



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

PLANNING REPORT

Project Name	
Wawa – Stirling and Davie Road Extension	

Application	
Request/Number:	Variance (V)/15-166
Owner	Stirling Davie, LLC
Petitioner	Dunay, Miskel and Backman, LLP
Project Planner	David Stallworth
Date of Report	11/05/2015
Date of Public Participation	N/A
Date of Public Notification	10/27/2015
Date of Board Review	11/10/2015
Date of Town Council Review	12/02/2015

Location/Site	
Folio/Identification Number	51-41-02-31-0010; 51-41-02-33-0030; 51-41-02-00-0112
Address	Generally located at the SEC, Stirling Road and Davie Road Extension
Nearest North/South Road	Davie Road Extension
Nearest East/West Road	Stirling Road
Size (Approx. Acres)	110,961.00 s.f. (+/-2.55 acres)
Existing Use	Vacant
Future Land Use	Commercial
Zoning	B-2
Council District	1
Redevelopment Area	N/A
Overlay District	N/A
Design Regulation	N/A
Flexibility Zone	102
Planning Area	9
Utilities Provider	Town of Davie
Drainage District	Central Broward Water Control District (CBWCD)
Nearby Equestrian Trail	N/A
Nearby Recreational Trail	N/A
Nearby Park	N/A
Nearby Bus Route	Routes 9, 12 and 16

Key Points
<ul style="list-style-type: none">• This is a request to allow new motor fuel pump islands within 158 feet of residential property. The Code requires a minimum separation of 250 feet.• Requests to approve a Site Plan and an additional Variance to allow reduced non-residential landscape buffers correspond to this request.• The subject property is part of the overall +/-9.25-acre <i>Stirling Village</i> mixed development

which is entirely owned by the applicant and situated within both Davie and Hollywood.

- The proposed commercial/retail (convenience store with motor fuel sales, speculative commercial strip center) component lies within Davie, while the multi-family residential (84 dwelling units) component lies within Hollywood. The applicant worked extensively with both jurisdictions on the prospective layout of both components.

History

1. **Related Zoning Information:** N/A

2. **Previous Request(s) :**

- Plat – *Farm Stores*, recorded on May 30, 1995 in Book 158, Page 31, Official Plat Records of Broward County
- Plat – *Bank of America – West Stirling*, recorded on December 8, 2009 in Book 179, Pages 20-21, Official Plat Records of Broward County
- Delegation (DG)14-166, *Bank of America* was approved by the Davie Town Council on 7/30/2014 to amend a restrictive plat note.
- Plat – *Stirling Village Commercial*, was approved by the Davie Town Council on 4/15/2015

3. **Concurrent Request(s):**

- Site Plan (SP)15-100, *Wawa – Stirling and Davie Road Extension*, to facilitate the development of a convenience store with motor fuel pump islands and an outdoor dining area.
- Variance (V)15-328, *Wawa – Stirling and Davie Road Extension*, to allow a 5-foot landscape buffer along the south property line of the subject property (The Code requires non-residential properties to have a minimum 10-foot landscape buffer along a property line that abuts residential property).

Analysis

The following Staff analysis is based on the criteria established in §12-309(B)(1), Town of Davie Code, for variance applications:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are 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 variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

There are no known special circumstances, site peculiarities or topographic conditions driving this request. There is no uniqueness in the subject property being part of an overall +/-9.25-acre site that contains residentially zoned property; it is the applicant's preference to develop the subject property with commercial/retail containing accessory motor fuel pump islands. It is noted, however, that numerous proposed elements such as the convenience store, an 8-foot solid wall, landscaping and a detention pond, intervene between the new apartments to the south and the refueling area to the north.

(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.

Granting of the variance is not necessary for the reasonable use of the land. The B-2 zoning district allows for numerous commercial/retail opportunities other than motor fuel sales. It is the applicant's preference to development the subject property with an element containing motor fuel pump islands. There is nothing in the Code that requires motor fuel sales to be combined with convenience stores.

(c) That granting the variance will be 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.

There is no evidence that granting the Variance will compromise the neighborhood public safety and welfare.

Recommendations

Staff finds the application complete and suitable for review.

Attachments

1. Petitioner Documentation
2. Zoning Map
3. Future Land Use Map
4. Noticing Information



**Wawa
Southeast Corner of Stirling Road and Davie Road Extension
Project Narrative**

Wawa Florida, LLC (“Petitioner”) is the contract purchaser of the +/-2.41 acre parcel, generally located on the southeast corner of Stirling Road and the Davie Road Extension (“Property”) within the Town of Davie (“Town”). The Property is designated as Commercial on the Town’s Future Land Use Map and is zoned B-2, Community Business District. The Property is currently vacant. Petitioner proposes to redevelop the Property with a vibrant +/-5,943 square foot Wawa restaurant, convenience store and gas station (“Project”). Wawa is often described a restaurant that sells gasoline. It provides its patrons with a convenient stop for fresh, built-to-order foods, beverage, coffee, fuel services and surcharge-free ATMs. All of Wawa’s stores offer a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks. Based on the breakdown of area uses within a Wawa store, 55.8% of the total building square footage is used for the restaurant only, while 17.1% is used for the convenience store area.

The Project is compatible with the development on adjacent properties that generally include community retail and commercial businesses to the north, east and west (including an existing gas station immediately north of the Property across Stirling Road and a McDonald’s to the west), and proposed residential development to the south by creating a new commercial development that will serve the community. It will also expand the economic base of the Town by adding to the commercial sector of its economy, creating both temporary jobs during the construction phase and long term jobs with the added employer that will come to the Town as a result of this Project. Further, the Project is accessible to residents of the Town and provides easy access from neighboring cities within Broward County, including Hollywood and Cooper City.



**Wawa
Southeast Corner of Stirling Road and Davie Road Extension
Variance Criteria Statement**

Wawa Florida, LLC (“Petitioner”) is the contract purchaser of the +/-2.41 acre parcel, generally located on the southeast corner of Stirling Road and the Davie Road Extension (“Property”) within the Town of Davie (“Town”). The Property is designated as Commercial on the Town’s Future Land Use Map and is zoned B-2, Community Business District. The Property is currently vacant. Petitioner proposes to redevelop the Property with a vibrant +/-5,943 square foot Wawa restaurant, convenience store and gas station (“Project”). Wawa is often described a restaurant that sells gasoline. It provides its patrons with a convenient stop for fresh, built-to-order foods, beverage, coffee, fuel services and surcharge-free ATMs. All of Wawa’s stores offer a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks. Based on the breakdown of area uses within a Wawa store, 55.8% of the total building square footage is used for the restaurant only, while 17.1% is used for the convenience store area.

Restaurants and convenience stores are permitted by right in the B-2 zoning district. Motor fuel pumps are conditionally permitted subject to the specific standards in Section 12-34(Y) of the Town’s Land Development Code (“Code”). While the Project meets the requirements for street frontage and area, clearances, driveways and signs, Section 12-34(Y)(2) specifies that there “shall be a minimum distance of two hundred fifty (250) feet, shortest airline measurement, between the nearest points on any lot to be occupied for fuel pump islands ... and any lot which is occupied by...zoned, or land use plan designated residential”. The proposed fuel pumps are located one hundred fifty eight (158) feet as measured from the fuel pump islands to the residential Property line at the south. The residentially zoned property to the south is not within the boundaries of the Town of Davie, but within the jurisdiction of the City of Hollywood. Eighty four (84) residential dwelling units are currently proposed for the property to the south and this project is under review by the City of Hollywood. As currently proposed, the fuel pumps are located two hundred fifty four (254) feet from the proposed residential units. There are additional parking aisles and drive aisles that create the added separation between the fuel pumps and residential units. As such, there is adequate separation between the two uses. The fuel pumps are further proposed towards the north end of the Property in order to create the maximum separation possible between the pump locations and the adjacent residentially zoned property. Considering the foregoing, Petitioner respectfully requests the following variance:

Variance from Section 12-34(Y)(2) to allow a minimum one hundred fifty eight (158) feet separation between the nearest points on any lot to be occupied for fuel pump islands and/or service station purposes and any lot which is zoned residential in lieu of two hundred fifty (250) feet (“Variance”)

In support of the Variance, Petitioner will demonstrate that: (1) there are special circumstances or conditions applying to the Property, which circumstances or conditions are peculiar to the Property and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive Petitioner of the reasonable use of the Property, and that alleged hardship is not self-created by any persons having an interest in the Property; (2) granting the Variance is necessary for the reasonable use of Property and that the Variance is the minimum necessary to accomplish this purpose; and (3) granting the Variance is 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.

(1) There are special circumstances or conditions applying to the Property, which circumstances or conditions are peculiar to the Property and do not apply generally to land or buildings in the same district, and said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive Petitioner of the reasonable use of the Property, and the alleged hardship is not self-created by any persons having an interest in the Property.

There are special circumstances applying to the Property which do not generally apply to properties in the same zoning district. As noted above, although the fuel pumps are located one hundred fifty eight (158) feet from the south property line. The residentially zoned property to the south is not within the boundaries of the Town of Davie, but within the jurisdiction of the City of Hollywood. Eighty four (84) residential dwelling units are currently proposed for the property to the south and this project is under review by the City of Hollywood. As currently proposed, the fuel pumps are located two hundred fifty four (254) feet from the proposed residential units. There are additional parking aisles and drive aisles that create the added separation between the fuel pumps and residential units. As such, there is adequate separation between the two uses and strict application of this chapter would deprive Petitioner of the reasonable use of the Property. The Property itself is only two hundred forty one (241) feet from north to south. The Project proposes the fuel pumps at the north end of the Property, creating the greatest amount of separation from the residential development as possible. Further, Petitioner is proposing to transform this vacant lot with this vibrant commercial development that will serve the needs of the adjacent residential community. As described in greater detail above, Wawa is not a typical gas station, but a restaurant and convenience store that offers a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks. Further, although there may be other commercial parcels in the Town that are adjacent to residential, there are probably not many in a different jurisdiction, which create unique challenges in coordination. Because the adjacent proposed residential development is in a separate jurisdiction, it is not clear at this time that the parcel will maintain a residential development, if for example the currently proposed project is not constructed.

(2) Granting the Variance is necessary for the reasonable use of Property and the Variance is the minimum necessary to accomplish this purpose.

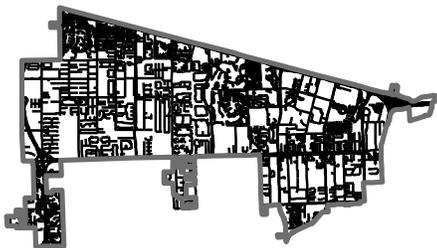
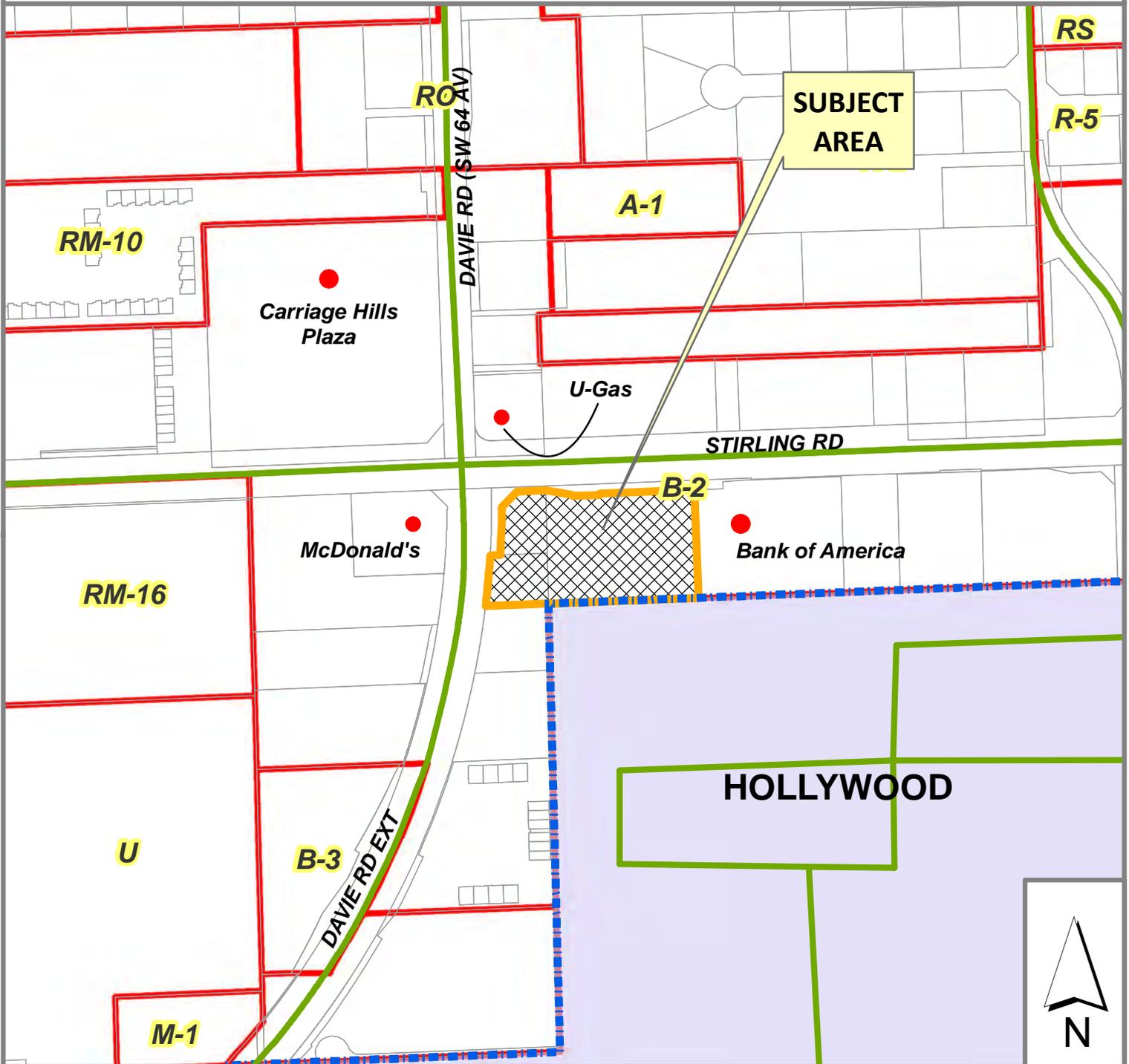
Granting the Variance is necessary for the reasonable use of the Property. As noted above, Section 12-34(Y)(2) requires a separation of two hundred and fifty (250) feet between fuel pumps and the proposed

residential property. The proposed fuel pumps are located one hundred fifty eight (158) feet as measured from the fuel pump canopy to the residential property line at the south. The residentially zoned property to the south is not within the boundaries of the Town of Davie, but within the jurisdiction of the City of Hollywood. Eighty four (84) residential dwelling units are currently proposed for the property to the south and this project is under review by the City of Hollywood. As currently proposed, the fuel pumps are located two hundred fifty four (254) feet from the proposed residential units. There are additional parking aisles and drive aisles that create the added separation between the fuel pumps and residential units. As such, there is adequate separation between the two uses. The fuel pumps are further proposed towards the north end of the Property in order to create the maximum separation possible between the pump locations and the adjacent residentially zoned property. Specifically, considering the size of the Property, the proposed pumps are located on the best location to avoid conflict with the residential parcel. Further, Petitioner is redeveloping this vacant lot with a use that will serve the needs of the community and this adjacent residential development. As described in greater detail above, Wawa is not a typical gas station, but a restaurant and convenience store that offers a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks. Wawa is a restaurant and convenience store first, where customers can also fill up on gasoline. In order to develop the Project and transform this vacant lot with this vibrant commercial development that will serve the needs of the adjacent residential community, the Variance is necessary.

(3) Granting the Variance is in harmony with the general purpose and intent of this chapter and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the Variance is in harmony with the general purpose of the chapter and is not injurious to the neighborhood. The purpose of Section 12-34 is to afford additional requirements to protect residential, playground, school and church uses from a highly automotive use. As noted above, Wawa is not a typical gas station where the main focus is on filling up your vehicle with gas. Most customers travel to Wawa for their other services, such as the built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks that are provided. These elements are the driving force behind customer visits. Residents of the proposed residential development to the south will further have a pedestrian connection to the Wawa to ensure they will be able to safely walk from their development to the building entrance to enjoy the various food and beverage offerings. Further, as noted above, although the fuel pumps are located one hundred and fifty eight (158) feet from the end of the canopy to the south property line, the actual distance between the fuel canopy and the proposed residential units is two hundred fifty four (254) feet. As such, the Variance is not injurious to the neighborhood or detrimental to the public welfare. Although the proposed use includes an automotive component, a large part of the proposed use is consistent with the uses permitted in the zoning district (convenience store and restaurant).

Wawa - Stirling and Davie Rd Ext (Multiple Projects)



ZONING MAP

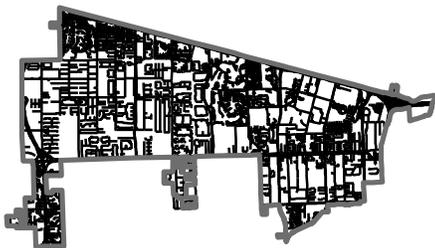
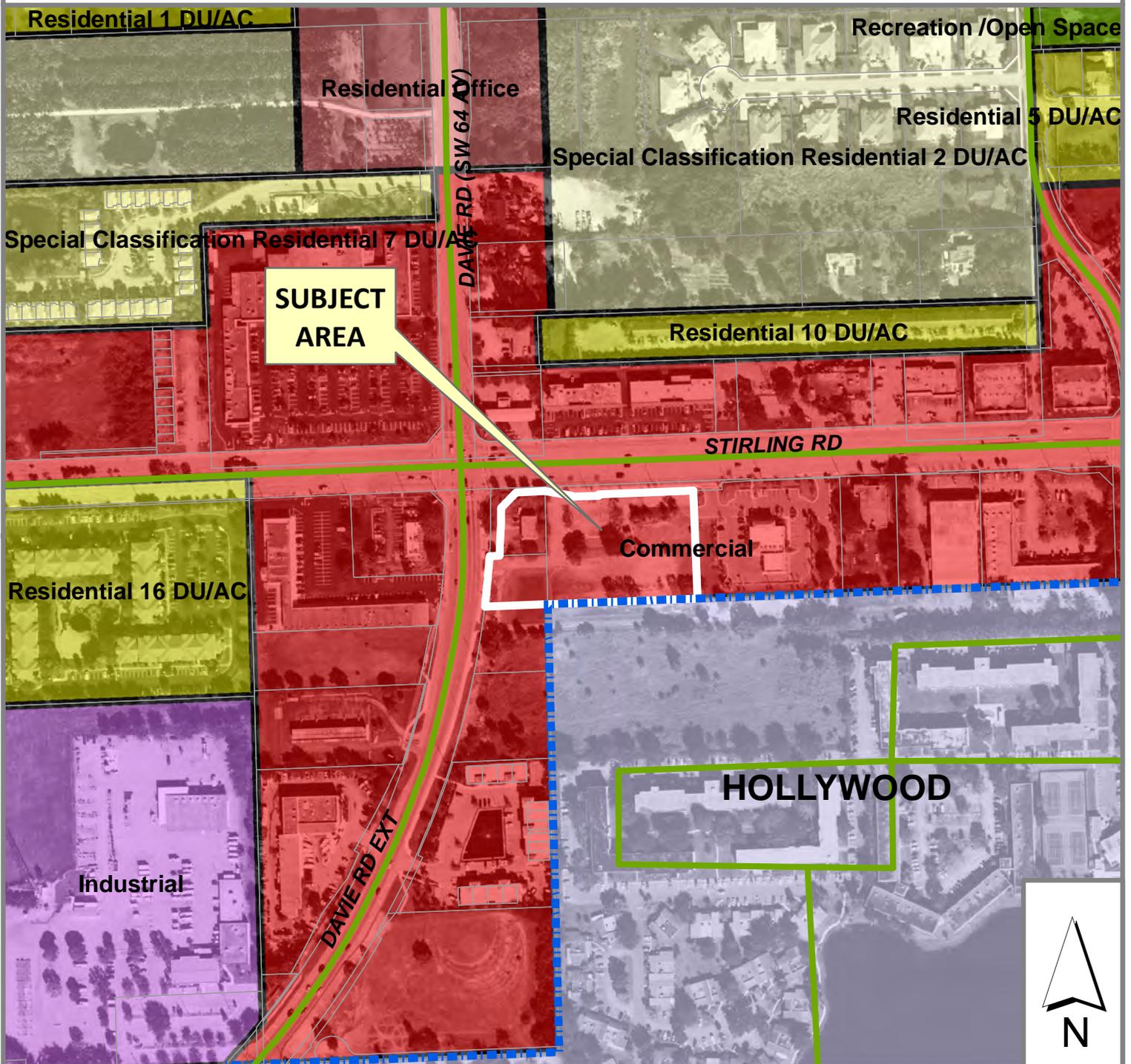
0 200 400 800 Feet



GIS DISCLAIMER:

The information on this map is for graphical purposes only. It does not represent a legal survey, and it has not been prepared, nor is it suitable for legal, engineering or surveying purposes. While every effort has been made to ensure that this data is accurate and reliable, the Town of Davie shall not assume liability for any damages caused by errors or omissions in the data.

Wawa - Stirling and Davie Rd Ext (Multiple Projects)



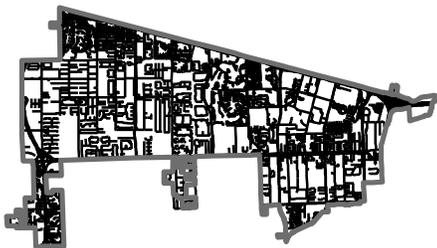
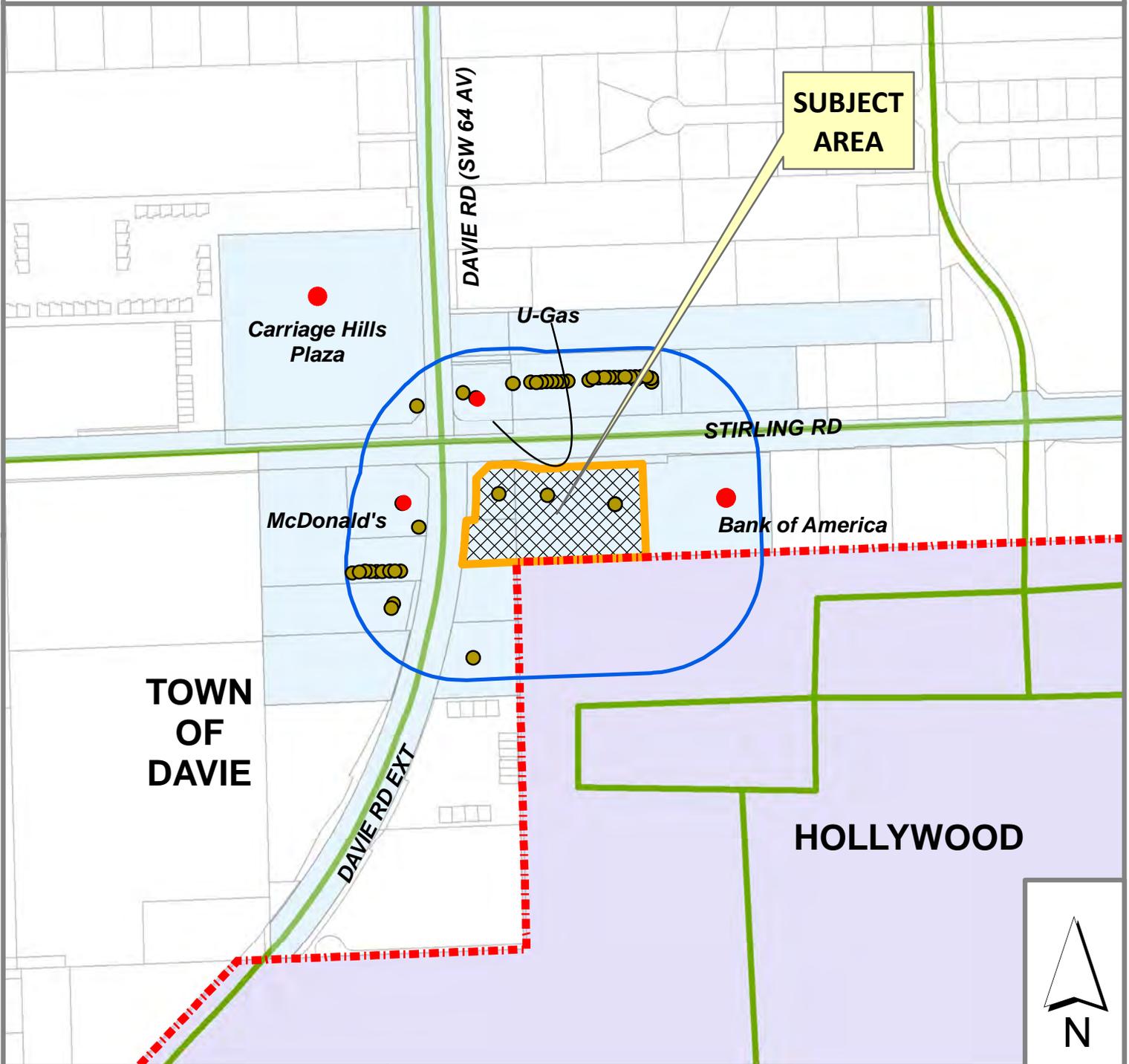
FUTURE LAND USE MAP



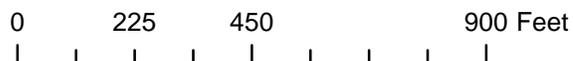
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Wawa - Stirling and Davie Rd Ext (Multiple Variances)



300-FT NOTIFICATION BUFFER



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NAME_LINE_	NAME_LINE1	ADDRESS_LI	CITY	STAT	ZIP
6255 LLC		8819 STIRLING RD	COOPER CITY	FL	33328
AMER MINING OPS SYNDICATE INC &	ELITE ENTERPRISES INC	7420 SW 39 ST	DAVIE	FL	33314
BANK OF AMERICA	% CORP REAL ESTATE ASSMT	101 N TRYON ST NC 1-001-03-81	CHARLOTTE	NC	28246
BROWARD COUNTY	BOARD OF COUNTY COMMISSIONERS	115 S ANDREWS AVE RM 326	FORT LAUDERDALE	FL	33301
D L B REAL ESTATE INC		12721 NW 1 ST	PLANTATION	FL	33325
DAVIE CW PROPERTIES INC		22290 KETTLE CREEK WAY	BOCA RATON	FL	33428
DAVIE INVESTMENTS LLC		845 NE 79 ST	MIAMI	FL	33138
FLORIDA DEPT OF TRANSPORTATION	OFFICE OF RIGHT OF WAY	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL	33309
FOREMAN,PETER		2573 LANDFILL RD	MOUNT CROGHAN	SC	29727
GARDENS AT STIRLING INC		6115 STIRLING RD STE 101	DAVIE	FL	33314
GATOR CARRIAGE PARTNERS LTD	% GATOR INVESTMENTS	1595 NE 163 ST	NORTH MIAMI BEACH	FL	33162
PUBLIC LAND	% TOWN OF DAVIE	6591 ORANGE DR	DAVIE	FL	33314
STERLING DAVIE LLC		3350 RIVERWOOD PKWY SE STE 450	ATLANTA	GA	30339
STERLING SERVICE STATION LLC		9701 NW 89 AVE	MEDLEY	FL	33178
STIRLING DAVIE LLC		3350 RIVERWOOD PKWY SE STE 450	ATLANTA	GA	30339
TOWN OF DAVIE	%DAVID STALLWORTH, PLANNER II	6591 ORANGE DR	DAVIE	FL	33314

CURR_OCC	ADDRESS_1	ADDRESS_2	C_S_Z
CURRENT OCCUPANT	5989 DAVIE RD		DAVIE FL, 33314
CURRENT OCCUPANT	4142 DAVIE ROAD EXT		DAVIE FL, 33024
CURRENT OCCUPANT	4290 DAVIE ROAD EXT		DAVIE FL, 33024
CURRENT OCCUPANT	4291 DAVIE ROAD EXT		DAVIE FL, 33024
CURRENT OCCUPANT	4295 DAVIE ROAD EXT		DAVIE FL, 33024
CURRENT OCCUPANT	4255 DAVIE ROAD EXT		DAVIE FL, 33024
CURRENT OCCUPANT	6301 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6290 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	6300 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	6301 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6305 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6309 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6309 STIRLING RD	UNIT S 800	DAVIE FL, 33314
CURRENT OCCUPANT	6309 STIRLING RD	UNIT 245	DAVIE FL, 33314
CURRENT OCCUPANT	6311 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6315 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6317 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6319 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6323 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6323 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6327 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6349 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6391 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	7110 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	7118 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	7120 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	7122 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6349 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6301 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6303 STIRLING RD		DAVIE FL, 33314
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CURRENT OCCUPANT	6321 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	6325 STIRLING RD		DAVIE FL, 33314

CURRENT OCCUPANT	6329 STIRLING RD		DAVIE FL, 33314
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CURRENT OCCUPANT	6337 STIRLING RD		DAVIE FL, 33314
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CURRENT OCCUPANT	7116 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	7126 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	6390 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	6343 STIRLING RD		DAVIE FL, 33314
CURRENT OCCUPANT	7124 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	7114 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	7112 STIRLING RD		DAVIE FL, 33024
CURRENT OCCUPANT	6341 STIRLING RD		DAVIE FL, 33314



CERTIFICATION LETTER

Town of Davie

Date: October 27, 2015

Applicant: Dunay, Miskel, and Backman, LLP, Stirling Davie, LLC

Subject Property: 4290 Davie Road Extension

General Location: southeast corner of Stirling Road and Davie Road Extension

This letter certifies that the attached notification and was sent to the persons on the attached lists of property owners and current residence received from Dunay, Miskel, Backman, LLP that were supplied by the Town of Davie. The notice was mailed on October 27, 2015.

Sincerely,

Christina Mathews

Sworn and subscribed before me this 27th day of October, 2015. She is personally known to me.

Signature of Notary



1025 Yale Drive
Hollywood, Florida 33021
954-920-2205

Email: cutroplanning@yahoo.com