



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 10-2-00 Willow Acquisitions, LLC, petitioner/ owners - General Address: 4300 & 4400 Weston Road/Generally located in the northeast corner of Griffin Road and Weston Road.

REPORT IN BRIEF:

The petitioner is proposing to amend the approved Master Plans associated with the “ICW North and South Plats”, in order to delete Parcel “C” within the ICW North Plat to expand the existing lake for drainage and on-site retention for both the “ICW North and South Plats” and to fill an existing lake within the “ICW South Plat” in order to development an auto dealership.

The proposed amendments to the Master Plan are consistent with the BP, Business Park District zoning designation and the existing Commercial land use designation.

Staff believes this request is consistent with the Town’s Comprehensive Plan, will not increase traffic above that anticipated under existing conditions of the area, and will not be harmful to the welfare of the general public.

PREVIOUS ACTIONS: None.

CONCURRENCES:

- The Planning and Zoning Board recommended approval (motion carried 4-0, Mr. Davenport absent, November 22, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve .

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

Application #: ZB 10-2-00

Revisions:

Exhibit "A":

Original Report Date: November 9, 2000

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

APPLICANT INFORMATION

Owner:

Agent:

Name:	Willow Acquisitions, LLC	C. William Laystrom, Jr.
Address:	2036 Washington Street	1177 SE 3 Avenue
City:	Hanover, MA 02339	Fort Lauderdale, FL 33316
Phone:	(954) 435-5022	(954) 762-3400

BACKGROUND INFORMATION

Application Request: To rezone 115.518 acres of land from BP, Business Park District to BP, Business Park District, to amend the approved conceptual master plans associated with the original rezoning of this property.

Address/Location: General Address: 4300 Weston Road (ICW North) and General Address: 4400 Weston Road (ICW South)

Land Use Plan Designation: Commercial (Both Parcels)

Zoning: BP, Business Park District (Both Parcels)

Proposed Zoning: BP, Business Park District with amended conceptual master plan.

Existing Use: 108,755 sq. ft. Retail Plaza
135,385 sq. ft. Home Depot
69,682 sq. ft. Phil Smith Toyota Dealership Phase 1
100,102 sq. ft. Budget Mini-Storage
169,182 sq. ft. Pointe West Butters Commerce Park
13.341 ac. Vacant Land
18.361 ac. Lake Parcels

Proposed Use: Same as above, with addition of :
60,276 sq. ft. Rick Case Honda Dealership

99,770 sq. ft. I-75 Commerce Park (under construction)
7.012 ac. Phil Smith Toyota Phase II

(and reduction of .93 acres of lake area for a total of 17.431 ac. Lake
Parcels)

Parcel Size: 115.158 acres (5,016,282.48 square feet)

Surrounding Land Use:

Land Use Designation:

North: Lake and Vacant Parcel
South: FPL Substation, C-11 Canal and
Griffin Road

North: Commercial
South: Recreation/Open Space,
E (Residential-1 du/ac) and

Transportation

East: I-75

East: Transportation

West: Residential Multi-family and
Land across Weston Road and EC, Employment Center
within the City of Weston

West: L-5 (Residential- 5 du/ac) Vacant

Surrounding Zoning:

North: BP, Business Park District

South: U, Utilities, T, Transportation District, B-3, General Business, and A-1,
Limited Agricultural

East: T, Transportation District

West: A-1, Limited Agricultural, PDD, Planned Development District

ZONING HISTORY

Related Zoning History: None.

Previous Requests on same property: On March 6, 1996, Town Council approved rezoning request ZB 11-3-95 on second reading which rezoned the 115 acre site consisting of the ICW North and ICW South Plats from A-1, Agricultural District to BP, Business Park District.

On January 8, 1997, Town Council approved rezoning request ZB 10-1-96 on second reading amending the conceptual master plan to provide for common areas, lake parcels and proposed uses of land for the land within the "ICW North Plat".

The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 45 of the Broward County records.

On July 21, 1999, Town Council approved a plat amendment DG 7-1-99 amending the restrictive note to provide for an increase of 45,000 square feet of commercial use for land within the "ICW North Plat".

On October 4, 2000, Town Council approved a plat amendment DG 8-2-00 amending the restrictive note to provide for a 57,338 square foot decrease of commercial use and to also provide for 60,000 square feet of auto dealership for lands within the "ICW South Plat".

DEVELOPMENT PLAN DETAILS

Background:

The applicant requests to amend the 2 conceptual master plans associated with the BP zoning of the subject property. These conceptual master plans correspond to the approved Davie Center and Pointe West Commerce Center Master Site Plans -- which are more specific than the conceptual plans associated with the rezoning -- and the ICW South and ICW North Plats, respectively. The Davie Center Master Site Plan and ICW South Plat cover the southern third of the subject property, and the Pointe West Commerce Center Master Site Plan and ICW North Plat cover the northern two-thirds of the subject property.

The request is necessary in order to facilitate development of a proposed Honda dealership within the Davie Center Master Site Plan and the ICW South Plat. The amendment eliminates a 3.31 acre lake parcel and redesignates the use of two parcels from "restaurant/retail" and "hotel," to "automobile dealership." The attached subject site map indicates the location of these parcels as Parcels B and C, and Lake Parcel 1 within the southern third of the subject site. Also attached are the 2 existing conceptual master plans associated with the BP zoning of the property, and the 2 proposed conceptual master plans that would replace them.

The proposal also affects the conceptual master plan corresponding with the Pointe West Commerce Center Master Site Plan and ICW North Plat because Parcel C was eliminated to compensate for the drainage capacity that will be lost when Lake Parcel 1 to its south is filled to accommodate the proposed dealership.

Council approved special permit application SE 9-1-00 to fill Lake Parcel 1 on October 18, 2000, and also approved a plat note amendment DG 8-2-00 on October 4, 2000, to permit the dealership. Additional Town approvals are necessary, to include approval of the amended Davie Center and Pointe West Center Master Site Plans (applications SP 11-2-00 and SP 11-3-00) which are tracking with this application, and SP 8-3-00 for the dealership itself which will be agendized at a later date.

Plan Details:

The approved Pointe West Master Plan for the 81.603 acre "ICW North Plat" provides for 13.554 acres of lake, 18.46 acres of retail, 2.16 acres of restaurant/retail, 37.69 acres of commercial/industrial, 4.11 acres of office, and with the remainder in common open space, roads, and canal easements. The proposed rezoning request will eliminate Parcel "C" of the ICW North Plat located in the southeast corner of the plat and enlarge an existing lake to 8.726 acres in size together with providing off-site drainage for the proposed auto dealership located south of the lake, as well as specifically delineate developed and proposed uses for the "Pointe West Master Plan".

The approved Davie Center Master Plan for the 31.512 acre "ICW South Plat" provides for 16.94 acres of retail, a 3.31 acre lake, 4.17 acres of undeveloped land, and with the remainder in common open space, roads and canal easements. Proposed amendment eliminates lake site and undeveloped acreage provides for an automobile dealership consisting of a 54,702 square foot 2-story main office and showroom building together with 1-story ancillary structures, with the remaining area made up of drive aisles, open air vehicle storage area, and landscaping.

Applicable Codes and Ordinances

Land Development Code Subsection 12-24(G): The Business Park (BP) District is intended to be used to promote modern campus types of industrial, office, distribution and service business areas where a wide variety of uses can be built in an attractive environment with substantial open areas on the periphery of the development.

Land Development Code Subsection 12-34(AA): Requires parcels of land located within the BP, Business Park District to provide a conceptual master plan.

Comprehensive Plan Considerations

Planning Area: The proposed plat is in Planning Area 1, which constitutes the southwestern most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

Broward County Land Use Plan: The proposed request is within Flexibility Zone 113.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is in a compact deferral area. The application and accompanying trip calculations indicates no increase in trips on the roadway network.

Applicable Goals, Objectives & Policies: None

Staff Analysis

The hotel and restaurant/retail area shown on the original conceptual master plans would have supported a traditional business park as contemplated by the original BP District, and reflected in the District statement of intent. However, the BP District was created with retail as a permitted use, resulting in the Home Depot and Martin Square Shopping Center, and was amended in 1997 to permit vehicle sales, which resulted in 3 approved and one proposed site plan for automobile dealerships within and adjacent to the subject parcel on lands zoned BP. Although development of a hotel may still be feasible on the site of the proposed Honda dealership, staff finds the request to amend the conceptual master plans consistent with the character of the Davie Center and Pointe West Commerce Center developments as they exist today and are expected to appear given recent plan approvals.

Staff believes this request is consistent with the Town's Comprehensive Plan, will not increase traffic above that anticipated by the existing conceptual master plan, is not contrary to the welfare of the general public, and generally satisfies the criteria of Section 12-309 for the review of rezoning requests.

Findings of Fact

Section 12-309(B)(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 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;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (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;
- (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 not substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is an appropriate designation to enhance the Town's tax base given the site location relative to the land use designations established on the future land use plan appropriate land use planning practice, and comprehensive plan pattern of m a p , 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 10-2-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval subject to approval of rezoning petition ZB 10-2-00 (motion carried 4-0, Mr. Davenport absent, November 22, 2000).

Exhibits

Petitioner's Land Designation Map, Land Use Map, Subject Site Map, and Aerial

Prepared by: _____

Reviewed by: _____

**JUSTIFICATION
FOR REZONING REQUEST
(AMENDMENT TO MASTER PLANS ONLY)**

The subject master plans contain approximately 115 gross acres that are largely developed. The property is contiguous to the east side of Dykes Road situated just north of Griffin Road. To the north are lands all either currently zoning with commercial designations or designated as commercial on the town's future land use map. Immediately to the east is I-75. To the south is Griffin Road, which is a divided arterial that separates the property from land to the south. To the west is Dykes Road and the City of Weston.

The petitioner proposes rezoning of the property from the BP zoning district to the BP zoning district solely to amend the master plans for ICW South (Davie Business Center) and ICW North (Pointe West).

A review of the rezoning request should include consideration of the criteria listed in Sec. 12-307 of the Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

Policy 7-1 of the adopted comprehensive plan of the Town of Davie provides that the Town shall endeavor to expand its economic base through the expansion of the commercial sector of its economy. Further, Policy 7-4 of the comprehensive plan states that commercial land uses shall be generally located with access to primary transportation facilities including interstates, highways and arterials. No change of permitted uses is requested. Instead, Applicant desires to amend the two master plans to relocate a lake and modify Pointe West Drive.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

The requested rezoning to BP does not change the zoning for the subject property. The proposed zoning district is compatible and appropriate given the zoning districts and uses that surround the site. Appropriate buffers have been put in place to address any impact to the adjacent properties.

The requested rezoning positively satisfies this criterion.

Criterion (c): Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

No change to the zoning district boundaries is requested.

As a result, the proposed rezoning satisfies this criterion.

Criterion (d): The proposed change will adversely affect living conditions in the neighborhood.

The proposed BP designation will have no adverse impact on living conditions in the neighborhood as the current zoning is BP. The proposed rezoning will allow for continuous commercial development of the site as a commercial complex in an area where similar uses already exist.

The requested rezoning satisfies this criterion.

Criterion (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.

There is no net change in vehicular trips or other impacts associated with the revising of these two master plans.

The proposed rezoning satisfies this criterion.

Criterion (f): The proposed change will adversely affect other property values.

The proposed rezoning will have no impact on surrounding property values. The rezoning does not change any of the permitted BP uses already permitted on the property.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (g): The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Land to the east of the subject site is already in use for the I-75 corridor commercial uses. The balance of the land surrounding the subject property is already constructed or approved for commercial business park use on the Town's future land use map. As

a result, the proposed rezoning to BP will not be a deterrent to the improvement or development of the surrounding properties.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (h): The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not allow for any additional use of the property. The proposed change is consistent with the adopted comprehensive plan and, therefore, does not constitute a grant of special privilege.

Criterion (I): There are substantial reasons by the property cannot be used in accord with existing zoning.

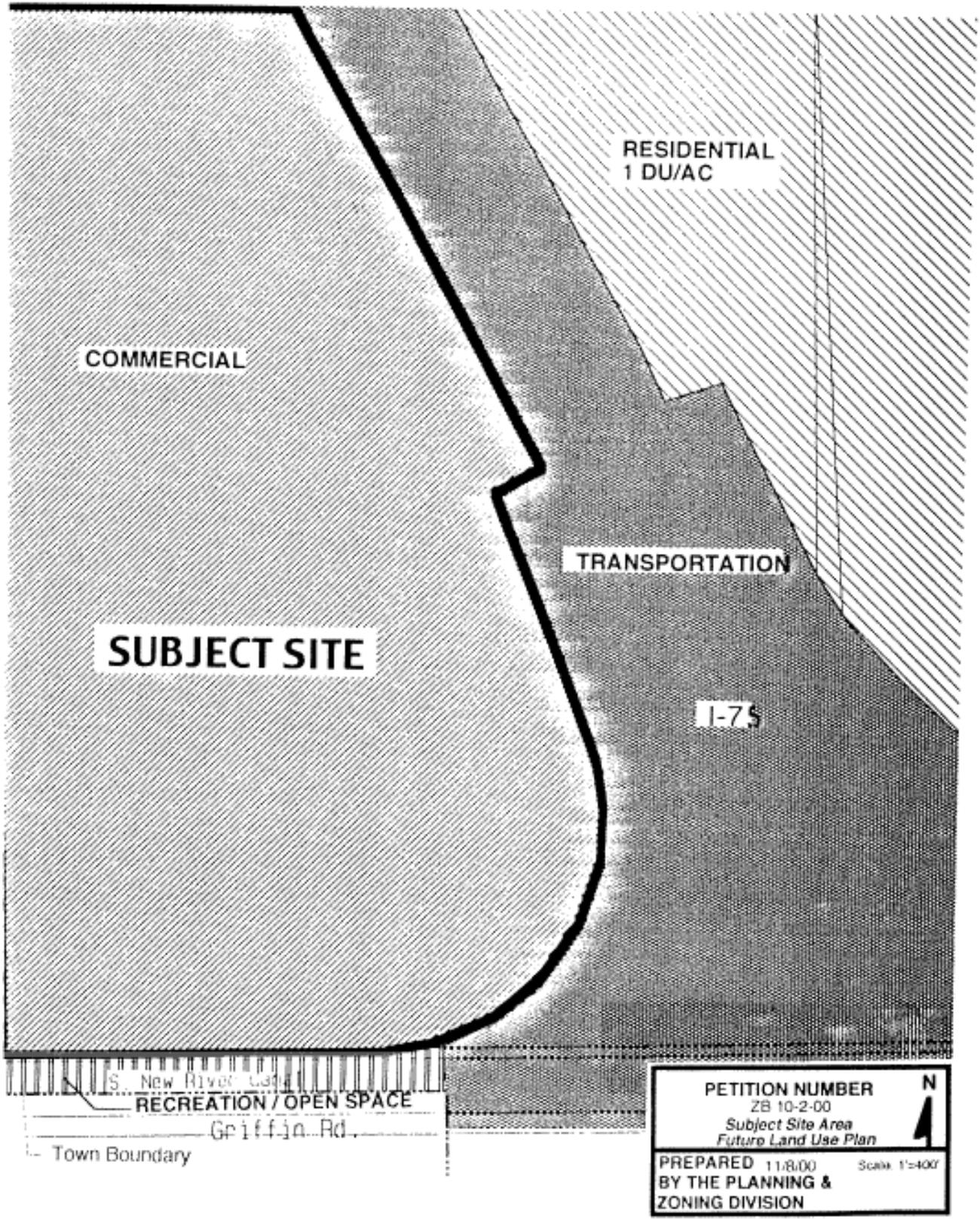
The existing zoning of the property is BP, which allows for mixed use development. Applicant will develop the property in accordance with those uses already permitted in the BP zoning district.

Criterion (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.

The proposed rezoning to BP will provide the greatest enhancement to the Town's tax base that could be provided on a tract of land of that size given this location. Again, the property is designated commercial on the Town's future land use plan map, and satisfies comprehensive plan policies 7-1, 7-2, 7-3, and 7-4.

As a result, the requested rezoning satisfactorily addresses this criterion.

As has been demonstrated, the requested rezoning to BP for the sole purpose of amending the two master plans is consistent with the adopted comprehensive plan, the Town's future land use map, and meets all the criteria contained in the Land Development Code. As a result this rezoning request merits favorable consideration.



COMMERCIAL

SUBJECT SITE

RESIDENTIAL
1 DU/AC

TRANSPORTATION

I-75

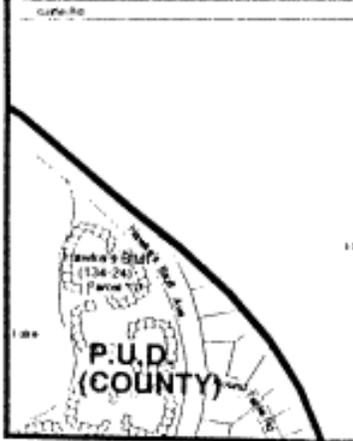
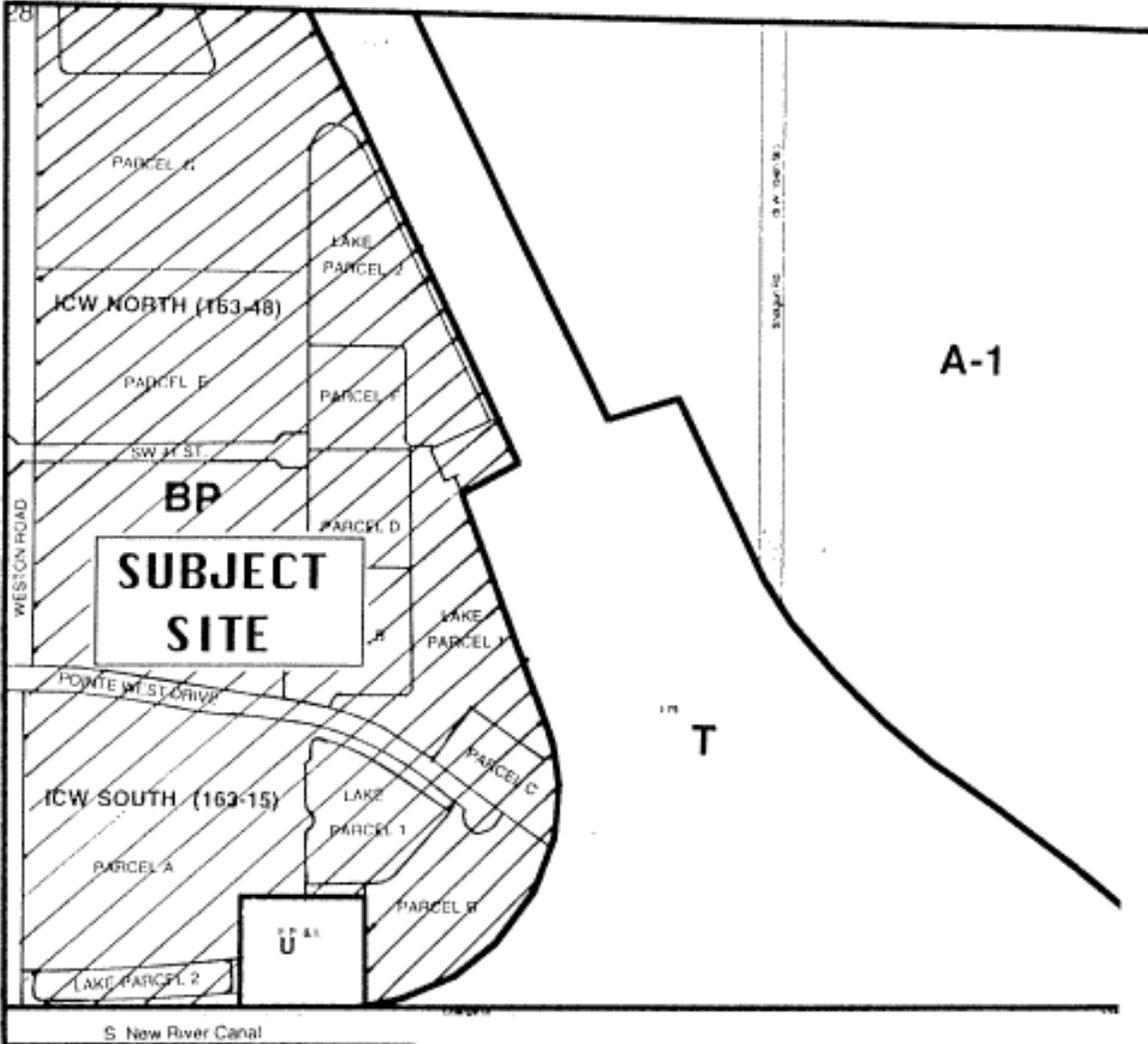
RECREATION / OPEN SPACE

Town Boundary

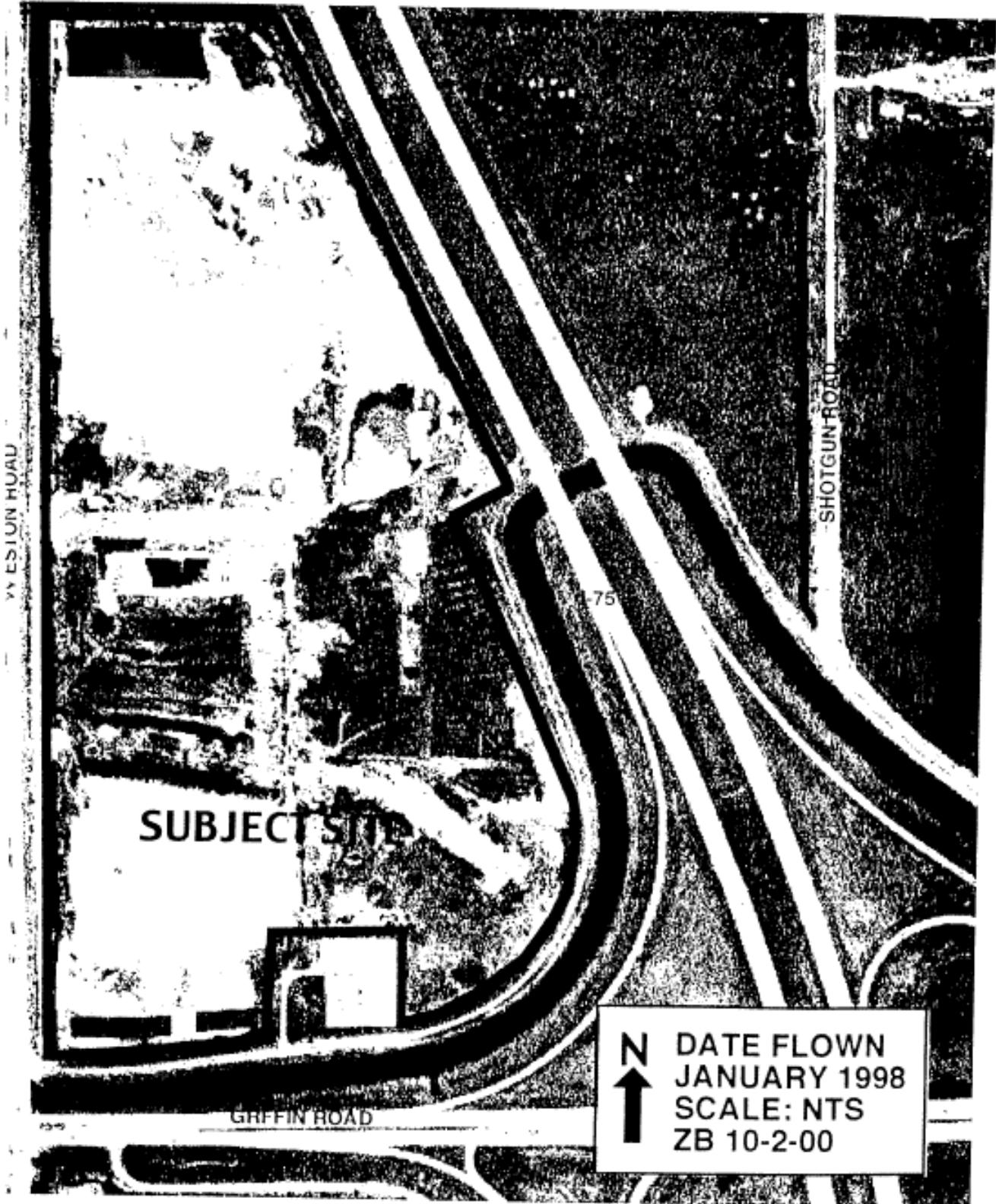
PETITION NUMBER
ZB 10-2-00
*Subject Site Area
Future Land Use Plan*

PREPARED 11/8/00 Scale 1"=400'
BY THE PLANNING &
ZONING DIVISION





Agency (121-48)
P.U.D. (COUNTY)
 PETITION NUMBER
 ZB 10-2-00
Subject Site Area Zoning Map
 PREPARED 11/8/00 Scale 1"=40'
 BY THE PLANNING &
 ZONING DIVISION



BY ESTON ROAD

SHOTGUN ROAD

75

SUBJECT SITE

GRIFFIN ROAD



DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 10-2-00