wolf Family Plat.

*Land Use Plan Amendment Application* (LA 3-10), On July 7, 2004, Town Council approved this Ordinance 2004-21 to adopt Land Use Amendment LA 3-10 to change the land use of the subject site from Commerce/Office to Commercial.

*Site Plan* (SP 11-2-04), On July 20, 2005, Town Council approved Wachovia at Lakeside Townships site plan for a new one-story financial institution.

---

## **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code (Section 12-24(D))*, the Urban Commercial (UC) District is intended to provide for a mix of retail, office and residential uses in a medium to high-density environment. Areas so designated in the Town of Davie Comprehensive Plan will have some open space requirements to complement the higher densities permitted in the district.

*Land Development Code (Section 12-54)*, Nonresidential Performance Standards for UC, Urban Commercial District, requires the minimum of 35% open space and Maximum of 21% FAR.

*Land Development Code (Section 12-208 (A)(22)), Requirements for off-street parking, for office, business, professional, governmental, and financial institutions requires one (1) space for every 300 square feet of gross floor area.*

---

## **Comprehensive Plan Considerations**

### **Planning Area:**

The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8-acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a Girl Scout campground facility, and a private school.

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

### **Applicable Goals, Objectives & Policies:**

*Future Land Use Element, Objective 4:* Pursuant to the adopted Davie Future Land Use Plan Map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

*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 or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential Commercial use.

*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 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

---

## Application Details

The applicant's submission indicates the following:

1. *Site:* The subject site is a 1.54-acre out-parcel of land situated within the approved Master Site Plan for Lakeside Town Shops. The subject site is located on the northeast corner of Stirling Road and University Drive. The petitioner is proposing a one-story, 4,409 sq. ft. Steak & Shake restaurant. The subject site is currently vacant and is zoned UC, Urban Commercial District with an underlying land use of Commercial. To the east is Exotic Acres single-family homes and a plant nursery zoned A-1, Agricultural District and R-1, Estate District, to the south is Silverado single-family homes and a vacant lot zoned RM-5, Low Medium Density Dwelling and a B-3, Planned Business Center District. To the west is University Creek Shops zoned B-2, Community Business District.

The petitioner's site design meets the intent of the UC, Urban Commercial District. The subject site is designed for pedestrian movement on and throughout the property with crosswalks and sidewalk from University Drive. The site also proposes a ten (10) foot landscape buffer around the perimeter with a shared 7.64-acre drainage lake with Lakeside Town Shops. The dumpster enclosure is proposed in the southeastern portion of the property.

2. *Architecture:* The proposed Steak & Shake restaurant mirrors Lakeside Town Shops architectural design. The building distinguishes itself by exterior walls painted with earth tone colors (Barbados Sand-colored exterior and wing walls), accented by Butternut Squash color for the trim. The design consists of clean, simple, straight lines. Rectangular doors and windows are located proportionately apart from one another. At the base of all exterior walls is stone veneer that matches the Lakeside Town Shops. Lastly, on all four corners of the restaurant are wing walls, arced at the top staying true to the old fashion dinner theme. As per land development code, all mechanical equipment on the roof will be hidden from public view.
3. *Access and Parking:* Access into the site is via a vehicular openings located at the northeastern and southern portions of the site from internal roads within Lakeside Town Shops. Vehicular traffic enters the site and parks along the northern, eastern, and western boundary lines. A one-way vehicular throat has been provided at the southern access opening creating a counter-clock traffic rotation.

Provided on the subject site are forty-nine (49) standard parking spaces, and three (3) handicapped spaces, for a total of fifty-two (52) parking spaces, one (1) than the code requires. The petitioner has proposed concrete curbs with wheel stops for all the parking stalls.

4. *Lighting:* Lighting design meets the Land Development Code that requires the maximum foot-candles of .5 at property lines.
  5. *Signage:* Signage is not part of this Site Plan application. All signs shall meet code prior to the issuance of a building permit, unless Town Council subsequently approves a variance application.
  6. *Landscaping:* The site plan meets the minimum requirements as indicated in the Town of Davie, Land Development Code, as per § 12-107 (D) (1), Commercial use under 20,000 sq. ft. The plan illustrates plant material along the perimeter of the site including Crape Myrtle, Beauty Leaf, Silver Buttonwood, Red Tip, Gumbo Limbo, and Satin Leaf. All plant material within the required twenty-five (25) by twenty-five (25) foot site triangle shall be a maximum of thirty-six (36) inches in height. All trees on site are maintaining a minimum of 15' from light poles. Furthermore, the dumpster area is screened with thirty-six (36) inch high wall.
  7. *Drainage:* The subject property lies within Central Broward Water Control District. Approval from this agency shall be obtained prior to issuance of any site development permit. On site drainage is served by the proposed 7.64 acres lake on the northeast portion of the site and an existing canal adjacent to Stirling Road.
  8. *Open Space and Recreation:* The Wolf Lake Park Trail - Equestrian Trail is directly located along of Southwest 76<sup>th</sup> Avenue. This trail ties into the existing sidewalks on Stirling Road. Roberts - Driftwood Park Trail is located along Stirling Road and University Drive adjacent to the subject site. These recreational trails will accommodate leisure activities to and from the subject site. In addition, the recreational trail will also allow pedestrians to access numerous Davie parks and other trails.
  9. *Compatibility:* The subject site is located at a commercial node, the intersection of University Drive and Stirling Road. The proposed restaurant is compatible with the Lakeside Town Shops to the north and existing retail plazas across University Drive. The proposed restaurant presents an architectural style of stone and other natural materials consistent with the Town's image of valuing natural areas and elements. The structures are compatible with the surrounding commercial structures in terms of mass, scale, and architectural style.
- 

## **Significant Development Review Agency Comments**

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

### ***Planning and Zoning:***

Indicate dimensions for landscaping islands and features on the site plan. The minimum requirements are 10' by 18' for terminal islands and 10' by 16' for intermediate islands as per § 12-205 & § 12-108 (c) (1). 1/24/05 (*This has been completed*)

***Engineering:***

Provide 25 ft pavement radii at the intersections of the proposed entrance and existing driveways (*This has been completed*)

---

**Staff Analysis**

The submitted site plan is zoned UC, Urban Commercial District and is designated Commercial on the Town of Davie Future Land Use Map. A restaurant is permitted in both this zoning district and land use category. The site and architecture design of the restaurant reflects both the Town's character and the parent parcel, Lakeside Townships.

---

**Findings of Fact**

Staff finds that site plan is consistent with the general purpose and intent of the UC, Urban Commercial District and CC, Commerce Center District regulations, and Town of Davie Comprehensive Plan. Furthermore, the site plan is in conformance with all applicable Codes and Ordinances in terms of site design, circulation, setbacks and buffering, and parking requirements. The proposed site plan is compatible with the surrounding uses and properties.

---

**Staff Recommendation**

The site plan application is complete and suitable for transmittal to Site Plan Committee and Town Council for further consideration.

---

**Site Plan Committee Recommendation**

At the November 8, 2005, Site Plan Committee Meeting, Mr. Evans made a motion, seconded by Vice-Chair Engel, to approve based on the planning report; that there be striping at all crosswalks on the site; that on the west elevation, on the raised stone element, that it be made their main sign; and that the 14-to-16 foot tall double Alexanders in front of that stone element be substituted with a five-to-six foot double Phoenix Roebelenii. (Motion carried 4-0, Mr. Breslau was absent)

---

**Town Council Action**

---

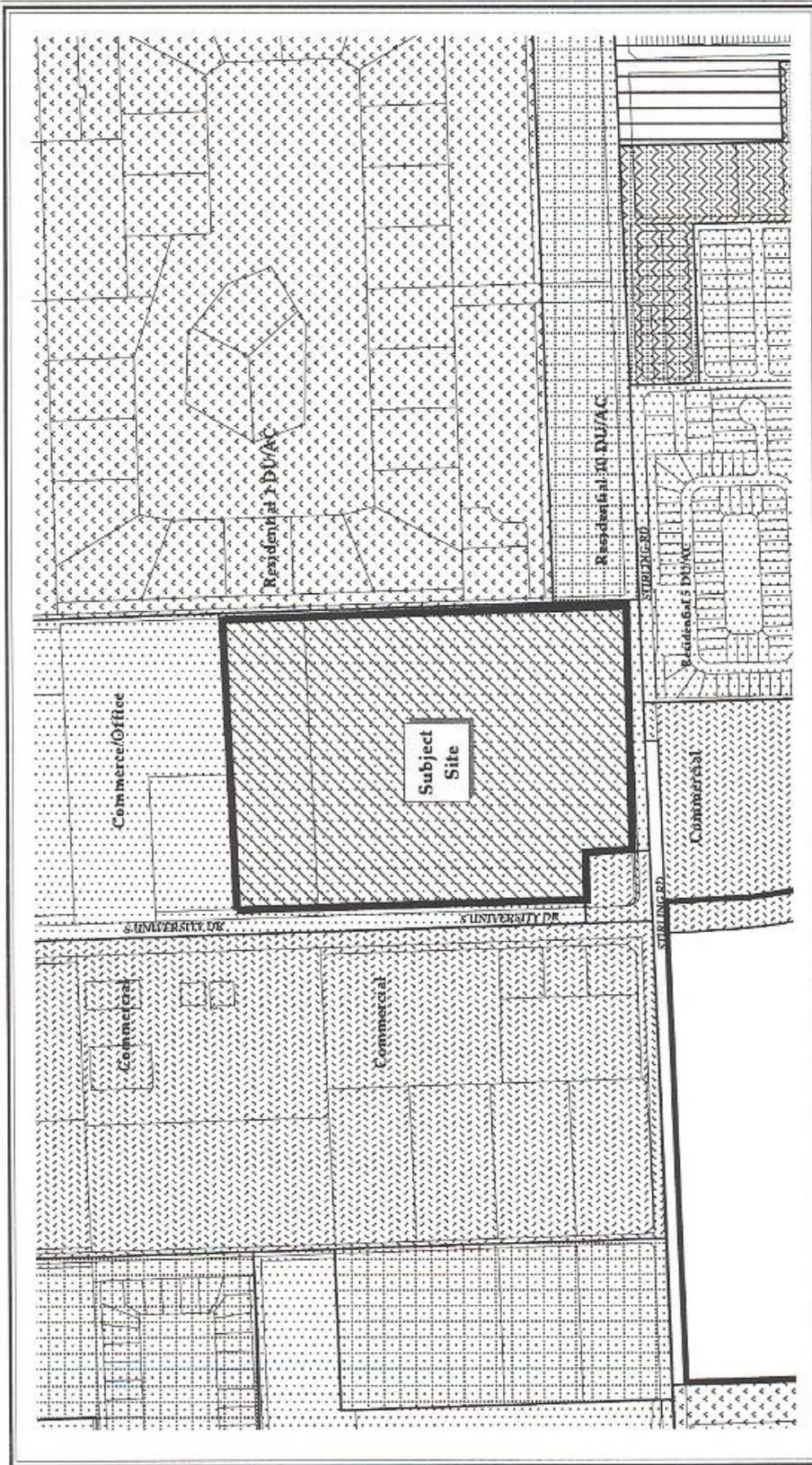
## Exhibits

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

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

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

Exhibit 2 (Future Land Use Map)



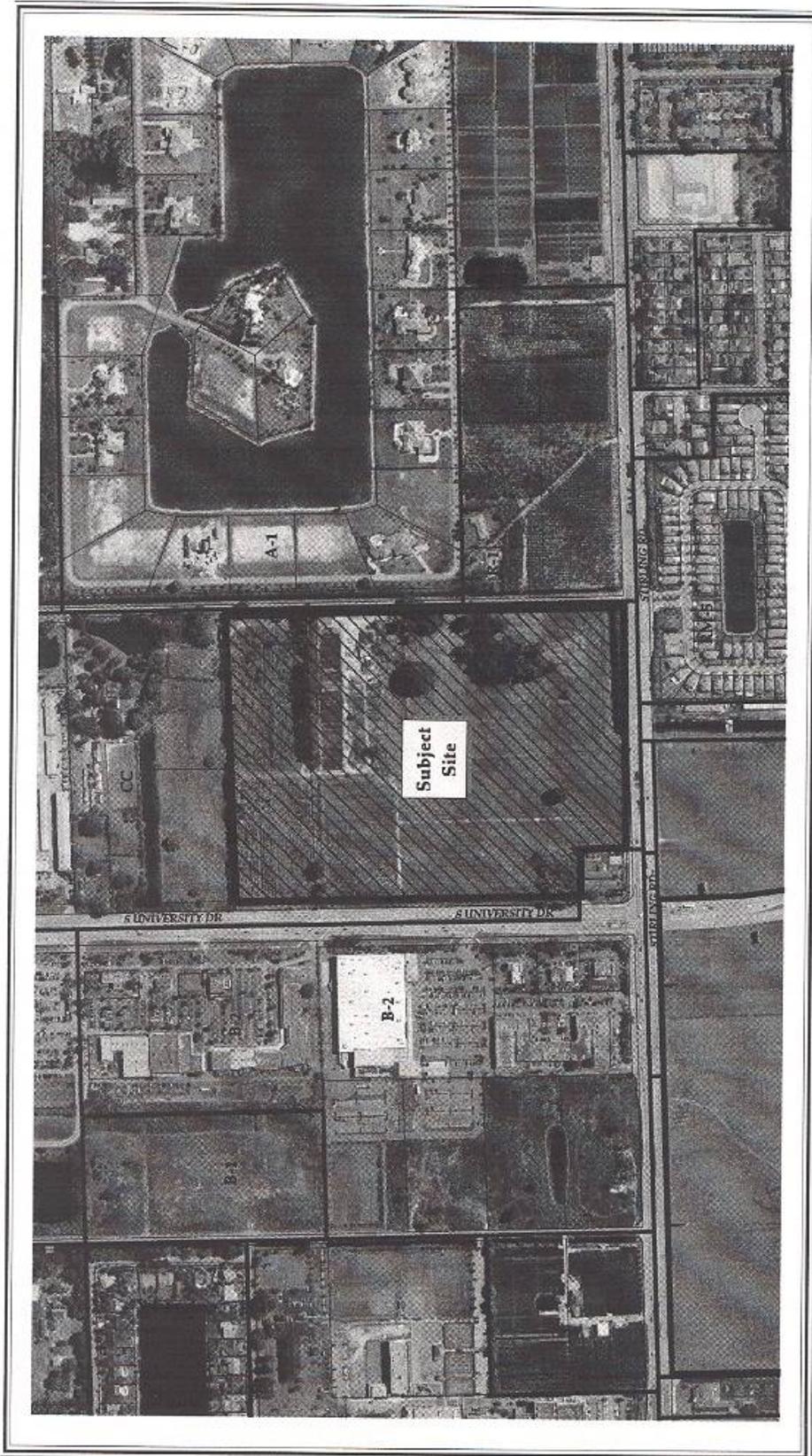
The Town of Davie  
Development Service Department  
Planning & Zoning Division



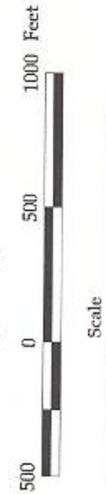
Site Plan Application  
SP 4-9-05 / Steak-n-Shake  
Future Land Use Map

Prepared By: D.M.A.  
Date Prepared: 10/17/05

Exhibit 3 (Aerial, Zoning, and Subject Site Map)



The Town of Davie  
Development Service Department  
Planning & Zoning Division



Site Plan Application  
SP 4-9-05 / Steak-n-Shake  
Aerial, Zoning, Subject Site Map

Prepared By: D.M.A.  
Date Prepared: 10/17/05