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 7-11-05 / 05-575 / Panda Express / 5480 SW 70 Avenue / Generally located on the northeast side of Stirling Road and University Drive

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: SP 7-11-05 / 05-575 / Panda Express / 5480 SW 70 Avenue

REPORT IN BRIEF:
The subject site is a .84-acre out-parcel of land situated within the approved Master Site Plan for Lakeside Town Shops. The subject site is located along the center-southern boundary line parallel with Stirling Road. The petitioner is proposing a one-story 2,338, Sq. Ft. Panda Express 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, Agricutlural 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 Panda Express restaurant mirrors Lakeside Town Shops architectural design. The building distinguishes itself by exterior walls painted with earth tone colors. 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 and at entry features are stone veneers that matches the Lakeside Town Shops. Lastly, fabric awnings and arced entry canopies are place at each window and door reinforcing an Asian 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 northern and eastern portions of the site from internal roads within Lakeside Town Shops. Vehicular traffic enters and parks in the northern and/or eastern portions of the site. A one-way drive aisle (the drive thru) creates a counter-clock traffic rotation proposed along the southern and western portions of the site.

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 December 27, 2005 Site Plan Committee Meeting, there was not a voting quorum, Mr. Aucamp made a motion, seconded by Mr. Evans, to table SP 7-11-05, Panda Express to January 10, 2006. **(Motion carried 3-0, Chair Aitken and Vice-Chair Engel were 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 2nd Street
City: Fort Lauderdale, FL 33301
Phone: (954) 627-9173

Petitioner:
Name: Bob Grant, Interplan L.L.C.
Address: 933 Lee Road, First Floor
City: Orlando, Florida 32810
Phone: (407) 645-5008

Background Information

Application Request: Site plan approval for a new Panda Express 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 / 2,338 Sq. Ft. Restaurant (Panda Express)

Parcel Size: Out-parcel - .84 Acres (36,750 sq. ft.)

Surrounding Uses:		**Surrounding Land Use Plan Map Designations:**
North:	Nursery	Commerce/Office
South:	Vacant Commercial Land/CBWCD/ Silverado Homes	Commercial Residential (5 DU/AC)
East:	Exotic Acres/Landscape Nursery with Single Family Homes	Residential (1 DU/AC), Residential (10 DU/AC)
West:	University Creek Shops/Gas Station	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".

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 Townshops 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's site plan at Lakeside Townshops for a new one-story financial institution.

Site Plan (SP 4-9-05), On December 7, 2005, Town Council approved Steak and Shake's site plan at Lakeside Townshops for a new one-story restaurant.

Delegation Request (DG 9-1-04), On December 7, 2005, Town Council approved an amendment to 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), Planning and Zoning Staff approved this administrative site plan modification at Lakeside Townshops.

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)), t*he 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% Floor Area Ratio (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 .84-acre out-parcel of land situated within the approved Master Site Plan for Lakeside Town Shops. The subject site is located along the center-southern boundary line parallel with Stirling Road. The petitioner is proposing a one-story 2,338, Sq. Ft. Panda Express 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, Agricutlural 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 sidewalks from Stirling Road. 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 on the northeastern portion of the property.

2. *Architecture:* The proposed Panda Express restaurant mirrors Lakeside Town Shops architectural design. The building distinguishes itself by exterior walls painted with earth tone colors. 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 and at entry features are stone veneers that matches the Lakeside Town Shops. Lastly, fabric awnings and arced entry canopies are place at each window and door reinforcing an Asian 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 northern and eastern portions of the site from internal roads within Lakeside Town Shops. Vehicular traffic enters and parks in the northern and/or eastern portions of the site. A one-way drive aisle (the drive thru) creates a counter-clock traffic rotation proposed along the southern and western portions of the site.

   Provided on the subject site are twenty-three (23) standard parking spaces, and two (2) handicapped spaces, for a total of twenty-five (25) parking spaces, twelve (12) more

than the code requires. The petitioner has proposed concrete curbs and wheel stops for all the parking stalls.

4. *Lighting:* Lighting design shall meet 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, Live Oak, Tree of Gold, Pink Trumpet Tree, Croton, Cocoplum, Nora Grant Ixora, Liriope, Purple Queen, Indian Hawthorne, and Lantana. 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 76th 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:

1. The Panda Express is to use the similar architecture designs, colors, and construction elements on their elevations mirroring the approved Target Shopping Center. ***(12/14/05 The colors proposed on the exterior are not consistent with the overall master site plan)***
2. Provide a photometric plan upon resubmittal of plans. ***(12/14/05 As per § 12-260, the spillover measurements on the property line shall not exceed .5 foot-candle, therefore, provide measurements along the property line)***

Engineering:

1. Submit final engineering plans to Engineering Division for review and approval after site plan is approved by Town Council
2. Align vision impaired truncated cones straight with walkway ***(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 Townshops.

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 December 27, 2005 Site Plan Committee Meeting, there was not a voting quorum, Mr. Aucamp made a motion, seconded by Mr. Evans, to table SP 7-11-05, Panda Express to January 10, 2006. **(Motion carried 3-0, Chair Aitken and Vice-Chair Engel were 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)***

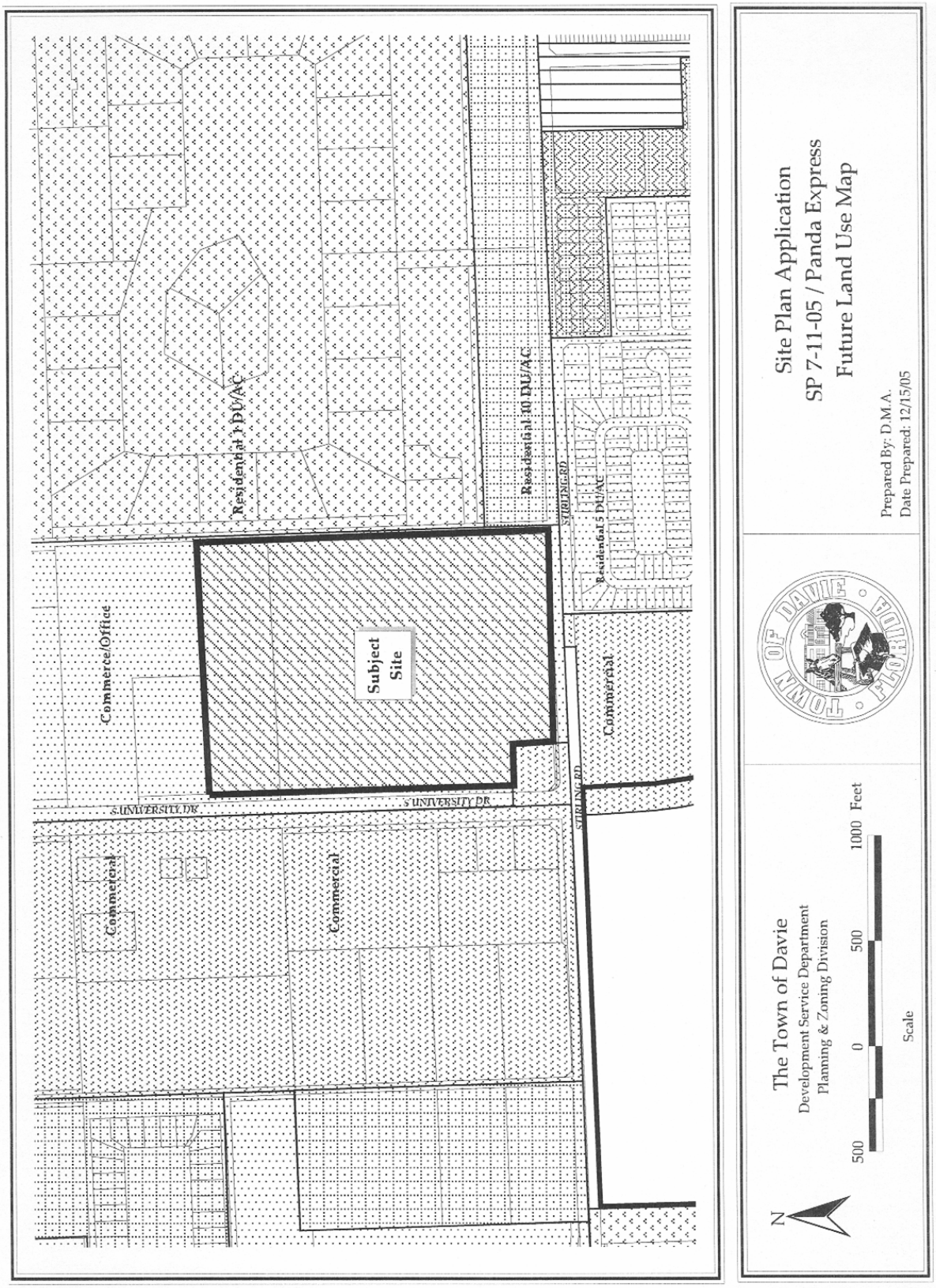
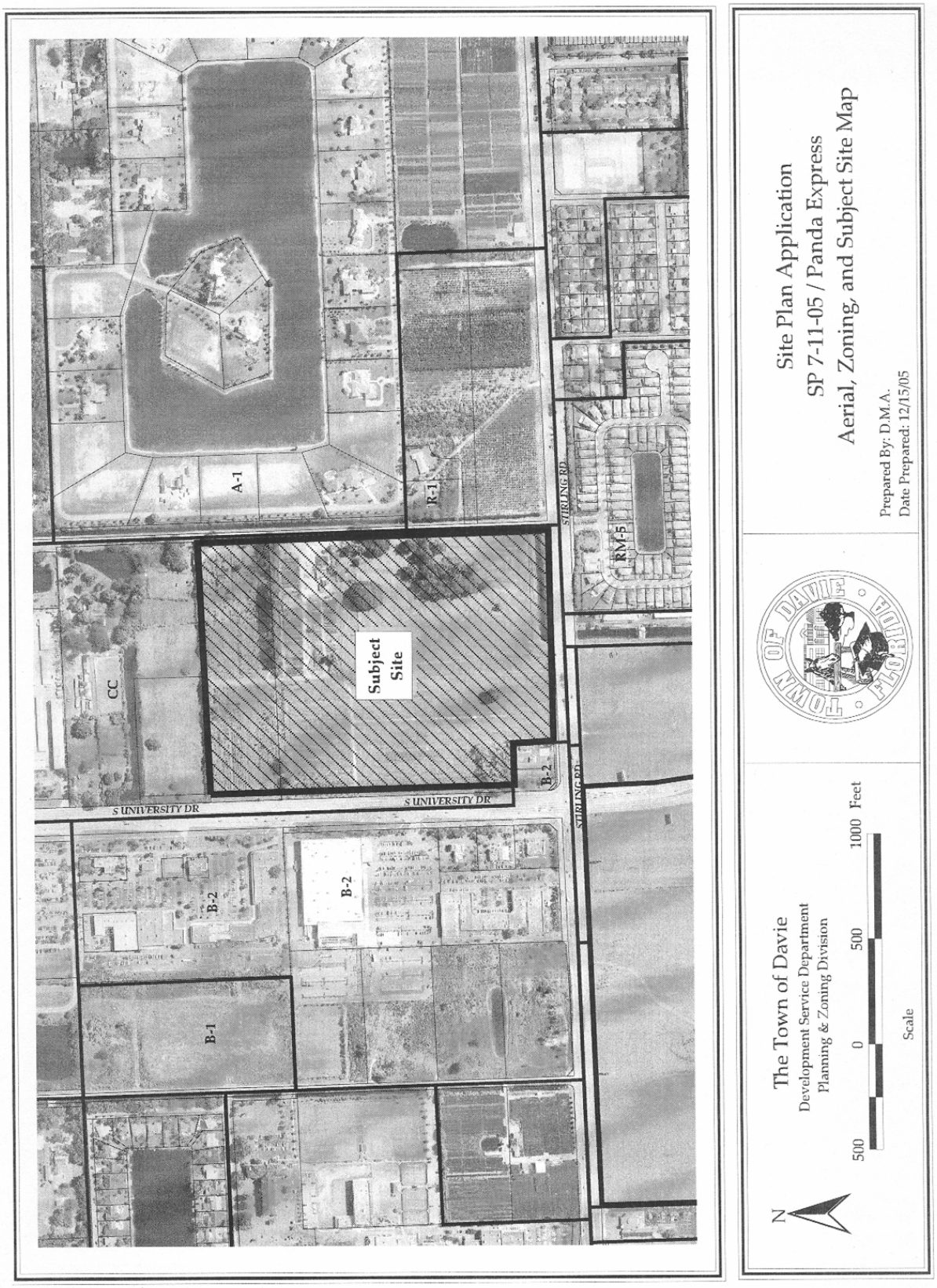


Exhibit 3 ***(Aerial, Zoning, and Subject Site Map)***


A-1
R-1
STIRLING RD
RM-5
Subject Site
CC
B-2
S UNIVERSITY DR
S UNIVERSITY DR
STIRLING RD
B-2
B-2
B-1
N
The Town of Davie
Development Service Department
Planning & Zoning Division
500
0
500
1000 Feet
Scale
TOWN OF DAVIE FLORIDA
Site Plan Application
SP 7-11-05 / Panda Express
Aerial, Zoning, and Subject Site Map
Prepared By: D.M.A.
Date Prepared: 12/15/05

* * * * * * * * * * * * * * * * * *

THIS PAGE

INTENTIONALLY

LEFT BLANK

* * * * * * * * * * * * * * * * * *