

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

June 2, 1999

**SUBJECT:** Rezoning ZB 3-2-99

**APPLICANTS:** Miller-Legg & Associates, Inc., petitioner / John Leto, Sr., owner

**ADDRESS/LOCATION:** 3151 SW 154 Avenue / Generally located on the west side of SW 154 Avenue approximately 1/2 mile south of SW 26 Street

**LAND USE PLAN / ZONING:** Residential (1 du/ac) / A-1, Agricultural 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 the east 5 acres of a 10 acre tract located on the west side of SW 154 Avenue, approximately 1/2 mile south of SW 26 Street. The site is vacant with the exception of a driveway providing access to a single family residence on the west 5 acres of the tract which is zoned A-1. The site is bound on the north and east by single family residential development zoned R-1 and on the south by vacant land zoned AG.

The applicant proposes rezoning of the property to develop a church under the provisions of the Community Facilities zoning district. The Residential Land Use category supports this zoning designation; however, the CF zoning district provides for additional public and private facilities which may not be appropriate at this location. The applicant acknowledges these concerns and proposes a voluntary deed restriction which would limit development of the property to church and church related uses.

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.

Policy 13-3 of the Comprehensive Plan states that the location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complimentary to surrounding existing and planned uses. Policy 17-1 and 17-3 provides that lands designated for non-residential uses shall be located in a manner which facilitates development but does not adversely impact existing and designated residential areas and that all development proposals shall be reviewed for compatibility with adjacent existing and planned uses.

The Land Use Plan accommodates the siting of churches within residential land use designations, with these uses focused on secondary and collector roadways to limit impacts on internal residential roadways. The siting of this facility on SW 154 Avenue, a local street, may not be consistent with this objective.

Evaluation of a rezoning request also includes consideration of whether 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. With the exception of the voluntary use restriction, no additional information has been provided regarding the development proposal. Therefore, the traffic impact created by the proposed use cannot be evaluated against the anticipated traffic generation for single family residential development at 47.8 trips per day (9.57 trips per day x 5 du).

**RECOMMENDATION:** The Planning and Zoning Department therefore recommends **DENIAL** of the requested rezoning to the CF, Community Facilities District, as the potential traffic impact of the religious facility is undeterminable.

**APPLICANT PROVIDED ADDITIONAL INFORMATION ON MAY 20, 1999:** The applicant has provided additional information, although not in the form of a voluntary deed restriction, which indicates:

- 1) the site will be developed with a 6,000 square foot conventional style worship building
- 2) the congregation consists of approximately 50 members that are residents of Davie and Weston
- 3) that worship services are held on Sunday between 10 am. and 12 Noon and on Wednesday between 8 pm. and 10 pm.
- 4) access will be on the south side of the property with the installation of a bridge
- 5) that construction is anticipated in approximately three years

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **DENIAL** (4-0), May 26, 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.

EXISTING ZONING: A-1  
CODE SECTION:  
  
PROPOSED ZONING: CF  
CODE SECTION:  
  
LAND USE DESIGNATION: Agricultural  
  
FOLIO NUMBER \_\_\_\_\_

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>ZB3-2-99</u>
FEE.	<u>\$1170.00</u>
RECEIPT NO.	<u>7489</u>

RECEIVED

TOWN OF DAVIE  
REZONING APPLICATION

MAR 24 1999

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)

TOWN OF DAVIE  
PLANNING & ZONING DEPARTMENT

Make Checks payable to Town of Davie

DATE FILED: 3/24/99

PHONE: 436-7000

PETITIONER: Miller, Legg and Associates, Inc.

MAILING ADDRESS: 1800 N. Douglas Road, #200  
Pembroke Pines, FL 33024

RELATIONSHIP TO PROPERTY: Agent to owner

OWNER: John Leto, Sr.

MAILING ADDRESS: 3100 Stirling Road  
Hollywood, FL

ADDRESS OF PROPERTY: 3151 SW 154 AVENUE

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

~~See attached description~~ E 1/2 OF TRACT 24 SECTION 21,  
ACREAGE: 4.735 acres TOWNSHIP 50 SOUTH, RANGE 40 EAST

REQUEST: Rezone the east half of Tract 24 to CF to accommodate a church.

REASON FOR REQUEST (attach additional sheet as necessary):

Build a church on the east half of the property.

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

OFFICE USE ONLY

APPROVED AS TO FORM: Jet PUBLICATION DATE: 4/21/99  
MEETING DATE: PLANNING AND ZONING BOARD: 4/28/99 TOWN COUNCIL: 5/19/99  
NOTICES SENT: \_\_\_\_\_ REPLIES: FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_  
UNDELIVERABLE: \_\_\_\_\_

John Leto Sr.  
OWNER'S NAME(S)

John Leto Sr.  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

3100 Stirling Road  
ADDRESS

Hollywood, FL  
CITY, STATE, ZIP

989-9520  
PHONE

Miller, Legg and Associates, Inc.  
PETITIONER'S NAME

Sue Jackson  
PETITIONER'S SIGNATURE

1800 N. Douglas Road, #200  
ADDRESS

Pembroke Pines, FL 33024  
CITY, STATE, ZIP

436-7000  
PHONE

The foregoing instrument was acknowledged before me  
this 22 day of March, 1999, by  
John Leto SR. who is personally  
known to me ~~or who has produced~~ \_\_\_\_\_

~~as identification and who did take an oath.~~

NOTARY PUBLIC:

Sign: Suzanne J. Jackson

Print: SUZANNE J. JACKSON

My Commission Expires:

The foregoing instrument was acknowledged before me  
this 22 day of March, 1999, by  
Sue Jackson who is personally  
known to me ~~or who has produced~~ \_\_\_\_\_

<sup>not</sup>  
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Glady A. DiGirolamo

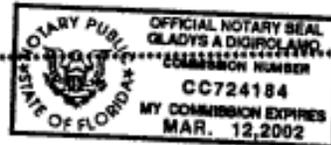
Print: Glady A. DiGirolamo

My Commission Expires:



SUZANNE J. JACKSON  
MY COMMISSION # CC488631 EXPIRES  
May 4, 1999  
BONDED THRU TRICITY FARM INSURANCE, INC.

OFFICE USE ONLY



MAY 20, 1999

MS. GAYLE EASTERLING, AICP  
PLANNING AND ZONING MANAGER  
TOWN OF DAVIE  
6591 ORANGE DRIVE, FL 33314

RECEIVED  
MAY 20 1999

TOWN OF DAVIE  
PLANNING & ZONING DEPARTMENT

DEAR MS. EASTERLING:

RE: 5 ACRES ON 154 AVENUE  
APPROVAL OF A CHURCH

WE WOULD LIKE TO INTRODUCE OURSELVES TO YOU. WE ARE A BAPTIST CHURCH. WE HAVE CONTRACTED TO PURCHASE FIVE ACRES ON THE WEST SIDE OF SHOTGUN ROAD. OUR PLANS ARE TO CONSTRUCT A 6000 SQUARE FOOT CONVENTIONAL STYLE WORSHIP BUILDING. OUR CONGREGATION CONSISTS OF APPROXIMATELY 50 MEMBERS. WE PLAN ON HOLDING WORSHIP SERVICES ON SUNDAY MORNINGS 10:00 A.M. TO 12:00 P.M. AND ON WEDNESDAY EVENINGS FROM 8:00 P.M. TO 10:00 P.M. WE CURRENTLY LEASE SPACE IN WESTON, AS OUR CONGREGATION MEMBERS LIVE IN DAVIE AND WESTON. WE BELIEVE OUR SERVICES ARE AT OFF HOURS TO ELIMINATE AND MINIMIZE ANY TRAFFIC CONCERNS. ADDITIONALLY, WE WILL PAY FOR THE COST OF CONSTRUCTING A BRIDGE AT THE SOUTHERNMOST CORNER OF THE PROPERTY ON SHOTGUN ROAD. THIS WILL NOT HAVE ANY TRAFFIC ENTER ON NEARBY 31 STREET, AS WE COULD HAVE PURCHASED THE LAND AT THE END OF 31 STREET, AND ENTERED THROUGH A NEIGHBORHOOD, BUT WE ELECTED TO HAVE THE BRIDGE ON SHOTGUN AT A MUCH GREATER EXPENSE TO US. ALSO, BY CONSTRUCTING THE BRIDGE ON THE SOUTHERNMOST, THE PROPERTY OWNERS THAT LIVE ACROSS THE ROAD TO THE EAST ON 31 COURT WILL NOT HAVE AN INTERSECTION FACING A BRIDGE, BUT WILL

CURRENTLY ENTER AND EXIT AS THEY DO NOW WITH NO IMPACT AT ALL.

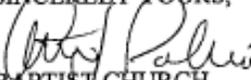
WE ARE A MEMBER OF THE SOUTHERN BAPTIST CONVENTION. WE DO NOT EXPECT TO BUILD FOR APPROXIMATELY THREE(3) YEARS. IT TAKES THAT MUCH TIME TO PROCESS OUR FUNDING APPLICATIONS THROUGH OUR BAPTIST CONVENTION.

WE INTEND ON BEING A GOOD NEIGHBOR. OUR CHURCH MEMBERS ARE RESIDENTS OF DAVIE. WE ARE CHRISTIAN AND GOD'S PEOPLE. WE SENT A INFORMATIONAL LETTER TO ANY CONCERNED NEIGHBORS AND RESPONDED TO ANY QUESTIONS THEY HAVE HAD.

I HAVE ENCLOSED A AREA MAP FOR YOU TO SEE WHERE WILL PLAN ON INSTALLING THE BRIDGE . THE BRIDGE OF COURSE WILL BE CONSTRUCTED TO APPLICABLE CODES.

PLEASE REFER ANY QUESTIONS TO ROBERT LEGG, OF MILLER LEGG AND ASSOCIATES, OUR ENGINEERS.

SINCERELY YOURS,

  
BAPTIST CHURCH  
AGENT FOR



The following letter(s) were received by the Town Clerk's Office in response to the notice of rezoning. Since the authors of the letter(s) are not subject to cross-examination with respect to the contents, the letter(s) should be treated as hearsay evidence only. In accordance with the Town's procedures with respect to quasi-judicial hearings, hearsay evidence may be used for the purposes of supplementing or explaining other evidence. Hearsay evidence including the following attached letter(s) are not sufficient to support a finding. If there is no evidence presented at the hearing which is supplemented or explained by the following letter(s), then the letter(s) should be disregarded with respect to your consideration of the application. Your determination must be based upon substantial competent evidence.

② presented at P&Z 5/26/99 921

April 28, 1999

Planning & Zoning Board  
Town Of Davie  
6591 Orange Drive  
Davie, FL 33314

Subject: Rezoning Petition ZB - 3-2-99

Reference: Town of Davie Planning & Zoning Board Hearing April 28, 1999

We the residents of Southwest 31st Street want our opposition to subject request for rezoning to be part of the record of referenced hearing.

Respectfully,

Karen & Lynnell Raven & George Russell 15438 S.W. 31 Street Davie FL  
Sharon D. Lyman 15431 S.W. 31 St Davie, FL  
Joseph J. Frankowski 15431 S.W. 31st Davie FL  
William J. Brown 15419 S.W. 31st Davie FL 33331  
William J. Brown 15430 S.W. 31st Davie FL 33331  
William J. Brown 15430 S.W. 31st Davie FL 33331  
John Oliver 15441 S.W. 31st Davie FL 33331  
Paula W. Lina 15441 S.W. 31st Davie FL 33331  
William J. Brown 15425 S.W. 31st Davie FL 33331  
William J. Brown 15424 S.W. 31st Davie FL 33331  
William J. Brown 15424 S.W. 31st Davie FL 33331  
Bill Carl 15421 S.W. 31st Davie FL 33331  
Bill Carl 15421 S.W. 31st Davie FL 33331  
Bill Carl 15421 S.W. 31st Davie FL 33331  
Bill Carl 15405 S.W. 31st Davie FL 33331  
Bill Carl 15405 S.W. 31st Davie FL 33331  
Bill Carl 15404 S.W. 31st Davie FL 33331



① presented at P&Z 5/26/99 gjs

April 28, 1999

Planning & Zoning Board  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Subject: Rezoning Petition ZB - 3-2-99

Reference: Town of Davie Planning & Zoning Board Hearing

We the residents of Davie want our opposition to subject request for rezoning to be part of the record of referenced hearing:

Respectfully,

Russ D. Ditt 14841 SW 31st Davie, Fla. 33331  
George Hernandez 14680 SW 31st Ct Davie, FL 33331  
Will Thomas 14840 SW 31st Ct. Davie Fla. 33331  
Charles Charles Colberg 14881 SW 31st Ct. Davie FL 33331  
Michael S. 14801 SW 31st Ct. Davie, FL 33331,  
Jeanette's name Kendall 3200 S.W. 148 Ave Davie, Fla 33331  
Raymond 2801 SW 148 Ave DAVIE FL 33331  
Andy Huber 14901 SW. 31st Ct DAVIE FL 33331  
Kelly Yarbrough 14900 SW 31st Ct. DAVIE FL 33331  
John W. 14980 SW 31st DAVIE FL 33331  
Lynne McAney 15040 SW 31st Ct. Davie  
James A. Dennis 15280 S.W. 31st, DAVIE  
Patricia Blase 15240 S. W. 31st Ct. Davie  
Amycia H. Anderson 15041 SW 31st Ct, DAVIE, FL 33331  
Phillip Keller 15131 SW 31st DAVIE FL 33331  
David 15140 SW 31st Ct. DAVIE FL 33331

CARRIE MOUNDS 3150 SW 148<sup>th</sup> AVE DAVIE, FL 33331  
T Carney 15301 SW 31<sup>st</sup> CT DAVIE, 33331  
Carol Cost 15631 SW 31<sup>st</sup> CT DAVIE FL 33331  
Dominic Pindora 15390 SW 31<sup>st</sup> COURT 33331  
Jeff W Knowl 14771 SW 26<sup>th</sup> 33325  
Hilda Berde 14800 SW 31<sup>st</sup> CT 33331  
Richard Minors 3150 SW 148<sup>th</sup> Ave 33331

