TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan AICP, Acting Development Services Director/(954)797-1101

PREPARED BY: Carlo F. Galluccio III Planning Aide

SUBJECT: Delegation Application: DG 10-1-07/08-3 / The Plaza / 11400 State Road 84/ Generally located on the east side of State Road 84 and the southwest coner of Hiatus Road.

AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "THE PLAZA"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant is requesting approval to amend the restrictive note on the boundary plat known as “The Plaza”:

From: Parcel A-153,122 square feet of Commercial; Parcel B is restricted to 8,750 square feet of Commercial

To: Parcel A-153,122 square feet of Commercial; Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 Proposed) of Commercial. Freestanding and/or drive-thru bank facilities are not permitted on Parcel B without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as "The Plaza" was approved through resolution by Town Council of Town of Davie on March 7, 1984; and,

WHEREAS, the owner desires to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "The Plaza" plat. The proposed revision being specifically described in the planning exhibits attached hereto..

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie transit concurrency areas to the greatest extent possible.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit (*Justification Letter 1 of 3*)

LAW OFFICES

BILLING, COCHRAN, HEATH, LYLES, MAURO & ANDERSON, P.A.

POST OFFICE BOX 21627
FORT LAUDERDALE, FLORIDA 33335-1627

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FORT LAUDERDALE, FLORIDA 33316
(954) 764-7150
FAX: (954) 764-7279

400 AUSTRALIAN AVENUE SOUTH, SUITE 500
WEST PALM BEACH, FLORIDA 33401
(561) 659-5970
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3001 N. ROCKY POINT DRIVE EAST, SUITE 200
TAMPA, FLORIDA 33607
(813) 281-4671
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GREGORY T. ANDERSON
CLARK J. COCHRAN, JR.
W. TUCKER CRAIG
SUSAN F. DELEGAL
HAYWARD D. GAY
THOMAS C. HEATH
GREGORY M. KEYSER
GERALD L. KNIGHT
DENNIS E. LYLES
JOHN W. MAURO
KENNETH W. MORGAN, JR.
BRUCE M. RAMSEY
KEVIN M. VANNATTA

STEVEN F. BILLING (1947-1998)

MICHAEL V. BAXTER
ERIC P. CZELUSTA
VIVIAN H. FAZIO
CAROL J. HEALY GLASGOW
JUSTIN D. GROSZ
KERA E. HAGAN
DONNA M. KRUSBE
DANIEL L. LOSEY
ALINE O. MARCANTONIO
KRISTA K. MAYFIELD
SHAWN B. McKAMEY
JOHN B. MOORES
MICHAEL J. PAWELCZYK
T. CHRISTINE PEREZ
ANDREW A. RIEF
PHILLIP W. THRON

PLEASE REPLY TO:
FORT LAUDERDALE

25 YEARS
SINCE 1977
SERVING OUR CLIENTS AND THE COMMUNITY

October 9, 2007

Ms. Marcie Nolan, AICP
Acting Planning and Zoning Manager
Town of Davie
6591 Orange Drive
Davie, Florida 33314

Re: Application to Amend Notation on Plat - The Plaza Plat - Parcel B

Dear Ms. Nolan:

We represent Curtis and Marilyn Deem, the owners of Parcel B of the Plaza Plat, recorded at Plat Book 125, Page 33 (the "Plat"). We are requesting a change in the commercial square footage for Parcel B to increase the square footage from 8,750 to 20,750 square feet of commercial. Parcel B is currently improved with 2,200 square feet of commercial use including a convenience store of 1,400 square feet and a car wash of 800 square feet. The purpose of the request is to permit Parcel B to be reasonably developed for commercial uses and to allow the property to reach its maximum potential.

The current notation on the Plat containing the development restriction reads as follows:

> Parcel A-153,122 square feet of commercial; Parcel B is restricted to 8,750 square feet of commercial.

Exhibit (*Justification Letter 2 of 3*)

The note also contains standard language required by Broward County which provides that a building permit must be obtained within five years, or additional findings of adequacy will be required, and that infrastructure improvements must be installed within five years. This notation was imposed pursuant to an Agreement recorded in OR book 32110, Page 1744 of the Public Records of Broward County.

On August 7, 2007, the Board of County Commissioners of Broward County approved an amendment to the notation on the Plat, amending the note on Parcel A, to read as follows:

> Parcel A is restricted to 183,000 square feet of commercial use. Parcel B is restricted to 8,750 square feet of commercial use. Free standing and/or drive-thru bank facilities are not permitted on Parcel A without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant has six (6) months from the date of approval to record an agreement containing the newly approved language. Leigh Kerr, who represents the owner of Parcel A, advises that the agreement is in the process of being executed and recorded, but has not been recorded as of the date of this submittal. We will monitor this matter and advise the Town at such time as the agreement is recorded in the Public Records of Broward County.

Therefore, at your direction, we propose to amend the notation as shown in the Application submitted with this letter based on the existing language of the note to read as follows:

> **Parcel A-153,122 square feet of commercial; Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 proposed) of commercial. Freestanding and/or drive-thru bank facilities are not permitted on Parcel B without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.**

At such time as we determine that the agreement for amendment of the notation on the Plat based on the August 7, 2007 approval by the County Commission has been recorded in the Public Records of Broward County, we will change our request to amend the notation on the Plat to the following language:

> Parcel A is restricted to 183,000 square feet of commercial use. Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 proposed) of commercial use. Freestanding and/or drive-thru bank facilities are not permitted without the approval of the Board of

Exhibit (*Justification Letter 3 of 3*)

County Commissioners who shall review and address these uses for increased impacts.

Please let me know if there is any further information that you require.

Very truly yours,

Susan F. Delegal
For the Firm

SFD/rm

AMENDED 32110/1744

PLAT BOOK 125 PAGE 33
SHEET 1 OF 3

O.R. BK 12810 PG 714

THIS INSTRUMENT PREPARED BY
DANIEL CARNAHAN
CONSULTING ENGINEERS, INC.
4881 N. ATLANTIC BLVD., MARGATE, FLA.
DEC.-1982 4811002 LMC

THE PLAZA

A PLAT OF A PORTION OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

TOWN PLANNING AND ZONING BOARD

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING BOARD OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, HAS APPROVED AND ACCEPTED THE ATTACHED PLAT.

BY: _____ BY: _____ 11/1/83
CHAIRMAN 2-8-83 DATE DIRECTOR OF DEVELOPMENT SERVICES

TOWN COUNCIL

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE TOWN COUNCIL OF DAVIE, BROWARD COUNTY, FLORIDA, BY RESOLUTION ADOPTED THIS 7TH DAY OF MARCH, 1983 AND THAT BY SAID RESOLUTION THE EASEMENTS AND THOROUGHFARES SHOWN ON THIS PLAT WERE ACCEPTED IN THE NAME OF SAID TOWN.

ATTEST: _____ APPROVED: _____
TOWN CLERK MAYOR

BROWARD COUNTY FINANCE AND ADMINIST.SERVICES DEPT., COUNTY RECORDS DIVISION-MINUTES SECTION

THIS IS TO CERTIFY THAT THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COMMISSIONERS OF BROWARD COUNTY, FLORIDA, THIS 1ST DAY OF MAY A.D. 1984.

ATTEST: F.T. JOHNSON
COUNTY ADMINISTRATOR

_____ BY: _____
CHAIRMAN - BOARD OF COUNTY COMMISSIONERS DEPUTY

BROWARD COUNTY FINANCE AND ADMINIST. SERVICES DEPT., COUNTY RECORDS DIVISION-RECORDING SECTION

THIS INSTRUMENT WAS FILED FOR RECORD THIS 6TH DAY OF NOVEMBER A.D. 1984, AND RECORDED IN PLAT BOOK 125 AT PAGE 33 RECORD VERIFIED.

ATTEST: F.T. JOHNSON BY: _____
COUNTY ADMINISTRATOR DEPUTY

BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL APPROVED THIS PLAT WITH REGARD TO DEDICATION OF RIGHTS-OF-WAY BY RESOLUTION DULY ADOPTED THIS 22ND DAY OF FEBRUARY A.D. 1984.

BY: _____ DATE: _____

BROWARD COUNTY ENGINEERING DIVISION

THIS PLAT IS APPROVED AND ACCEPTED FOR RECORD.

BY: _____ 11/2/83
HENRY P. COOK DATE
DIRECTOR
FLA. P.E. NO. 12596

CENTRAL BROWARD DRAINAGE DISTRICT

THIS PLAT IS APPROVED THIS 7 DAY OF FEB, 1983.

BY: _____
CHAIRMAN

DESCRIPTION

A PORTION OF THE EAST ONE-HALF(E1/2) OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE N.00°08'26"W. (BEARINGS ARE BASED ON THE EAST LINE OF SAID SECTION 12, STONER/KEITH RESURVEY NO. II, AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21, OF SAID PUBLIC RECORDS), ALONG THE SAID EAST LINE, A DISTANCE OF 2186.83 FEET; THENCE S.89°51'34"W., AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N.75°24'15"W., ALONG THE NORTHERLY BOUNDARY OF THE PLATS OF "REMREE VILLAGE ONE, AS RECORDED IN PLAT BOOK 75, PAGE 21, AND "REMREE VILLAGE TWO, AS RECORDED IN PLAT BOOK 78, PAGE 28, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 1696.825 FEET; THENCE N.14°35'40"E., A DISTANCE OF 707.67 FEET; THENCE

S.75°24'15"E., A DISTANCE OF 800.87 FEET; THENCE S.77°40'50"E., A DISTANCE OF 251.76 FEET; THENCE S.75°24'15"E., A DISTANCE OF 521.45 FEET, THE LAST THREE(3) COURSES ARE COINCIDENT WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 84, AS RECORDED IN O.R.B. 7035, PAGE 810, AND O.R.B. 10357, PAGE 494, OF THE SAID PUBLIC RECORDS; THENCE S.00°09'34"E., ALONG A LINE FIFTY-FIVE(55) FEET WEST OF, AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 12, SAID LINE FURTHER DESCRIBED AS THE WESTERLY RIGHT-OF-WAY LINE OF NIATIOS ROAD AS RECORDED O.R.B. 4633, PAGE 355 AND O.R.B. 9965, PAGE 298, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 290.58 FEET; THENCE S.00°08'26"E., CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 451.53 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, CONTAINING 24.610 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SHOWN AND DESCRIBED HEREON, AND THAT THE INFORMATION SHOWN HEREON PERTAINING TO SURVEY DATA IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES AND THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF FLORIDA, REGISTRATION NO. 3348 AND THAT PERMANENT REFERENCE MONUMENTS(P.R.M.) WILL BE SET PRIOR TO THE RECORDING OF THIS PLAT.

BY: _____ DATE: 2-7-84
LANDON M. CROSS
REGISTERED LAND SURVEYOR NO. 3348
STATE OF FLORIDA

GENERAL NOTES

1) ⊙ INDICATES PERMANENT REFERENCE MONUMENT (P.R.M.).
2) ////// INDICATES NON-VEHICULAR ACCESS LINE.
3) BENCHMARKS WERE ESTABLISHED USING THIRD ORDER PROCEDURES AND ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
4) BENCHMARK ELEVATION(B.M. ELEV.) LOCATED ON TOP OF P.R.M.
5) Y AND X COORDINATES AND BEARINGS SHOWN ARE BASED ON THE EAST LINE OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, AS SHOWN ON THE STONER/KEITH RESURVEY NO. II, AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (Y) DENOTES NORTH, (X) DENOTES EAST.
6) RIGHT-OF-WAY DEDICATION BY THIS PLAT 35,13.888 SQUARE FEET.

DEDICATION

STATE OF FLORIDA
COUNTY OF BROWARD SS

KNOW ALL MEN BY THESE PRESENTS THAT CURTIS DEEN AND MARILYN DEEN, HIS WIFE, OWNERS OF THE LANDS SHOWN AND DESCRIBED HEREON HAVE CAUSED SAID LANDS TO BE SURVEYED, SUBDIVIDED AND PLATTED IN THE MANNER SHOWN HEREON, SAID PLAT TO BE KNOWN AS, THE PLAZA. RIGHT-OF-WAYS AND EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE PUBLIC FOR PROPER PURPOSES. (OWNERS OF PARCEL B ONLY)

BY: _____ _____
CURTIS DEEN WITNESS AS TO BOTH
BY: _____ _____
MARILYN DEEN WITNESS AS TO BOTH

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF BROWARD SS

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED BY LAW TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, CURTIS DEEN AND MARILYN DEEN, HIS WIFE, TO ME WELL KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND THAT THEY ACKNOWLEDGED TO AND BEFORE ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES EXPRESSED THEREIN. WITNESS MY HAND AND OFFICIAL SEAL THIS 6TH DAY OF JAN. A.D., 1983. MY COMMISSION EXPIRES 10-7-87.

BY: _____
NOTARY PUBLIC, STATE OF FLORIDA.

Exhibit (Plat 1 of 3)

PLAT BOOK 125 PAGE 33
SHEET 2 OF 3

THIS INSTRUMENT PREPARED BY
DANIEL CARNAHAN
CONSULTING ENGINEERS, INC.
6600 W. ATLANTIC BLVD., MARGATE, FLA.
B31003

THE PLAZA

A PLAT OF A PORTION OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST,
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

DEDICATION:

STATE OF FLORIDA
COUNTY OF BROWARD ss

KNOW ALL MEN BY THESE PRESENTS THAT SYBAR PLAZA-84 JOINT VENTURE, OWNER OF THE LANDS SHOWN AND DESCRIBED HEREON HAS CAUSED SAID LANDS TO BE SURVEYED, SUBDIVIDED AND PLATTED IN THE MANNER SHOWN HEREON. SAID PLAT TO BE KNOWN AS THE PLAZA. RIGHTS-OF-WAYS AND EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE PUBLIC FOR PROPER PURPOSES. (OWNER EXCEPT PARCEL 8)

SYBAR PLAZA-84 JOINT VENTURE

by: GENERAL SERVICE CORPORATION OF THE GOLD COAST, INC., A FLORIDA CORPORATION (Joint Venturer)

by: JOEL BARRY BROWN, PRESIDENT

and

by: SYBAR, A DEVELOPMENT COMPANY (a partnership, not incorporated) (Joint Venturer)

by: HEAD-SYBAR, LTD., Partner (a limited partnership)

by: ROBERT A. CARNAVAL, GENERAL PARTNER

WITNESS

WITNESS

WITNESS

WITNESS

ACKNOWLEDGEMENT:

STATE OF MARYLAND
COUNTY OF BALTIMORE ss

The foregoing dedication was made and acknowledged before me on October 15th 1985 by JOEL BARRY BROWN, as President of GENERAL SERVICE CORPORATION OF THE GOLD COAST, INC., a Florida corporation, in behalf of the corporation as a Joint Venturer of SYBAR PLAZA-84 JOINT VENTURE, a joint venture partnership under the laws of the State of Florida, in behalf of the joint venture partnership.

NOTARY PUBLIC, STATE OF MARYLAND
My Commission expires: 7-1-86

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF BROWARD ss

The foregoing dedication was made and acknowledged before me on October 11th 1985 by ROBERT A. CARNAVAL, as general partner of HEAD-SYBAR, LTD., a limited partnership under the Uniform Limited Partnership Act of the State of Florida, in behalf of the limited partnership as a partner of SYBAR, A DEVELOPMENT COMPANY, a partnership under the laws of the State of Florida, not incorporated, in behalf of the partnership as a Joint Venturer of SYBAR PLAZA-84 JOINT VENTURE, a joint venture partnership under the laws of the State of Florida, in behalf of the joint venture partnership.

NOTARY PUBLIC, STATE OF FLORIDA
My Commission expires: 7-1-87

CONSENT OF MORTGAGEE

STATE OF MARYLAND
COUNTY OF BALTIMORE ss

KNOW ALL MEN BY THESE PRESENTS THAT GENERAL SERVICE CORPORATION OF THE GOLD COAST, INC., A FLORIDA CORPORATION, THE OWNER AND HOLDER OF THAT CERTAIN MORTGAGE RECORDED IN OFFICIAL RECORDS BOOK 6 AT PAGE 6 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, CONSENTS TO THE DEDICATIONS SHOWN HEREON.

GENERAL SERVICE CORPORATION OF THE GOLD COAST, INC., A FLORIDA CORPORATION

by: JOEL BARRY BROWN, PRESIDENT

WITNESS

WITNESS

ACKNOWLEDGEMENT:

STATE OF MARYLAND
COUNTY OF BALTIMORE ss

The foregoing CONSENTS was made and acknowledged before me on October 15th 1985 by JOEL BARRY BROWN, as President of GENERAL SERVICE CORPORATION OF THE GOLD COAST, INC., a Florida corporation, in behalf of the corporation.

NOTARY PUBLIC, STATE OF MARYLAND
My Commission expires 7-1-86

(SEAL) GENERAL SERVICE CORPORATION
(SEAL & NOTE) GENERAL SERVICE CORPORATION
HEAD-SYBAR, LTD.
(NOTE) GENERAL SERVICE CORPORATION

Exhibit (*Plat 2 of 3*)

Exhibit *(Plat 3 of 3)*

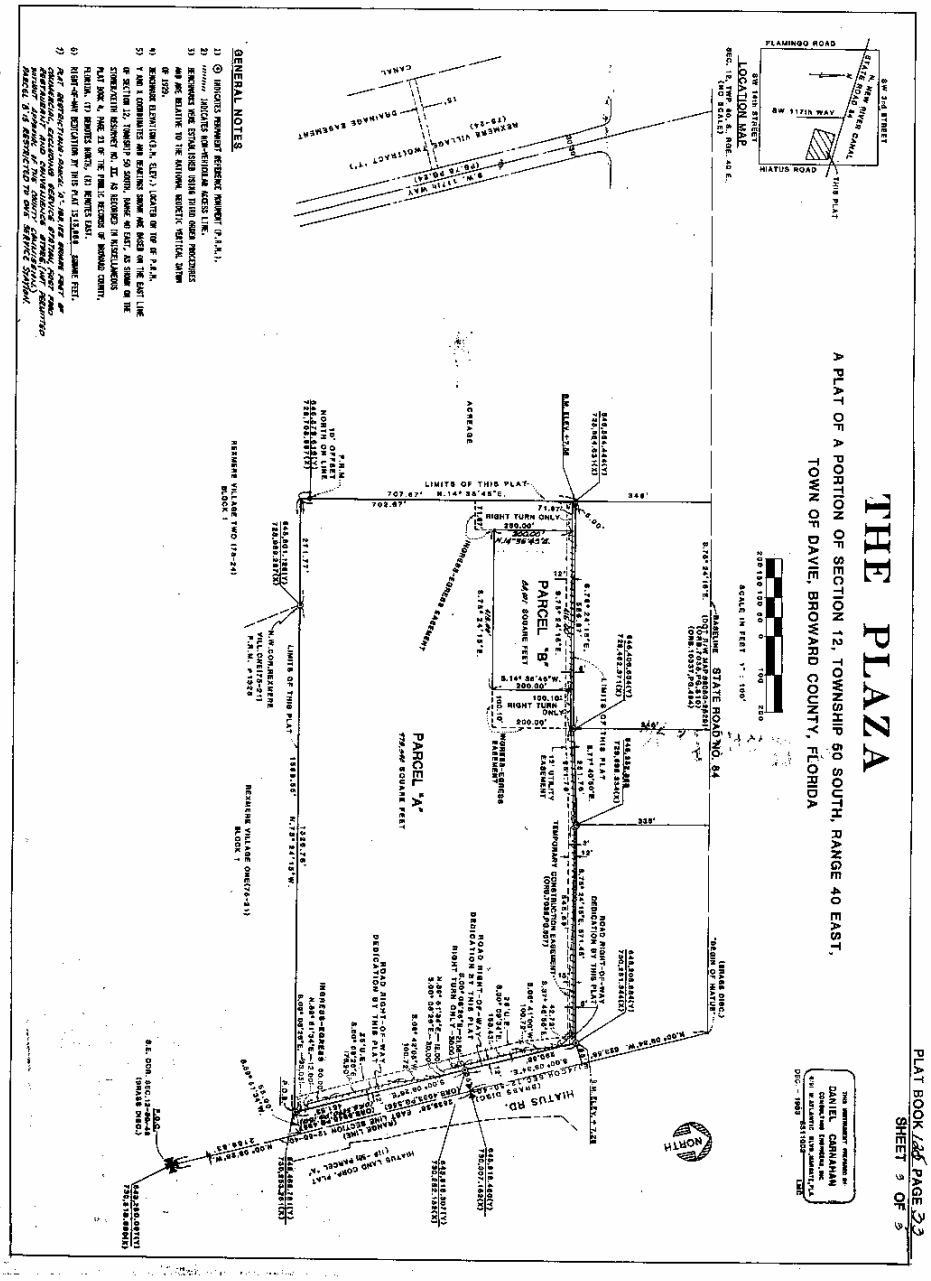
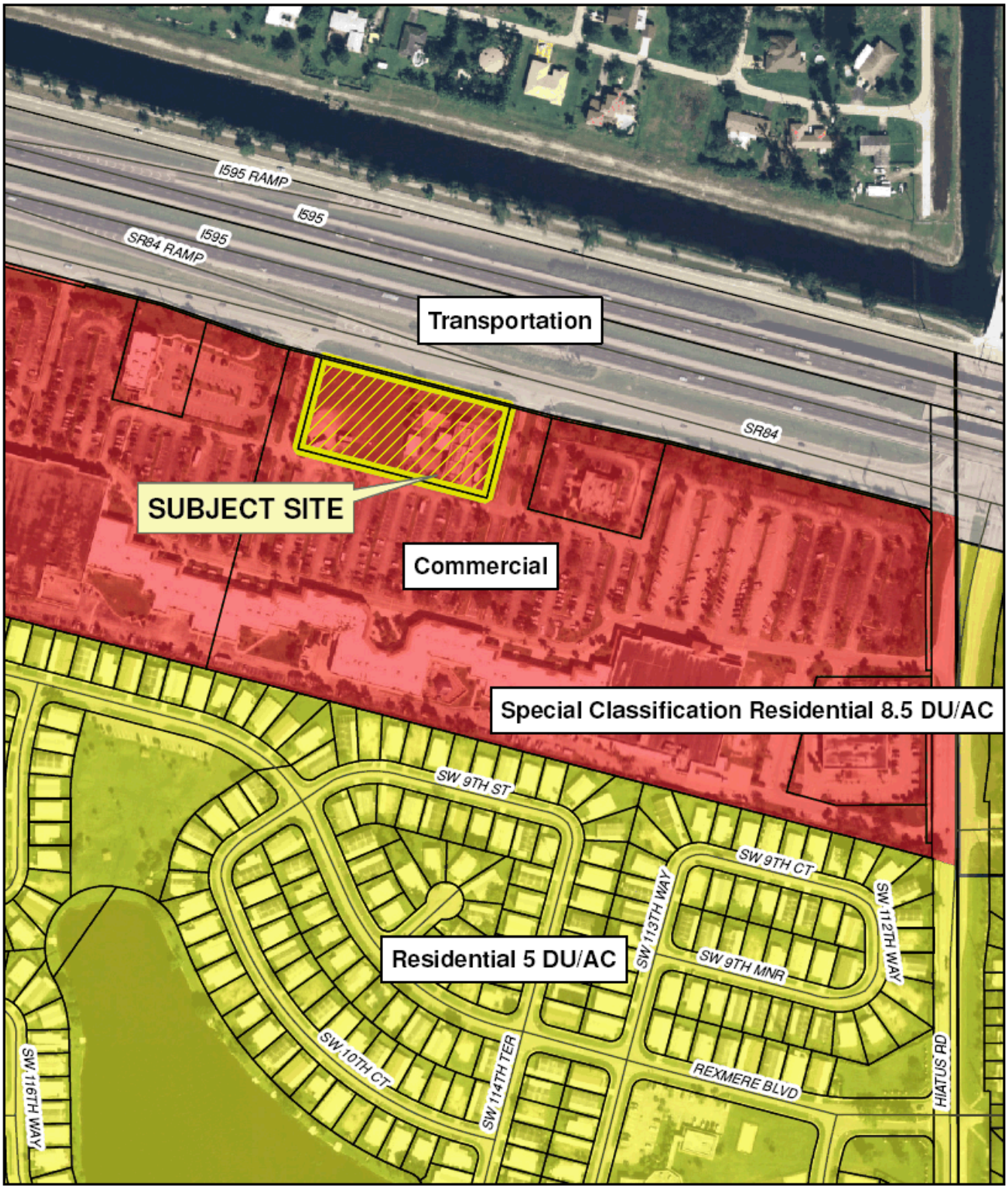


Exhibit (*Future Land Use Map*)



N

0 150 300 600 Feet

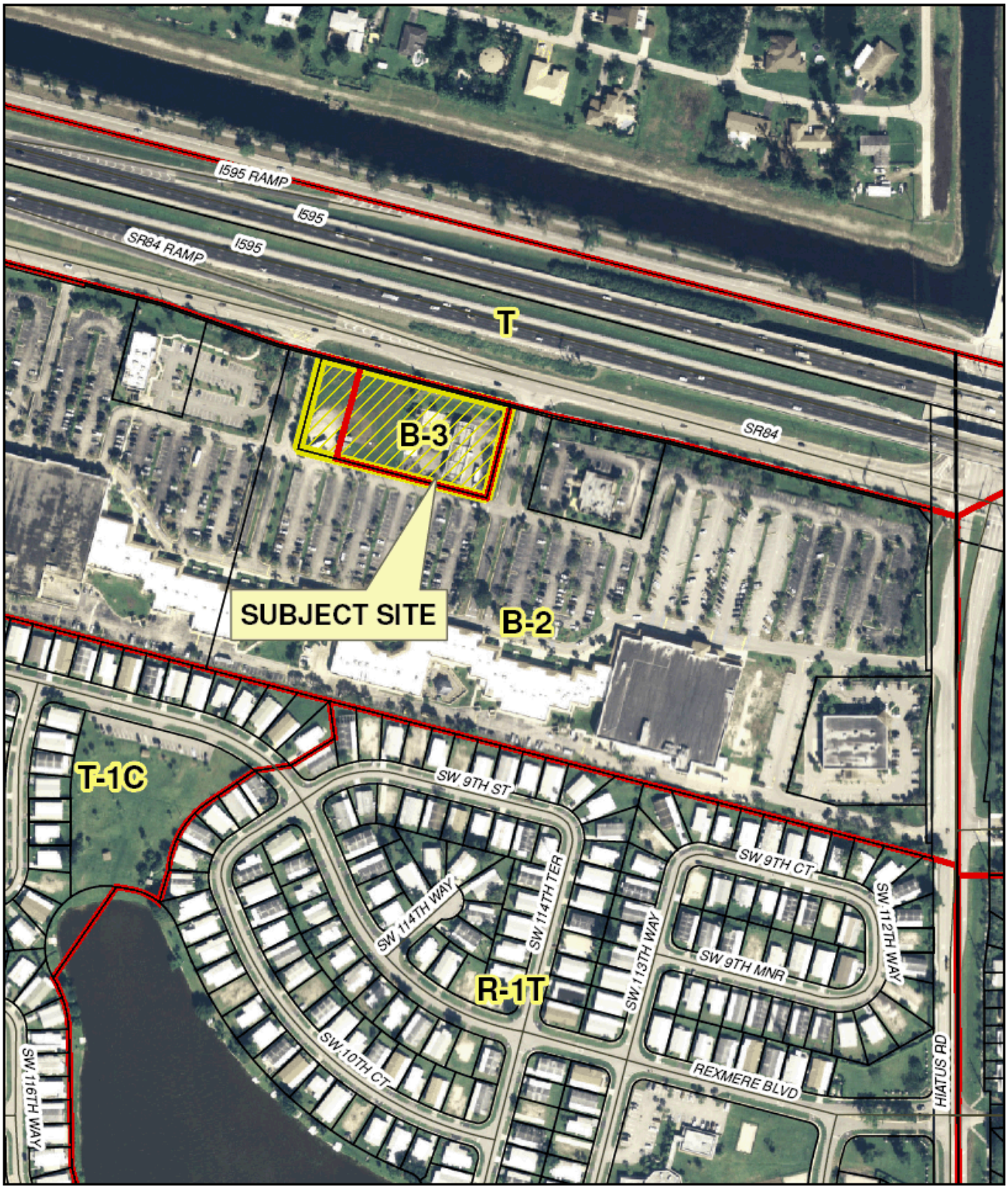
Prepared by the Town of Davie GIS Division

Delegation Request
DG 10-1-07

Future Land Use Map

Prepared by: ID
Date Prepared: 12/10/07

Exhibit (*Aerial, Zoning, and Subject Site Map)*



N

0 150 300 600 Feet

Prepared by the Town of Davie GIS Division

Delegation Request
DG 10-1-07

Zoning and Aerial Map

Prepared by: ID
Date Prepared: 12/10/07