



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: February 22, 2011

TO: Robert Baldwin, City Manager *Robert Baldwin*

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, Principal Planner *Corinne Lajoie*

SUBJECT: RZ-47-10: The applicant, Earnest Jones for St. Ruth Missionary Baptist Church, is requesting a rezoning from Neighborhood Residential to Commercial Neighborhood Office and Banking District (C-1) for the property located north of Collins Elementary School (SECOND READING).

PROPERTY INFORMATION:

EXISTING ZONING	Neighborhood Residential (NBHD-RES)
LAND USE	Regional Activity Center
OVERLAY DISTRICT	Community Redevelopment Agency (CRA)

The subject property is located north of Collins Elementary School and is owned by St. Ruth Missionary Baptist Church. The Church is requesting a rezoning of the property from residential to commercial so that a new church building may be constructed on the property. The current residential zoning does not allow a place of worship as a permitted use.

The construction of a church will require site plan review and approval prior to issuance of a building permit. The site plan will be heard by the Planning and Zoning Board if it is a small scale site plan (less than 20,000 square feet) or the City Commission if it is a large scale site plan (more than 20,000 square feet).

Staff has requested that the applicant meet with the Northwest Byrd Park Civic Association prior to the Planning and Zoning Board meeting, which occurred on January 14, 2011. A subsequent meeting has been scheduled for January 20, 2011. The results of that meeting will be presented to the Commission at the meeting.

Staff is recommending the Commercial C-1 zoning designation, as it is the least intense of the commercial zoning districts and would therefore have the least impact on the neighborhood while still allowing a church to be built on the property. However, C-1 will also permit auto parts and retail, office, restaurants and bars by right and schools with a special exception.

This property is located within the CRA and has the support of the CRA Director.

CITY COMMISSION PREVIOUS ACTION

On February 8, 2011 the City Commission approved the request on first reading.

PLANNING AND ZONING BOARD RECOMMENDATION

On January 19, 2011 the Planning and Zoning Board recommended approval of the request.

STAFF RECOMMENDATION

Staff is recommending approval of Commercial, C-1 zoning designation.

**RZ-47-10 REZONING
NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Dania Beach City Commission, on Tuesday February 22, 2011 at 7:00 p.m., or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

RZ-47-10: The applicant, Earnest Jones for St. Ruth Missionary Baptist Church, is requesting a rezoning from Neighborhood Residential (NBHD-RES*) to Commercial Neighborhood Office and Banking District (C-1) for the property located at approximately NW 3rd Terrace between NW 12th Avenue and NW 9th Avenue, north of Collins Elementary School in Dania Beach Florida.

ORDINANCE NO. 2011-006 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY EARNEST JONES, REPRESENTING ST. RUTH'S MISSIONARY BAPTIST CHURCH TO REZONE PROPERTY GENERALLY LOCATED AT APPROXIMATELY NW 3RD TERRACE BETWEEN NW 12TH AVENUE AND NW 9TH AVENUE, NORTH OF COLLINS ELEMENTARY SCHOOL IN THE CITY OF DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM NEIGHBORHOOD RESIDENTIAL (NBHD-RES*) TO COMMERCIAL NEIGHBORHOOD OFFICE AND BANKING DISTRICT (C-1), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (Public Hearing - 2nd Reading)

Property is legally described as: A portion of the North one half (N 1/2) of the Southwest one quarter (SW 1/4) of the Northwest one quarter (NW 1/4) of section 34, Township 50 south, Range 42 east, being more particularly described as follows: Begin at the Southwest corner of said North one half (N 1/2); Thence Easterly, a distance of 876.11 Feet; Thence Northerly, a distance of 155.16 feet more or less; Thence Westerly, a distance of 876.13 feet more or less; Thence Southerly along the west line of the Northwest one quarter of said section 34, a distance of 128.43 feet to the point of beginning; Less the West 35.00 feet thereof. Together with: The East 125.00 feet of the South 159.7 feet, more or less, of the West three quarters (W 3/4) of the North one half (N 1/2) of the Southwest one quarter (SW 1/4) of the Northwest one quarter (NW 1/4) of Section 34, Township 50 south, Range 42 east. Said lands situate, lying and being in the City of Dania, Broward County, Florida; Containing 3.2092 acres, more or less.

Copies of the proposed request are available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday please call (954) 924-6805 x3645 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

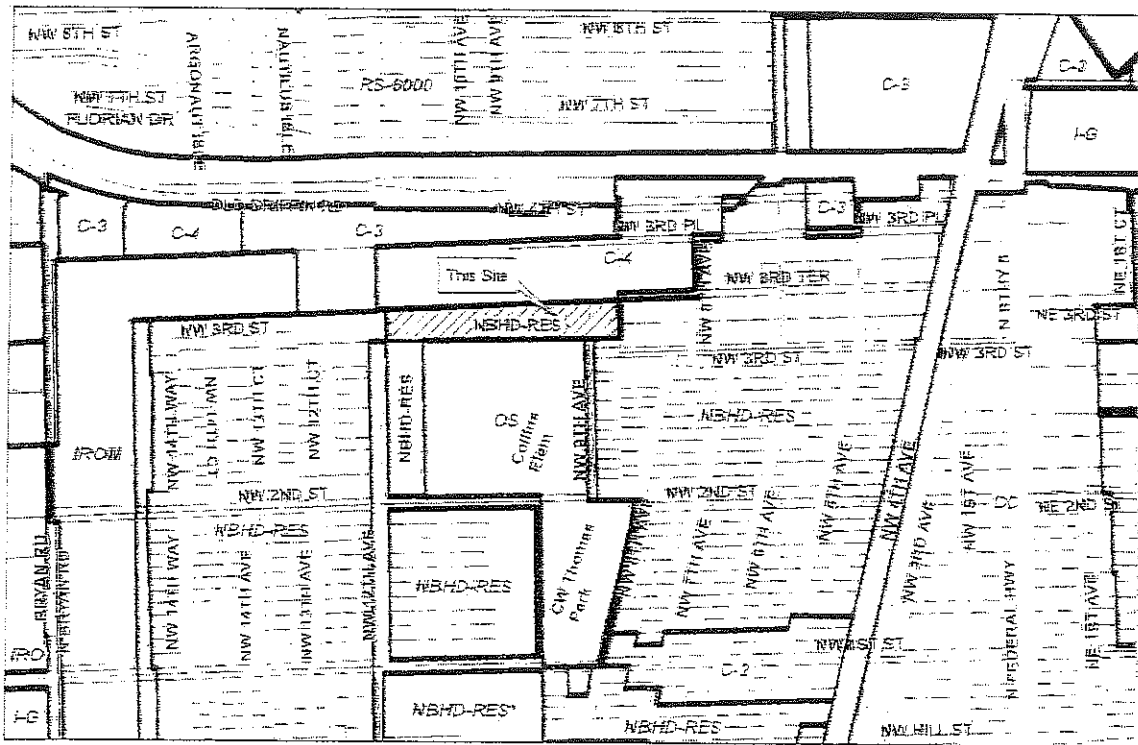
Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Lou Ann Patellaro
Building and Planning Operations Mgr.

Mail Friday, February 11, 2011

LOCATION MAP

RZ-47-10 - Rezoning
St Ruths Baptist Church
NW 3rd Terr between
NW 12th Ave and NW 9th Ave

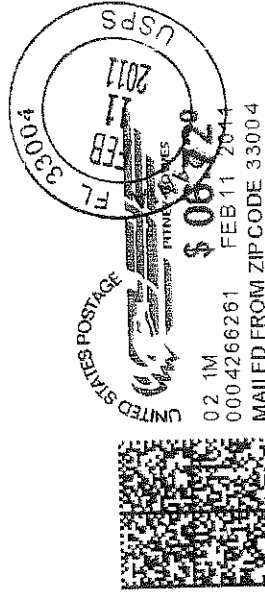


ST. RUTHS BAPTIST CHURCH
RZ-47-10
NW 3RD TERR between NW 12TH AVE NW 9TH AVE

FIRM MAILING NOTICE
CITY COMMISSION
FEBRUARY 22, 2011

City of Dania Beach
100 W Dania Beach Blvd.
Dania Beach, FL 33004

FOLIO_NUMB	NAME_LINE_	NAME_LINE1	ADDRESS_LI	ADDRESS_1	FL
504233000061	MCELYEA,CHARLES K		1200 OLD GRIFFIN ROAD	DANIA BEACH	FL 33004
504234140110	ALLIED MTGE INVEST FUND I LLC		13680 NW 5 ST STE 100	SUNRISE	FL 33325
504234200090	YORD INVESTMENT LLC		1109 NE 209 TERR.	MIAMI	FL 33179
504234140010	WISE,WILLIE & ROSIE		20 NW 6TH AVE	DANIA BEACH	FL 33004
504234560010	DANIA ECONOMIC DEVELOPMENT CORP		210 NW 12TH AVE	DANIA BEACH	FL 33004
504234220120	COX,R E & JACQUELYN E		254 NW 9TH AVE APT 1	DANIA BEACH	FL 33004
504233460190	JAMES,TAMMIE DENISE H/E	JAMES,ELLIS RANDOLPH	255 NW 12 AVE	DANIA BEACH	FL 33004
504234220130	WHITE,RHODA		302 NW 9TH AVE APT A	DANIA BEACH	FL 33004
504233000060	MCELYEA,CHARLES K JR	C/O MAC'S TOWING	418 SW 2 PL	FORT LAUDERDALE	FL 33301
504234000240	SCHOOL BOARD OF BROWARD COUNTY	ATTN:FACILITY MANAGEMENT	600 SE 3 AVE	DANIA BEACH	FL 33004
504234140120	800 MARINE TECHNICAL CENTER INC		800 OLD GRIFFIN ROAD	DANIA BEACH	FL 33004
504234140020	CLARK,EMMA J &	WEST,CHARLES E	822 NW 3RD ST	DANIA BEACH	FL 33004
504234000220	DANIA BEACH OUTSIDE STORAGE INC		901 OLD GRIFFIN ROAD	DANIA BEACH	FL 33004
504234140030	DAVIS,D & GEORGIA L		PO BOX 1328	DANIA BEACH	FL 33004
504234200080	GRADINE,CATHERINE		PO BOX 641	DANIA BEACH	FL 33004
504234000201	ST RUTH BAPTIST CHURCH		PO BOX 698	DANIA BEACH	FL 33004



MEETING MINUTES

JANUARY 19, 2011

6:00pm

NORTHWEST BYRD POINT CIVIC ASSOCIATION

255 NW 12TH AVENUE

DANIA BEACH, FL 33004

1. Call to Order
President, Jeffrey Hatcher, called the meeting to order at 6:00 p.m.
2. In Attendance:
Jeffrey Hatcher – President
Tammie James – Vice President
Veronica Jackson – Secretary
Ellis James – Treasurer
3. The purpose of our neighborhood meeting:
Discussion of the new Saint Ruth missionary Baptist Church Building in Dania Beach.
 - a. We the association did agree that we did not want any through traffic on NW 12th Avenue.
 - b. We also would like the Buffer Wall that would separate the Church from the community.

The Northwest Byrd Point Civic Association Vice President, Tammie James discussed the rezoning of the new church building from a C4 to a C1 property.

4. The Association met with some of the Saint Ruth Missionary Baptist Church Members.
 - a. Earnest Jones and Albert Jones said that they would like to work with our neighborhood, but they can't say that there would not be any through traffic on NW 12th Avenue or say that they agree on the buffer wall.
5. Discussion Regarding Stop Signs and Street Lights
It was determined that there were not enough stop signs on 7th Avenue. Jeff Hatcher, President of the Association stated that there are more street lights which need repair.
6. Adjournment
The meeting was adjourned at 7:45 p.m.

Sign in

- 1 Isaac Gathers Gathers Family @ Bellsouth.net
- 2 Daphne Henry Daphne Henry @ Att.net
- 3 Inell Thomas
- 4 Eric Brown
- 5 RECKE E MELINDA YOUNG RMY MINISTRIES @ AOL.COM
- 6 GEORGE LARKINS
- 7 Charnise Wilburn
- 8 Lisa Rogers Cherry
- 9 Gloria Black
- 10 Kevin Black
- 11 Ellis James
- 12 AL Jones
- 13 Ebbie Black
- 14 Julie Spencer
- 15 Ruth White
16. JUANITA WHITE
17. Beverly Allen Anderson
- 18 Bernard George
- 19 HILBERT HARRY
- 20 Tammie James
- 21 EARNEST JONES GUEST SPEAKER
22. Veronica R. Jackson

Lajoie, Corinne

From: Earle, Jeremy
Sent: Tuesday, November 30, 2010 1:03 PM
To: Lajoie, Corinne
Cc: Daniels, Bob
Subject: Re: St. Ruth's rezoning application

I agree with the C-1 then. Thanks

Jeremy Earle, ASLA, AICP
Executive Director
Dania Beach Community Redevelopment Agency

Sent from my AT&T wireless device

On Nov 30, 2010, at 11:49 AM, "Lajoie, Corinne" <cchurch@ci.dania-beach.fl.us> wrote:

> In the attached application & explanation of request you will see that they requested C-4 "if applicable".
> C-4 allows a long list of commercial activities, where as C-1 allows banks, places of worship, office and not much else. I like C-1 because it allows a place of worship yet provides the maximum protections for the neighborhood by significantly restricting the commercial uses that can occur.

>

> Corinne Lajoie, Principal Planner

>

> Dania Beach Mission Statement

> "Dania Beach is committed to providing a unique small-town quality of living for all of its residents and guests.

> We do so by maintaining beautiful neighborhoods and vibrant commercial

> centers throughout the City while being fiscally responsible and having a diverse population and business community."

>

>

> _____

>

> From: Earle, Jeremy

> Sent: Tuesday, November 30, 2010 11:35 AM

> To: Lajoie, Corinne

> Subject: Re: St. Ruth's rezoning application

>

>

> What's the difference between C-1 and C-4? Did they indicate why they wanted C-4?

>

> Jeremy Earle, ASLA, AICP

> Executive Director

> Dania Beach Community Redevelopment Agency

>

> Sent from AT&T wireless device

>

> On Nov 30, 2010, at 10:50 AM, "Lajoie, Corinne" <cchurch@ci.dania-beach.fl.us> wrote:

>

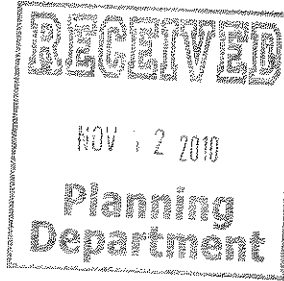
>
>
> I am recommending that the property be rezoned to C-1, which is the lowest intensity commercial district that still allows for a place of worship. They are requesting C-4.
> Your thoughts?
>
> Corinne Lajoie, Principal Planner
>
> Dania Beach Mission Statement
> "Dania Beach is committed to providing a unique small-town quality of living for all of its residents and guests.
> We do so by maintaining beautiful neighborhoods and vibrant commercial centers throughout the City while
> being fiscally responsible and having a diverse population and business community."
>
>
> _____
>
> From: Lajoie, Corinne
> Sent: Wednesday, November 24, 2010 4:19 PM
> To: Earle, Jeremy
> Subject: St. Ruth's rezoning application
>
>
>
> Please see the attached rezoning application. Please provide me with your comments.
>
> Thanks.
>
>
> Corinne Lajoie, Principal Planner
>
> Dania Beach Mission Statement
> "Dania Beach is committed to providing a unique small-town quality of living for all of its residents and guests.
> We do so by maintaining beautiful neighborhoods and vibrant commercial centers throughout the City while
> being fiscally responsible and having a diverse population and business community."
>
>
> <St. Ruth's rezoning.pdf>
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> <St. Ruth's rezoning.pdf>



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 Phone
 www.daniabeachfl.gov

General Development Application

- Administrative Variance
- Assignment of Flex/Reserve Units
- Land Use Amendment
- Plat
- Plat Delegation Request
- Rezoning
- Site Plan
- Special Exception
- Trafficway Waiver
- Variance
- Roadway Vacation
- Extended Hours
- Other: _____



Date Rec'd: _____

Petition No.: R247-10

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City's Building Department.

Location Address: n/a

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Parcel 504234-00-0230 504234-00-0201
 Folio Number(s): 504234-00-0200 Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) Earnest Jones Cell. 9260-2883

Address of Applicant: 1940 N.W. 12 Ave FT. LAUD. FL. 33311
 954

Business Telephone: 922-2529 Home: 760-6258 Fax: JONESEARNEST@ATTI.NET

Name of Property Owner: ST. RUTH MISSIONARY BAPTIST CHURCH INC.

Address of Property Owner: 145 N.W. 5 AVE DANIA BCH. FL. 33004
 954

Business Telephone: 922-2529 Home: N/A Fax: 954 922 2547

Explanation of Request: Rezoning (ATTACHMENT)
 For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per Article 10.13 of Chapter 28, Zoning Code.

Prop. Net Acreage: _____ Gross Acreage: 3.5 Prop. Square Footage: 171232 A

Existing Use: VACANT Proposed Use: church

Is property owned individually, by a corporation, or a joint venture? Corporation



CORPORATION NOTARIZED SIGNATURE:

This is to certify that the below referenced corporation is the owner of subject lands described above and that I, Earnest Jones as a duly authorized officer, have authorized (Applicant/Consultant/Representative) to make and file the aforesaid application.

Sworn to and subscribed before me

This 4th day of November 2010

Ruth White

Sign Name of Notary Public
State of (FL)

Ruth White

Print Name of Notary

Commission Expires: 07/26/2014
Seal:

Corporation Name:

St Ruth Missionary Baptist Church Inc.

Signature: Earnest Jones

Date: 11/4/2010

EARNEST JONES

(Print Name)

Trustee Chairman

(Print Title)

1940 N.W. 12 Ave FT. LAUD. FL.
Street Address, City, State and Zip Code 33311

954 760 6258
Telephone No. & Fax No.

JOINT VENTURE/PARTNERSHIP NOTARIZED SIGNATURE:

This is to certify that the below referenced that the duly authorized persons are the owners of subject lands described above and that all partners have authorized (Applicant/Consultant/Representative) to make and file the aforesaid application.

Sworn to and subscribed before me

This ____ day of ____ 20__

Signature: _____

Date: _____

(Print Name)**

Sign Name of Notary Public
State of ()

Print Name of Notary

Street Address, City, State and Zip Code

Commission Expires:
Seal:

Telephone No. & Fax No.

****Each partner must sign. Attach duplicate sheets as required.**



I understand that site plan and variance approval automatically expires within 12 months of City Commission approval, pursuant to Ordinance No. 2005-040.

Earnest Jones
Applicant/Owner signature

EARNEST JONES
Print Name

11/4/2010
Date

APPLICANT, CONSULTANT, OR LEGAL REPRESENTATIVE NOTARIZED SIGNATURE

Sworn to and subscribed before me
This 4th day of November 2010

Applicant/Consultant/Representative:
Signature: Earnest Jones

Date: 11/4/2010

Ruth White
Sign Name of Notary Public
State of (FL)

EARNEST JONES
(Print Name)

Ruth White
Print Name of Notary

1940 N.W. 12 Ave. FT. LAUD. FL.
Street Address, City, State and Zip Code 33311

Commission Expires: 07/26/2014
Seal:

954 760-6258
Telephone No. & Fax No.

INDIVIDUAL OWNER NOTARIZED SIGNATURE:

This is to certify that I am the fee simple owner of subject lands described above and that I have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me
This _____ day of _____ 20____

Owner: _____

Signature: _____

Date: _____

Sign Name of Notary Public
State of ()

(Print Name)

Print Name of Notary

Street Address, City, State and Zip Code

Commission Expires: _____
Seal:

Telephone No. & Fax No.



SAINT RUTH MISSIONARY BAPTIST CHURCH

145 NW 5th Avenue, Dania Beach, Florida 33004

P.O. Box 698

Ph: 954 922-2529 Fax: 954 922-2547

**Bishop Victor T. Curry, D.Min., D.Div.
Pastor/Teacher**

Tom Grace, Deacon Board Chairman
Earnest Jones, Trustee Chairman
Gloria Black, Financial Secretary

Carolyn W. Jones, Clerk
Ruth White, Church Secretary
Albert Jones, Treasurer

ATTACHMENT

General Development Application

“Explanation of Request”

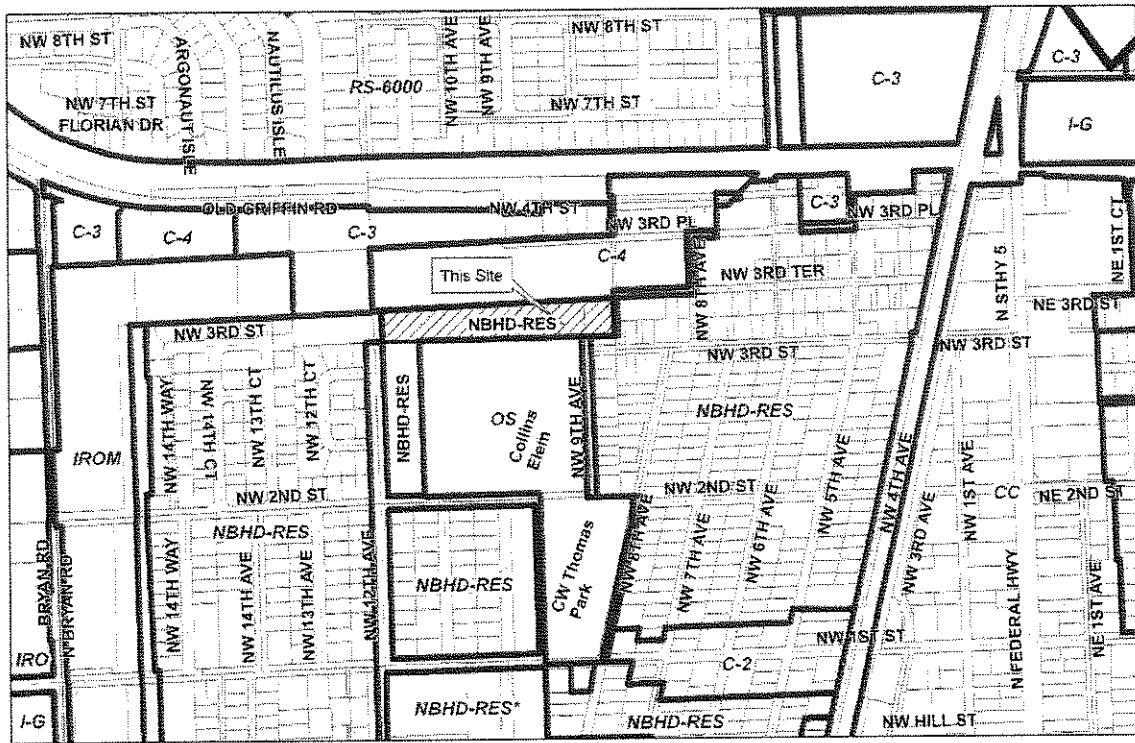
The members of St. Ruth Missorary Baptist Church are requesting a zoning change on the mentioned properties in this application (C-4 if applicable). The congregation wants to construct a church complex.

Mr. Jeremy Earle, Community Redevelopment Agency , Executive Director met and presented the Cities plan for this property and the surrounding area of the Northwest section of the City. During that meeting we discussed a Memorandum from the City (attachment) Re. Zoning Code Text Amendments; Compliance with Federal Religious Land Use and Institutionalized Person Act of 2000 (RLUIPA). Item # I. Elimination of Special Exception for Houses of Worship.

Mr. Earle recommended that we start the zoning process with this application. Once we select an architect we will have them meet with City staff and with their input develop a site plan that will include all necessary requirements of the City.



RZ-47-10 - Rezoning
St Ruths Baptist Church
NW 3rd Terr between
NW 12th Ave and NW 9th Ave



THE NORTH WEST BIRD POINT CIVIC ASSOCIATION

The Bird Point Civic Association supports the proposal for Saint Ruth Missionary Baptist Church. However we have two restrictions.

1. No through traffic on NW 12th Avenue
2. And a buffer wall to separate the church from the Community.

Jeff Hatcher, President

Tammie James, Vice President

Signature	Address	Phone No.
Jeffery Hatcher	125 NW 7 th Ave	305-742-4269
Ronnie Harkless	251 NW 12 Court	754-246-9528
Mary Harkless	251 NW 12 Court	954-226-1595
Winston Scott	247 N.W. 12 th	754 423-1049
April Bales	247 N.W. 12 Ct.	754 423-1049
Carolyn Patterson	240 N.W. 12 Ct.	754 423-0234
Sharon Hooper	244 NW 12 Ct.	954-923-5606
Deloris Scott	443 Northwest 12 Ct.	954-920-1489
Tammie James	255 NW 12 th Ave	954-923-3229
Ellen James	255 NW 12 th Ave	954-923-3229
Lishey James	255 NW 12 Avenue	954-923-3229
Cristina Crocker	248 NW 12 Court	954-243-8530

Signature

Address

Phone No.

Liz

239 NW 12th St

954 995-4853

Lou Ann Humphrey

235 n.w. 12th St

(954) 9206029

James Humphrey

235 n.w. 12th St

Anthony Humphrey

235 n.w. 12th St

Robert Humphrey

235 n.w. 12th St

Deborah Meggett

235 n.w. 12th St

LISA

1206 NW 12th St.

754 244-2471

Miss P. Black

235 N.W. 12th AVE

954-684-4943

Mary Rose

1221 NW 2nd St

929-6189

Perry Rose

1221 NW 2nd St

929-6189

Faye Walker

1231 N.W 2nd St

954-921-6981

Jariska Walker

1231 NW 2nd St.

954-921-6981

Veronica Larkins 211 NW 12th Ave

Cokenyce West 211 NW 12th Ave

Xavier Larkins 211 NW 12th Ave

George Larkins 211 NW 12th Ave

VERONICA JACKSON 235 NW 12th Avenue

Isaac Gathers 259 NW 12th St

Joseph Gathers 259 NW 12th St Dania

Daphnetony

1201 NW 2nd Street Dania

954-926-1046