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: Site Plan, SP 10-2-04 Dunkin Donuts, S. George Deeb & Jacqueline Deeb/Robert McIntire, RAM Design, Inc., 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

SP 10-2-04 Dunkin Donuts, 3884 Davie Road (B-2 Western Theme)

REPORT IN BRIEF: Approval of the site plan for Dunkin Donuts is being requested. The 15,600 square foot (0.358 acres) site is located at the southeast corner of Davie Road and SW 38 Court.

The proposal is for a 2,336 square foot single story restaurant. It is placed at the 10′ front build to line, has a 6′ covered walk on the front and wrapping the sides, and the mean height of the front wall is 22′ (18′ minimum required). The elevations illustrate the required Western Theme Architectural style. Access is provided by a 50′ opening to SW 38 Court and a 24′ cross-access easement is provided to the unplatted parcel to the south. The use on the site requires nineteen (19) parking spaces with twenty (20) being shown. An alternative cross-access plan depicting future access to the parcel to the south and showing the removal of the extra parking space has been provided.

While the site plan is consistent with the Land Development Code as it relates to access, location, size, and use; and the proposed use of the site does not exceed what was anticipated by the Comprehensive Plan and the Future Land Use Plan Map designation, this proposal does not take advantage of the opportunities envisioned by the Regional Activity Center and the Western Theme Overlay District with respect to intensity of development.

A single use, single story building is proposed on this corner parcel, when a three (3) to four (4) story mixed-use development is envisioned on the surrounding vacant site. This proposal does not efficiently use the land because it is being used to support a single user, rather than being used towards a multi-story mixed-use structure that promotes the policies of the Regional Activity Center and vision of the Western Theme Overlay District.

The use in and of itself is not objectionable and would be a welcomed occupant within a mixed-use development because it provides for a casual place for people to congregate. By

placing this single use building here the goal of having pedestrian oriented development along Davie Road is not being met by having a parking lot on the land adjacent to the building; rather than a continuous pedestrian walkway that has been envisioned.

Despite numerous obstacles, including having to demolish the existing building, platting the property, and losing all access to Davie Road, the owner has pursued this endeavor and now meets the technical requirements of the Land Development Code.

PREVIOUS ACTIONS: The item was tabled from the August 17, 2005, to the September 21, 2005, Town Council meeting, at the request of the applicant in order to allow for time to revise the concept of the proposal.

The item was tabled from the November 2, 2005, to the January 18, 2006, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

CONCURRENCES: The request is being considered at the August 15, 2005, Community Redevelopment Agency meeting.

At the July 26, 2005, Site Plan Committee meeting, Mr. Breslau made a motion, seconded by Mr. Evans, to deny because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. He agreed that the use was a good use; however, the Western Theme Code was in place when the property was purchased and the intent of the Code was clear. (Motion carried 4-0, with Mr. Aucamp absent).

The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny; 1) Address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) The pavers at the corner are to match the current pattern; 3) Look at the handicapped space location do to slope into the building; 4) Bike racks are missing; 5) The Committee did not like the signage colors; 6) Parking arrangement has a dead end, no outlet parking area which does not work.

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Site Plan Committee, Community Redevelopment Agency, and Town Council further consideration: In addition, the following conditions shall be met prior to final staff approval:

1. Revise the height of the light poles to a maximum of 15'.
2. Revise the site data table on the landscape plan to match the site plan.

Attachment(s): Planning Report, Site Plan

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owners:
Name: S. George Deeb & Jacqueline Deeb
Address: 721 North 11 Avenue
City: Hollywood, FL 33019
Phone: (954) 455-0308

Petitioner:
Name: Robert McIntire
RAM Design, Inc.
Address: 10001 NW 50 Street, Suite 203G
City: Sunrise, FL 33351
Phone: (954) 748-5661

Background Information

Application History: One (1) deferral has been granted.

Application Request: Approval of the Dunkin Donuts site plan.

Address/Location: 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court.

Future Land Use Plan Map Designation: Regional Activity Center (RAC)

Zoning: B-2, Community Business District (Western Theme) within the Town of Davie Community Redevelopment Area (CRA)

Gross Parcel Size: 15,600 square feet (0.358 acres)

Net Parcel Size: 15,208 square feet (0.349 acres)

Existing Use: 1,345 square foot vacant restaurant (to be demolished)

Proposed Use: 2,336 square foot restaurant

	Surrounding Uses:	Surrounding Land Use Plan Map Designations:
North:	SW 38 Court, Vacant structure	Regional Activity Center
South:	Vacant (former Winn Dixie site)	Regional Activity Center
East:	Vacant (former Winn Dixie site)	Regional Activity Center
West:	Davie Road, Nova Elementary	Regional Activity Center

	Surrounding Zoning:
North:	B-2, Community Business District (Western Theme Overlay District)
South:	B-2, Community Business District (Western Theme Overlay District)
East:	B-2, Community Business District (Western Theme Overlay District)
West:	CF, Community Facilities District

Zoning History

Annexation: The property was incorporated into the Town in 1964. Historical accounts indicate that the site was developed at that time with restaurant use (Royal Castle Hamburgers).

Plat: The plat, P 9-1-04 Deeb Plat, was approved by Town Council on May 4, 2005, and is going through Broward County's approval process.

Zoning: The Western Theme Overlay District was adopted on August 15, 1990.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* Approval of the site plan for Dunkin Donuts is being requested. The 15,600 square foot (0.358 acres) site is located at the southeast corner of Davie Road and SW 38 Court.

2. *Building:* The proposal is for a 2,336 square foot single story restaurant. It is placed at the 10′ front build to line, has a 6′ covered walk on the front and wrapping the sides, and the mean height of the front wall is 22′ (18′ minimum required). The elevations illustrate the required Western Theme Architectural style. The building is proposed to have a stucco brick base with stucco banding, textured stucco walls, storefront doors and windows with mullion inserts, six (6) panel rear doors with raised stucco bands, galvanized metal downspouts, decorative goose neck lights to illuminate the carved wood letter signage, decorative wood finished columns, applied precast decorative trim, cap flashing, and a standing seam metal roof over the covered walkway.

The color scheme reflects brown stucco brick; white textured stucco; subtle green/off-white stucco banding, doors, and windows; and green decorative columns, brackets, and roof. The orange and raspberry corporate colors of Dunkin Donuts; and pink and blue corporate colors of Baskin Robbins are proposed for the signage which has been designed with a Western Theme font.

3. *Access and Parking:* Access is provided by a 50′ opening to SW 38 Court and a 24′ cross-access easement is provided to the unplatted parcel to the south. At the rear of the building is the required loading zone. The use on the site requires nineteen (19) parking spaces with twenty (20) being shown. An alternative cross-access plan depicting future access to the parcel to the south and showing the removal of the extra parking space has been provided.

4. *Trails:* There are no existing or proposed trails adjacent to the site.

5. *Lighting:* The lighting plan shows decorative Sternberg lights and light poles. The height must be revised to a maximum of 15′ as required.

6. *Drainage:* The subject property lies within Central Broward Water Control District, and approval from this agency shall be obtained prior to the issuance of a site development permit.

7. *Landscaping:* There is 21.8 percent open space (15% required) shown on the site plan. Along Davie Road the site has Live Oak and Satin Leaf with a Bush Allamanda base; a triple Florida Thatch Palm with a base of Pineland Lantana; and a landscape strip with Cocoplum hedge in front of Dune Sunflower. The planters have Nora Grant Ixora, and on the corner is Yaupon Holly. Along SW 38 Court are Eleanor Roosevelt Croton, Silver Buttonwood, and a continuous Cocoplum hedge. The landscape area south of the loading zone has a triple Florida Thatch Palm with a base of Pineland Lantana, and then there is a landscape island with a Live Oak and base of Wax Jasmine. The northeast corner has Bush Allamanda along the right-of-way, and an island with Cabbage Palms. Silverthorn under Gumbo Limbo are used along the eastern and southern landscape buffers, which have been cutout to increase the planting area. Simpson Stopper is used around the grinder pump station and dumpster enclosure.

8. *Temporary Uses:* A temporary construction trailer is shown at the southeast corner of the site. Approval of the site plan shall be deemed as the approval for the Temporary Use Permit for this use for a period of time not to exceed one (1) year.

9. *Compatibility:* This proposed site plan for restaurant use can be considered compatible with both existing and allowable uses on the adjacent properties. To the north, south, and east are unplatted parcels awaiting redevelopment within the Western Theme District, and to the west is Davie Road.

Applicable Codes and Ordinances

Article XIII Special Planning Areas and Districts, Division 1, Western Theme District.

§12-388 (A) Setbacks, uses, and heights in commercial zoned. Front setback 10′ (build to line), 0′ side & rear setbacks, except 10′ when abutting residentially zoned, occupied, or Land Use Plan designated properties, 6′ boardwalk within the front setback, maximum building height shall not to exceed the lower of three (3) stories or 36′, with Town Council approval the maximum height shall not exceed the lessor of four (4) stories or 48′, 18′ minimum mean front wall height, and 15% minimum open space.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two (2) large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2*: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-1: The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development redevelopment that facilitates a coordinated and balanced mix of land uses providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities, including the use of mixed residential/nonresidential land uses.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-6: Development activities within the RAC should stimulate quality redevelopment of businesses and dwellings, particularly development requests for increased density or intensity above that permitted by the existing zoning designations of the land.

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.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process.

Planning and Zoning: Provide a sheet for temporary uses, place building at the 10' build-to line, provide outdoor seating area, provide decorative panel doors and stucco banding. (*Items provided.)*

Engineering: Provide sidewalk connecting to the building, revise the northeast corner of the building because it is in the site visibility triangle, show location of nearest fire hydrant, and provide storm water management calculations to ensure adequate retention. *(Items provided.)*

Staff Analysis

While the site plan is consistent with the Land Development Code as it relates to access, location, size, and use; and the proposed use of the site does not exceed what was anticipated by the Comprehensive Plan and the Future Land Use Plan Map designation, this proposal does not take advantage of the opportunities envisioned by the Regional Activity Center and the Western Theme Overlay District with respect to intensity of development.

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The use in and of itself is not objectionable and would be a welcomed occupant within a mixed-use development because it provides for a casual place for people to congregate. By placing this single use building here the goal of having pedestrian oriented development along Davie Road is not being met by having a parking lot on the land adjacent to the building; rather than a continuous pedestrian walkway that has been envisioned.

Despite numerous obstacles, including having to demolish the existing building, platting the property, and losing all access to Davie Road, the owner has pursued this endeavor and now meets the technical requirements of the Land Development Code.

Findings of Fact

Staff finds that the site plan is in conformance with all applicable Codes and Ordinances; and the development, as proposed, can be considered compatible with the surrounding properties;

however the proposal does not utilize the benefits of either the Regional Activity Center Future Land Use Plan Map category or the development standards of the Western Theme Overlay District.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Site Plan Committee, Community Redevelopment Agency, and Town Council further consideration. In addition, the following conditions shall be met prior to final staff approval:

1. Revise the height of the light poles to a maximum of 15′.
2. Revise the site data table on the landscape plan to match the site plan.

Community Redevelopment Agency Recommendation

The request is being considered at the August 15, 2005, meeting.

Site Plan Committee Recommendation

At the July 26, 2005, Site Plan Committee meeting, Mr. Breslau made a motion, seconded by Mr. Evans, to deny because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. He agreed that the use was a good use; however, the Western Theme Code was in place when the property was purchased and the intent of the Code was clear. (Motion carried 4-0, with Mr. Aucamp absent).

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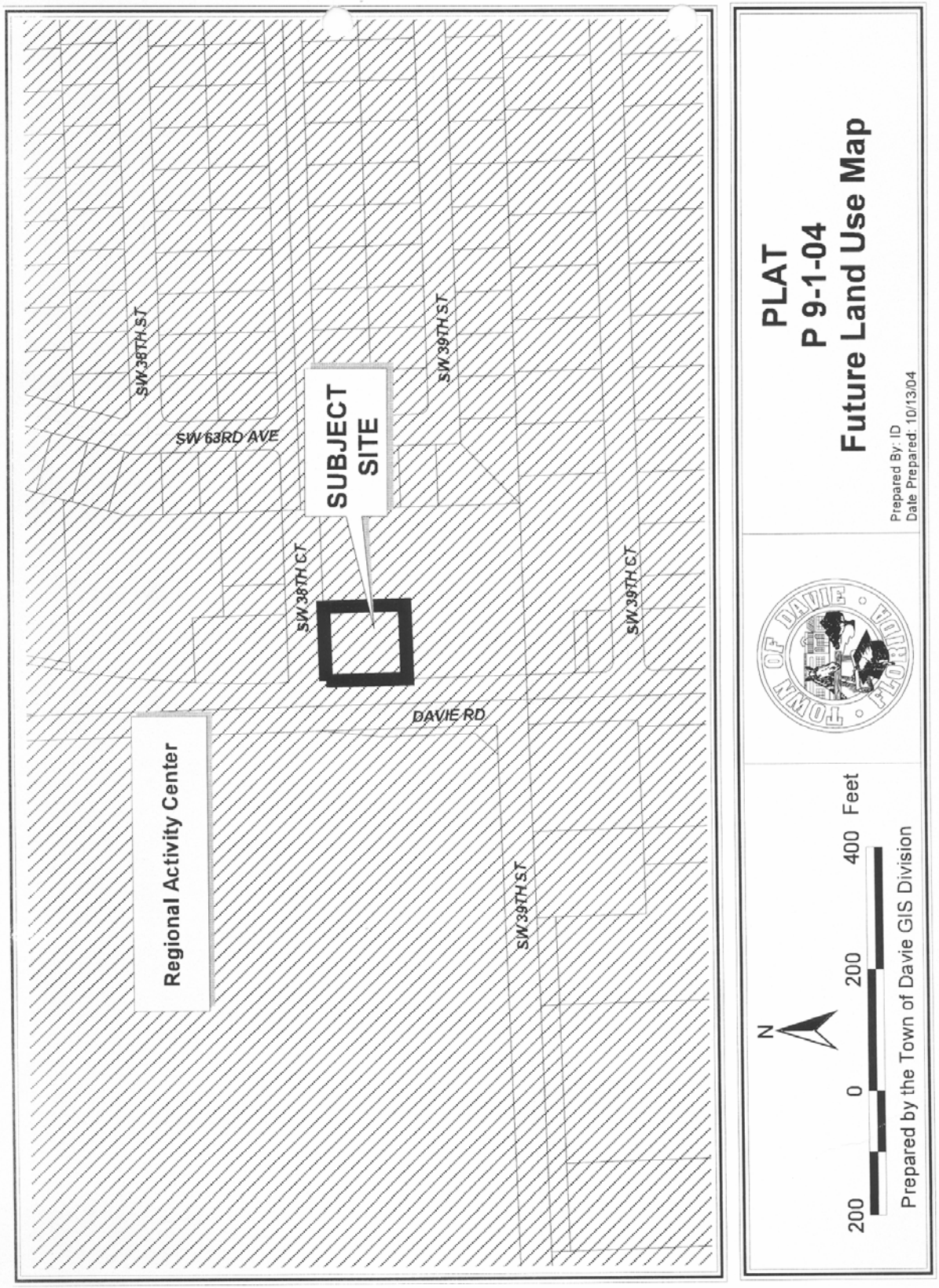
Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Citizen Participation Report
4. Redevelopment Administrator's Comments
5. Site Plan

Prepared by: _____ Reviewed by: _____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DAVIE RD
Regional Activity Center
SW 39TH ST
PLAT
P 9-1-04
Future Land Use Map
Prepared By: ID
Date Prepared: 10/13/04
TOWN OF DAVIE
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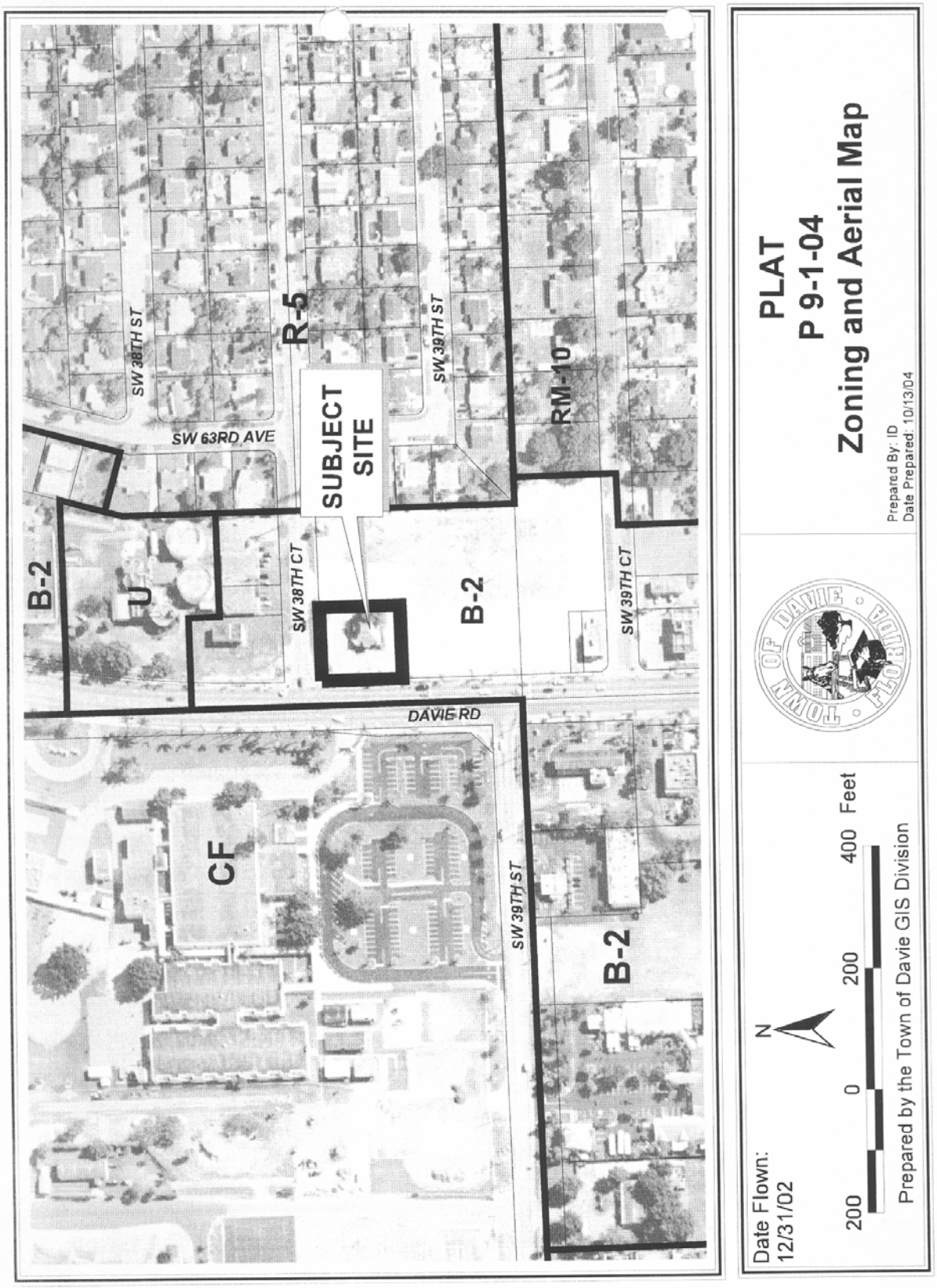
Prepared by the Town of Davie GIS Division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Prepared by the Town of Davie GIS Division
TOWN OF DAVIE FLORIDA
PLAT
P 9-1-04
Zoning and Aerial Map
Prepared By: ID
Date Prepared: 10/13/04

RAM Design, Inc.

Architects & Planners, Inc.

Registration #AR 0009409
10001 N.W. St. Suite 203G, Sunrise, Florida 33315
Telephone: (954) 748-5661 Fax: (954) 747-0988

6-1-05

To: Mr. Christopher Gratz
Planner II
Town of Davie
Planning and Zoning Dept.

Re: Dunkin' Donuts
SP#10-2-04

Sir:

On November 18, 2004 we notified all of the neighboring property owners, in a letter, of our plans to demolish and rebuild the new Dunkin' Donuts restaurant, and informed them of the meetings with myself and the property owner scheduled for November 30 and December 3rd at the town hall community room (see enclosed copy). Mr. Deeb ad I were in attendance there at both these times, but no property owner came to either meeting. The only response to date, in fact, has been one telephone call from a neighbor, wanting to know when it would open, so he could have their "excellent coffee."

I believe that there is going to be no objection to this project from the neighbors.

Sincerely,

Robert McIntire
RAM Design, Inc.

TOWN OF DAVIE
OFFICE OF THE TOWN ADMINISTRATOR

MEMORANDUM

TO: Chris Gratz, Planner II

FROM: Will Allen, Redevelopment Administrator Will Allen

DATE: July 5, 2005

SUBJECT: SP 10-2-04/ 04-437 Dunkin Donuts Restaurant

Thank you for the opportunity to review the site plan for the Dunkin Donuts Restaurnat proposed for the southeast corner of Davie Road and SW 38 Court. Sorry it took me so long to get back to you but we've been busy with the budget season. I need to add that the comments about this site plan are strictly my comments. This has not been reviewed by the CRA Board. I also am having the plans reviewed by a consulting architect. In general my comments are that they have done a good job in preparing a plan which conforms to code requirements but that this is a small site and it would be preferred to have this site consolidated with adjoining property so that a superior site plan could be considered. There are some inherent problems with building on this small site such as drainage, access, parking, landscaping and lighting. By building on this small site there will be a result of having less building fronting along Davie Road. The proposed site plan necessarily shows parking along the south side which will interrupt the pedestrian orientation. We generally try to achieve having the building at the front and parking to the rear.

There are a few problems which I should let you know about. Being a small site there will definitely be a problem with meeting drainage or water retention requirements. This is now a common problem for such small lots.

Access is problematic. There is only one access drive into the site. This access is at the northeast corner of the site from SW 38 Court. There is no direct vehicular access from Davie Road. There is a future connection to the adjacent site shown adjacent to the dumpster enclosure. Who knows how this will actually align with a future development?

More information is needed about the lighting proposed for the parking lot area. I would like to see more information about the light poles and fixtures. The diagram shows a light pole with a fixture on top which totals 16' in height. The table indicates the pole is 16' in height. The pole can only be a maximum of 15' in height. The Sternberg fixture does not appear to be Western Theme to me but a better depiction may convince me. There are a lot of fixtures which would seem to be more appropriate and we can assist in selecting another fixture.

As earlier stated, it would be a much better situation to plan this as part of a larger site. Issues such as drainage and parking could be addressed much easier. If this is in fact an independent site, then they have done a good job of addressing criteria. The site still must meet drainage requirements and I would like our consulting architect to look at some of the details.