



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

**CONTACT PERSON/NUMBER**

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

**TITLE OF AGENDA ITEM:**

V 6-3-00 Todd Pressman, agent for Mobil Oil Corporation, petitioner/Barclay Group No. 8, Ltd., owner - 351 SW 136 Avenue/Generally located at the southwest corner of State Road 84 and SW 136 Avenue, approximately 650 feet south of State Road 84.

**REPORT IN BRIEF:**

Code requires a minimum 250-foot separation between motor fuel pumps and land zoned, land use planned or occupied by a residential use. The petitioner is proposing a Mobil Gas station on property directly abutting residential property. Code also requires a minimum 10-foot perimeter landscape buffer. The the petitioner is proposing to place an accessory car wash and portion of drive aisle within the buffer. Therefore, the petitioner is seeking variances for relief from these code sections.

The intent of the 250-foot separation requirement between service stations/motor fuel pumps and land zoned, land use planned or occupied for residential use is to protect abutting residential property from car repair and car wash noise, canopy lighting glare, gasoline vapors, and to provide a buffer for safety purposes. Staff does not find that waiver of the minimum distance separation requirement is consistent with the intent and spirit of the Code, and consistent with the public welfare. Staff also finds the applicant has reasonable use of the land without the granting of the requested variances, and that this request can be considered to be self-created since there are not special circumstances which apply to this property.

The intent of the perimeter landscape buffer for commercial development abutting other nonresidential development is to provide separation of uses while screening the parking facilities and providing green areas along the periphery of the site. Staff does not find that there are special circumstances which would warrant the placement of a carwash and an associated access drive aisle within the required buffer abutting the existing Eckerd's to the south. Staff also finds that the strict application of the code would not deprive the petitioner of the reasonable use of the land or building, and that this request can be considered to be self-created

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

- The Planning and Zoning Board deferred consideration of this item to its August 9, 2000, meeting (motion carried 5-0, July 26, 2000). This tabling was a result of the petitioner not being present at the regularly scheduled meeting.
- The Planning and Zoning Board recommended to deny all three variances (motion carried 4-0, Mr. Davenport absent, August 9, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to deny.

**Attachment(s):** Planning Report, Subject Site Plot Plan, Separation Survey, Abutting Property Owner Objection Letter, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 6-3-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 7/19/00**

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

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

<b>Name:</b>	Barclay Group No. 8, Ltd.	<b>Name:</b>	Todd Pressman, Agent for Mobil Oil Corporation
<b>Address:</b>	1123 Overcash Drive	<b>Address:</b>	28870 U.S. Highway 19, Ste. 300
<b>City:</b>	Dunedin, Florida	<b>City:</b>	Clearwater, FL 33761
<b>Phone:</b>	(727) 733-7585	<b>Phone:</b>	(727) 726-8683

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**BACKGROUND INFORMATION**

**Date of Notification:** July 19, 2000      **Number of Notifications:** Five (5)

**Application Requests:** 1) To reduce the separation requirement between service stations and land zoned, land use planned or occupied for residential use; 2) to reduce the required perimeter landscape buffer from 10 feet to 5 feet for a distance of 52 feet (the length of the carwash) along the southern property line, and; 3) to reduce the required perimeter landscape buffer along the southern property line from 10 feet to 8 feet for a distance of 50 feet along the southern property line (the total length of the southern property line is 267 feet).

**Address/Location:** 351 SW 136 Street/Generally located at the southwest corner of State Road 84 and SW 136 Avenue, approximately 650 feet south of State Road 84.

**Future Land Plan Use Designation:** Commercial

**Zoning:** B-2, Community Business District

**Existing Use:** Vacant Land

**Proposed Use:** Mobil Gas Station

**Parcel Size:** 1.29 acres (56,192 square feet)

**Surrounding Uses:**

**Land Use Plan Designation:**

**North:** Shenandoah Square Shopping  
Center

Commercial

**South:** Eckerds Drug Store

Commercial

**East:** Mobile Homes, across SW 136 Ave. Residential (16 du/ac)  
**West:** Poinciana Parc, mix of detached Residential (5 du/ac)  
single-family homes and townhomes.

**Surrounding Zoning:**

**North:** B-2, Community Business District  
**South:** B-2, Community Business District  
**East:** MH-8, Mobil Home (8 d.u. gross density)  
**West:** PURD, Planned Unit Residential Development

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**ZONING HISTORY**

**Related Zoning History:**

- 1). Town of Davie approved Ordinance 97-1 for vacation of right-of-way on January 8, 1987.
- 2). Town of Davie approved the West Park East Parcel Plat on April 1, 1987.

**Previous Request on same property:** None.

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**DEVELOPMENT PLAN DETAILS**

The petitioner is proposing to construct a Mobil Gas Station facility. The building is proposed at 3,055 square feet and will include a convenience store with associated fast food counters. A total of 6 pump islands are proposed under canopy, with an automated car wash to be placed at the back of the property, away from SW 136 Street, approximately 100 feet from the residential property to the west. Town Code requires a minimum 250-foot separation between property occupied by service stations and/or motor fuel pumps, and land zoned, land use planned, or occupied for residential use. Directly abutting the subject site to the west is Poinciana Parc, consisting of a mix of detached single-family homes and townhouse units.

Town code also requires that a 10-foot perimeter landscape buffer be provided between commercial uses and all other zoning districts. The proposed site plan identifies an automated carwash to be placed 5 feet within the required buffer and a corresponding drive aisle accessing the carwash placed 2 feet within the required buffer abutting the existing Eckerds to the south. Therefore, the petitioner is requesting variances to reduce the separation requirement between service stations and residential property and to reduce the required landscape buffer to provide for placement of a carwash within 5 feet of the buffer and the access drive aisle within 2 feet of the buffer.

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**Applicable Codes and Ordinances**

Section 12-34(Y)(2), which requires a minimum distance of 250 feet, shortest airline measurement, between the nearest points on any lot to be occupied for fuel pump islands and/or service station purposes and any lot which is occupied by a church, playground, playfield, hospital, elementary school, middle school, high school or any lot to be occupied for service station purposes and any lot which is occupied, planned, zoned, or

land use plan designated residential.

Section 12-107(D)(4), which states, a ten-foot perimeter landscape buffer shall be provided for commercial and industrial districts adjacent to abutting nonresidential properties.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 3. This planning area is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acres, including the Shenandoah development, occupying the western half of the planning area, and several mobile home park subdivisions. Additional residential development at a density of between 6 and 7 dwellings per acre is underway between Shenandoah and S.R. 84, called Poinciana Park. Commercial development lines the S.R. 84 corridor.

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### **Broward County Comprehensive Plan Considerations**

This property falls within Flexibility Zone 113. This property has been platted. The proposed Mobil Gas Station development is within the parameters of the plat note restrictions. Therefore, Broward County concurrency is unaffected by this petition.

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### **Staff Analysis**

The intent of the 250-foot separation requirement between service stations/motor fuel pumps and land zoned, land use planned or occupied for residential use is to protect abutting residential property from car repair and car wash noise, canopy lighting glare, gasoline vapors, and to provide a buffer for safety purposes. Staff does not find that waiver of the minimum distance separation requirement is consistent with the intent and spirit of the Code, and consistent with the public welfare. Staff also finds the applicant has reasonable use of the land without the granting of the requested variances, and that this request can be considered to be self-created since there are not special circumstances which apply to this property.

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### **Findings of Fact**

**Variations: Section 12-309(B)(1):**

**The following findings of facts represent staff findings for all 3 variance requests:**

(a) There are not special circumstances and conditions applying to the land and building for which the variances are sought; the circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variances are sought; the alleged hardships are self-created by any person having an interest in the property;

(b) The granting of the variances are not necessary for the reasonable use of the land or building;

(c) Granting of the requested variances are not in harmony with the general purpose and intent of this chapter, and can be considered to be injurious to the neighborhood or otherwise detrimental to the public welfare.

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### Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the negative, staff recommends denial of variance requests 1, 2 and 3.

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### Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended to deny all three variances (motion carried 4-0, Mr. Davenport absent, August 9, 2000).

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### Exhibits

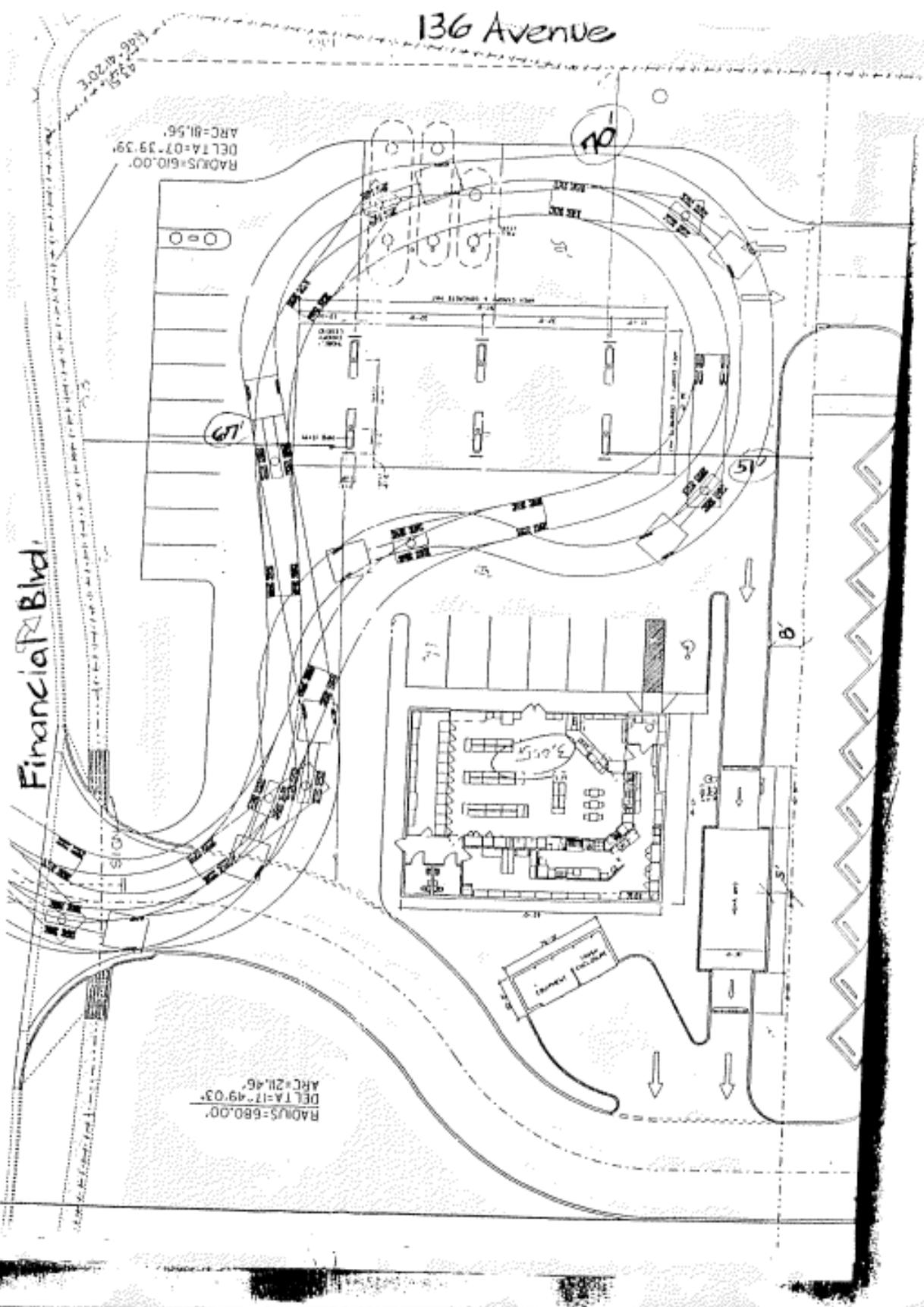
- 1 Plot Plan
2. Separation Survey
3. Land Use Map
4. Subject Site Map
5. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

136 Avenue

Finacial Blvd





SPECIFIC PURPOSE SURVEY  
BY  
**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778  
E-MAIL: surveys@pulicelandssurveyors.com CERTIFICATE OF AUTHORIZATION NO. LB3870

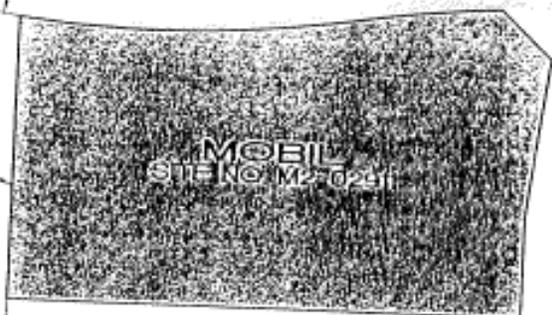


"SHENANDOAH SQUARE"  
PLAT BOOK 134 PAGE 27

COMMERCIAL PROPERTY  
**FINANCIAL BLVD.**

"WEST PARK-EAST PARCEL"  
PLAT BOOK 142 PAGE 15

RESIDENTIAL PROPERTY



"WEST PARK-EAST PARCEL"  
PLAT BOOK 142 PAGE 15

**SECKERD**  
SITE

352.44'

**SOUTHWEST 136TH AVENUE**

**SHENANDOAH PARKWAY**

RESIDENTIAL PROPERTY  
"SHENANDOAH SECTION ONE"  
PLAT BOOK 128 PAGE 8

NOTES:

- 1) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY.
- 2) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE DISTANCE BETWEEN MOBIL SITE M2-0211 AND THE NEAREST RESIDENTIAL PROPERTY.

FILE: PRESSMAN AND ASSOCIATES

SCALE: 1"=100'

ORDER NO.: 39778

DATE: JUNE 28, 2000

MOBIL SITE DISTANCE SURVEY

136TH AVE AND SHENANDOAH PKWY.

FOR: PRESSMAN AND ASSOCIATES

John F. Pulice, Reg. Land Surveyor #2691  
Michael Charles Flynn, Reg. Land Surveyor #3281  
Jay Kerl, Reg. Land Surveyor #5721  
State of Florida



3971 S.W. 8 St. Suite 205 Coral Gables, FL 33134

**Poinciana Parc H.O.A**  
400 Families

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

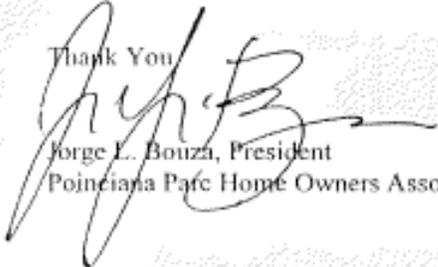
Ref: V 6-3-00  
351 SW 136 Street  
Mobil Gas Station

This letter is to serve as objection to variance application V 6-3-00 as referenced above.

This parcel abuts our development on the east, this petitioner is not asking for a reduction of distance pursuant to section 12-34 (Y)(Z) of the town code, they are asking to eliminate it completely. This would create a serious life safety hazard since there will be gasoline pumps, adjacent to our residential development.

Additionally, this will be a 24 hour operation with a car wash, and we don't think any one would like a 24 hour car wash in their back yards. The home owners of Poinciana Parc ask that the Planning & Zoning board, follow the findings of staff and staff recommendations and deny the variance request before you.

Thank You

  
Jorge L. Bouza, President  
Poinciana Parc Home Owners Association

I-595 Right of Way

TRANSPORTATION

COMMERCIAL

COMMERCIAL

Financial Blvd

**SUBJECT  
SITE**

SPECIAL CLASSIFICATION  
RESIDENTIAL 8 DU/AC

8

RESIDENTIAL  
5 DU/AC

S.W. 136th Ave.

Shenandoah Parkway

RESIDENTIAL  
3 DU/AC

Newport Mn.  
Auburn Way  
Green River

PETITION NUMBER  
V 6-3-00  
*Subject Site Area  
Future Land Use Plan*  
PREPARED 7/10/00 Scale: 1"=200'  
BY THE PLANNING &  
ZONING DIVISION

N  
4

I-595 Right of Way

S.W. 136th Ave.

**T**

D. & C. Properties-1

**B-3**

Parcel "A"

Shenandoah Square  
P.B 134 ,PG.27

10 11

**B-2**

Financial Blvd.

**SUBJECT  
SITE**

**PURD**

West Park - East Parcel  
(142-15)

Tract "A"

Tract "B"

S.W. 136th Ave.

Casa Loma Subdivision (71-41)

**MH-8**

Shenandoah Parkway

Shenandoah Section One  
P.B 128 ,PG. 8

**PRD-3.8**

Newport Mn.

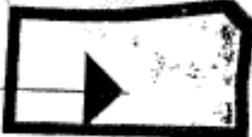
urn Way

en River

PETITION NUMBER		N 4
V 6-3-00		
Subject Site Area Zoning Map		
PREPARED 7/10/00	Scale: 1"=200'	
BY THE PLANNING & ZONING DIVISION		



SUBJECT SITE



SINGLE FAMILY RESIDENTIAL  
(UNDER CONSTRUCTION)

COMMERCIAL

SHENANDOAH PARKWAY

SINGLE FAMILY RESIDENTIAL

SW 136 AVE

SW 5 STREET

MOBILE HOMES

N  
↑  
DATE FLOWN  
JANUARY 1998  
SCALE: nts  
V 6-3-00