



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 8-1-00 Pem Mar Seventh Day Adventist Church/Florida Conference
Association of Seventh-Day Adventists, 3375 NW 74 Avenue (CF).

REPORT IN BRIEF:

The applicant requests a variance to reduce the minimum required distance separation between properties containing freestanding houses of worship from 2,500 feet to 0 feet, as the subject site abuts St. Bernadette's Church. Staff believes there are special circumstances applying to the subject site, since the Town rezoned the property from RM-10 to CF in 1993, incorporating a deed restriction limiting use of the site to church purposes. The rezoning occurred approximately four years prior to the Town adopting the 2,500-foot minimum distance separation requirement.

PREVIOUS ACTIONS: None.

CONCURRENCES: The Planning and Zoning Board recommended approval (motion carried 5-0, September 13, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Staff report with backup.

Application #: V 8-1-00

Revisions:

Exhibit "A":

Original Report Date: 8/30/00

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

APPLICANT INFORMATION

Owner:

Agent:

Name: Florida Conference Association
of Seventh-Day Adventists

Name: Pem Mar Seventh Day
Adventist Church
Pastor Cornelius Gray

Address: 655 North Wymore Rd

Address: 3375 N.W. 74th Ave

City: Winter Park, FL 32789

City: Davie, FL 33024

Phone: (407) 644--5000

Phone: (954) 476-8118

BACKGROUND INFORMATION

Application Request: To reduce the minimum separation requirement between parcels containing houses of worship from 2,500 feet to 0 feet.

Address/Location: 3375 N.W. 74th Ave/ Generally located on the north west corner of NW 74th Avenue and NW 33rd Street.

Future Land Use Plan Designation: Residential 10 DU/AC

Zoning: CF, Community Facility

Existing Use: Vacant

Proposed Use: House of worship encompassing a 32,099 sq. ft. facility to be completed in two (2) phases all on parcel 'A'.

Parcel Size: 5.52 acres (240,451.20 square feet)

Surrounding Uses:

Surrounding Land

Use Plan Designation:

North:

House of worship (St. Bernadette's)

Community Facility

South: Vacant parcel

Commercial

East: Two-story Apartment Complex

Commercial (Southern
portion of parcel)

Residential (16 DU/AC)

(Northern portion)

West: Two-story Apartment Complex

Residential (16 DU/AC)

Surrounding Zoning:

North: CF, Community Facilities District.
South: B-2, Community Business District.
East: RM-16, Medium-High Density Dwelling District.
West: RM-16, Medium-High Density Dwelling District.

ZONING HISTORY

Related Zoning History:

Previous Request on same property: Rezoned in 1993 from RM-10 to CF and deed restricted to church use only by the rezoning. Plat was approved in December of 1993, restricting use of the property to church use only.

APPLICATION DETAILS

The Church proposes to construct a 32,099 square foot facility in two phases on parcel 'A' only.

Phase I will include a multipurpose hall to seat 500 with a kitchen, storage, a mechanical room, toilet facilities and a community service room. Phase I will also include on-site improvements such as the parking lot, site lighting, drainage and landscaping, as well as off site improvements such as paving of NW 74th Street, installation of a turning lane, alteration of traffic signals and sidewalks as required by the plat.

Phase II (the construction of which is to begin two years after the completion of Phase I) includes the construction of a sanctuary with a baptismal pool, men's and women's robing rooms, choir room, a pastor's office with a study and conference room, offices for the treasurer, deacon, deaconesses, elders and personal ministry, a library and classrooms for Sabbath School with a covered walkway connection it to the first Phase. Phase II also includes the construction of a cul-de-sac, for drop-off purposes only, adjacent to the church's entrance.

Due to the minimum separation requirement between parcels containing houses of worship, the petitioner is requesting a variance to reduce the required separation from 2,500 feet to 0 feet. St. Bernadette's Church abuts the north property line of the subject parcel. Three (3) other free standing houses of worship are located within 2,500 feet of the subject site as following: Free Pentecostal Tabernacle Church, (NW 72nd Avenue, Hollywood), lies directly to the east which is approximately 1,400 feet away; Prince of Peace Church, (7500 Davie Rd Extension, Hollywood), which lies southwest approximately 595 feet away; and Faith Christian Church of Hollywood, (1676 Davie Rd Extension, Hollywood) lies approximately 1605 feet away. Additionally, there are two (2) houses of worship located within multiple-tenant buildings, which are not subject to the minimum distance requirement that applies to freestanding facilities, as follows: The Islamic Movement of Florida, (3201 N 74th Ave, Hollywood) is located approximately 300 feet away from the subject site and the First Community Church, (7613 Davie Road Extension, Davie) is located approximately 1,440 feet away from the subject site.

The applicant has prepared a map showing the locations of the above-referenced facilities, which is attached hereto.

Applicable Codes and Ordinances

Land Development Code Section 12-34(DD), requires that no parcels containing a house of worship be located closer than twenty-five hundred (2500) feet from any other freestanding house of worship measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 11. The boundaries of this planning area are Griffin Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single-family residential subdivision, developed at five dwellings per acre. Housing in this area is generally in stable to marginal condition. Small commercial developments line Davie Road Extension. The Town has potable water and wastewater treatment facilities in this planning area. Florida Department of Transportation (FDOT) is in the design stage of widening Davie Road Extension.

Broward County Comprehensive Plan Considerations

None.

Staff Analysis

Staff believes there is a special circumstance applying to the land for which the variance is sought, since the Town rezoned the subject site to the CF District and restricted the use of same to church use only, prior to adopting the 2,500-foot distance separation requirement. The plat is also restricted to church use only. Therefore, the applicant has no reasonable use of the property if made to comply with the minimum distance requirement unless the Town rezones the property to permit other uses and the applicant amends the plat note.

Granting the variance will be in harmony with the general purpose and intent of the designated zoning and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

Item No.

(a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and do not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

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

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval, of petition V 8-1-00.

Planning & Zoning Board Recommendation

Motion to recommend approval (5-0, September 13, 2000).

Exhibits

1. Justification letter
2. Area church location map
3. Land Use Map
4. Subject Site Map
5. Aerial

Prepared by: _____

Reviewed by: _____

ZONING HEARING APPLICATION

Pem Mar Seventh Day Adventist Church
Town of Davie



GENERAL

Pem Mar Seventh Day Adventist Church currently rents a space at 7500 Davie Road Extension to observe their Sabbath on Saturdays. In excess of five years ago, the head of the Seventh Day Adventist Church within the State of Florida purchased the land for use by Pem Mar. In September/October 1999, the site was platted, subdividing it into two parcels. Parcel 'A' is to be developed into the new location for Pem Mar with Parcel 'B' being scheduled for possible sale.

The 5.5184 acre site is currently zoned CF, Community Facility. The Church proposes to construct a 32,099 square foot facility in two phases – Phase I will include a multipurpose hall to seat 500 with a kitchen, storage, a mechanical room, toilet facilities and a community service room. Phase I will also include on site improvements such as the parking lot, site lighting, drainage and landscaping, as well as off site improvements such as paving of 74th Street, installation of a turning lane, alteration of traffic signals and sidewalks as required by the plat. Phase I includes a sign to be located at the intersection of NW 33rd Street, Davie Road Extension and NW 74th Avenue.

Phase II (the construction of which is to begin two years after the completion of Phase I) includes the construction of a Sanctuary with a baptismal pool, men's and women's robing rooms, choir room, a pastor's office with a study and conference room, offices for the treasurer, deacon, deaconesses, elders and personal ministry, a library and classrooms for Sabbath School with a covered walkway connecting it to the first Phase. Phase II also includes the construction of a cul de sac, for drop-off purposes only, adjacent to the church's entrance.

The entrance to the site is located along NW 74th Avenue, within the limits prescribed by the plat. There will be two lanes each side of the entrance and the exit of the site. A 10' - 0" utility easement runs along the west boundary of the site, while a 12' - 0" utility easement runs along the south and east boundaries of the site. Two hundred and forty seven parking spaces are required and two hundred and fifty are provided. Ten of these spaces are designed to comply with the Americans with Disabilities Act. The building has a set back to the west (rear) of 27' - 4" (25' - 0" required), to the south (street side) of 26' - 1" (25' - 0" required), to the north of 510' - 9" (25' - 0" required) and to the east (front) of 74' - 2" (50' - 0" required).

The highest building on site, the Sanctuary measures 30' - 4" (35'-0" allowed) to the mean height of the main roof. Sabbath is observed from sundown on Friday to sundown on Saturday. Services are held in the evening on Fridays and all day on Saturday. Sabbath School is held for the children and teenagers on Saturday throughout the whole day, while the adults have service. Choir meetings and other church outreach programs will be held during the week. The pastor and treasurer will be on site throughout the week.

ZONING:

The site is zoned CF; the proposed use is CF, therefore, the church is being constructed within the zoning regulation which allows a religious facility within a CF zoning. The site is flanked by multi-family residential developments to the west and at the north portion of the east boundary. There is a commercial development with its rear facade at the south portion of the east boundary. The church currently owns a 3.2496 acre parcel to the north of the site, which is also zoned CF. The lot to the south boundary is zoned for commercial use.

There is an area with CF zoning located approximately 475' - 0" north of our site; this site is occupied by St. Bernadette Catholic Church. The address is 7450 Stirling Road, the church is accessed from Stirling Road.

0' feet

There are five other churches located within 2500' - 0" of the site. They are as follows:

Faith Christian Church of Hollywood	7676 Davie Road Extension
Prince of Peace Church	7900 Davie Road Extension
Islamic Movement of Florida	3201 N. 74 th Avenue
Free Pentecostal Tabernacle Church	NW 74 th Avenue & Davie Road Extension
The First Community Church	7613 Davie Road Extension

Of these, Islamic Movement of Florida and First Community Church are not free standing churches, but are located within commercial developments. The other three, Faith Christian Church of Hollywood, Prince of Peace Church and Free Pentecostal Tabernacle Church are outside of the limits of the Town of Davie. The Islamic Movement of Florida is also located outside the Town of Davie.

The proposed use will not adversely affect living conditions in the neighborhood. The church proposes community services and activities which can enhance the quality of life. The quality of the design will also enhance the neighborhood.

The church observes the Sabbath from sundown on Friday to sundown on Saturday -- this will be the period generating the greatest traffic. Davie Road Extension is currently being expanded by the Department of Transportation -- these improvements will alleviate some of the additional traffic. In addition, the conditions of the plat include the construction of a turning lane from Davie Extension Road onto NW 74th Avenue and the alteration/provision

of the traffic signals. The plat also requires the installation of 5' - 0" sidewalk along NW 74th Avenue to accommodate pedestrian traffic as well as installation of 24' - 0" wide pavement along 74th Avenue (which is currently only +/- 12' - 0" wide).

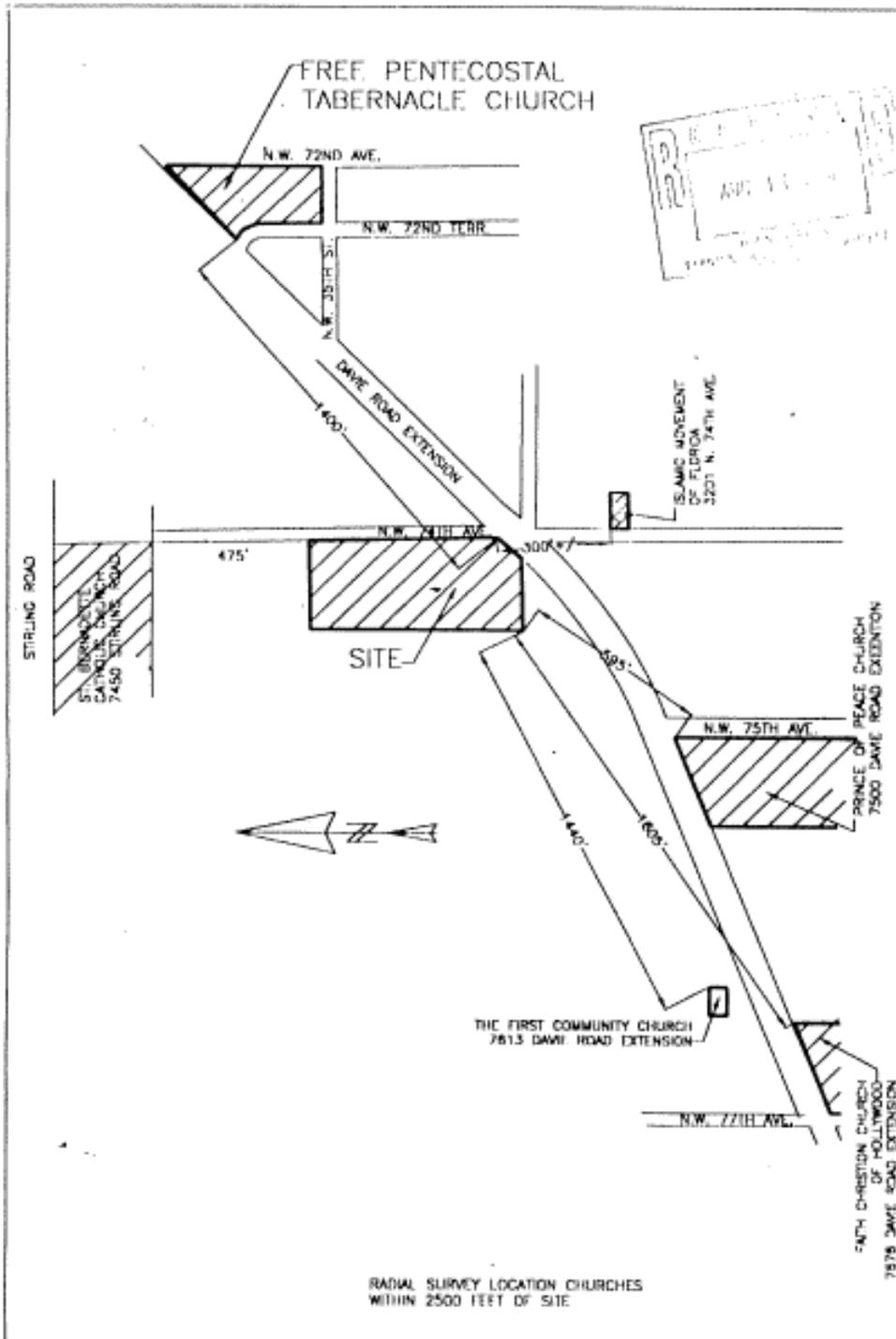
There is sufficient space between the church and other parcels of land to prevent the church's activities from interfering with or adversely affecting property values and the use or development of other properties. The investment by the church, into this site will, in fact, have a positive impact. Phase I is estimated to cost \$931,825.00 and Phase II will cost \$1,500,000.00, a total investment of \$2,431,825.00

VARIANCE:

The Zoning Ordinances restrict the construction of churches to a distance in excess of 2,500' - 0" of existing churches. This development proposes to construct a religious facility within 475' - 0" of an existing church. If the town considers existing developments outside its jurisdiction, this restriction could prevent the church from being constructed on this site. Four of the churches that are within 2,500' - 0" are outside the limits of the Town of Davie two of which are not free standing structures and are not administered by its Zoning Ordinance.

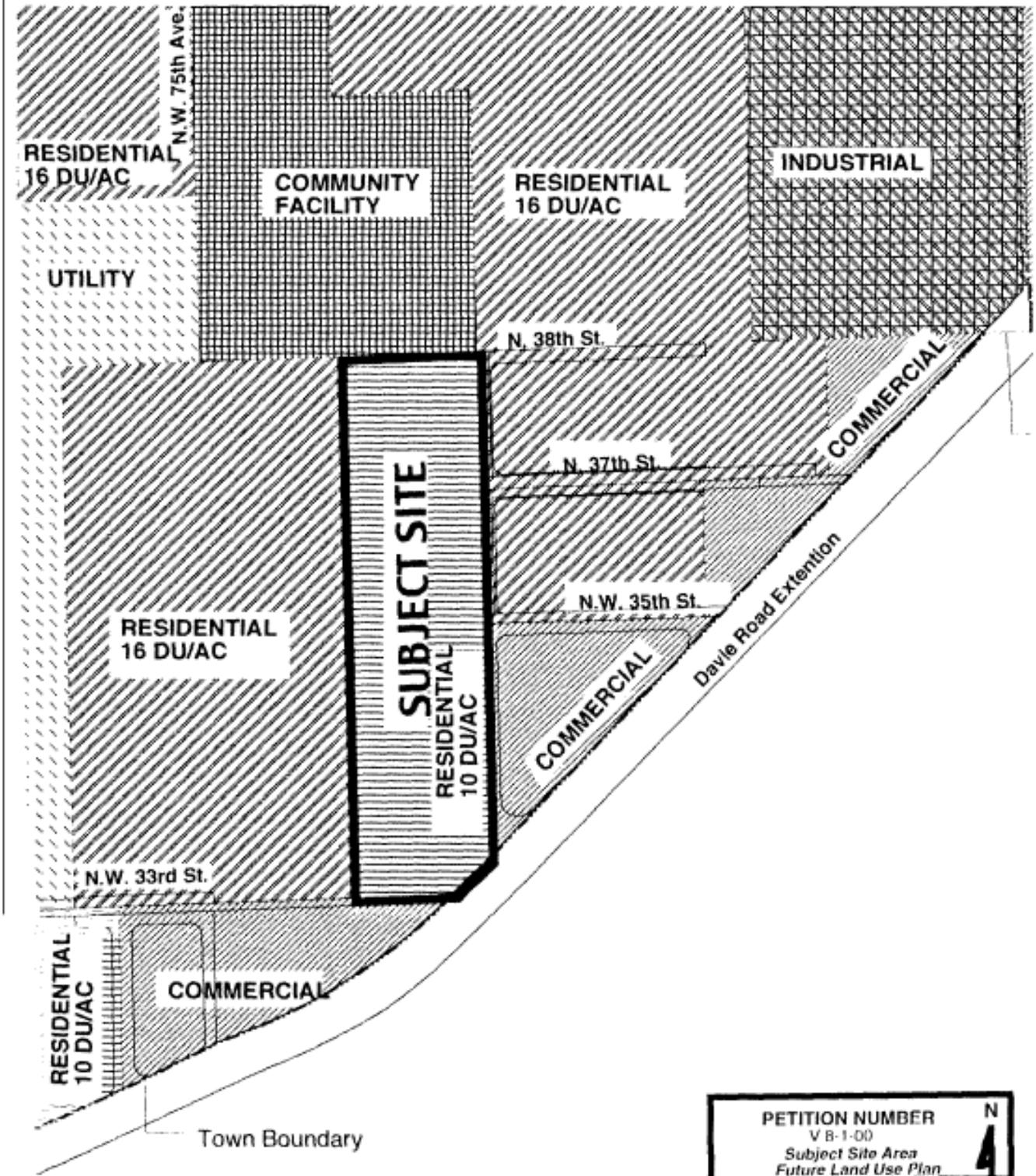
The church has purchased this land and subdivided/platted it for the construction of an up to 35,000 square foot church on Parcel A.

By granting this variance, the church can be constructed; the granting of this variance is not unreasonable and will not have adverse effects on the neighborhood or the public welfare. The site occupies an odd shaped site surrounded by two walled communities, medium density multi-family residential development and the rear side of a commercial strip mall. The church will enhance the neighborhood.

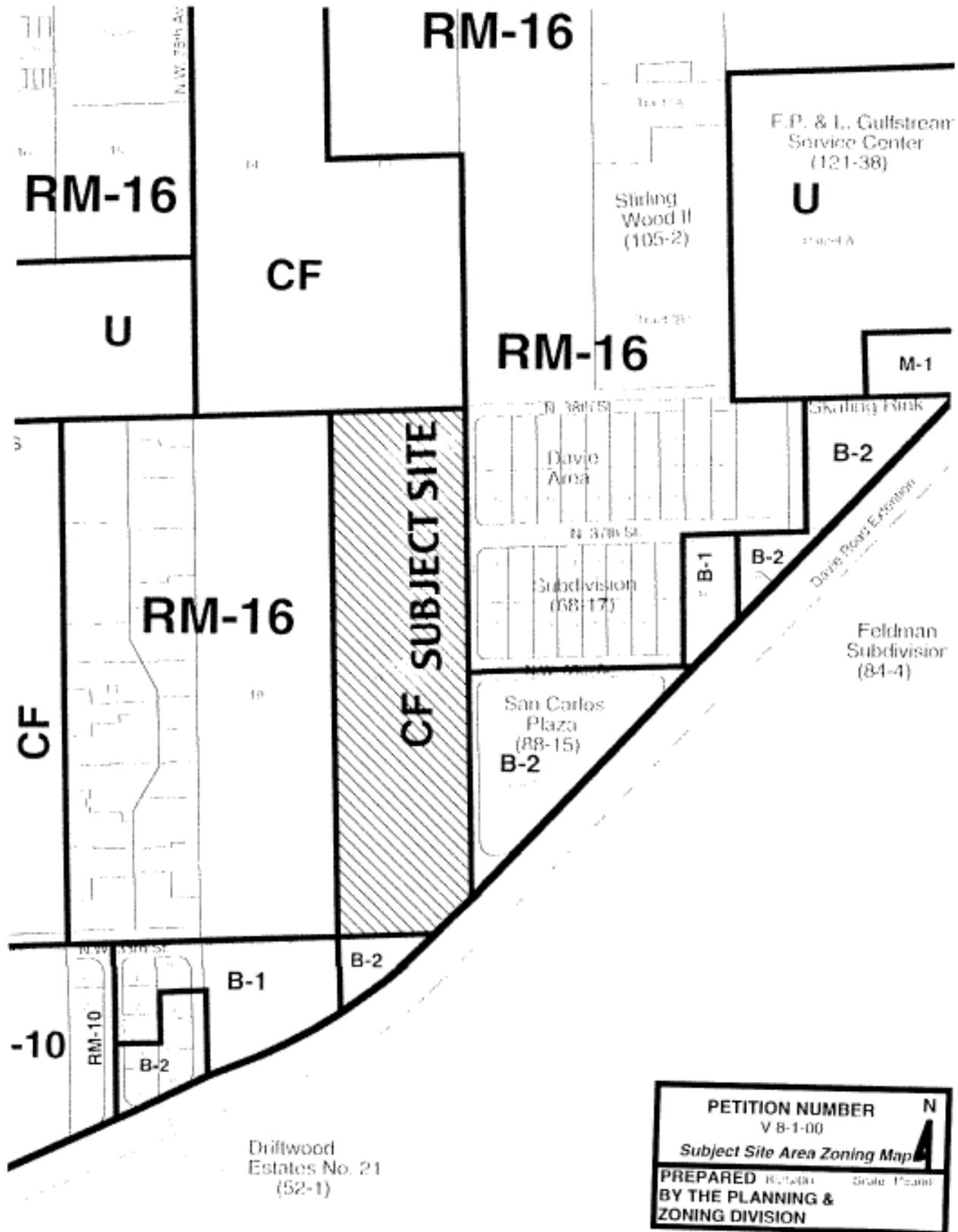


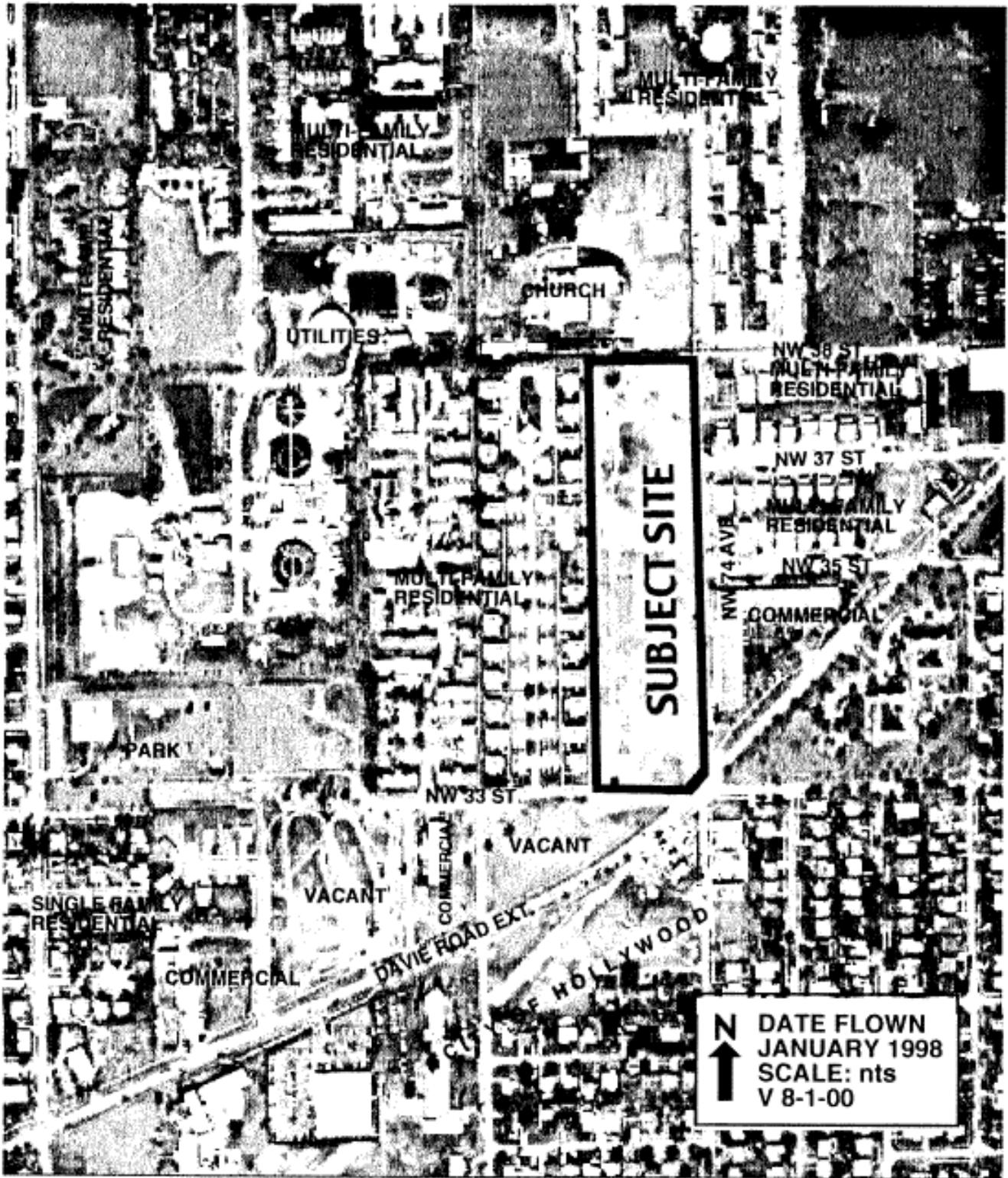
RADIAL SURVEY LOCATION CHURCHES
WITHIN 2500 FEET OF SITE

PREPARED BY: GIBBS LAND SURVEYORS 2131 HOLLYWOOD BOULEVARD, SUITE 201 HOLLYWOOD, FL 33020 (954) 873-7888 LICENSED BUSINESS NO. 7018	DATE OF SURVEY: 7-21-00	PIN NO.:	DMC NO.: PENMAR
	SCALE: NO SCALE F.S. TYPE OF SKETCH OF SURVEY SPECIFIC PURPOSE SURVEY (RADIAL)	GIC NO.: DRAWN BY: SHG	FILE NO.: CHECKED BY: SHG
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER	 STEPHEN H. GIBBS, FOR THE FIRM PROFESSIONAL SURVEYOR & MAPPER FLORIDA REGISTRATION NO. 4054		



PETITION NUMBER VB-1-00 <i>Subject Site Area</i> <i>Future Land Use Plan</i>		N 4
PREPARED 8/25/00 Scale: 1" = 600' BY THE PLANNING & ZONING DIVISION		





N DATE FLOWN
↑ JANUARY 1998
SCALE: nts
V 8-1-00