

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

March 4, 1999

**SUBJECT:** Rezoning ZB 2-1-99

**APPLICANT:** Cohen, petitioner / Shear and Zacco, owners

**ADDRESS/LOCATION:** 7080 State Road 84 / Generally located at the southeast corner of SW 71 Terrace and SR 84.

**LAND USE PLAN/ZONING:** Regional Activity Center / CC, Commerce Center District

**REQUEST:**               **From:** Section 12-32 et al., CC, Commerce Center District  
                                  **To:** Section 12-32 et al., B-3, Planned Business Center District

**EXHIBITS TO BE INCLUDED:** Rezoning application, subject site map, planning report, aerial, conceptual master plan and proposed use restrictions.

**ANALYSIS:** The subject site is approximately 2.16 acres in area and is currently vacant. The site is bound to the north by the SR 84 right-of-way, to the south by warehouse use zoned M-1, to the east by a self-storage facility zoned CC, and to the west by a used car dealership zoned CC.

Review of a rezoning request should include consideration of the criteria listed in Section 12-307 of the Land Development Code which is attached hereto, and made a part hereof.

Section 12-34(F)(1) limits certain commercial uses within the CC zoning district designation to a maximum area of twenty (20) percent of the gross floor area of the CC development. The applicant requests rezoning from the CC to B-3 District to increase the allowable commercial/retail uses which are not limited within the B-3 zoning district designation. The applicant recognizes that some commercial uses may not be appropriate at this location and is offering a voluntary deed restriction which will limit the use of the property to those uses normally anticipated in the B-3 zoning district with the exception of adult facilities, fast food restaurants, motor fuel pumps, nursery/child care facilities, private clubs, special or private schools, and truck/trailer/utility rental.

Section 12-34(AA) of the Zoning and Land Development Code requires that a rezoning request to the B-3 District be tied to a conceptual master plan, attached hereto. The conceptual master plan shows one single story building centrally located on the site with parking located to the north and south of the building. The building will have a 25 foot setback to all property lines should the rezoning be approved. A site plan is currently under review reflecting a building area of approximately 26,000 square feet with 50% retail uses and 50% warehouse use.

The requested B-3 District zoning is consistent with the Regional Activity Center future land use designation of the subject site. Permitted uses within the B-3 district are compatible with and similar to those uses within the CC district designation of adjacent properties along State Road 84. The proposal does not create a zoning district boundary which is illogically drawn, should not adversely affect other property values, and will not be a deterrent to the improvement or development of other property in accord with existing regulations.

**RECOMMENDATION:** The Planning and Zoning Division therefore recommends **APPROVAL** of the requested rezoning to the B-3, Planned Business Center District subject to the conceptual master plan and voluntary deed restriction, with a finding that the request is consistent with Comprehensive Plan objectives and is in harmony with the general intent and purpose of the code.

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **APPROVAL** of the voluntarily amended application in accordance with with the deed restrictions set forth in the March 4, 1999 letter submitted by the petitioner and the conceptual plan noted in the planning report (5-0), March 10, 1999.

**TOWN OF DAVIE  
CODE OF ORDINANCES  
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (e) The proposed change will 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;
- (f) The proposed change will adversely affect other property values;
- (g) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation 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.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS  
GENERAL USE

DISTRICTS

	<u>SC</u> & <u>B-1</u>	<u>WT</u> & <u>B-2</u>	<u>UC</u> & <u>B-3</u>	<u>O</u>	<u>FB</u>	<u>CC</u>	<u>CI</u>	<u>RO</u>
Adult Facilities	N	N	*	N	N	N	N	N
Agriculture	*	*	*	*	N	*	N	*
Agriculture, Commercial	*	*	*	*	*	*	*	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	N	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	N
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	*
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	**	P	N
Florist, Plant Shop	P	P	P	N	P	**	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors	N	N	N	N	N	**	P	N
Gift Shops	P	P	P	N	N	N	N	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	*	P	N
Light Fabrication	N	N	N	N	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS  
GENERAL USE

DISTRICTS

	<u>SC</u> & <u>B-1</u>	<u>WT</u> & <u>B-2</u>	<u>UC</u> & <u>B-3</u>	<u>O</u>	<u>FB</u>	<u>CC</u>	<u>CI</u>	<u>RO</u>
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	N
Mini Warehouse/Self Storage	N	N	N	N	N	N	P	N
Mobile Home Sales	N	*	*	N	N	N	P	N
Mortuary	N	P	P	N	N	N	P	N
Motion Picture Studio	N	N	N	N	N	P	P	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N
Night Clubs	N	*	*	N	*	**	*	N
Nursery, Child Care Facility	*	*	*	N	*	*	N	N
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	**	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N
Plant Nursery	P	P	P	P	P	N	P	P
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	N	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N
Research Facilities	N	N	N	P	P	P	P	N
Residential Uses	*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	N	P	N	N
Restaurant, Other	*	P	P	N	P	*	*	N
Retail Sales Other	P	P	P	N	P	**	P	N
Sales Office	P	P	P	P	P	P	P	P
Schools—Special, Private	N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N
Service Stations	N	N	*	N	N	N	*	N
Sheet Metal Shop	N	N	N	N	N	N	*	N
Special Residential Facilities	*	*	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	P	P	N
Vehicle Customizing	N	N	N	N	N	N	P	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N
Vehicle Towing	N	N	N	N	N	N	*	N
Vehicle Boat, Truck Sales	N	N	*	N	N	*	P	N
Warehouse, Storage	N	N	*	N	*	*	*	N

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS (continued)

GENERAL USE

DISTRICTS

	<i>SC</i> & <i>B-1</i>	<i>WT</i> & <i>B-2</i>	<i>UC</i> & <i>B-3</i>	<i>O</i>	<i>FB</i>	<i>CC</i>	<i>CI</i>	<i>RO</i>
Watchman's Apartment	*	N	*	N	N	*	*	N
Wholesale	N	P	P	N	N	P	P	N

P = Permitted by right in this district.

N = Not permitted in this district.

\* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

\*\* = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

EXISTING ZONING: CC COMMERCE CENTER DISTRICT  
 CODE SECTION: 12-24 (J) (3)  
 PROPOSED ZONING: B-#3 PLANNED BUSINESS CENTER  
 CODE SECTION: 12-24 (J) (6)  
 LAND USE DESIGNATION: REGIONAL ACTIVITY CENTER  
 FOLIO NUMBER 10115-17-00100

TOWN OF DAVIE USE ONLY	
PETITION NO.	ZBB-1-99
FEE.	\$ 1170.00
RECEIPT NO.	7408

TOWN OF DAVIE  
 REZONING APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)  
 Make Checks payable to Town of Davie

RECEIVED  
 FEB 3 1999

TOWN OF DAVIE  
 PLANNING & ZONING DEPARTMENT

DATE FILED: FEBRUARY 3, 1999 PHONE: (305) 598-5775  
 PETITIONER: ALVIN COHEN  
 MAILING ADDRESS: 7637 S.W. 102nd Pl., MIAMI, FL 33173  
 RELATIONSHIP TO PROPERTY: ARCHITECT  
 OWNER: SHEAR & ZACCO  
 MAILING ADDRESS: 2011 S.W. 70th AVE., #A-12, DAVIE, FL 33317  
 ADDRESS OF PROPERTY: 7080 SR 84

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

ACREAGE: PARCEL "A" OF S&Z SUBDIVISION  
 PLAT BOOK 126 PAGE 37 BROWARD COUNTY, FLORIDA  
 2.156 ACRES

REQUEST: CHANGE ZONING FROM "CC" TO "B-3"

REASON FOR REQUEST (attach additional sheet as necessary):

"CC" ZONE LIMITS RETAIL USE TO 20% OF GROSS FLOOR AREA. THIS LOCATION, FRONTING ON STATE RD 84 & 595 LENDS ITSELF TO MORE RETAIL USE & IS IN KEEPING WITH EXISTING USES ALONG THIS FRONTAGE. WE ARE PROPOSING 50% RETAIL USE.

\*\*\* PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN \*\*\*

OFFICE USE ONLY  
 APPROVED AS TO FORM: Jat PUBLICATION DATE: 2/24/99  
 MEETING DATE: PLANNING AND ZONING BOARD: 3/10/99 TOWN COUNCIL: 4/7/99  
 NOTICES SENT: \_\_\_\_\_ REPLIES: FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_  
 UNDELIVERABLE: \_\_\_\_\_

MARIO ZACCO  
OWNER'S NAME(S)

Mario Zacco  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

2011 S.W. 70th Ave.  
ADDRESS

Norwic Fl 33317  
CITY, STATE, ZIP

(954) 474-3644  
PHONE

Alvin Cohen  
PETITIONER'S NAME

[Signature]  
PETITIONER'S SIGNATURE

7637 S.W. 102 Pl.  
ADDRESS

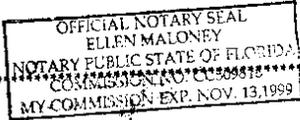
MIAMI, FL 33173  
CITY, STATE, ZIP

(305) 598-5775  
PHONE

The foregoing instrument was acknowledged before me  
this 10 day of July, 1999 by  
Mario Zacco who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

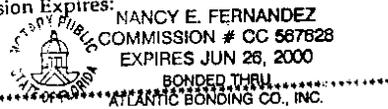
NOTARY PUBLIC:  
Sign: Ellen Maloney  
Print: Ellen Maloney  
My Commission Expires: \_\_\_\_\_



The foregoing instrument was acknowledged before me  
this 1st day of February, 1999, by  
Alvin Cohen who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:  
Sign: Nancy E. Fernandez  
Print: NANCY E. FERNANDEZ  
My Commission Expires: \_\_\_\_\_



OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:  
03/10/99 - approval of the voluntarily amended application in accordance with the deed  
restrictions set forth on the March 4, 1999 letter submitted by the petitioner  
and the conceptual plan noted in the planning report and

KARON ZACCO  
OWNER'S NAME(S)  
Karon Zacco  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)  
2011 S.W. 70th Ave.  
ADDRESS  
Harvie FL 33317  
CITY, STATE, ZIP  
(954) 474-9644  
PHONE

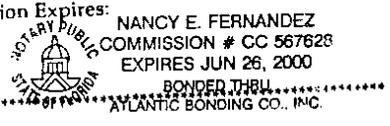
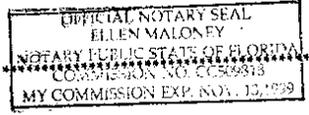
ALVIN COHEN  
PETITIONER'S NAME  
[Signature]  
PETITIONER'S SIGNATURE  
7637 S.W. 102 Pl.  
ADDRESS  
MIAMI, FL. 33173  
CITY, STATE, ZIP  
(305) 598-5775  
PHONE

The foregoing instrument was acknowledged before me  
this 10 day of July, 1998, by  
Karon Zacco who is personally  
known to me or who has produced \_\_\_\_\_

The foregoing instrument was acknowledged before me  
this 1st day of February, 1999, by  
Alvin Cohen who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.  
NOTARY PUBLIC:  
Sign: Ellen Maloney  
Print: Ellen Maloney  
My Commission Expires:

as identification and who did take an oath.  
NOTARY PUBLIC:  
Sign: Nancy E. Fernandez  
Print: NANCY E. FERNANDEZ  
My Commission Expires:



OFFICE USE ONLY

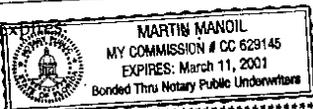
FRANK SHEAR  
OWNER'S NAME(S)  
[Signature]  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)  
8761 S.W. 133<sup>rd</sup> ST.  
ADDRESS  
MIAMI, FL. 33156  
CITY, STATE, ZIP  
(305) 255-0771  
PHONE

The foregoing instrument was acknowledged before me  
this 10 day of JULY, 1998, by  
FRANK SHEAR who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]  
Print: MARTIN MANGIL  
My Commission Expires: \_\_\_\_\_



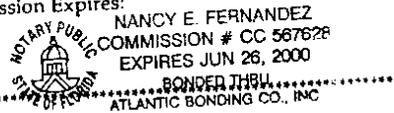
ALVIN COHEN  
PETITIONER'S NAME  
[Signature]  
PETITIONER'S SIGNATURE  
7637 S.W. 102 PL.  
ADDRESS  
MIAMI, FL. 33173  
CITY, STATE, ZIP  
(305) 598-5775  
PHONE

The foregoing instrument was acknowledged before me  
this 1st day of February, 1998 by  
Alvin Cohen who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]  
Print: NANCY E. FERNANDEZ  
My Commission Expires: \_\_\_\_\_



OFFICE USE ONLY

Gary O. Shea  
OWNER'S NAME(S)

Gary O. Shea  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

12330 S.W. 60<sup>TH</sup> COURT  
ADDRESS

MIAMI, FL. 33156  
CITY, STATE, ZIP

305/255-0771  
PHONE

Alvin Cohen  
PETITIONER'S NAME

Alvin Cohen  
PETITIONER'S SIGNATURE

7637 S.W. 102 PL.  
ADDRESS

MIAMI, FL. 33173  
CITY, STATE, ZIP

(305) 598-5775  
PHONE

The foregoing instrument was acknowledged before me  
this 10 day of JULY, 1998, by  
GARY SHEA who is personally  
known to me or who has produced \_\_\_\_\_

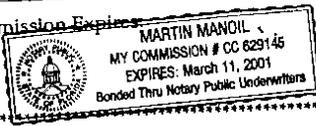
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Martin Manoil

Print: MARTIN MANOIL

My Commission Expires \_\_\_\_\_



The foregoing instrument was acknowledged before me  
this 1st day of February, 1998, by  
Alvin Cohen who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Nancy E. Fernandez

Print: NANCY E. FERNANDEZ

My Commission Expires: \_\_\_\_\_



NANCY E. FERNANDEZ  
COMMISSION # CC 567628  
EXPIRES JUN 26, 2000  
BONDED THRU  
ATLANTIC BONDING CO., INC.

OFFICE USE ONLY

March 4, 1999

Town of Davie  
Planning and Zoning Division  
6591 SW 45th Street  
Davie, Fl. 33314

RE: ZB 2-1-99

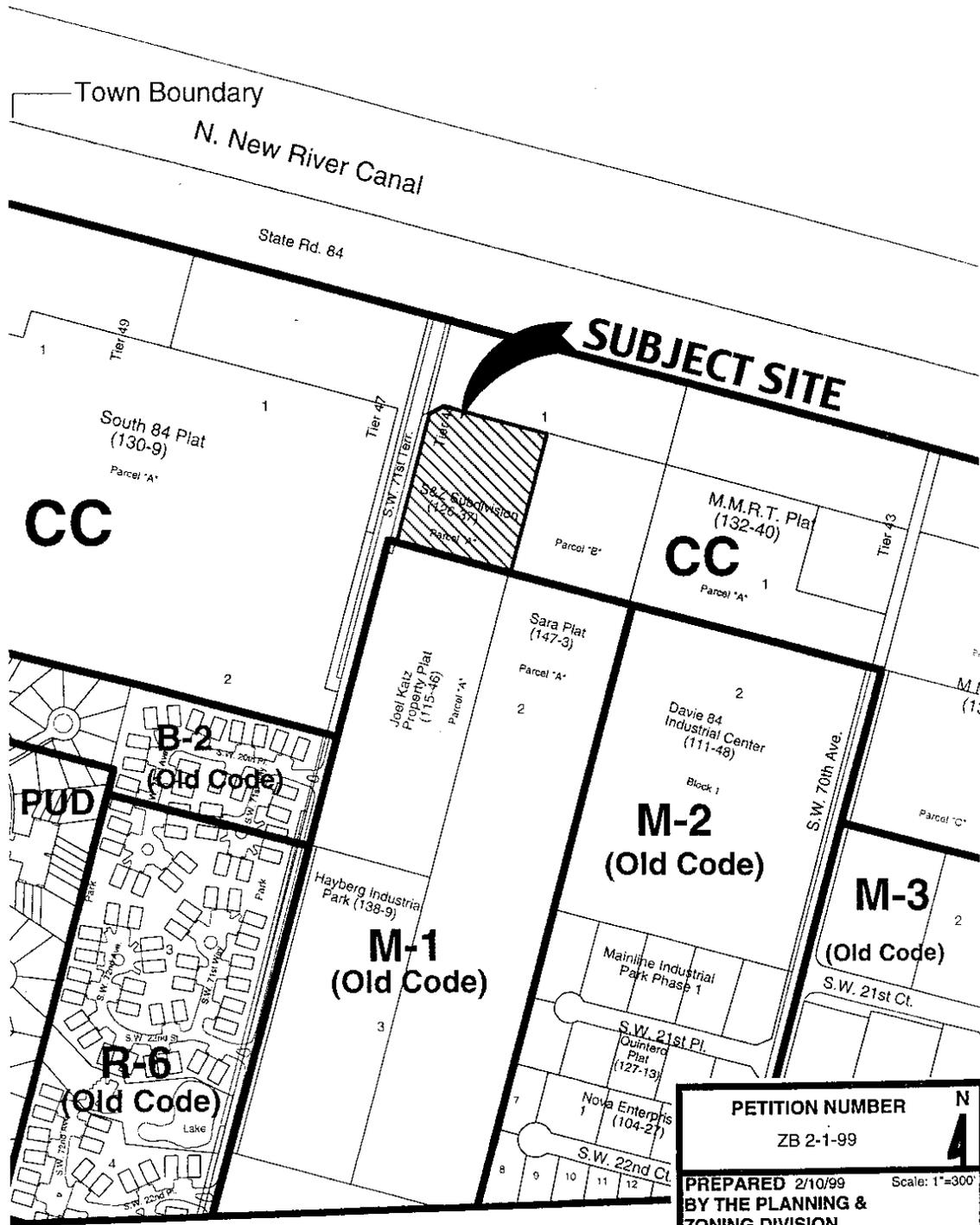
Please be advised that upon approval of the pending rezoning request from CC to B-3, we will voluntarily execute a deed restriction to allow those uses normally anticipated within the B-3 zoning district designation except for the following:

- adult facilities
- fast food restaurants
- motor fuel pumps, service stations
- nursery, child care facilities
- private clubs
- special or private schools
- truck/trailer/utility rental

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Jones".





**PETITION NUMBER** N  
 ZB 2-1-99 4

**PREPARED 2/10/99** Scale: 1"=300'  
**BY THE PLANNING & ZONING DIVISION**