



Town Council Agenda Report

SUBJECT: QUASI JUDICIAL

TITLE OF AGENDA ITEM:

ZB 6-1-99 - Synalovski, Gutierrez Architects, petitioner / EDJ Enterprises, Inc., owner

REPORT IN BRIEF:

In order to construct a proposed day care center, the petitioner must rezone a portion of the subject property to the B-3 zoning district to accommodate the second phase of the proposed building. The rezoning will allow the subject site to be consistent with the adjacent properties which are currently B-3. This development will be part of an existing master site plan which includes an electrical contractor building and a future office building. The proposed day care is consistent with the existing and proposed uses surrounding this site and will benefit the Town's economic base.

DISCUSSION: (include background, project summary, significant impacts, citizen participation, workload impacts, purpose, project workscope, evaluation and selection process, and conclusion)

Background: The subject property is vacant and is associated with a master plan development. Rezoning of the property is required to accommodate new development consistent with the existing master plan.

Purpose of Request: To rezone a portion of land from A-1 to B-3, in order to construct a day care facility.

Significant Impacts: The proposed rezoning is consistent with adjacent zoning and uses. There are no negative impacts.

Conclusion: The proposed rezoning is consistent with adjacent zoning and surrounding uses. There are no negative impacts to the residential development in the area. The proposed development is consistent with the Town's Comprehensive Plan, and will benefit the Town's economic base.

CONCURRENCES: (concerns and/or opinions of affected departments, Committees, Boards or Council)

The Planning and Zoning Board was concerned about the traffic circulation for ingress and egress to the site. A recommendation was made for a second egress opening.

FISCAL IMPACT:

N/A

RECOMMENDATION(S):

At the July 28, 1999, Planning and Zoning Board meeting the Board recommended approval (4-0 John Pisula Absent), subject to an amended application. [Conditions of the amended application: 1) the petitioner commit to another access (exit only) at the SE corner of the property; and 2) the proposed property will only be used as a day care pre-school facility (deed restriction).]

ATTACHMENTS:

Planning report, planning report, petition with back-up, subject and aerials.

August 4, 1999

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

SUBJECT: Rezoning ZB 6-1-99

APPLICANTS: Synalovski Gutierrez Architects, Inc., petitioner / EDJ Enterprises, Inc., owner

ADDRESS/LOCATION: 1305 SW 101 Road / Generally located on the west side of SW 101 Road, just south of State Road 84, approximately 600 feet west of Nob Hill Road.

LAND USE PLAN / ZONING: Commercial / A-1 (Agricultural District)

REQUEST: **From:** A-1, Agricultural District
 To: B-3, Planned Business Center

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

ANALYSIS: The subject site is 3.8 acres in area and contains a wholesale electrical supply business and undeveloped lands. The site is bound on the north by State Road 84/I-595, on the south by an elementary school facility zoned CF, and on the east, across SW 101 Road, by a Burger King restaurant zoned B-3. Should the rezoning be approved, the western 1.2 acres of this site, currently zoned A-1, will accommodate the second phase of construction for the development of a proposed day care facility.

The proposed B-3 zoning designation is consistent with the existing "commercial" land use designation of the subject property. The Town Comprehensive Plan Future Land Use Policy 7-1, states "The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy." Comprehensive Plan Policy 7-3, states, zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses. Respectively, Policy 7-4, states, commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways, and arterials. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

As referenced above, this site is surrounded by similar commercial uses to the east and northeast, with an existing school facility to the south. The closest residential area is south of the existing school facility and is buffered by a lake parcel approximately 420' wide. This compliment of uses surrounding the subject property eliminates any negative impact to the surrounding residential areas.

The owner acknowledges that not all permitted uses within the B-3 zoning district may be appropriate at this location, and has provided a "voluntary stipulation" letter restricting the property for utilization of a day care facility only. All other uses within the B-3 zoning district will be not be permitted, (see Exhibit "A"). Additionally, the site will be developed under a unified development proposal, therefore, staff believes these restrictions will be consistent with existing conditions. As required by Town Code Section 12-34(AA), a conceptual site plan for the site is attached reflecting the existing wholesale structure and proposed day care facility (Exhibit "B").

The subject property will be accessed from Nob Hill Road, a Broward County arterial trafficway, which provides access to Interstate I-595 and State Road 84. In order to develop the property, the petitioner will be required to obtain Broward County and Town plat approval, which includes traffic review. Given the underlying Commercial land use designation, the proposed change will not increase vehicular traffic above that already anticipated. Therefore, the proposed project will not negatively impact the surrounding area.

The proposed B-3 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.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **APPROVAL** of the requested rezoning from A-1, Agricultural to the B-3, Planned Business Center, subject to the "voluntary stipulation", with a finding that the request is consistent with Comprehensive Plan Policies and in harmony with the general intent and purpose of the code.

PLANNING AND ZONING BOARD RECOMMENDATION: Recommendation for **APPROVAL** (4-0, John Pisula Absent), subject to an amended application.

[Conditions of the amended application: 1) the petitioner commit to another access (exit only) at the SE corner of the property; and 2) the proposed property will only be used as a day care pre-school facility (deed restriction).]

* Staff has verified with the Town Engineering Department that an exit only opening may be placed at the SE corner of the property. The petitioner will be required to meet all Town design standards for the opening at the time of site plan approval.

Prepared by: _____

Reviewed by: _____

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

Section 12-307. Review for rezonings.

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

PROPOSED ZONING: B-3 (COMMERCIAL)
CODE SECTION:

LAND USE DESIGNATION: COMMERCIAL

FOLIO NUMBER 5041 18 03 0011

TOWN OF DAVIE USE ONLY
RECEIVED NO. 51599

TOWN OF DAVIE
REZONING APPLICATION

RECEIVED JUN 1 1999

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

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED: June 1, 1999 PHONE: (954) 961-6806

PETITIONER: Synalovski Gutierrez Architects, Inc.

MAILING ADDRESS: 3109 Stirling Rd., Suite 202
Ft. Lauderdale, FL 33312

RELATIONSHIP TO PROPERTY: Architect

OWNER: EDJ Enterprises

MAILING ADDRESS: 10081 Pines Blvd, Pembroke Pines, FL 33024

ADDRESS OF PROPERTY: ^{Ste A} 1305 SW 101 ROAD, DAVIE, FL

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

ACREAGE: 3.830 Acres

REQUEST: Rezone existing A-1 parcel to a B-3 zoning.

REASON FOR REQUEST (attach additional sheet as necessary):

Rezone to B-3 for commercial use. (Proposed preschool/daycare)

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

OFFICE USE ONLY

APPROVED AS TO FORM: Jat PUBLICATION DATE: 6/30/99

MEETING DATE: PLANNING AND ZONING BOARD: 7/14/99 TOWN COUNCIL: 8/4/99

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

UNDELIVERABLE: _____

EBB Enterprises Inc
OWNER'S NAME(S)

Manny Sinalovsk
PETITIONER'S NAME

[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

[Signature]
PETITIONER'S SIGNATURE

10081 Pines Blvd., Ste. A
ADDRESS

3109 Stirling Rd., Suite 202
ADDRESS

Pembroke Pines, FL 33024
CITY, STATE, ZIP

Ft. Lauderdale, FL 33312
CITY, STATE, ZIP

(954) 442-0301
PHONE

(954) 961-6806
PHONE

The foregoing instrument was acknowledged before me
this 27 day of MAY, 1999, by
GABE KARMINSKY who is personally
known to me or who has produced _____

The foregoing instrument was acknowledged before me
this 27 day of MAY, 1999, by
MANNY SINALOVSK who is personally
known to me or who has produced _____

as identification and who did take an oath.

as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: LOUISE ROTHLEIN

NOTARY PUBLIC:
Sign: [Signature]
Print: LOUISE ROTHLEIN

My Commission Expires Sept 20, 2002
 My Commission CC778864
Expires September 20, 2002

My Commission Expires: Sept 20, 2002
 My Commission CC778864
Expires September 20, 2002

OFFICE USE ONLY

LEGAL DESCRIPTION

**That Portion of Parcel "A" of "Nob Hill Village" According to the Plat
Thereof as Recorded in Plat Book 134, Page 26 of the Public Records of
Broward County, Florida.**

