

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

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

Application No., Project Name and Location:
DG 12-2-01 C. William Laystrom/Pointe West Commerce II, LP,
Generally located on the north side of Pointe West Drive, between
Weston Road and I-75.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

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.

REPORT IN BRIEF:

The delegation request provides for the reduction in the light industrial uses from 137,000 square feet to 92,000 square feet which calculates to a 45,000 square foot reduction. The amendment will permit Rick Case to lease a space within the existing Pointe West Commerce Center II, to be utilized for sale of other Honda products such as motorcycles, generators, and so on.

This revision will not increase the proposed number of trips allocated to the subject plat under the new peak hour trip generation as calculated by Broward County.

Staff finds the delegation request is consistent with the Business Park permitted uses and will not increase trip generation committed to this plat.

PREVIOUS ACTIONS:

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the "Pasadena Imagination Farms" and "ICW" Agreement.

Previous Request on same property: On March 6, 1996, Town Council approved rezoning request ZB 11-3-95 on second reading which rezoned the 115 acre site consisting of the ICW North and ICW South Plats from A-1, Agricultural District to BP, Business Park District.

On January 8, 1997, Town Council approved rezoning request ZB 10-1-96 on second reading amending the conceptual master plan to provide for common areas, lake parcels and proposed uses of land for the land within the "ICW North Plat" .

The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 48 of the Broward County records.

On July 21, 1999, Town Council approved a plat amendment DG 7-1-99 amending the restrictive note to provide for an increase of 45,000 square feet of commercial use for land within the "ICW North Plat".

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Planning Report, Existing and Proposed Plat Note, Justification letter, Plat, Land Use Map, Subject Site, and Aerial.

RESOLUTION _____

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 _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Application #: DG 12-2-01

Revisions:

Exhibit "A":

Original Report Date: January 15, 2002

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

APPLICANT INFORMATION

Owner:

Name: Pointe West Commerce
II, LP

Address: 1096 E. Newport Center
Drive, Suite 100
City: Deerfield Beach, FL 33442

Phone: (954) 967-2788

Agent:

Name: C. William Laystrom, Jr.

Address: 1177 SE 3 Avenue
City: Ft. Laud., FL 33316

Phone: (954) 762-3400

BACKGROUND INFORMATION

Application Request: To amend the restrictive note on the Plat from 152,338 square feet of commercial use and 125 room hotel; to 142,338 square feet of commercial use and 67,400 square feet of automobile dealership.

Address/Location: 4300 Weston Road, Generally located on the north side of Pointe West Drive, between Weston Road and I-75.

Land Use Plan Designation: Commercial

Zoning: BP, Business Park District

Existing Use:

135,385 sq. ft. Home Depot
69,682 sq. ft. Phil Smith Toyota Dealership Phase 1
100,102 sq. ft. Budget Mini-Storage
169,182 sq. ft. Pointe West Butters Commerce Park
7.47 ac. Vacant Land(North side of Phil Smith Toyota)
18.361 ac. Lake Parcels

Proposed Use: Motorcycle dealership within Pointe West Butters Commerce Park

Proposed Use: Motorcycle dealership within Pointe West Butters Commerce Park

Parcel Size: 83.646 acres

Surrounding Uses:

North: Pointe West Center North Plat
South: Martin Square and 3 outparcels,
Rick Case Honda
East: I-75
West: Weston Road/City of Weston

Surrounding Land Use:

North: Commercial
South: Commercial
East: Transportation
West: Transportation

Surrounding Zoning:

North: BP, Business Park District
South: BP, Business Park District and Utilities
East: T, Transportation District
West: A-1, Limited Agriculture (City of Weston)

ZONING HISTORY

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

Previous Request on same property: On March 6, 1996, Town Council approved rezoning request ZB 11-3-95 on second reading which rezoned the 115 acre site consisting of the ICW North and ICW South Plats from A-1, Agricultural District to BP, Business Park District.

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The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 48 of the Broward County records.

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Summary of Significant Development Review Agency Comments

None

Application Codes and Ordinances

Broward County Land Development Code requires Delegation Requests for plat note

amendments.

Comprehensive Plan Considerations

Planning Area: The proposed plat is in Planning Area 1 which constitutes the southwestern most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

Broward County Comprehensive Plan: The Broward County Land Development Code 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 113.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is in a compact deferral area. The application and accompanying trip calculations indicates no increase in trips on the roadway network.

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 reduction in the light industrial uses from 137,000 square feet to 92,000 square feet which calculates to a 45,000 square foot reduction. The amendment will permit Rick Case to lease a space within the existing Pointe West Commerce Center II, to be utilized for sale of other Honda products such as motorcycles, generators, and so on.

This revision will not increase the proposed number of trips allocated to the subject plat under the new peak hour trip generation as calculated by Broward County.

Staff finds the delegation request is consistent with the Business Park permitted uses and will not increase trip generation committed to this plat.

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 12-2-01.

Exhibits

Resolution, Planning Report, Existing and Proposed Plat Note, Justification letter, Plat, Land Use Map, Subject Site, and Aerial.

Prepared By: _____

Reviewed By: _____

ICW PLAT NOTE

Existing Note for entire plat:

PARCELS B, D, and a portion of A (A-2), are restricted to 137,000 square feet of light industrial use; PARCELS F and a portion of E(E2), are restricted to 270,102 square feet of light industrial use, PARCELS C, G, a portion of A (A1) and a portion of E (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.

If a building permit for a principal building for the additional 45,000 square feet of commercial use (excluding models, sales and construction offices) and first inspection approval are not issued by January 4, 2005, which date is five (5) years from the date of approval of this request by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above-referenced time frame; and/or

If construction of project water lines, sewer lines, drainage, and the rock base or internal roads have not been substantially completed by January 4, 2005, which date is five (5) years from the date of approval of this request by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

ICW PLAT NOTE

Proposed Note for entire plat:

PARCELS B, D, and a portion of A (A-2), are restricted to 92,000 square feet of light industrial use, 3,000 square feet of motorcycle dealership and 5,240 square feet of accessory wholesale (internal combustion engines), provided, however that the motorcycle dealership and accessory wholesale shall be located on no more than .71 acre; PARCELS F and a portion of E(E2), are restricted to 270,102 square feet of light industrial use, PARCELS C, G, a portion of A (A1) and a portion of E (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.

If a building permit for a principal building for the additional 45,000 square feet of commercial use (excluding models, sales and construction offices) and first inspection approval are not issued by January 4, 2005, which date is five (5) years from the date of approval of this request by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above-referenced time frame; and/or

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JUSTIFICATION STATEMENT FOR ICW NORTH
PLAT NOTE AMENDMENT APPLICATION

The applicant seeks to have the Plat Note amended for Parcels A-II, B, and D of the ICW North plat from 137,000 of light industrial to 92,000 square feet of light industrial, 3,000 square feet of motorcycle dealership and 5,240 square feet of accessory warehouse. The amendment is needed to allow Rick Case to rent space at Pointe West Commerce Center II which is an existing project immediately North of the Rick Case automobile dealership at I-75 and Griffin Road. This space will be utilized for other Honda products such as motorcycles, generators, etc.

All of the property included in the ICW North plat is zoned business park and the land use designation is commercial. The uses proposed by Rick Case are permitted uses in the BP zoning district. The property is owned by Pointe West Commerce II Limited Partnership. No parcel lines on the plat will change and no expansion of the existing building is planned. This application will allow Rick Case to occupy vacant space within the existing building.

The Butters group has already constructed a 100,240 square foot building in the Pointe West Commerce Center at Pointe West Drive. This is the only building located on Parcels A-II, B and D. The County requires that the plat note reflect the specific uses within the building. The Rick Case uses must be added to the plat note even though there is no change to the site or the size of the building.

Recently Broward County changed its standard for calculating trips generated by development and is now using a peak hour standard for this calculation. Using this new peak hour standard, the County has determined that there will be no increase in the traffic allowed by this new plat note. The reduction in industrial square footage offsets the increase in motorcycle dealership square footage.

As a result of the foregoing this application merits favorable consideration by the Town.

97-588074

163

48

ICW NORTH

11/6/97 02:26PM ORB 21246 pg 718

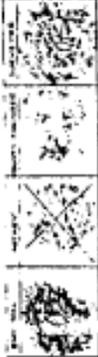
NOV 1997

MEMORANDUM FOR THE DIRECTOR, FBI

FROM: SAC, NEW YORK (97-100)

SUBJECT: [Illegible]

RE: [Illegible]



NOV 1997

NOV 1997

NOV 1997



ICW NORTH

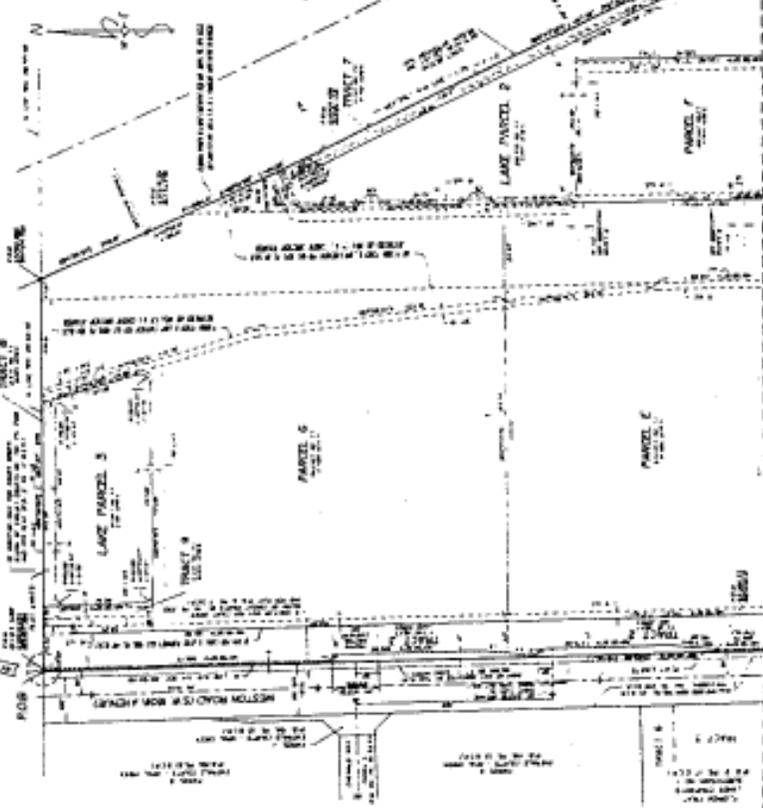
APPROXIMATE LOCATION OF ICW NORTH



LOCATION MAP

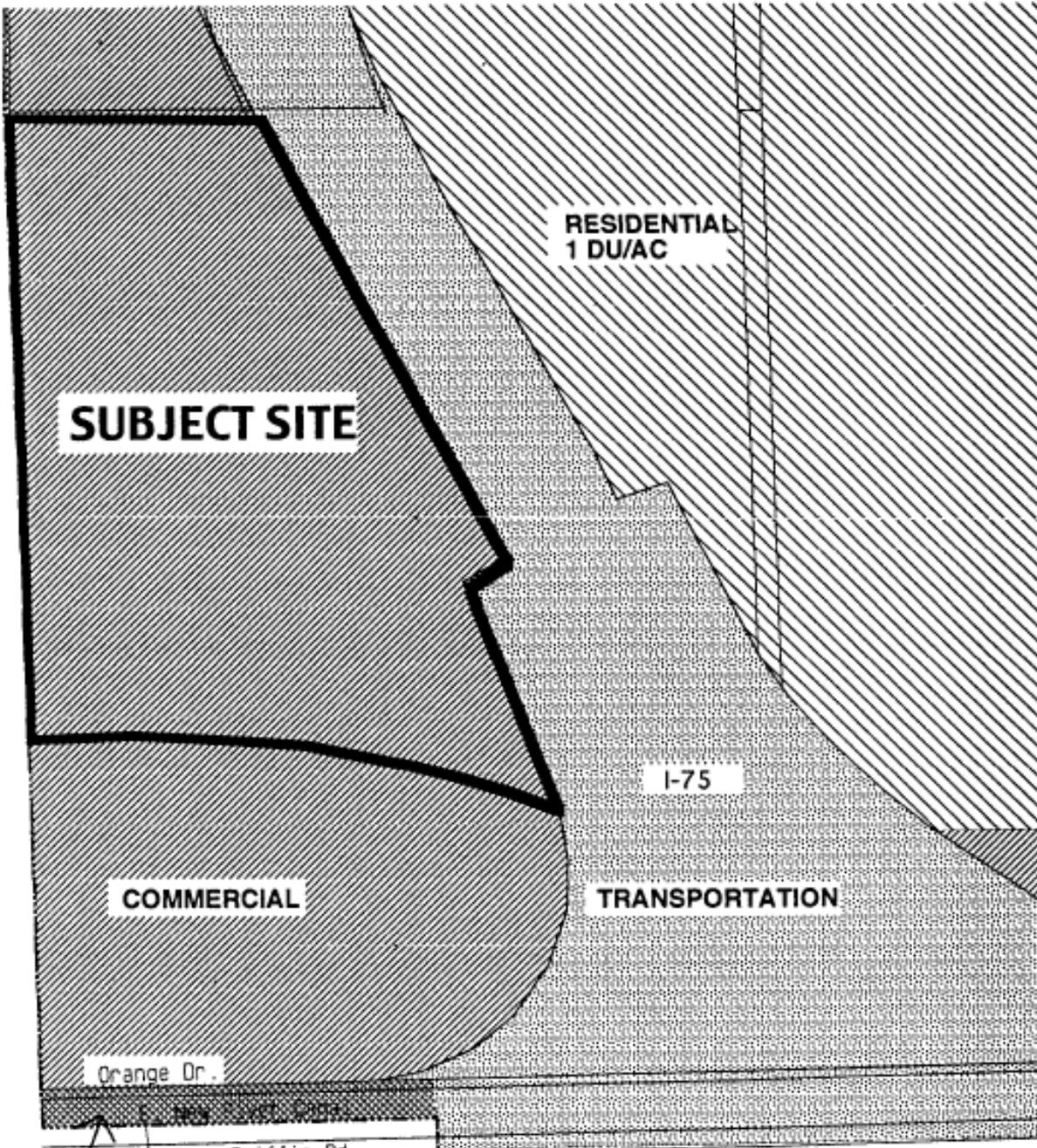
PLAT INFORMATION AND NOTES: THIS PLAT IS A REVISION OF PLAT 163, BOOK 163, PAGE 48, AND IS SUBJECT TO THE TERMS AND CONDITIONS OF SAID PLAT. THE AREA SHOWN HEREIN IS SUBJECT TO THE RIGHTS OF THE STATE OF TEXAS AND THE COUNTY OF TARRANT COUNTY, TEXAS.

AREA	ACRES	FRAC
TRACT 1	1.234	1/4
TRACT 2	1.234	1/4
TRACT 3	1.234	1/4
TRACT 4	1.234	1/4
TRACT 5	1.234	1/4
TRACT 6	1.234	1/4
TRACT 7	1.234	1/4
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TRACT 9	1.234	1/4
TRACT 10	1.234	1/4
TRACT 11	1.234	1/4
TRACT 12	1.234	1/4
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TRACT 99	1.234	1/4
TRACT 100	1.234	1/4



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SUBJECT SITE

**RESIDENTIAL
1 DU/AC**

COMMERCIAL

TRANSPORTATION

Orange Dr.

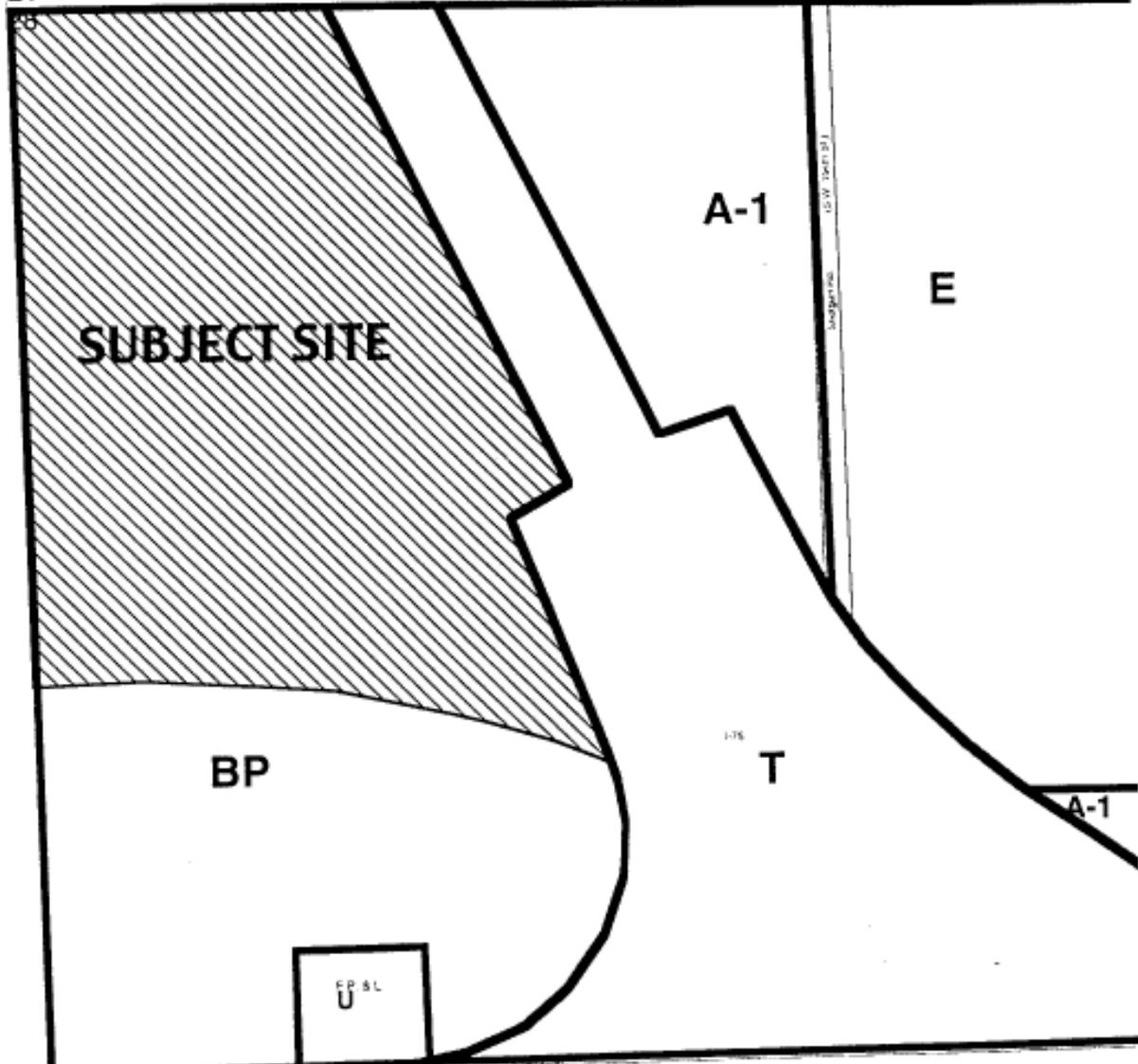
Griffin Rd.
Town Boundary

RECREATION / OPEN SPACE

PETITION NUMBER
DG 12-2-01
*Subject Site Area
Future Land Use Plan*

1/4/02 Scale: 1"=500'
**PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS**

N
4



S. New River Canal

Town Boundary

Not in Town of Davie

P.U.D.
COUNTY



PETITION NUMBER DG 12-2-01		
<i>Subject Site Area Zoning Map</i>		
1/4/02	Scale: 1"=500'	
PREPARED BY: TOWN OF DAVIE PLANNING & ZONING DIVISION - GIS		



SW 36 ST.

SUBJECT SITE

WESTON RD.

GRIFFIN RD.

175

SHORGBURN

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
DG 12-2-01
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS