

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

May 28, 1999

SUBJECT: Application ZB 3-3-99

APPLICANT: Michele Mellgren, AICP

OWNERS: Hamilton C. Forman & Charles R. Forman

ADDRESS: 3000 SW 59 Terrace

LOCATION: Generally located at the southeast corner of SW 30 Street and SW 59 Terrace

FUTURE LAND USE

PLAN DESIGNATION: Regional Activity Center (RAC)

REQUEST: **From:** A-3, Utility District, Section 39-423 et al. of the County Code;

To: B-2, Community Commercial District, Section 12-32 et al. of the Town of Davie Code

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

ANALYSIS: The subject site is 3.06 acres in area, and is utilized as a radio transmission station, containing an office/studio building, portions of 3 transmitting towers and ancillary broadcasting equipment. The subject site is bound on the north and east by a 20 acre parcel under the same ownership zoned A-3 (County) which has received positive consideration on its merits by Council for rezoning to the RM-16 District, and on the south and west by mobile homes within the Silver Oaks mobile home park zoned T-1 (County).

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, including whether the request is consistent with the Comprehensive Plan.

The applicant has not proposed specific uses for the subject property, but has indicated that the property may be used for office or nonresidential development which serves the adjacent neighborhoods.

Three Comprehensive Plan policies contained within the Future Land Use Element are employed in the review of this application. Policy 10-1 encourages a balanced mixed of land uses within the RAC, including mixed residential and

nonresidential developments which provide for the needs of residents and others. The area surrounding the subject site contains 944 mobile homes and 494 apartment units, with potential for at least 270 more apartment units that would combine for more than 1,700 dwelling units in 3 developments with an estimated population of over 4,250 residents. The subject site is in a central location within the 3 developments and is ideal for commercial use that would serve them. An Eckerds pharmacy is now a welcome addition to these residents, as they may now walk a relatively short distance to obtain some basic staples. The subject site offers another opportunity to provide commercial services and/or products within the core of this residential area, which is convenient for nearby residents, many of whom--especially within Silver Oaks--do not have access to an automobile, and reduces the need for vehicle trips on overcrowded adjacent roadways, consistent with the mixed-use concept.

Policy 7-3 requires zoning regulations to provide for varying intensities of commercial development, and to direct the application of appropriate districts where compatible with adjacent and surrounding residential uses. The Code intends for B-2 Districts to serve the shopping and limited service needs of several neighborhoods or the local community. Commercial development on the subject site would have the potential to serve more than 4,000 residents of 3 communities built at higher densities than most communities within Davie, and therefore is generally appropriate in scale and intensity to serve this area.

Policy 17-3 requires the Town to review each development proposal with respect to its compatibility with adjacent existing and planned development. Development surrounding the subject site is developed at densities ranging from 10 to more than 20 rental dwelling units per acre which is generally considered compatible with low and moderate intensity commercial development. The applicant has acknowledged that the following uses permitted within the B-2 District may not be compatible with medium-density residential uses, due to parcel size and proximity to several mobile homes, and has volunteered to preclude these uses: bowling, skating; dance halls, clubs; golf courses; movie theater, performing arts; pawnshop; pool rooms; and restaurants, fast food. In addition, the applicant has volunteered to limit any convenience store use to 18 hours of operation per day. There are 3 additional uses that may not be suitable for the subject site location for the same reasons: bars and lounges; nightclubs; and minor vehicle repair. Staff has strongly recommended to the applicant these uses also be eliminated from consideration.

Traffic generation is also a component of compatibility, as SW 30 Street and SW 59 Terrace serve as a local residential access street as well as a collector roadway for the mobile home park and anticipated apartment community on the 20 acre parcel adjacent to the subject site. While there are no traffic counts available for these roadways, the Institute of Traffic Engineers (ITE) Trip Generation 5th Edition estimates that 944 mobile homes generate 4,540 average daily trips. The addition of 270 apartment units on the 20 acre parcel would increase traffic on SW 30 Street by up to 40 percent, or 1,780 trips. Given this level of traffic, the introduction of 3 acres of commercial use is expected to have a minimal

additional traffic impact, due to subject site's out-of-the-way, low-visibility location in the core of a residential area, on a road that does not go anywhere. This locational factor would rule out some high-traffic generators. Conversely, other high-traffic generators may find the subject site desirable because of existing pass-by traffic and convenience to approximately 4,250 residents living within walking distance in a relatively compact, high-density setting. Such a use would not likely draw additional traffic from Davie Road. Moreover, such a use may actually reduce vehicle trips onto area roadways as residents of Silver Oaks and the apartment communities walk to the subject site for the same needs they would otherwise have to drive out of their developments for.

The requested rezoning is consistent with the intent and policies of the RAC designation of the site. The RAC designation permits the Town to rezone the parcel from A-3 to B-2 without requiring a Future Land Use Plan map amendment or use of the commercial flexibility provisions of the Broward County Land Use Plan. Therefore, no State DCA or County Commission approval is required to reconcile the land use plan with the proposed rezoning.

The existing A-3, Utility District zoning designation and broadcast facility use are generally considered to be undesirable in residential areas, and are usually relegated to mobile home park or low-income areas. Commercial use has historically been part of medium- to high-density residential development and has the potential to fit with the residential communities and actually improve living conditions by offering needed services and employment, particularly if future commercial development is site planned as an integrated component of the community. Therefore, staff suggests that, should the Council approve the rezoning, any future commercial uses be site planned with consideration given to orientation, design and interconnection with the adjacent community.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested rezoning to the B-2, Community Business District, with findings that the request is consistent with the Comprehensive Plan, can be appropriate to compliment adjacent medium-density residential land uses, and can be evaluated positively with regard to the criteria for the review of rezonings contained in Section 12-307 of the Land Development Code, provided the applicant restricts the 3 potentially incompatible uses identified herein.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **DENIAL** (4-1, Mr. Pisula dissenting), May 12, 1999.

EXISTING ZONING: A-3 County
CODE SECTION:

PROPOSED ZONING: B-2 Town
CODE SECTION:

LAND USE DESIGNATION: RAC

FOLIO NUMBER: (A portion of) 504137-01-1489

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>ZB 3-3-99</u>
FEE	<u>1170.00</u>
RECEIPT NO.	<u>7508</u>

**TOWN OF DAVIE
REZONING APPLICATION**

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

DATE FILED: 4/5/99

PHONE: (954) 782-8304

PETITIONER: MICHELE MELLGREN & ASSOCIATES, INC.

MAILING ADDRESS: 5400 N. OCEAN BLVD., SUITE 32, FT. LAUDERDALE, FL. 33308

RELATIONSHIP TO PROPERTY: AGENT

OWNER: HAMILTON C. FORMAN AND CHARLES R. FORMAN

MAILING ADDRESS: 888 SE 3RD AVENUE, SUITE 501, FORT LAUDERDALE, FL 33316

ADDRESS OF PROPERTY: 3000 SW 57 TERRACE

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

LEGAL DESCRIPTION SHOWN ON SEALED BOUNDARY SURVEY ATTACHED

ACREAGE: 3.59 ~~3.061~~ ACRES

REQUEST: REZONE FROM COUNTY A-3 TO TOWN OF DAVIE B-2

REASON FOR REQUEST (attach additional sheet as necessary): PLEASE SEE ATTACHED.

PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN

OFFICE USE ONLY

APPROVED AS TO FORM: 4/5 ZL PUBLICATION DATE: 4/28/99 5/5/99

MEETING DATE: PLANNING & ZONING BOARD: 5/12 TOWN COUNCIL: 6/12

NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

HAMILTON C. FORMAN
CHARLES R. FORMAN

OWNER'S NAME(S)

Hamilton C. Forman
Charles Richard Forman

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

888 SE 3RD AVE., STE. 501
ADDRESS

FORT LAUDERDALE, FL 33316
CITY, STATE, ZIP

(954) 763-8111
PHONE

The foregoing instrument was acknowledged before me
This 2nd day of April, 1999, by
Hamilton C. Forman and Charles R. Forman who are personally
known to me or who has produced _____

_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Vicki L. Grady

Print: Vicki L. Grady

My Commission Expires: _____



MICHELE C. MELLGREN

PETITIONER'S NAME

Michele C. Mellgren

PETITIONER'S SIGNATURE

5400 NORTH OCEAN BLVD., STE 32
ADDRESS

FORT LAUDERDALE, FL 33308
CITY, STATE, ZIP

(954) 782-8304
PHONE

The foregoing instrument was acknowledged before me
This 31st day of MARCH, 1999, by
Michele C. Mellgren who is personally
known to me ~~or who has produced~~ _____

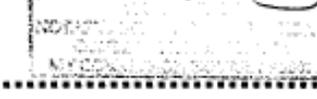
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Vicki L. Grady

Print: Vicki L. Grady

My Commission Expires: _____



OFFICE USE ONLY

NOTE: The undersigned and make no representations or reflected herein pertaining to, reservations, agreements, instruments or not intended of such matters. Such info confirmed by others through and/or assessments of records.

THIS SKETCH IS NOT A SIGNATURE AND A RAIS

DESCRIPTION:

THE WEST 210.00 FEET LYING SOUTH OF THE NORTH 100.00 FEET OF TRACT 6, TIER 25 OF NEWMAN'S SURVEY AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID LANDS SITUATE IN THE TOWN OF DAYTE, BROWARD COUNTY, FLORIDA, CONTAINING 133,314 SQUARE FEET, 3.061 ACRES, MORE OR LESS.

PARCEL "A"
NOVA PLAT

P.B. 151, PG. 42, B.C.R.

TRACT 5 TIER 23

555.23' FIELD
BCR.

SON & ASSOC. INC.

NAI

REZONING JUSTIFICATION

The subject site is approximately 3.061 acres in area and contains a radio station broadcast facility and office. The site is bound on the north and east by vacant land zoned County A-3, and on the south and west by the Silver Oaks mobile home park zoned County T-1.

The petitioner proposes a rezoning of the property to the B-2 designation, consistent with the current Regional Activity Center designation and complimentary to the higher density residential uses in the area. A review of a zoning amendment request should include consideration of the criteria listed in Sec. 12-307 of the Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): The proposed change is contrary to the adopted comprehensive plan, as amended or any element or portion thereof.

The current land use designation on the subject site is Regional Activity Center (RAC). This designation contemplates a variety of development including commercial uses, residential uses and mixed uses to promote sustainable development by providing places of employment and services proximate to residential areas.

The proposed rezoning will allow for offices or neighborhood serving non-residential development in an area that is developed or proposed for development at higher residential densities. As a result, the proposed rezoning to B-2 is consistent with and promotes the purpose and intent of the RAC designation. The rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

The requested rezoning to B-2 is consistent and compatible with adjacent zoning districts. Rezoning to the B-2 district will implement the concept of mixed use development set forth in the Regional Activity Center designation.

Criterion (c): Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The existing zoning district boundaries define the three-acre parcel that is already currently used for radio broadcast facilities and related office uses. The current zoning designation of A-3 County, however, is not consistent with surrounding uses and land development patterns.

Criterion (d): The proposed change will adversely affect living conditions in the neighborhood.

The proposed B-2 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow for development of the site that will improve the appearance of the property and serve as an asset to the surrounding uses.

Criterion (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.

The underlying land use plan designation of Regional Activity Center contemplates a variety of development that includes business and office uses. As a result, the proposed change is consistent with the comprehensive plan, and vehicular traffic will not be created or excessively increased above the level already anticipated under this existing land use designation. The requested change will have no impact on public safety.

Criterion (f): The proposed change will adversely affect other property values.

The requested rezoning will have a positive impact on surrounding property values by allowing for new development that will compliment the surrounding area.

Criterion (g): The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Lands surrounding the subject site are already developed as mobile home parks or proposed for development as garden apartments. The proposed change will not be a deterrent to the improvement or development of these surrounding properties.

Criterion (h): The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

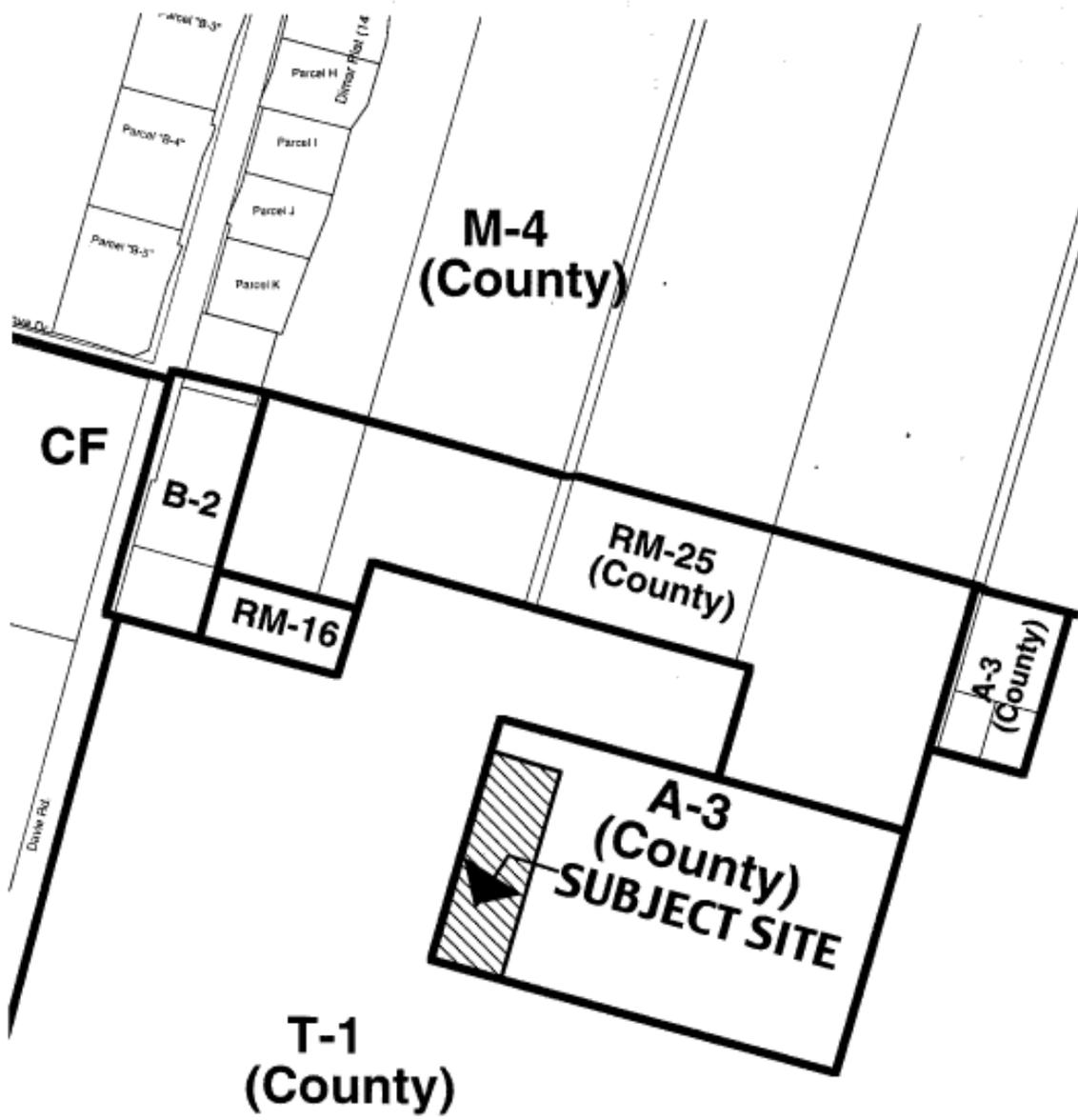
Criterion (i): There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning on the property is County A-3, which is an agricultural zoning district. Because of the property's size and location, it cannot be used for agricultural purposes, nor would such a use be compatible with the existing surrounding development. As a result, the proposed change is requested to allow a reasonable use of the property that is consistent with surrounding development patterns.

Criterion (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 up plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed B-2 designation will contribute positively to the Town's tax base. It will implement the concept mixed use development and, as a result, the request is consistent with sound planning practices and comprehensive plan policies regarding land uses with the Regional Activity Center.

As has been demonstrated, the requested rezoning from A-3 County to B-2 is consistent with the adopted comprehensive plan and meets all of the criteria contained in the Land Development Code. As a result, this rezoning request merits favorable consideration.



PETITION NUMBER	N
ZB 3-3-99	
PREPARED 4/19/99	Scale: 1"= 400'
BY THE PLANNING & ZONING DIVISION	

