

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by Todd Vargo, Planner I

SUBJECT: Resolution
DG 12-2-02 University Parc Plat, 7085 Nova Drive/Generally located on the northeast corner of Nova Drive and SW 71 Terrace.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

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

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "University Parc Plat." The proposed delegation request is a decrease of 15 dwelling units and a deletion of 138,600 square feet of industrial use within the RAC. The petitioner is requesting to amend the restrictive note from "This plat is restricted to 94 garden apartments on Parcel A and 139,800 square feet of industrial, including a watchman's quarters, on Parcel B" to "This plat is restricted to 52 garden apartments (three bedroom units) and 27 two bedroom units for a total of 79 residential units on Parcel A, and a passive park on Parcel B."

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

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

Attachments: Resolution, Planning Report, Plat, Existing Future Land Use Map, Subject Site and Aerial Map

RESOLUTION _____

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

WHEREAS, the boundary plat known as the University Parc Plat was recorded in the public records of Broward County in Plat Book 170, Page 95; and

WHEREAS, the owners desire to amend 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 University Parc 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 _____, 2003.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

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

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent:</u>	
Name:	Sundance at Davie, Inc.	Name:	William Laystrom, Jr.
Address:	3971 SW 8 Street Suite 205	Address:	1177 SE 3 Avenue
City:	Coral Gables, FL 33134	City:	Fort Lauderdale, FL 33316
Phone:	(305) 444-6716	Phone:	(954) 762-3400

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on "University Parc Plat" from "This plat is restricted to 94 garden apartments on Parcel A and 139,800 square feet of industrial, including a watchman's quarters, on Parcel B" to "This plat is restricted to 52 garden apartments (three bedroom units) and 27 two bedroom units for a total of 79 residential units on Parcel A, and a passive park on Parcel B."

Address/Location: 7085 Nova Drive/Generally located on the northeast corner of Nova Drive and SW 71 Terrace.

Future Land Use Plan Designation: RAC, Regional Activity Center

Zoning: R-4A - Planned Apartment District (Parcel A), M-1 - Light Industrial Park District (Parcel B)

Existing Use: 79 Multi-family rental units (Parcel A), Vacant (Parcel B)

Proposed Use: 52 garden apartments (three bedroom units) and 27 two bedroom units for a total of 79 residential units on Parcel A, and a park on Parcel B.

<u>Parcel Size:</u>	9.786 acres (426,295 square feet)
<u>Parcel 'A':</u>	5.18 acres (225,623 square feet)
<u>Parcel 'B':</u>	3.887 acres (169,338 square feet)
<u>Right-of-Way Dedication:</u>	0.719 acres (31,334 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Warehouses	Regional Activity Center
South:	Nova Gardens Condominiums	Regional Activity Center
East:	Nova Villas Condominiums	Regional Activity Center
West:	Arista Park Condominiums, Village of Arista Park Townhouses	Residential 10 DU/AC
	<u>Surrounding Zoning:</u>	
North:	M-1 (old code) - Light Industrial District	
South:	RM-16 - Medium-High Density Dwelling Districts	
East:	R-4A - Planned Apartment District, M-1 (old code) - Light Industrial District	
West:	R-4A - Planned Apartment District, R-6 (old code)	

ZONING HISTORY

Related Zoning History: This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Previous Requests on same property: Petition ZB 4-2-99 requesting M-1, Light Industrial District designation was denied by the Planning and Zoning Board on June 23, 1999. Request was withdrawn by applicant on July 21, 1999.

Petition ZB 12-2-99 requesting RM-16, Medium High Dwelling designation was denied by Town Council on April 18, 2000.

University Parc Residences Site Plan, SP 5-8-00, was approved by Town Council on November 15, 2000 with the condition that the applicant apply for a variance to allow an eight (8) foot wall in between the proposed University Parc Residences site and the abutting Nova Villas Condominiums site to its east side.

On March 7, 2001, Town Council passed VA 12-1-00 to allow a wall eight feet in height along the eastern side of the property.

APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the “University Parc Plat” to reflect the proposed level of development.

Current Plat Note: This plat is restricted to 94 garden apartments on Parcel A and 139,800 square feet of industrial, including a watchman’s quarters, (equivalent to 95 garden apartments and 138,600 square feet of industrial) on Parcel B.

Proposed Plat Note: This plat is restricted to 52 garden apartments (three bedroom units) and 27 two bedroom units for a total of 79 residential units on Parcel A, and a passive park on Parcel B.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies:

Policy Group 10: Regional Activity Center Use, Policy 10-1: states that the Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a coordinated and balanced mix of land uses. Included in the list of land uses is recreation.

Policy Group 11: Recreation and Open Space Use, Policy 11-2: The location and designation of lands for Recreation and Open Space use shall recognize the need for active and passive recreational facilities while preserving open spaces for aesthetic and environmental purposes.

The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The proposed delegation request is a decrease of 15 dwelling units and a deletion of 138,600 square feet of industrial use within the RAC. The request would add a passive park to be located on Parcel B of the subject plat. The Town anticipates the purchase of the land which is proposed for the park site.

The proposed amendment is consistent with the existing and proposed use of the subject site. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Justification letter
2. Plat
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

LAW OFFICES
DOUMAR, ALLSWORTH, CROSS, LAYSTROM,
PERLOFF, VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
WILLIAM S. CROSS, P.A.**
RAYMOND A. DOUMAR, P.A.*

1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33316-1109

BROWARD (954) 762-3400

MIAMI (305) 945-3172

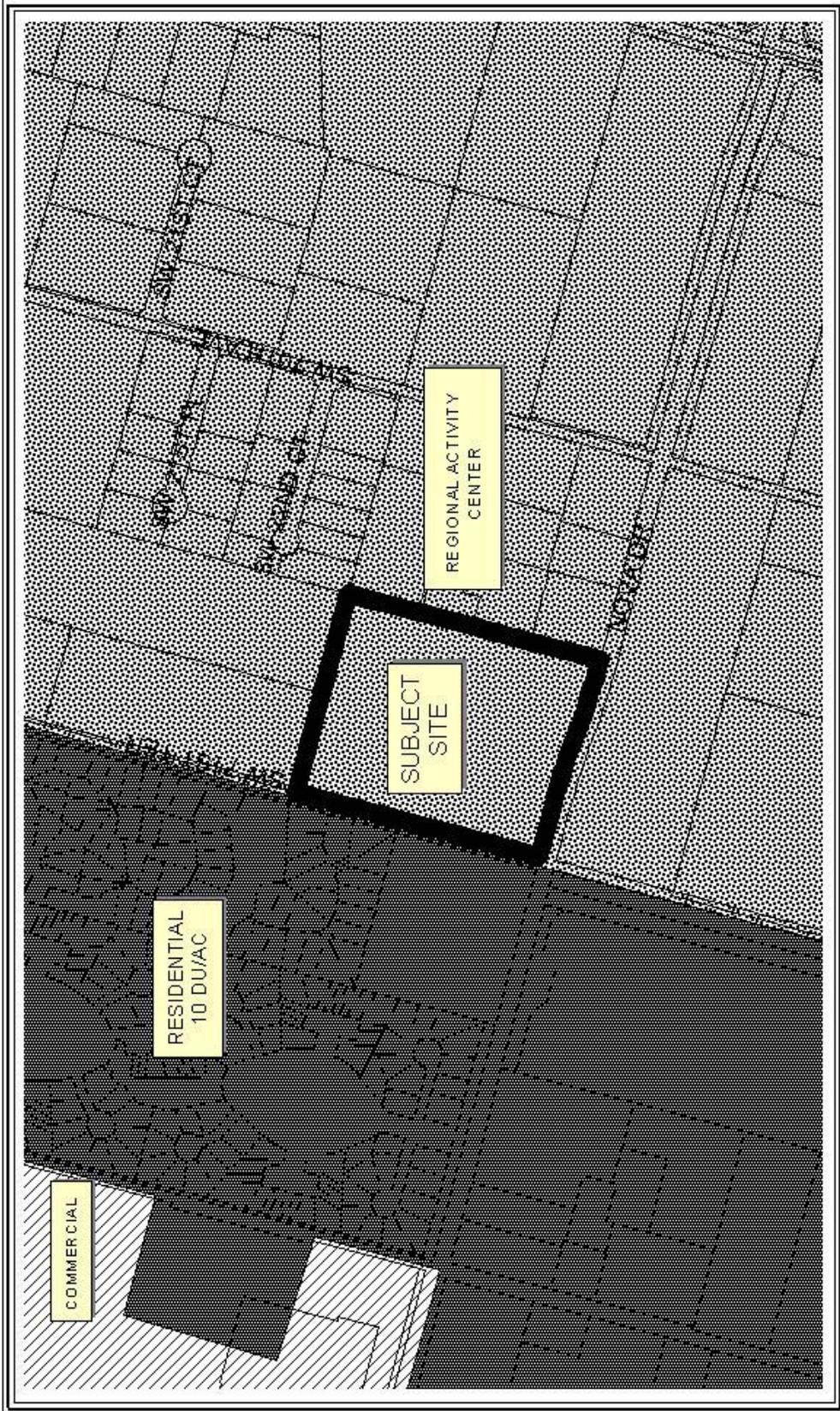
TELEFAX (954) 525-3423

C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
JOHN W. PERLOFF, P.A.†
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.†

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
* BOARD CERTIFIED REAL ESTATE LAWYER
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

JUSTIFICATION STATEMENT FOR UNIVERSITY PARC
PLAT NOTE AMENDMENT APPLICATION

The owner, Sundance at Davie, Inc., has finished developing Parcel A and has agreed to sell Parcel B to the Town of Davie to be used as a passive park. The owner seeks to amend the note as to Parcel B to change it from industrial use to a passive park in accordance with the proposed used. The owner seeks to change the note on Parcel A to limit the note to those units already built which will ensure no further development on the site. The proposed change should reduce the trips calculation and free up other trips for the roadways in question, specifically Nova Drive. The change is also necessary for the owner to pursue a partial refund of prepaid impact fees.

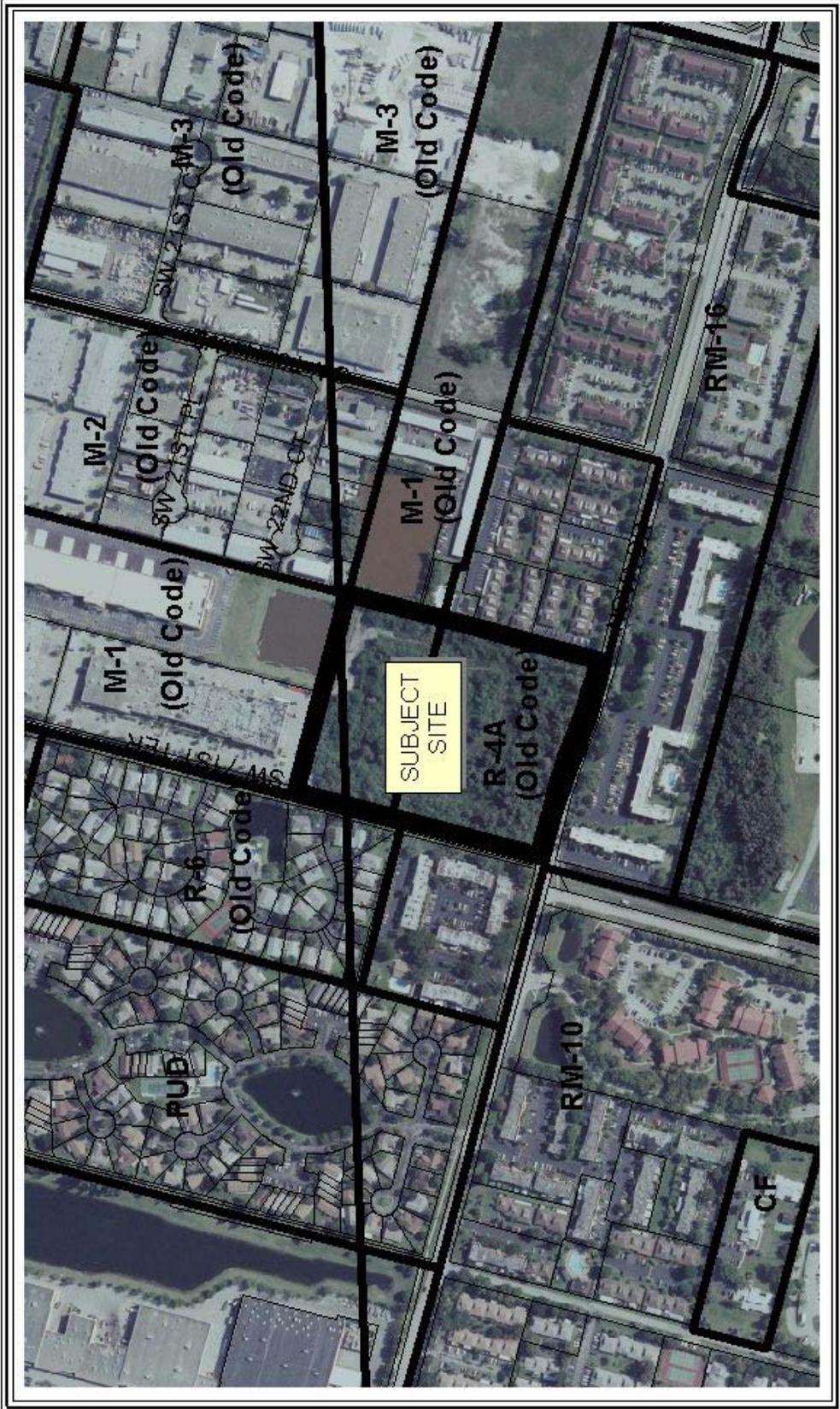


DELEGATION REQUEST
DG 12-2-02
Future Land Use Map

Prepared By: ID
 Date Prepared: 12/19/02



N
 400 0 400 Feet
 Planning & Zoning Division



Date Flown:
12/31/00



Planning & Zoning Division



**DELEGATION REQUEST
DG 12-2-02
Zoning and Aerial Map**

Prepared By: ID
Date Prepared: 12/19/02