



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB 1-3-00 Howard J. Zimmerman, petitioner/Griffin-Orange North, Inc., owner - General Address 14501 Orange Drive /Generally located at the northwest corner of Orange Drive and SW 142nd Avenue.

REPORT IN BRIEF:

The approval of the 1995 annexation agreement anticipated this site would be rezoned to the B-3 District consistent with the existing "Commercial" land use designation. Therefore, the petitioner is requesting to rezone the subject property to the B-3, Planned Business Center District. The petitioner has also voluntarily offered to restrict the more intense uses permitted within the B-3 zoning district should this rezoning be approved (see attached list of uses to be restricted).

As indicated on the conceptual master plan, the petitioner has designed the site to locate four of the five buildings away from the adjacent residential land to the east. The remaining building (smallest in size), will be located towards the intersection of Orange Drive and SW 142 Avenue to limit the impact of buildings to the adjacent future homes. Staff believes that access should be limited only to Orange Drive to further reduce the impact to the abutting residential land. This would limit commercial traffic on SW 142 Street which provides access to existing and future homes to the northeast. All other properties to the north, west and south are buffered by similar or less intense land uses.

The Transportation Element of the Town's Comprehensive Plan indicates that Griffin Road, Shotgun Road and Orange Drive are currently operating at a Level of Service "A". Although, there is no available information for capacity on SW 142 Avenue, the undeveloped land in the area suggests SW 142 Avenue is operating at a high level of service.

As noted above, this development and the adjacent property requesting rezoning (ZB 1-4-00) may increase traffic between 10,000 and 13,000 trips per day each, resulting in a Level of Service below the adopted Level of Service "D" by the Town on Orange Drive and SW 154 Avenue. The petitioner acknowledges that improvements are necessary to Orange Drive to accommodate the projected site traffic, and is proposing to expand the roadway from two lanes to four lanes between SW 142 Avenue (Boy Scout Road) and SW 154 Street (Shotgun Road). The petitioner is also proposing a bridge across the new river canal connecting Orange Drive to Griffin Road, approximately 650 feet west of SW 142 Avenue (Boy Scout Road). Specific information on the amount of capacity this would create has not been provided by the petitioner.

The petitioner has also offered to enter into a “Developer’s Agreement” with the Town of Davie to ensure that all affected roadways will meet a Level of Service of “D” or better, prior to the issuance of any building permits. The petitioner is also required to satisfy Broward County concurrency review at the time of platting for roadways. Based on this information, staff believes the proposed rezoning is consistent with the Town’s Future Land Use Plan Policies and that sufficient capacity will be available at the time of development.

Therefore, staff believes this location is a logical site for the proposed B-3 District, as it is located adjacent to a major Interstate, is consistent with the Town’s Future Land Use Plan Map and Comprehensive Plan Policies, is consistent with the approved annexation agreement, and will not be contrary to the public welfare.

PREVIOUS ACTIONS: None.

CONCURRENCES:

- The Planning and Zoning Board deferred consideration of this item to its March 22, 2000 meeting (motion carried 5-0, February 23, 2000).
- The Planning and Zoning Board recommended approval subject to the Developer’s Agreement, the voluntary Deed Restrictions, and the conceptual master plan (motion carried 4-1, Mr. Davenport dissenting, March 22, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve subject to the voluntary Developer’s Agreement, the voluntary Declaration of Restrictions and the Conceptual Master Plan.

Attachment(s): Planning report with back-up, land use map, subject site map, and aerial.

Application #: ZB 1-3-00
Exhibit "A":

Revisions:

Original Report Date: 3/15/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Griffin-Orange North, Inc.
City: Pembroke Pines, FL 33024
Address: 9000 Sheridan Street
Phone: (954) 431-7111

Agent:

Name: Howard J. Zimmerman
City: Pembroke Pines, FL 33024
Address: 9000 Sheridan Street
Phone: (954) 431-7111

BACKGROUND INFORMATION

Application Request: To rezone 33.81 acres of property from A-1, Agricultural District to B-3, Planned Business Center District.

Address/Location: General Address - 14501 Orange Drive/Generally located at the northwest corner of Orange Drive and SW 142nd Avenue.

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District

Existing Use: Vacant land.

Proposed Zoning: B-3, Planned Business Center District

Proposed Use: Commercial retail and office.

Parcel Size: 33.81 acres (1,472,764 square feet)

Surrounding Land Use:

North: Broward County Landfill
South: Single Family Homes within Cooper City.
East: Single Family, across SW 142nd Avenue
West: Vacant land,

Land Use Designation:

Recreation and Open Space
Residential .40 du/ac
Residential 1 du/ac
Commercial

Surrounding Zoning:

North: RS, Recreation and Open Space District
South: E, Estate District, within Cooper City.
East: E, Estate District
West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History:

- In 1995, the “Imagination Farms Settlement Agreement” was approved.
- Also on this agenda, the petitioner is requesting the adjacent 27.24 acres to the west be rezoned from A-1 to B-3, under application number ZB 1-4-00.

Previous Requests on same property: None.

DEVELOPMENT PLAN DETAILS

Conceptual Master Plan:

- The conceptual master plan provided by the petitioner indicates a total of five buildings are proposed for this site, along with a South Florida Water Management tower located at the northeast corner of the site adjacent to the residential land to the east. Specific information regarding the types of uses to occupy the buildings, square footage, and access points have not been provided on the plan. Staff has discussed these issues with the applicant who has indicated the buildings will be used for retail uses and that access will occur via Orange Drive, however, site design and building design is in the preliminary stages and specific building square footage and circulation patterns may vary (see attached conceptual Master Plan).
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Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezonings.

Land Development Code Section, 12-34(AA)(1), which requires unified control and a conceptual master plan for development of land within the B-3, Planned Business Center District.

Comprehensive Plan Considerations

Planning Area: The subject site falls within Planning Area 2. This area includes the westernmost section of the Town north of Orange Drive and south of SW 14th Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential at a density of one dwelling unit per acre. The Broward County Land Fill site, now closed, is programmed for redevelopment as a park site. The Boy Scout Camp is located to the north of the landfill site and is also used for recreational and open space purposes.

- This development is consistent with the existing “Commercial” land use designation.

Broward County Land Use Plan:

- The subject site falls within Flexibility Zone 113.
- The petitioner will be required to obtain Plat approval by the Town of Davie and Broward County prior to site plan approval. Concurrency review pertaining to roadways and utilities infrastructure will occur at the time of platting.

Concurrency Considerations:

- According to the Broward County Compact Deferral Map, the subject site lies within a compact deferral area. The petitioner will be required to mitigate for the impact of the development to those affected overcapacity links at the time of platting.
- Orange Drive, west of Flamingo Road, is currently operating at a level of service (LOS) “A”, with “A” being the optimum operation condition.
- Griffin Road, east of I-75, is currently operating at a LOS “A”.
- Shotgun Road (154 Avenue), is currently operating at a LOS “A”.
- There is no information available relating to the current and projected traffic volumes for SW 142 Avenue, nor is it monitored by Broward County. However, the Town of Davie Comprehensive Plan indicates Shotgun Road, just west of SW 142 Avenue, is operating at a LOS “A” which may indicate that SW 142 Avenue is also operating at a high level of service.
- The petitioner has not provided specific building square footage information on the conceptual plan, therefore, staff is unable to calculate the exact projected LOS of Shotgun Road, Orange Drive and SW 142nd Avenue and Griffin Road may be if the proposed development is approved. However, when applying a realistic building coverage ratio of 17% for this site and the adjacent property being petitioned for B-3 zoning under application ZB 1-4-00 to the Broward County trips rate information, staff can determine that approximately 10,000 to 13,000 trips per day will be generated by each development. The resulting Level of Service would be below Level of Service “D” adopted by the Town.

The petitioner acknowledges that improvements are necessary to Orange Drive to accommodate the projected site traffic, and is proposing to expand the roadway from two lanes to four lanes between SW 142 Avenue (Boy Scout Road) and SW 154 Street (Shotgun Road). The petitioner is also proposing a bridge across the new river canal connecting Orange Drive to Griffin Road, approximately 650 feet west of SW 142 Avenue (Boy Scout Road). Specific information on the amount of capacity this would create has not been provided by the petitioner.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterial not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterial or arterial and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Staff Analysis

The approval of the 1995 annexation agreement anticipated this site would be rezoned to the B-3 District consistent with the existing "Commercial" land use designation. Therefore, the petitioner is requesting to rezone the subject property to the B-3, Planned Business Center District. The petitioner has also voluntarily offered to restrict the more intense uses permitted within the B-3 zoning district should this rezoning be approved (see attached list of uses to be restricted).

As indicated on the conceptual master plan, the petitioner has designed the site to locate four of the five buildings away from the adjacent residential land to the east. The remaining building (smallest in size), will be located towards the intersection of Orange Drive and SW 142 Avenue to limit the impact of buildings to the adjacent future homes. Also, a South Florida Water Management District tower will be located on the north side of this building to further reduce the impact of any buildings to the abutting property. Staff believes that access should be limited only to Orange Drive to further reduce the impact to the abutting residential land. This would limit commercial traffic on SW 142 Street which provides access to existing and future homes to the northeast. All other properties to the north, west and south are buffered by similar or less intense land uses.

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Therefore, staff believes this location is the most logical site for the proposed B-3 District located adjacent to a major Interstate, is consistent with the Town's Comprehensive Plan Policies, is consistent with the approved annexation agreement and will not be harmful to the public welfare.

Findings of Fact

Section 12-307(A)(1):

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood, based on the information provided ;
- (e) The proposed change 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, based on the information provided;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations, based on the information provided;
- (h) The proposed change does not 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 due to the existing commercial land designation.
- (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.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends approval of application no. ZB 1-3-00, subject to the "Developer's Agreement" offered by the petitioner as noted in the planning report, the voluntary "Declaration of Restrictions", and the conceptual master plan attached hereto.

Planning and Zoning Board Recommendation

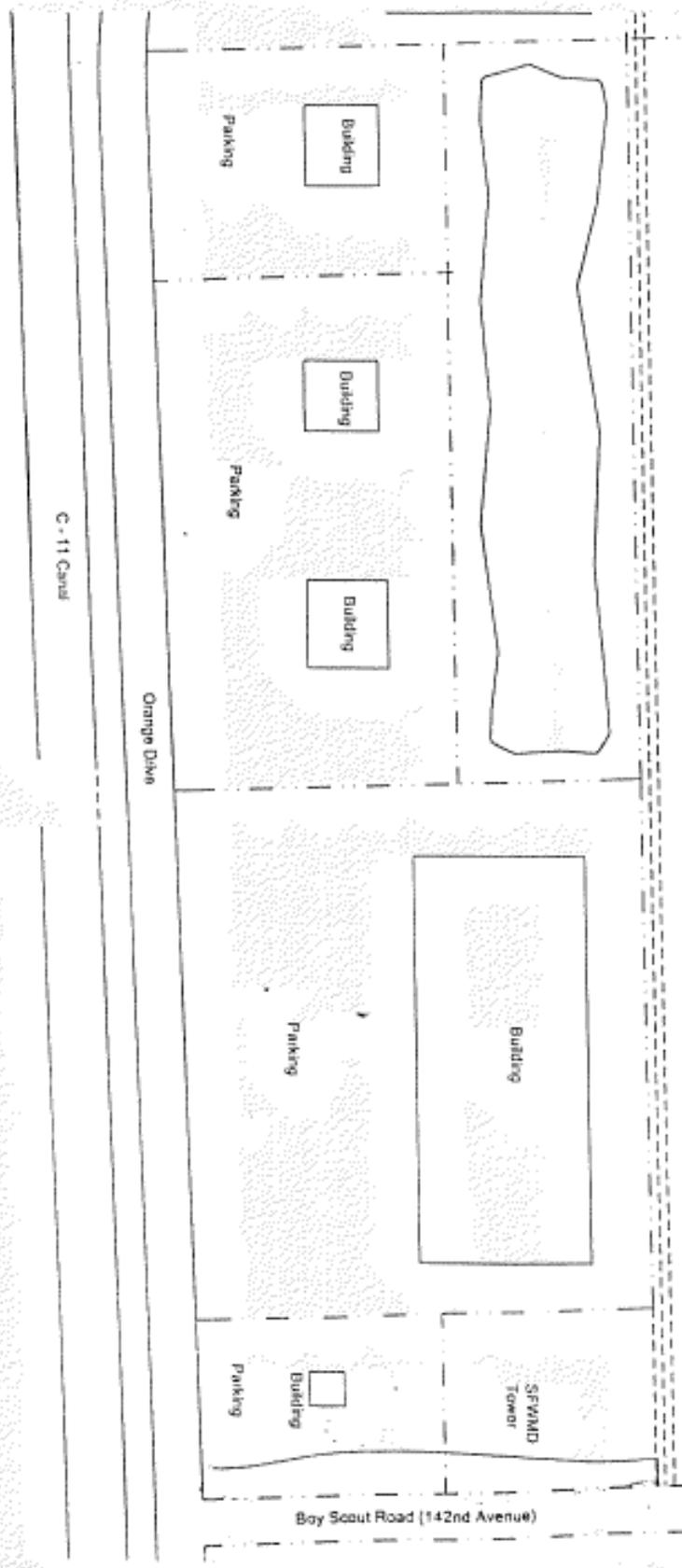
The Planning and Zoning Board recommended approval subject to the Developer's Agreement, the voluntary Deed Restrictions, and the conceptual master plan (motion carried 4-1, Mr. Davenport dissenting, March 22, 2000).

Exhibits

1. Conceptual Master Plan
2. List of permitted uses within the B-3 District
3. Land Use Map
4. Subject Site Map
5. Aerial

Prepared by: _____

Reviewed by: _____



(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS
GENERAL USE

	DISTRICTS							
	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	RO
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	P	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	N
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	N	P	N
Gift Shops	P	P	P	N	N	.	P	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	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N

LAND DEVELOPMENT CODE

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(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS
GENERAL USE

DISTRICTS

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

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

GENERAL USE

DISTRICTS

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	EO
Watchman's Apartment	*	N	*	N	N	*	*	N
Wholesale	N	P	P	N	N	P	P	N

P = Permitted by right in this district.

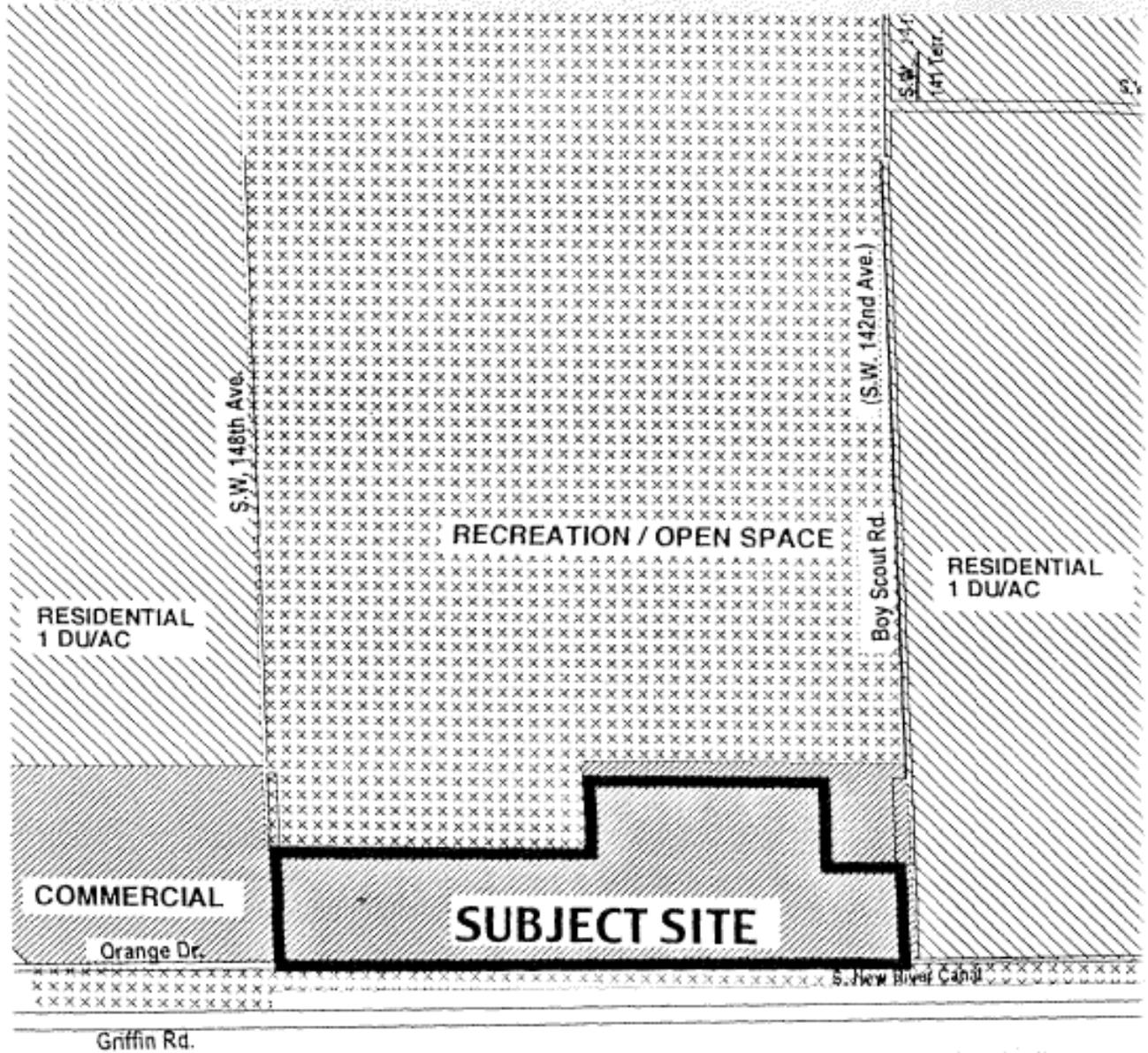
N = Not permitted in this district.

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

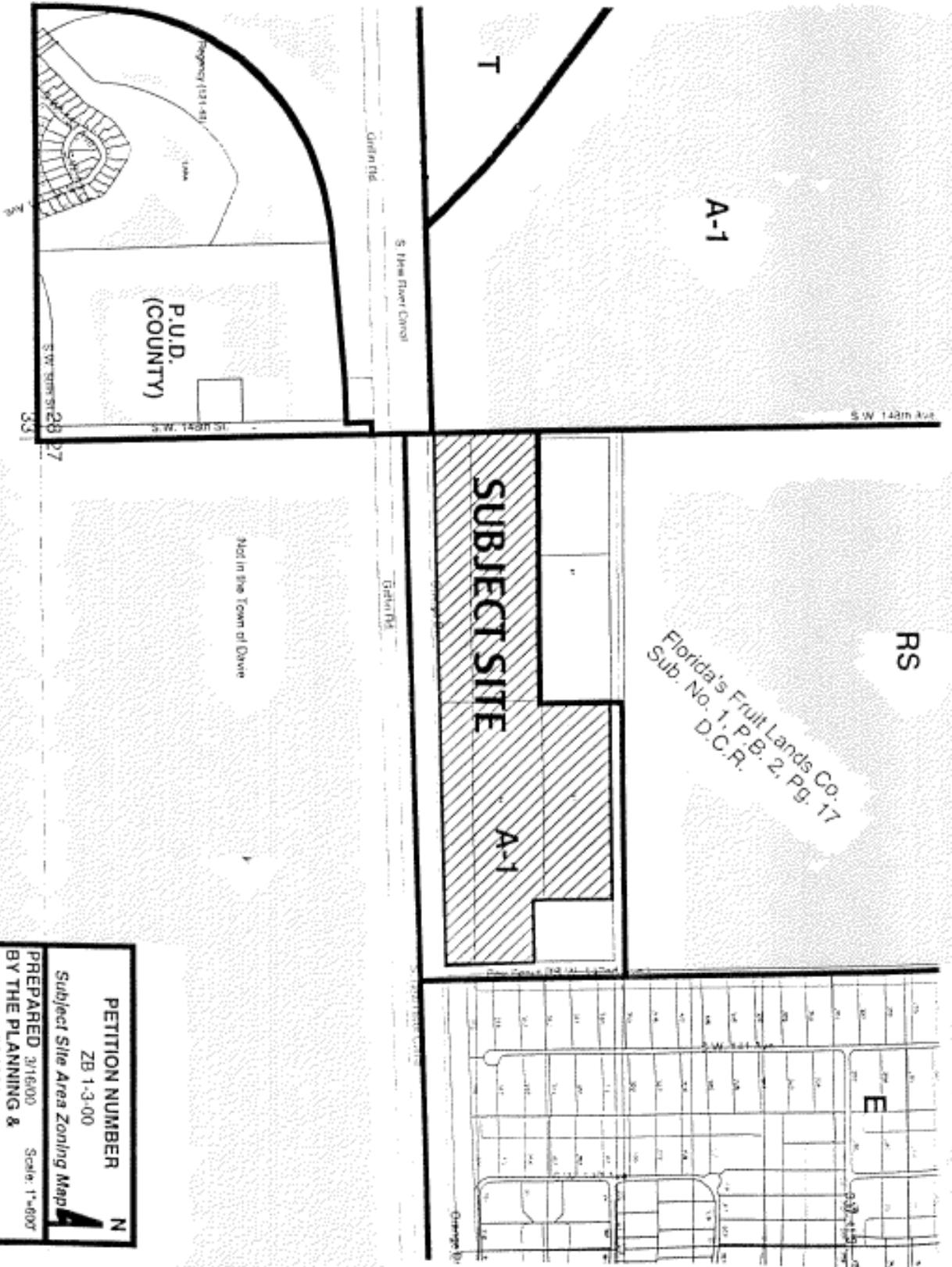
1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

** = 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.



PETITION NUMBER ZB 1-3-00 <i>Subject Site Area</i> <i>Future Land Use Plan</i>		N 4
PREPARED 3/16/00 BY THE PLANNING & ZONING DIVISION		
		Scale: 1"=600'



PETITION NUMBER
 ZB 1-3-00
Subject Site Area Zoning Map
 PREPARED 3/7/6/00 Scale: 1"=600'
 BY THE PLANNING &
 ZONING DIVISION

