

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

4/30/99

SUBJECT: Rezoning ZB 1-1-99

APPLICANTS: Michael Udell, Esq., petitioner / Vietnamese Buddhist
Cultural Center of Florida, Inc., owner

ADDRESS/LOCATION: 5000 SW 82 Avenue / Generally located on the east side of
SW 82 Avenue approximately 3/4 mile north of Stirling Road

LAND USE PLAN / ZONING: Residential (5 du/ac) & Commercial / A-1, Agricultural
District & B-2, Community Business District

REQUEST: **From:** A-1, Agricultural District & B-2, Community
Business District
To: CF, Community Facilities District

EXHIBITS TO BE INCLUDED: Rezoning application, subject site map, planning report,
and aerial.

ANALYSIS: The subject site is 3 acres in size and is currently vacant. The site is bound on the north and south by vacant land zoned A-1, on the east by developed commercial land zoned B-2, and by agricultural uses zoned A-1, across SW 82nd Avenue, to the west. The applicant proposes rezoning of the property to the CF district to develop a religious institution with a voluntary deed restriction being offered limiting the use of the property to that purpose.

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.

Future Land Use Policy 17-1 of the Comprehensive Plan states that, "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". Section 12-307, Town Code, requires consideration of whether the proposed change will create or excessively increase automobile or and vehicular traffic congestion above that which would be anticipated with the permitted densities, and whether the change would be a deterrent to the improvement or development of other properties accord with existing regulations.

This rezoning request is in conflict with Section 12-34(DD) which requires a 2,500 foot separation between churches or houses of worship. A variance requesting a reduction in the required separation from 2.500 feet to 750 feet is being processed concurrently with this rezoning request.

Without specific or enforceable restrictions, the ultimate size, appearance, and traffic impact of the religious facility is undeterminable. This is of concern when the potential

impact of two churches on the community is considered in terms of aesthetics and traffic impacts. Concentrations of certain similar uses may affect the future development of adjacent properties.

RECOMMENDATION: The Planning and Zoning Division recommends **DENIAL** of the request to rezone the subject property from A-1 and B-2 to CF, with findings that the affect of the request on the adjacent neighborhoods, when considered in the context of its combined affect with the existing community facility use, is inconsistent with the policies and objectives of the Comprehensive Plan intended to protect the character and lifestyle of residential neighborhoods.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** subject to the voluntary amendment to provide a deed restriction to use the property for religious institution only (5-0), April 14, 1999.

EXISTING ZONING: A-1
CODE SECTION:
PROPOSED ZONING: CF
CODE SECTION:
LAND USE DESIGNATION: Residential
POLIO NUMBER 50-41-23-01-0160

TOWN OF DAVIE USE ONLY
PETITION NO. ZB1-1-99
FEE. \$1070.00
RECEIPT NO. 7366
7367

RECEIVED
JAN 8 1999
TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

TOWN OF DAVIE
REZONING APPLICATION

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

DATE FILED: January 8, 1999 PHONE: (954)680-5994 (counsel for owner)
PETITIONER: Khanh Minh Truong, Secretary, Director, Treasurer and Agent
for Vietnamese Buddhist Cultural Center of Florida
MAILING ADDRESS: 19361 NW 77th Court Hialeah, Florida 33015 and
Michael B. Udell, Esquire, 5745 S. University Drive, Davie 33328
RELATIONSHIP TO PROPERTY: Truong is corporate officer, director and agent of owner
Udell is counsel for owner
OWNER: Vietnamese Buddhist Cultural Center of Florida, Inc.
MAILING ADDRESS: c/o Michael B. Udell, Esquire, 5745 S. University Drive, Davie
Florida 33328
ADDRESS OF PROPERTY: 5000 SW 82nd Avenue, Davie, Florida 33328

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement
of amount of acreage involved MUST be submitted with application):
FOR LEGAL DESCRIPTION SEE SURVEY ATTACHED
ACREAGE: Three (3) acres

REQUEST: To change zoning from A-1 Residential to CF
REASON FOR REQUEST (attach additional sheet as necessary):
To construct a Vietnamese Buddhist Temple with approximately 35 parking spaces

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

OFFICE USE ONLY
APPROVED AS TO FORM: Jat PUBLICATION DATE: 2/1/99
MEETING DATE: PLANNING AND ZONING BOARD: 2/24/99 TOWN COUNCIL: 3/17/99 75/5/99
NOTICES SENT: 12 REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: 1

Vietnamese Buddhist Cultural Center
OWNER'S NAME(S) of Florida, Inc.

Khanh Minh Truong

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
Khanh Minh Truong, Secretary, Director, Treasurer and Agent for Vietnamese Buddhist Cultural Center of Florida, Inc.

ADDRESS 19361 NW 77th Court

Hialeah, Florida 33015

CITY, STATE, ZIP

(305) 829-7264

PHONE

Vietnamese Buddhist Cultural Center of
PETITIONER'S NAME Florida, Inc.

Khanh Minh Truong

PETITIONER'S SIGNATURE
Khanh Minh Truong, Secretary, Director, Treasurer and Agent for Vietnamese Buddhist Cultural Center of Florida, Inc.

ADDRESS 19361 NW 77th Court

Hialeah, Florida 33015

CITY, STATE, ZIP

(305) 829-7264

PHONE

The foregoing instrument was acknowledged before me this 4th day of January, 1999, by Khanh M Truong who is personally known to me or who has produced Florida D/L T 652-513-75-125-0

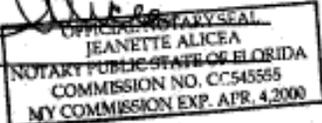
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Jeanette Alicea

Print: _____

My Commission Expires: _____



The foregoing instrument was acknowledged before me this 4th day of January, 1999, by Khanh M Truong who is personally known to me or who has produced Florida D/L T 652-513-75-125-0

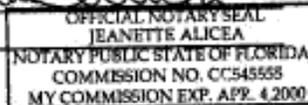
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Jeanette Alicea

Print: _____

My Commission Expires: _____



OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:

02/24/99 - tabled to 03/10/99 amb

03/10/99 - tabled to 03/24/99 amb

03/24/99 - tabled to 04/14/99

04/14/99 - approval subject to the voluntary amendment to provide a deed restriction to use the property for a religious institution only

TC tabled to S/P/A on 3/16/99

J

SOUTH 1/4 OF TRAILER HOMES

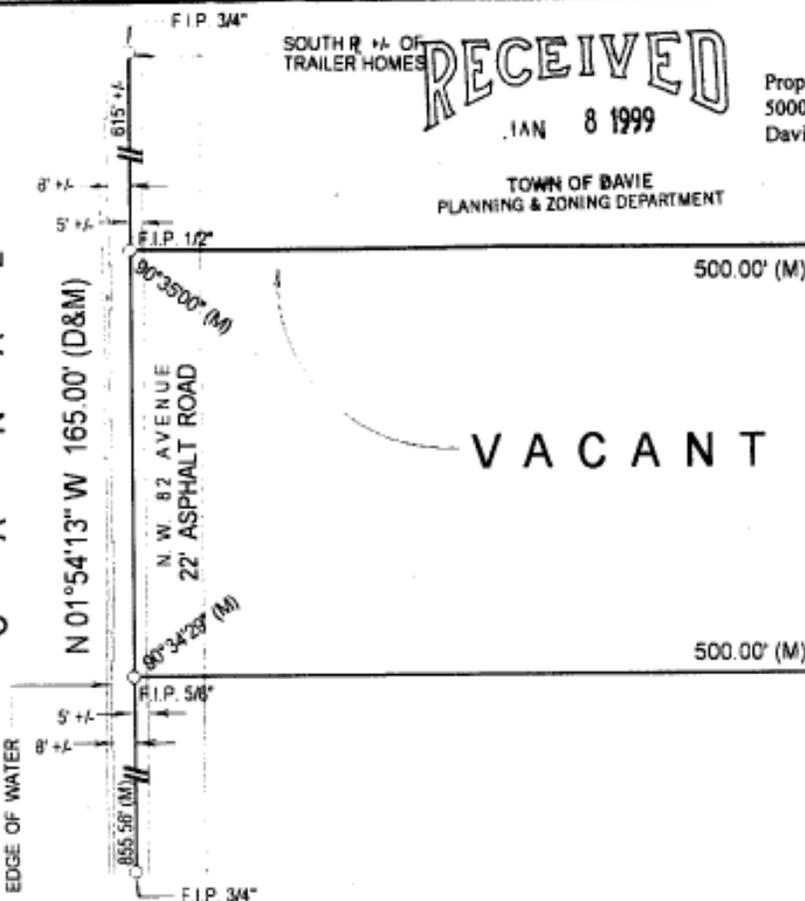
RECEIVED
JAN 8 1999

Property address:
5000 S.W. 82 Avenue
Davie, Florida 33328

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

N 87°31'18" E

C
A
N
A
L



VACANT AREA

S 87°31'18" W

NO.	DESCRIPTION	DATE	BY	REVISION
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Legal Description:

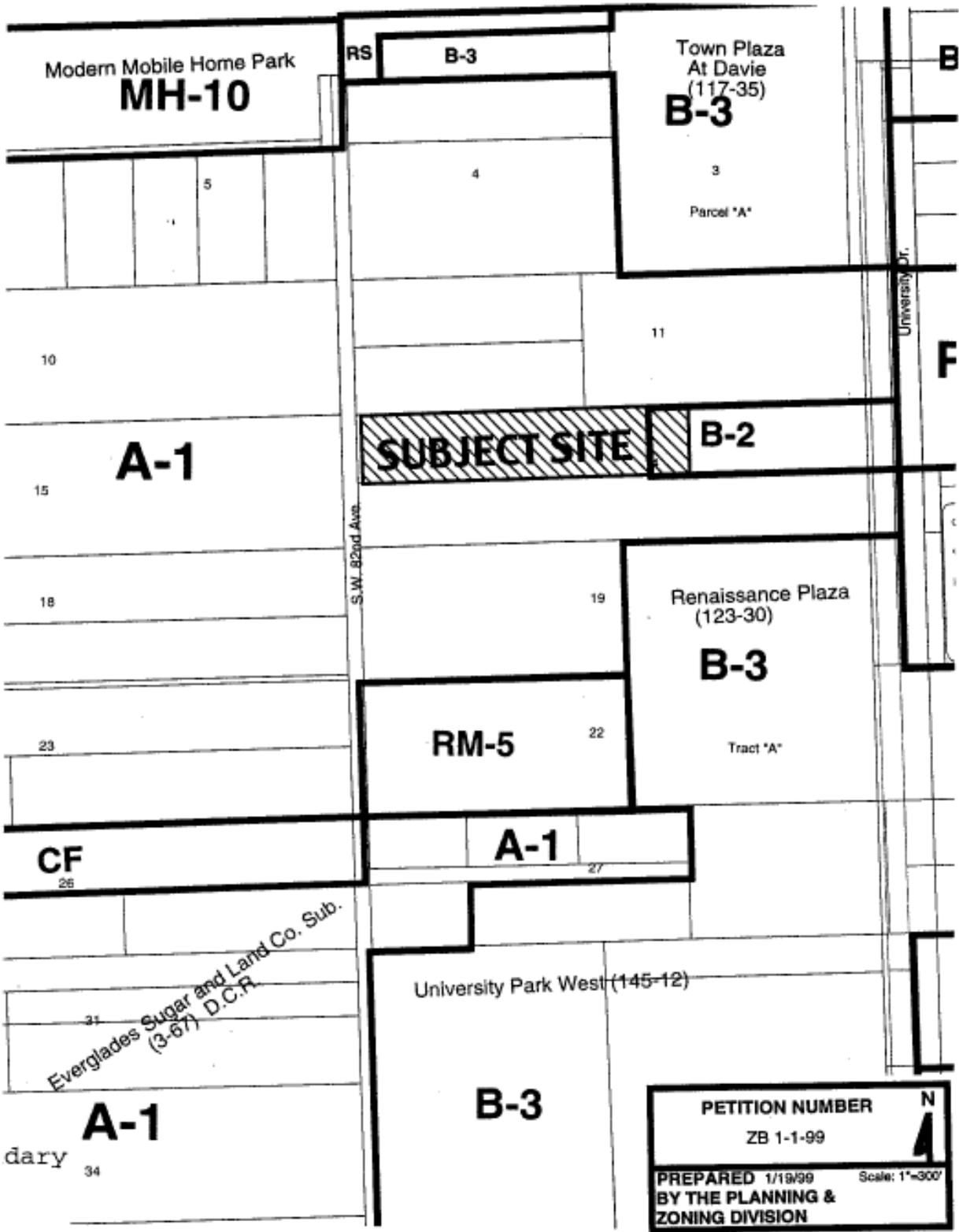
The West 3 Acres of the North 1/4 of Tract 14 EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, of Section 33, Township 50, Range 41 East, according to the Plat thereof, as recorded in Plat Book 3, Page 67, of the Public Records of Broward County, Florida. Together with an easement for egress over and across of said North 1/4 of Tract 14, and subject to an easement for ingress and egress over and across the North 15 feet of said West 3 acres of the North 1/4 of said Tract 14.

Certified to:
Vietnamese Buddhist Cultural Center of Florida, Inc., Thanh Pham, President; Title Company of the South, Inc.; Fidelity National Title Insurance Company, its successors and/or assigns.

22220

WOOD FENCE	D	CENTRAL ANGLE/DELTA
WIRE FENCE	D.B	DEED BOOK
WALL	D	DESCRIPTION OR DEED
PROPERTY CORNER	D.M	DRILL HOLE
RECORD	D/W	DRIVEWAY
FIELD MEASURED	COMT	EASEMENT
CALCULATED	Z	ELEVATION
CLEAR	Z.P	FINISHED FLOOR
ENCROACHMENT	Z.M	FOUND CONCRETE MONUMENT
CENTERLINE	Z.P.V	FOUND PARKER-PALON VAL
CONCRETE	Z	LENGTH
PROPERTY LINE	A.Z	LIMITED ACCESS EASEMENT
CONCRETE MONUMENT	M.H	MANHOLE
FOUND IRON ROD	N.T.S	NOT TO SCALE
FOUND IRON PIPE	O.R	OFFICIAL RECORDS
POINT OF ANGLE	P.P.B	OFFICIAL RECORDS BOOK
VAL & DISC	P.P.P	PERMANENT CONTROL POINT
DRAINAGE EASEMENT	P.P.M	PERMANENT REFERENCE MONUMENT

LOCATION	GENERIC
UTILITY EASEMENT	P.C
FOUND	P.V.M.T
PLAT	P.B
ASPHALT	P.O.B
OVERHEAD UTILITIES	P.O.C
POWER POLE	P.O.L
TRANSFORMER	P.O.T
CABLE RISER	P.O.R
WATER METER	P.O.W
TELEPHONE FACILITIES	P.O.T.F
COVERED AREA	P.O.C.A
BEARING REFERENCE	P.O.B.R
CHORD	P.O.C.H
RADIAL	P.O.R.A
NON RADIAL	P.O.N.R
AIR CONDITIONER	P.O.A.C
BEACH MARK	P.O.B.M
CATCH BASIN	P.O.C.B
CALCULATED	P.O.C.A.L
PAVEMENT	P.O.P
PLAT BOOK	P.O.P.B
POINT OF BEGINNING	P.O.P.B
POINT OF COMMENCEMENT	P.O.P.C
POINT ON LINE	P.O.P.O.L
POINT OF CURVATURE	P.O.P.O.C
POINT OF REVERSE CURVE	P.O.P.O.R.C
POINT OF TANGENCY	P.O.P.O.T
RADIUS	P.O.R
RADIUS RADIAL	P.O.R.R
ROOF OVERHANG EASEMENT	P.O.R.O.E
SET IRON ROD & CAP	P.O.S.I.R.R.C
SIDEWALK	P.O.S
TEMPORARY BENCH MARK	P.O.T.B.M
TOP OF BANK	P.O.T.O.B
TRUCK	P.O.T
WITNESS CORNER	P.O.W.C
EXISTING ELEVATION	P.O.E



Modern Mobile Home Park
MH-10

RS

B-3

Town Plaza
At Davie
(117-35)
B-3

B

5

4

3

Parcel 'A'

10

11

F

A-1

SUBJECT SITE

B-2

15

S.W. 82nd Ave

18

19

Renaissance Plaza
(123-30)

B-3

23

22

RM-5

Tract 'A'

CF

A-1

Everglades Sugar and Land Co. Sub.
(3-67) D.C.R.

University Park West (145-12)

B-3

PETITION NUMBER

ZB 1-1-99

N

dary **A-1**
34

PREPARED 1/19/99 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION