

**DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division**

**MEMORANDUM
PZ 07-20-99**

TO: Robert D. Rawls, Interim Town Administrator
THRU: Mark A. Kutney, AICP, Development Services Director
FROM: Gayle Easterling, AICP, Planning and Zoning Manager
DATE: July 12, 1999
RE: DG 7-1-99 ICW North Plat

On February 3, 1999, Town Council approved Resolution No. 99-43, which approved revisions to the restrictive note on the face of the plat. This resolution will approve the increase of the commercial use from 225,112 square feet to 270,112 square feet. This request amount to an increase of 45, 000 square feet of commercial use.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT" APPROVED BY RESOLUTION NO. 99-43, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat of the subdivision known as ICW North Plat was recorded in the public records of Broward County in Plat Book 163, Page 48; and

WHEREAS, the Town Council of the Town of Davie approved Resolution No. 99-43 at the meeting of February 3, 1999 to revise the restrictive note; and

WHEREAS, the owners desire to again revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed 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 ICW North Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

EXHIBIT "A"

**TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT**

DATE: July 12, 1999

REFERENCE: Plat Book 163, Page 48

PLAT NAME: ICW North Plat

APPLICANT: Matthew E. Morrall, P.A.

ANALYSIS: Land Use/Zoning: Commercial/BP
Location: Generally located on the east side of Weston Road,
approximately 1/2 mile north of Griffin Road.

The ICW North Plat was recorded in Plat Book 163, Page 48, of the public records of Broward County on July 17, 1996. At the Town Council meeting of February 3, 1999, Town Council approved Resolution No. 99-43 which revised the restrictive note as follows:

This plat is restricted to 225,112 square feet of commercial use (Parcels A, C, and G), 137,000 square feet of light industrial use (Parcels A, B, and D), 270,102 square feet of light industrial use (Parcels E and F).

The applicant now proposes to amend the restrictive note to read as follows:

This plat is restricted to 270,112 square feet of commercial use (Parcels A, C, G, and E1), 137,000 square feet of light industrial use (Parcels A, B, and D), 270,102 square feet of light industrial use (Parcels E and F).

A copy of the County Delegation Request is attached as Exhibit "AA" and copy of the plat is attached as Exhibit "BB".

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the proposed revision to the restrictive note, **SUBJECT TO** concurrency determination by Broward County.

EXHIBIT AA

Broward County Department of Planning and Environmental Protection
Development Management Division

Application to Amend or Revise Level of Approved Development

INSTRUCTIONS:

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION

Plat / Project Name: ICW NORTH

Project Number: 008-MP-96 Plat Book - Page: 163/48 (if recorded)

Owner / Applicant: MS AND S TOYOTA, INC., ATTN.: PHILIP P. SMITH Phone: (954) 583-1234

Address: 3801 SUNRISE BOULEVARD
PORT LAUDERDALE, FLORIDA 33311

Agent: MATTHEW E. MORRALL, P.A.

Contact Person: MATTHEW E. MORRALL, ESQ. Phone: (954) 563-4005

Address: 2455 EAST SUNRISE BOULEVARD, PHW, FORT LAUDERDALE, FLA. 33304

Agent's E-mail Address: MORRALL@BELLSOUTH.NET

PROPOSED CHANGES

Use the space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary)

Current Note for entire plat: SEE EXHIBIT 1

Proposed Note for entire plat: SEE EXHIBIT 2

Does the note change represent a change in Trips? Increase X Decrease _____ No Change _____

Does the note change represent a major change in Land Use? SEE EXHIBIT 3 Yes _____ No X

If there is a question as to whether the note amendment represents a change in Trips, or whether it is considered a major change in Land Use; please consult with Development Management Staff at 357-8888.

Estimate or state the total number of on-site parking spaces to be provided. SPACES: N/A
TOWN OF DAVIE

Number of seats for any proposed restaurant or public assembly facility, including places of worship. SEATING: N/A

Number of students for a day care center or school. STUDENTS: N/A

If existing buildings will remain on the property attach an additional sheet describing the use(s) and square footage of these buildings.

Are on site wells for potable water and/ or septic tanks currently in use or proposed? if yes, see reverse side of this form for required letter from appropriate utility. Yes _____ No X

Have you contacted anyone in County Government regarding this request? Yes X No _____

If yes, indicate name(s): MARTY BERGER

Narrative explaining proposed changes in detail including the desired result, and justification for the request (attach additional sheet if necessary):
SEE EXHIBIT 4

Please see the reverse side of this form for Required Documentation and Owner/Agent Certification.

REQUIRED DOCUMENTATION

For major changes in Land Use and/ or increases in Trips, the following items must be submitted:

- Twenty-two (22) folded copies of the Plat.
- Letter of approval from the applicable municipality specifically stating the precise note language.
- A current letter is required from the appropriate utility service area stating the location of the closest approved potable water system and/ or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/ or septic tanks are currently in use or are proposed.
- A check made payable to the Broward County Board of County Commissioners for the application fee. Please consult the Development Permit Application Fee Schedule. \$460 or \$210

For decreases in Trips or no changes in Trips, the following items must be submitted:

- Five (5) folded copies of the Plat.
- Letter of approval from the applicable municipality specifically stating the precise note language.
- A check made payable to the Broward County Board of County Commissioners for the application fee. Please consult the Development Permit Application Fee Schedule.

OWNER / AGENT CERTIFICATION

State of FLORIDA County of BROWARD

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by the owner/agent.

Signature of owner/agent: MATTHEW E. MORRALL, ESQ.

Subscribed and sworn to before me on _____ by _____

He/She is personally known to me or has presented _____
 identification.

Notary Public _____

Type or Print Name _____

Commission No. _____

FOR DEVELOPMENT MANAGEMENT USE ONLY

Time: _____ Application Date: _____ Acceptance Date: _____

Comments Due: _____ Draft Report Date: _____ C.C. Mtg Date: _____

Fee \$ _____ Plats City Letter Agreements

Other Attachments (Describe): _____

Title of Request _____

Distribute to: Planning Council Comprehensive & Neighborhood Planning

Land Use & Permitting School Board Zoning Code Services

Other _____ Other _____ or, Full Review

Comments: _____

Received by: _____

EXHIBIT "A"

Broward County Department of Strategic Planning and Growth Management
Development Management Division

Application to Amend or Revise
Level of Approved Development

INSTRUCTIONS:

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION

| | | | |
|----------------------|---|-------------------|-----------------------------|
| Plat / Project Name: | <u>ICM North Plat</u> | | |
| Project Number: | <u>008-MP-96</u> | Plat Book - Page: | <u>163-48</u> (if recorded) |
| Owner / Applicant: | <u>Home Depot U.S.A., Inc.</u> | Phone: | <u>770/433-8211</u> |
| Address: | <u>2455 Paces Ferry Rd., NW, Atlanta, GA 30339-4024</u> | | |
| Agent: | _____ | | |
| Contact Person: | <u>Kenneth Baye, Real Estate Manager</u> | Phone: | <u>770/433-8211</u> |
| Address: | <u>12926</u> | | |

PROPOSED CHANGES

Use the space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development.

Current Note for entire plat: 675,000 square feet of light industrial use
(Parcels A, D, E and F) 50,000 square feet of office use (Parcel B),
90,000 square feet of commercial (Parcel C and G).

Proposed Note for entire plat: 225,112 square feet of commercial (Parcels A, B, C, D
and G), 137,000 square feet of light industrial (Parcels A, B and D),
270,102 square feet of light industrial (Parcels E and F)

Does the note change represent a change in Trips? Increase Decrease _____ No Change _____

Does the note change represent a major change in Land Use? Yes _____ No

If there is a question as to whether the note amendment represents a change in Trips, or whether it is considered a major change in Land Use; please consult with Development Management Staff at 457-6666.

Have you contacted anyone in County Government regarding this request? Yes No _____

If yes, indicate name(s): Marty Berger

Narrative explaining proposed changes in detail including the desired result, and justification for the request (attach additional sheet if necessary):

Please see the reverse side of this form for Required Documentation and Owner/Agent Certification

REQUIRED DOCUMENTATION

All requests must include the following:

- Letter of approval from the applicable municipality specifically stating the precise note language.
- A check made payable to the Broward County Board of County Commissioners for the application fee. Please consult the Development Permit Application Fee Schedule.

For major changes in Land Use or increases in Trips, the following additional items must be submitted:

- Twenty-two (22) folded copies of the Plat.
- Tax notice and warranty deeds for plats being changed to residential uses.

OWNER / AGENT CERTIFICATION

State of Georgia County of Cobb

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by the owner/agent.

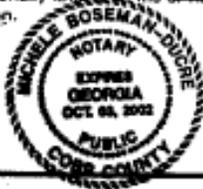
Home Depot U.S.A., Inc.

Signature of owner/agent: Kathryn E. Lee *vb* 

Kathryn E. Lee, Senior Corporate Counsel - East Pointe

Subscribed and sworn to before me on January 5, 1999 by Kathryn E. Lee

He/she is personally known to me or has presented no-identification.



Notary Public: Michele Boseman-Ducere

Type or Print Name: MICHELE BOSEMAN-DUCRE

Commission No. _____

FOR DEVELOPMENT MANAGEMENT USE ONLY

Application Date: _____ Acceptance Date: _____ Comments Due: _____

Draft Report Date: _____ C.C. Mtg Date: _____ Fee \$ _____

Plats City Letter Agreement(s) Other Attachments (Describe): _____

Title of Request: _____

Distribute to: Planning Council Land Use Code & Zoning Parks & Recreation Other: _____ or, Full Review

Comments: _____

Received by: _____

RECEIVED
 JAN 16 1999
 PLANNING & ZONING DEPARTMENT
 100 N. W. 20th Street

RESOLUTION R99-43

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat of the subdivision known as ICW North Plat was recorded in the public records of Broward County in Plat Book 163, Page 48; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

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

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

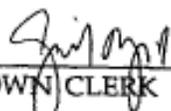
SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICW North Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 3rd DAY OF FEBRUARY, 1999.


MAYOR/COUNCILMEMBER

ATTEST:


TOWN CLERK

APPROVED THIS 3rd DAY OF FEBRUARY, 1999.

EXHIBIT "A"
TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

DATE: January 14, 1999

REFERENCE: Plat Book 163, Page 48

PLAT NAME: ICW North Plat

APPLICANT: Kimley-Horn and Assoc., Inc.

ANALYSIS: Land Use/Zoning: Commercial/BP
Location: Generally located on the east side of Weston Road, approximately 1/2 mile north of Griffin Road.

The ICW North Plat was recorded in Plat Book 163, Page 48, of the public records of Broward County on July 17, 1996. The current note on the plat provides for 675,000 square feet of light industrial use (Parcels A, D, E, and F), 50,000 square feet of office use (Parcel B), and 90,000 square feet of commercial uses (Parcels C and G).

The applicant proposes to amend the restrictive note to read as follows:

This plat is restricted to 225,112 square feet of commercial use (Parcels A, C, and G), 137,000 square feet of light industrial use (Parcels A, B, and D), 270,102 square feet of light industrial use (Parcels E and F).

A copy of the County Delegation Request is attached as Exhibit "AA" and copy of the plat is attached as Exhibit "BB".

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the proposed revision to the restrictive note, **SUBJECT TO** concurrency determination by Broward County.

EXHIBIT "B"

EXHIBIT 1

PARCELS A, B, and D, are restricted to 137,000 square feet of light industrial use; PARCELS E and F, are restricted to 270,102 square feet of light industrial use; PARCELS A, C, and G, are restricted to 225,112 square feet of commercial use. Commercial/retail uses are not permitted within the Parcels restricted to light industrial use without the approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

EXHIBIT 2

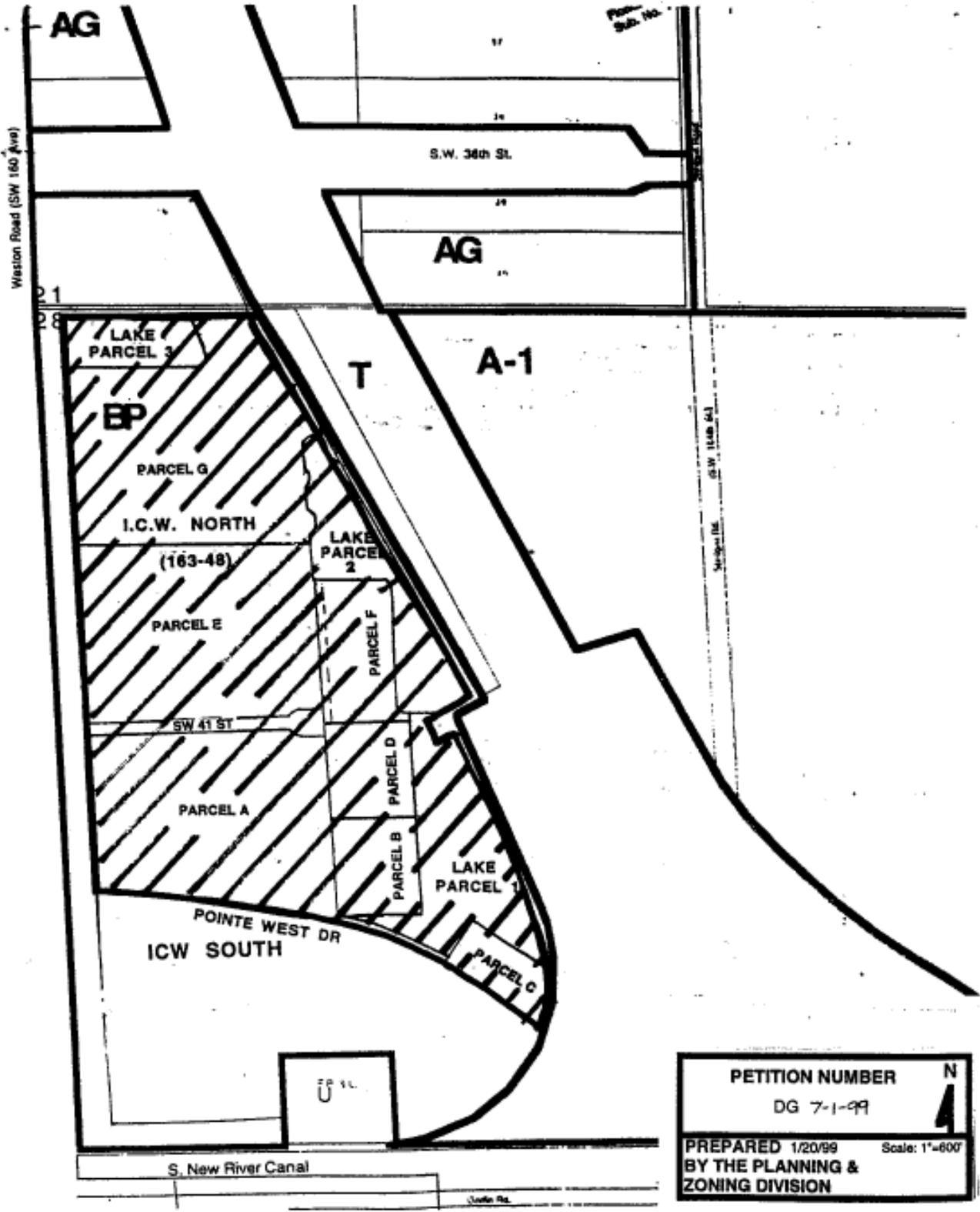
PARCELS A, B, AND D, are restricted to 137,000 square feet of light industrial use; PARCELS E and F, are restricted to 270,102 square feet of light industrial use; PARCELS A, C, G, and E1, are restricted to 270,112 square feet of commercial use. Commercial/retail uses not permitted within the light industrial use without the approval of the Board of County Commissioners, who shall review and address these issues for increased impacts.

EXHIBIT 3

A 2.8 acre portion of PARCEL E will be renamed PARCEL E1, and the use of the property will be changed from light industrial to commercial, to fully utilize the property as part of this Amendment process.

EXHIBIT 4

The change results in a portion of Parcel E (PARCEL E1) being amended to reflect the use of the combined property as commercial. The proposed change in the Plat Notes will result in an increase from 75,000 square feet of commercial to 120,000 square feet of commercial and conversion of 2.8 acres of industrial to commercial that are owned by the Petitioner. This will result in additional storage of automobiles on the property and should result in a reduction on the car delivery traffic to the site. In addition, the proposed change results in parking and traffic patterns to avoid certain overhead FPL lines and the FPL Easements on the property. The proposed change allows my client to build a quality project that will efficiently provide services to its customers without significant impacts on the area. Given the better utilization of the property and the limited additional impacts, this Amendment is in the best interest of the County and my client.



PETITION NUMBER
 DG 7-1-99

PREPARED 1/20/99 Scale: 1"=600'
 BY THE PLANNING &
 ZONING DIVISION



**SUBJECT
SITE**

WESTON ROAD

175

SHOTGUN RD (SW 154 AVE)

POINTE WEST DR

GRIFFIN ROAD

N
↑
DATE FLOWN
JANUARY 1995
SCALE: 1"=600'
DG 7-1-99