

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark A. Kutney, AICP (797-1101)
SUBJECT: Resolution - Plat Amendment

DG 1-1-01, The Plaza Plat - 11204 State Road 84, Generally located in southeast corner of State Road 84 and Hiatus Road.

TITLE OF AGENDA ITEM:

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

REPORT IN BRIEF:

The applicant proposes to amend the restrictive note on the plat **from** 153,122 square feet of commercial use, excluding service station, fast food restaurant and convenience store on "Parcel A" and "Parcel B" is restricted to 8,750 square feet of commercial; **to** 153,122 square feet of commercial use on "Parcel A" and "Parcel B" is restricted to 8,750 square feet of commercial. This request enables the developer to renovate the existing shopping center building, provide an additional 14,903 square feet of retail area to the center, enlarge the existing Winn-Dixie and provide for a 15,120 square foot freestanding Walgreens Drug Store. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Planning report, Justification, Plat, Land Use map, Subject Site map, and Aerial.

RESOLUTION _____

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

WHEREAS, the boundary plat known as The Plaza Plat was recorded in the public records of Broward County in Plat Book 125, Page 33; 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 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 the proposed revision to the restrictive note shown on The Plaza 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 _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

Application #: DG 1-1-01
The Plaza Plat

Revisions:

Exhibit "A"

Original Report Date: January 4, 2001

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

Applicant Information

Owner:

Name: Konover & Associates
South Inc.

Address: 7000 West Palmetto
Park Road, Suite 408

City: Boca Raton, FL 33433

Phone: (561) 394-4224

Agent:

Name: Gerald L. Knight, Esq.

Address: 1 East Broward Blvd., Suite 1300

City: Ft. Laud., FL 33301

Phone: (954) 525-1000

Background Information

Application Request: The applicant proposes to amend the restrictive note on the plat from 153,122 square feet of commercial use, excluding service station, fast food restaurant and convenience store on "Parcel A" and "Parcel B" is restricted to 8,750 square feet of commercial; to 153,122 square feet of commercial use on "Parcel A" and "Parcel B" is restricted to 8,750 square feet of commercial.

Address/Location: 11204 State Road 84, Generally located on the southeast corner of State Road 84 and Hiatus Road.

Land Use Plan Designation: Commercial

Zoning: B-2, Community Business District, and B-3, Planned Business District on Parcel "B"

Existing Use: The Plaza Shopping Center

Proposed Use: Renovate the existing shopping center building, provide an additional 14,903 square feet of retail area to the center, enlarge the existing Winn-Dixie and provide for a 15,120 square foot freestanding Walgreens Drug Store.

Parcel Size: 35.70 acres

Surrounding Land Use:

North: State Road 84
South: Rexmere Village Mobile Home Park (5 du/ac)
East: Cameron Palms Apartments
West: Vacant Land/Rexmere Village Entrance

Surrounding Zoning:

North: T (Transportation, State Road 84)
South: T-1C, R-1T (Broward County)
East: RM-10 (Multi-Family Residential 10 du/ac)
West: B-2 (Community Business District)/A-1 (Agricultural District)

Zoning History

Related Zoning History: None

Previous Requests on same property: Town Council approved a site development plan to renovate the existing shopping center building, provide an additional 14,903 square feet of retail area to the center, enlarge the existing Winn-Dixie and provide for a 15,120 square foot freestanding Walgreens Drug Store, with associated parking and landscaping on a 35.70 acre parcel, on October 4, 2000, with conditions.

The subject plat was recorded on November 12, 1985, Plat Book 125, Page 33 of the Broward County records.

Summary of Significant Development Review Agency Comments None

Applicable Codes and Ordinances None

Comprehensive Plan Considerations

Planning Area: The proposed project is within Planning Area No. 4. This area is bordered by State Road 84 to the north, University Drive on the east, Flamingo Road on its west and an irregular border on its south that corresponds to Nova Drive and SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and State Road 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five units per acre but in some cases up to ten.

Broward County Comprehensive Plan: The Broward County Comprehensive Plan requires that any changes to the restrictive note on the plat be reviewed and approved or disapproved by the municipality, and with final approval by Broward County

Commission.

Flexibility Zone: The proposed plat is in Flexibility Zone 100.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is not in a compact deferral area.

Applicable Goals, Objectives & Policies: Several plan policies require consideration of traffic impacts from proposed development, and maintenance of adopted levels of service (see concurrency considerations).

Staff Analysis

The delegation request provides for the deletion of the language of “excluding service station, fast food restaurant and convenience store from the note on the Plat for “Parcel A”. The deletion of the language will enable the developer to provide an additional 14,903 square feet of retail area to the center, enlarge the existing Winn-Dixie and provide for a 15,120 square foot freestanding Walgreens Drug Store.

Staff finds the delegation request is consistent with the B-2, Community Business District and the B-3, Planned Business District permitted uses and is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

Findings of Fact

The proposed change is not contrary to the Land Development Code or the adopted Comprehensive Plan, as amended, or any element or portion thereof.

Staff Recommendation

Recommendation: Based upon the above and the positive findings of fact, staff recommends approval of application number DG 1-1-01, subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

Exhibits

Resolution, Planning Report, Justification letter, Plat, Land Use Map, Subject Site, and Aerial

Prepared By: _____

Reviewed By: _____

Law Offices

HOLLAND & KNIGHT LLP

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P.O. Box 14070 (AP 33307-4070)
Fort Lauderdale, Florida 33301

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FAX 561-463-2030
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Orlando/Other	
Phoenix	Wichita
San Diego	Winnipeg
Toronto	

December 4, 2000

GERALD L. KNIGHT
954-368-7948

Internet Address
gknight@hkllaw.com

Ms. Geri Ballus
Town of Davie
Planning and Zoning Department
6591 Orange Drive
Davie, Florida 33314

Re: The Plaza Plat



Dear Ms. Ballus:

This law firm represents the owner of the property described as Parcel A, The Plaza Plat, recorded at Plat Book 125, Page 33, Public Records of Broward County, Florida ("Parcel A"). We have submitted an Application to Amend or Revise Level of Approved Development to the Town of Davie for the purpose of amending the plat restriction applicable to Parcel A, which currently provides that Parcel A is restricted to 153,122 square feet of commercial ("excluding service station, fast food restaurant, a convenience store not permitted without approval of County Commission"). The proposed amendment to the plat restriction will delete the quoted language from the restriction. The purpose of the Amendment is to allow the property to be used consistent with currently applicable Town of Davie B-2 Zoning Regulations, which allow the uses referred to in the quoted language subject to certain restrictions, including, but not limited to minimum plot size and distance separation requirements.

Thank you for your consideration.

Very truly yours,

HOLLAND & KNIGHT LLP

By:


Gerald L. Knight

FTL1 #520215 v1

THE PLAZA

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

THIS INSTRUMENT PREPARED BY
DANIEL GOODMAN
PLAT BOOK 116 PAGE 237 SHEET 2 OF 3

DECLARATION

DATE OF FILING
COUNTY OF BROWARD

I, the undersigned, being the duly qualified and authorized agent of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the office of the Secretary of State, and that the same has been filed for record in the office of the Clerk of the County of Broward, Florida, on this 12th day of August, 2010.

Daniel Goodman
Secretary of State
STATE OF FLORIDA

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Florida at Tallahassee, Florida, this 12th day of August, 2010.

Daniel Goodman
Secretary of State
STATE OF FLORIDA

ACKNOWLEDGMENT

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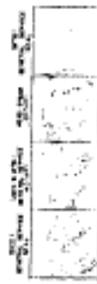
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STATE OF FLORIDA

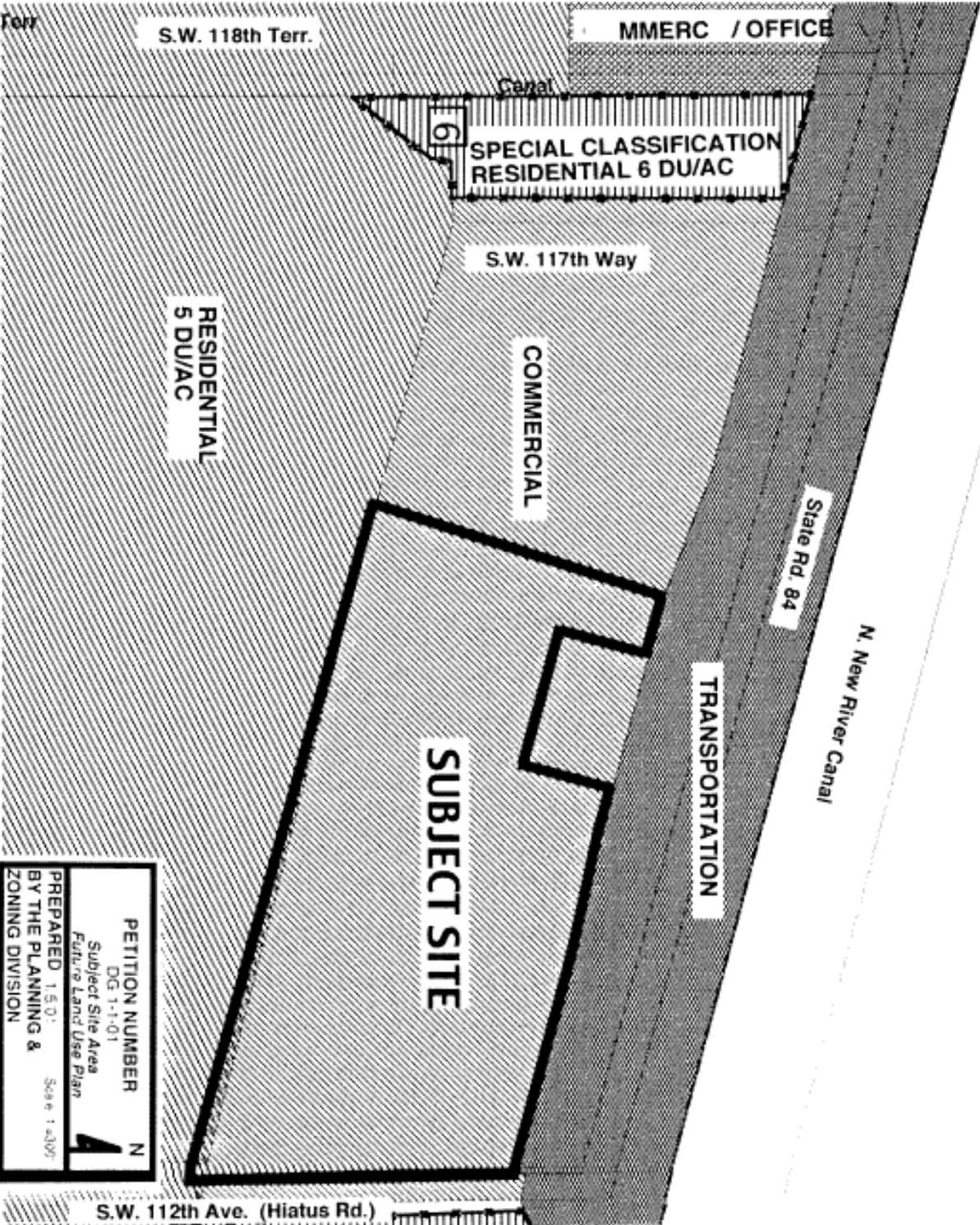
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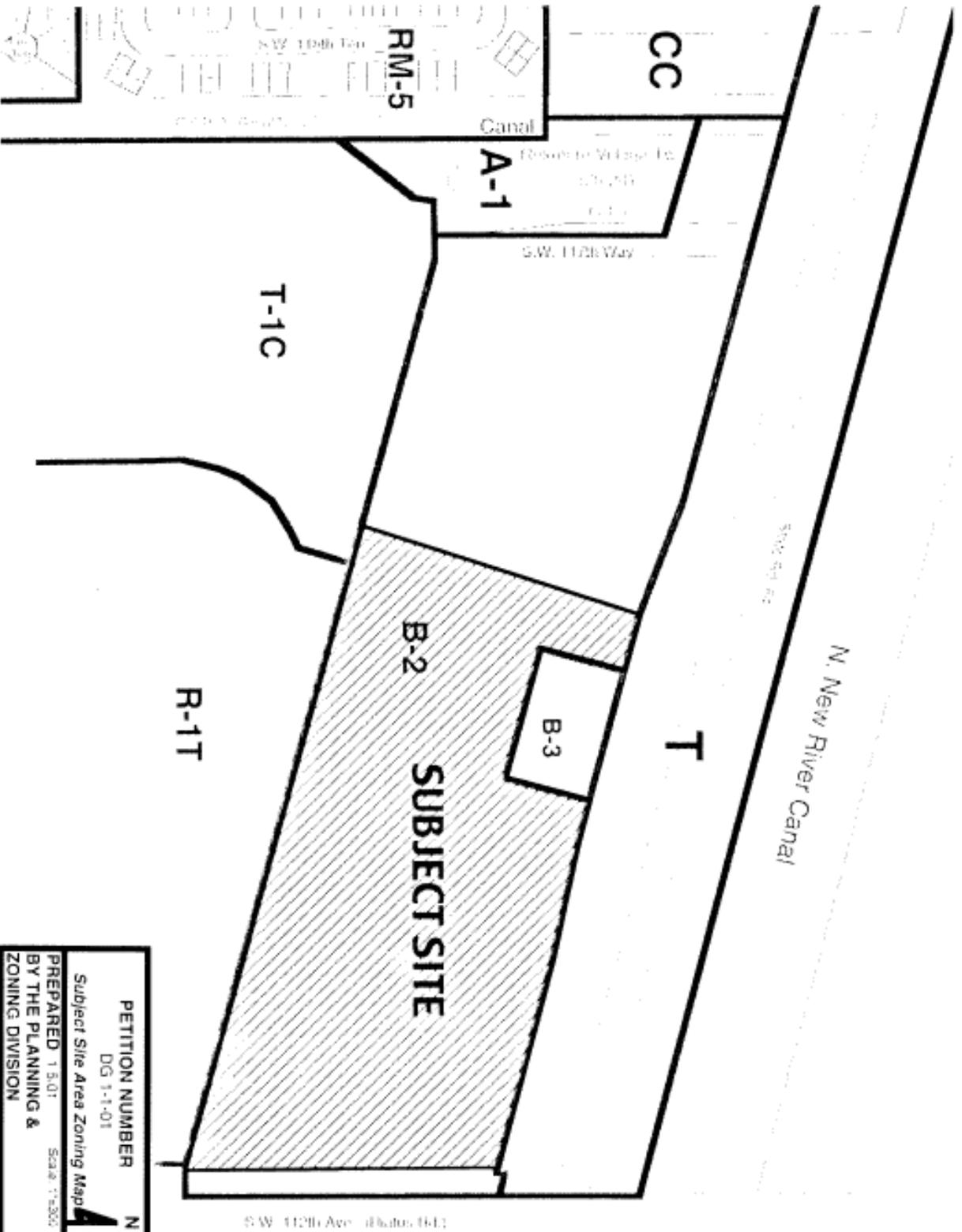
Daniel Goodman
Secretary of State
STATE OF FLORIDA



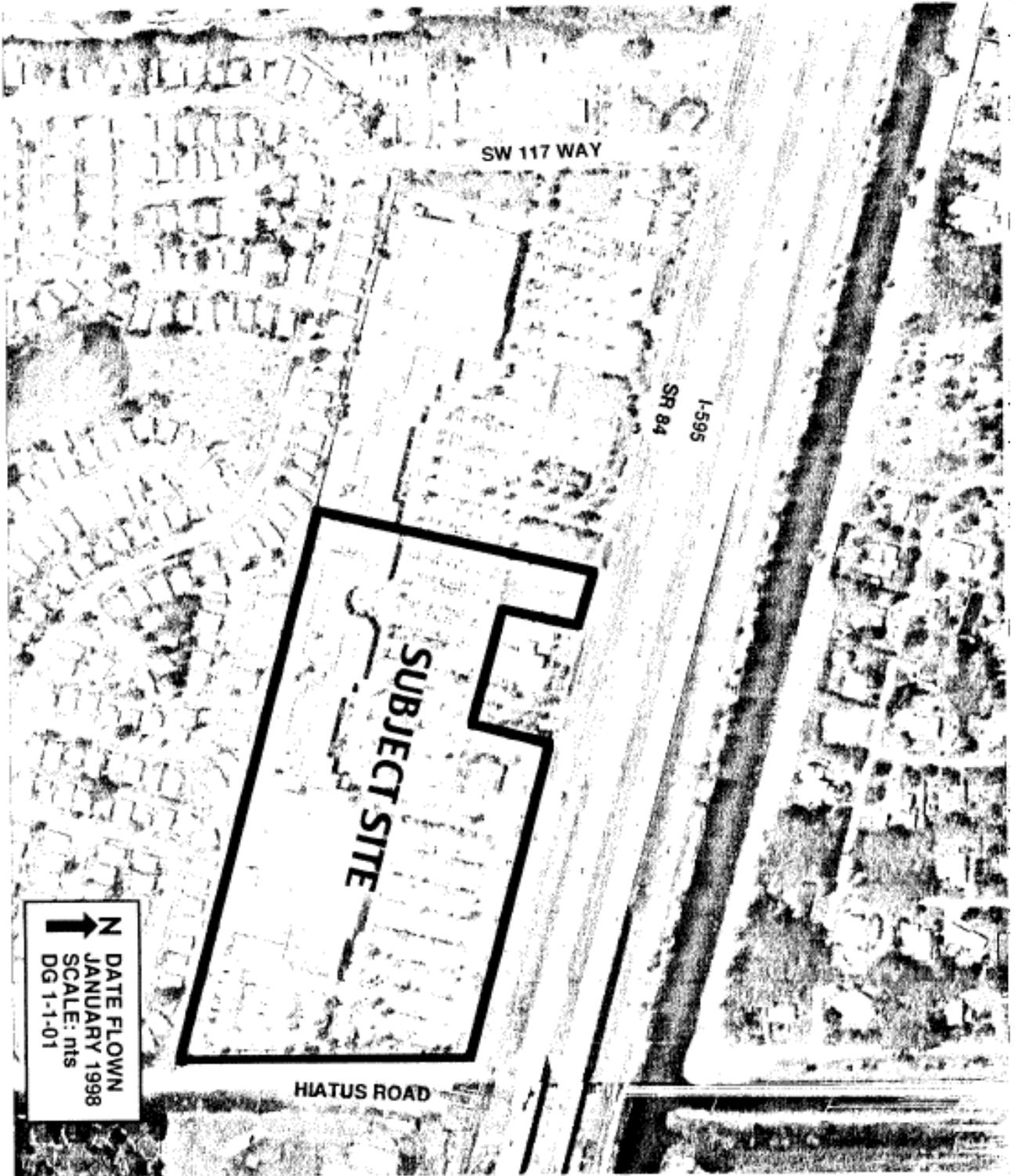


PETITION NUMBER
 DG 1-1-01
 Subject Site Area
 Future Land Use Plan
PREPARED 1.5.01 Scale 1:2000
 BY THE PLANNING & ZONING DIVISION





PETITION NUMBER
 DG 1-1-01
 Subject Site Area Zoning Map
 PREPARED 1/5/07
 BY THE PLANNING & ZONING DIVISION
 SCALE: 1"=200'
 N



SW 117 WAY

SR 84

I-595

SUBJECT SITE

HIATUS ROAD

N
DATE FLOWN
JANUARY 1998
SCALE: nts
DG 1-1-01