

CITY OF DANIA BEACH COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

DATE:

August 28, 2012

TO:

Robert Baldwin, City Manager

VIA:

Marc LaFerrier, AICP, Director

FROM:

Corinne Lajoie, AICP, LEED Green Associate, Principal Planner Children Corinne Lajoie, AICP, LEED Green Associate, Principal Planner

SUBJECT:

RZ-31-12/AF-32-12: The applicant, Batia Dayan, on behalf of 4760

LLC., is requesting a rezoning and assignment of flex for the property

located at 4760 SW 42 Terrace (FIRST READING).

REZONING

To rezone the property from Residential (RS-6000) to Commercial (C-2).

ASSIGNMENT OF FLEX

To assign the property flex, changing the land use designation from Low (5) Residential to Commercial.

PROPERTY INFORMATION:

ZONING:

Residential (RS-6000)

FUTURE LAND USE:

Low (5) Residential

OVERYLAY:

Westside Master Plan, Sub Area 1: Griffin Road West

Significant parking and traffic circulation issues need to be addressed. Therefore, a continuance is needed to allow applicant and staff more time to address these issues.

CITY COMMISSION PREVIOUS ACTION

August 14, 2012 the City Commission continued the item to August 28, 2012.

PLANNING AND ZONING BOARD RECOMMENDATION

On July 18, 2012 the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of the request, provided the applicant addresses the parking prior to final approval of the rezoning and flex request.

STAFF RECOMMENDATION

Continue to September 11, 2012.



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

(954)
Standa **OVER STANDARD**Standa **OVER STANDARD**

| ☐ Administrative Variance ☐ Land Use Amendment | MAY 3 0 2012 | ,) |
|--|---|---|
| ☐ Plat ☐ Rezoning ☐ Site Plan ☐ Special Exception | Planning Department | Date Rec'd: 5/30/2012) Petition No.: RZ-31-12 |
| Other: Hesignment of flex | | |
| ALL NECESARRY DOCUMENTS. Report of the fact applications, the result of the fact applications of the fact applications, the result of the fact applications of the fact applications of the fact applications of the fact applications of the fact applications, the result of the fact applications, and the fact applications, the result of the fact applications, and the fact applications of the fact applications. The fact applications of the fact application | efer to the application ty ne the supplemental docu- sponsible contractor of re- n the disposition of your a t at all meetings. All proj- nformation please referer Procedures and Requi l | application. As always, the applicant or their ects must also obtain a building permit from the the Dania Beach Land Development rements. |
| | | race, Dania FL 33314 |
| Lot(s): Block: | Subdivision: | |
| Recorded Plat Name: | | |
| | | on: |
| Applicant/Consultant/Legal Representa | tive (circle one) | DATIA DAYAN |
| Address of Applicant: 4233 | Friffin Rd: | |
| Business Telephone: 954792-8211 | _ Home: | Fax: |
| E-mail address: learnan & 5 | imile Cyahoo. | <u>Ccm</u> |
| Name of Property Owner:BA7 | TA DAMAN | |
| Address of Property Owner: 423 | 33 Griffin R | d. |
| | | Fax: |
| Section 625.40 of the Land Devel | Plat Name for Variance Iopment Code. | es please attach <u>Criteria Statement</u> as per |
| Prop. Net Acreage: Gross | s Acreage; Prop | o, Square Footage: |
| Evicting Use: | Proposed Use: | |

Is property owned individually, by a corporation, association, or a joint venture? <u>Corporation</u> AUTHORIZED REPRESENTATIVE I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize __ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable. I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code. STATE OF FLORIDA COUNTY OF BROWARD (Owner / Agent signature*) The foregoing instrument was acknowledged BEFORE ME THIS 20 12 Bv: (Print name of person acknowledging) (Joint owner signature if applicable) ERIC BLANTON Notary Public, State of Florida (Signature of Notary Public - State of Flanda Commission# DD1000629 Wy comm, expires June 18, 2014 Personally known _____ or Produced Identification _ Type of identification produced: _

*If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.



3555 A. A.T. -

City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standa WEST WEST Polication

| | □ Administrative Variance □ Land Use Amendment □ Plat □ Rezoning □ Site Plan □ Special Exception □ Variance □ Other: #SSJament & Flou | Planning Department (SEE APPLICATION TYPE | Petition No.: <u>Al</u> | | | |
|--|--|---|--|---|--|--|
| | THIS APPLICATION WILL NOT BE ALL NECESARRY DOCUMENTS. Re Documentation" checklist to determine for after the fact applications, the result of the failure to attend may impact upon authorized legal agent must be present the City Building Division. For more in Code Part 6, Development Review | efer to the application ty the the supplemental docu- ponsible contractor of re- n the disposition of your a that all meetings. All projections and projections aformation please referer Procedures and Requires | ments required with each a cord shall be present at the application. As always, the ects must also obtain a building the Dania Beach Lanrements , | application, ne board hearing, applicant or their applicant or their applicant or their adding permit from ad Development | | |
| | Location Address: 4760 S | ow 42th Ter | race. Dania | FL 33314 | | |
| | Lot(s): Block: | Subdivision: | | | | |
| Recorded Plat Name: | | | | | | |
| Folio Number(s): <u>5041-25-01-0622</u> Legal Description: | | | | | | |
| | Applicant/Consultant/Legal Representa | | | | | |
| | Address of Applicant: 4233 (| Fristin Rd: | | | | |
| | Business Telephone: 9547928211 | Home: | Fax: | | | |
| | E-mail address: learnan & S | mile Cyahoo | C C M1 | | | |
| | Name of Property Owner: <u>BAT</u> | IA DAYAN | | | | |
| | Address of Property Owner: 423 | 3 Griffin R | <u>d</u> . | | | |
| | Business Telephone: 454792811 | Home: | Fax: | | | |
| | Explanation of Request: For Plats please provide proposed F Section 625.40 of the Land Develo | Plat Name for Variance opment Code. | es please attach <u>Criteria .</u> | <u>Statement</u> as per | | |
| e e e e e e e e e e e e e e e e e e e | Prop. Net Acreage: Gross | Acreage: Prop | o, Square Footage: | | | |
| plex | Existing Use: | Proposed Use: | | | | |
| 4,00 | Existing Use: DP/US \$ 100 Per DRECONING | acredosfor | HON OF ANO | LCIE | | |
| B 250 | O' KELONINE - | grem ? | to 1 Commercial | > | | |

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NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS. Batia Dayan

4233 Griffin Road

Dania, FL 33314

Planning Department

To: City of Dania Beach

From: Batia Dayan

RE: ARTICLE 645. REZONING

4760 SW 42 Terrace , Dania, FL 33314

To whom it may concern,

The above location is situated directly behind our existing Learn and Smile Preschool. As an educator and children advocate I have dedicated my profession to create a preschool which meets the needs of our diverse populations and in return will enhance our community .My goal is to utilize the above location as an enrichment center for an early childhood setting such as a library center, an art center and a science center where children will be encouraged to explore and develop their social and academic skills. In addition, I would like to create a small setting for my office and a place for professional development workshops.

In return, the transition of the existing location from residential to commercial will be a great value to our community which will ensure a comprehensive preschool program to meet the needs of our diverse community and invite prospective families.

Sincerely,

Batia Dayan, M.S. Ed.

Learn and Smile Preschool

Director

4233 Griffin Road

Dania, FL 33314

To: City of Dania Beach

From: Batia Dayan

RE: ARTICLE 645. REZONING 4760 SW 42 Terrace , Dania, FL 33314

Sec. 645-40. Review criteria; City commission action.

A. Application for a rezoning shall be reviewed in accordance with the following criteria:

(1)The request is consistent with the city's comprehensive plan;

It is not consistent. The comprehensive plan is residential which cuts across existing commercial development. The entire block is commercial

(2) The request is consistent with all applicable redevelopment plans, corridor plans, neighborhood plans, and master plans approved by the city commission;

There are no current plans for this area. However, the west side master plan envisions a widening of the commercial property along Griffin Road.

- (3) The request would not give privileges not generally extended to similarly situation property in the area, or result in an isolated district unrelated to adjacent or nearby district;
- a. The request furthers the city's adopted community Redevelopment Plan,

a. Not applicable

b. An error or ambiguity must be corrected;

b. The following property is the only residential lot on a Commercial block and is separated by a main street by all residential properties.

c. that there exists changed or changing conditions which make approval of the request appropriated;

c. The change of zoning from Residential to Commercial will result in the proper zoning of the property and will conclude in the entire block being Commercial.

d. that substantial reasons exist why the property cannot be used in accordance with the existing zoning;

d. The current zoning of the property is residential, holding the property back from gaining full potential which will increase the overall value and revenue to the city.

e. that the rezoning is appropriate for the orderly development of the city and is compatible with existing adjacent land use, and planned adjacent land uses

The above described land is situated behind our existing preschool where both back yards can be shared and connected.

The land is situated on the same block of a preschool and a gas station.

On the North side of the land is a gas station.

On the South side of the land is a restaurant.

The land is situated on a corner and is separated by a main road from all residential housing.

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LITELY EASTERN!

LITELY FALE

LATEN LETTER

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COLLIER/LEE (239) 549-5911/FAX: (239) 549-5811 "PATH HEACH FOLL FREE STATE WIDE 1-866-261-CBIC CARIBBEAN REALTY SUPPORT SERVICES, INC. NORTH 4780 LLC - OMMERSHIP IS SUBJECT TO OFMIND OF THE 2-EXAMINATION OF THE ABSTRACT OF THE WILL 2-EXAMINATION OF THE ABSTRACT OF THE WILL AWE TO BE MADE TO DETERMINE RECORDED MASTRUMENTS. IF AMY, AFFECTING THIS PROPERTY SAFEL LOCATED 5-NO LINDERGROUND MARROUSEMENTS WERE LOCATED 4-ELEVATIONS ARE REFERRED TO NATIONAL GEODETIC VERNICAL DATUM OF 1929 (UNLESS ASSUMEU). 5-HIERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN IN 1HIS SURVEY THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS 6-LEGAL DESCRIPTION PROVIDED BY CLENT 7-UNLESS OTHERWISE NOTED RECORDED AND MEASURED DATA ARE IN SUBSTANTIAL AGREEMENTS. B-BEFORE ANY CONSTRUCTION THE SET BACKS 9- THIS SURVEY IS FOR USE AS PER HEODEST AND NOT FOR ANY OTHER PURPOSE. 10-FLOOD ZONE AE BASE 20 PANEL I I - DATE OF FIELD WORK MUST BE CHECKED FOLIO 5041~25-01-0622 SURVEYORS NOTES: LECAL DESCRIPTION TERRACE DANIA, FL 33314 PROPERTY ADDRESS: CERTIFIED TO: (954) 435-0220 FAX (954) 438-7272 MARTIN/ST. LUCIE/INDIAN RIVER DRAWN: C.L. BROWARD SE 7.0' PAN 05-28-2012 FAX (772) 388-6532 (772) 398-6533 PANEL_0306 REY:

1. 1. 1.

This Document Prepared By and Return to: Bernard Feldman Hollywood Title Services LLC 5650 Stirling Road Hollywood Florida 33021 954-929-9990

Parcel ID Number: 504125010622

Warranty Deed

| This Indenture, Made this 28th day of US IL 043 LLC, a Florida limited liability of | —————————————————————————————————————— | , 2012 A.D., | Between |
|---|--|--|--|
| of the County of Broward 4760 LLC, a Florida limited liability comp | , | Florida | , grantor, and |
| whose address is: 4760 SW 42nd Terrace, Dani | ia Fl 33314 | | |
| of the County of Witnesseth that the GRANTOR, for and in consideration TEN DO | of the sum of | ania Fl | , grantee. |
| and other good and valuable consideration to GRANTCE granted, bargained and sold to the said GRANTEE and GI lying and being in the County of Broward The North 66 feet of the Wes South 241 feet of the South Section 25, Township 50 South (Contiand the grantor does hereby fully warrant the title to said In Witness Whereof, the grantor has hereunto set its | RANTEP'S heirs, successors and State of t 65 feet of the 1/2 of tract 32 h, Range 41 East Lnued on Attached id land, and will defend the san | d assigns forever, the following Florida as East 315 feet of Newman's Such according to the against lawful claims of | ng described land, situate, to wit: c of the arvey in c the Plat |
| Signed, sealed and delivered in our presence: |)43 LLC, a Florida limi | ifad | |
| Printed Name: Bevm Fam Witness | By: Charles C. E | Bitton, Manager Pembroke Road, Hollywood | (Seal) |
| Printed Name: Danna Biffon Witness STATE OF Florida COUNTY OF Broward The foregoing instrument was acknowledged before me to Charles C. Bitton, Manager of US IL 043 I liability company | LLC, a Florida limited | | , 2012 by |
| he is personally known to me or he has produced his Florida (BERNARD F WY COMMISSION EXPIRES Decom | SELDMAN N# EE150411 noer 15, 2015 Printed Nam | ull | |

My Commission Expires:

Warranty Deed . Page 2

Parcel ID Number: 504125010622

thereof, as recorded in Plat Book 2, Page 26, of the Public Records of Broward County, Florida, all lying and being in Broward County, Florida.

4760 SW 42nd Terrace, Davie, Florida 33314