

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM:** Monroe D. Kiar, Town Attorney  
(954) 584-9770

**SUBJECT:** Resolution

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING THE SETTLEMENT AGREEMENT BETWEEN SOUTHERN HOMES OF DAVIE, LLC AND THE TOWN OF DAVIE, CASE NUMBERS 02-015674 (11) AND 02-015724 (21) PENDING IN THE 17<sup>TH</sup> JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

Southern Homes of Davie, LLC initiated a lawsuit against the Town of Davie by serving the Town with a Complaint for Declaratory Judgment and Injunction and Petition for Writ Mandamus with regard to the Charleston Oaks Plat, under Case Number 02-015674 (11). Subsequent thereto, the property owner filed a second lawsuit entitled Southern Homes of Davie II, LLC vs. Town of Davie, Case Number 02-015724 (21) regarding the "Flamingo Plat". The two cases were consolidated and the Plaintiff in its Complaints sought both equitable relief and monetary damages against the Town. They were further seeking an Order declaring that the Plaintiff was entitled to approval of its Site Plan Applications and that the Town be estopped to apply the "zoning in progress" and that the zoning in progress did not apply to the Plaintiff's Site Plan Applications and/or properties. The Town Council ultimately approved the Flamingo Site Plan on June 4, 2003, and the Charleston Oaks Site Plan on September 17, 2003. Upon approval of the Charleston Oaks Site Plan by the Town Council, the property owner represented to the Town Council that it would dismiss its lawsuits. The attached Settlement Agreement was prepared by special legal counsel, Michael Burke, and the attorney for the property owner, with the input of the Town Attorney's Office. Mr. Burke advises that upon execution by the Town of the Settlement Agreement, the property owner will dismiss both lawsuits.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:**

**FISCAL IMPACT:**

**RECOMMENDATION(S):** Motions to approve Resolution.

**ATTACHMENTS:** Resolution and Settlement Agreement.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING THE SETTLEMENT AGREEMENT BETWEEN SOUTHERN HOMES OF DAVIE, LLC AND THE TOWN OF DAVIE, CASE NUMBERS 02-015674 (11) AND 02-015724 (21) PENDING IN THE 17<sup>TH</sup> JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southern Homes of Davie, LLC, a Florida limited liability corporation, filed a lawsuit against the Town of Davie in the 17<sup>th</sup> Judicial Circuit, in and for Broward County, Florida, under Case Number 02-015674 (11); and

WHEREAS, Southern Homes of Davie II, LLC filed a lawsuit against the Town of Davie in the 17<sup>th</sup> Judicial Circuit, in and for Broward County, Florida, under Case Number 02-015724 (21); and

WHEREAS, on or about June 7, 2001, Southern Homes of Davie, LLC submitted a Plat Application to the Town for the "Charleston" property which is the subject matter of Case Number 02-015674 (11) which was approved by the Davie Town Council and thereafter, on September 17, 2003, the Town Council approved the Charleston Oaks Site Plan; and

WHEREAS, on or about June 7, 2001, Southern Homes of Davie II, LLC submitted a Plat Application to the Town for the "Flamingo" property which is the subject matter of Case Number 02-015724 (21) and said Plat Application was approved by the Davie Town Council on November 20, 2001, and thereafter the Site Plan Application for the Flamingo property was approved by the Town on or about June 4, 2003; and

WHEREAS, the parties believe it is in the best interest of the parties that this matter should be settled and the lawsuit dismissed in accordance with the provisions contained in the attached Settlement Agreement annexed hereto as Exhibit "A".

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

Section 1. That the Mayor or his delegated designee is hereby authorized to execute on behalf of the Town of Davie, the Settlement Agreement 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.

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY, FLORIDA

CASE NO. 02-015674 (11)  
(Consolidated with Case No. 02-015724)

SOUTHERN HOMES OF DAVIE, LLC,  
a Florida limited liability corporation,

Plaintiff,

vs.

TOWN OF DAVIE, a municipal  
corporation located in Broward County,  
Florida,

Defendant.

\_\_\_\_\_ /

SETTLEMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made this \_\_\_\_ day of \_\_\_\_\_,  
2003, by and among Plaintiffs, SOUTHERN HOMES OF DAVIE, LLC ("Southern Homes I")  
and SOUTHERN HOMES OF DAVIE II, LLC ("Southern Homes II") (hereinafter collectively  
referred to as "Southern Homes") and Defendant, TOWN OF DAVIE ("Town" (hereinafter  
collectively referred to as the "Parties").

RECITALS:

WHEREAS, Southern Homes I and Southern Homes II are Florida limited liability  
corporations doing business in the State of Florida; and

WHEREAS, the Town is a municipal corporation located in Broward County, Florida;  
and

WHEREAS, Southern Homes I is the owner of certain real property consisting of approximately 75.9 acres, and generally located in the Town of Davie south of S.W. 26<sup>th</sup> Street and between S.W. 148<sup>th</sup> Avenue and S.W. 142<sup>nd</sup> Avenue (“Charleston Property”), and as further described in the legal description attached hereto as Exhibit “A”; and

WHEREAS, Southern Homes II is the owner of certain real property located at 12901 Orange Drive consisting of approximately 97 acres, and generally located on the north side of Orange Drive and the west side of Flamingo Road (“Flamingo Property”), and as further described in the legal description attached hereto as Exhibit “B”; and

WHEREAS, on or about June 7, 2001, Southern Homes I submitted a Plat Application to the Town for the Charleston Property which was approved and thereafter approved by the Broward County Commission on January 15, 2002 (“Charleston Plat Application”); and

WHEREAS, Southern Homes I submitted a site plan application for the Charleston Property to the Town (“Charleston Site Plan Application”) to construct (70) single family detached units and subsequently modified site plan(s) to comport with the Rural Lifestyle Ordinance of the Town; and

WHEREAS, on or about June 7, 2001, Southern Homes II submitted a Plat Application to the Town for the Flamingo Property and on November 20, 2001 the Town approved the application (“Flamingo Plat Application”); and

WHEREAS, on or about February 20, 2002, Southern Homes II submitted a site plan application for the Flamingo Property ("Flamingo Site Plan Application") to the Town, and modified the site plans to comport to the Rural Lifestyle Ordinance of the Town; and

WHEREAS, on June 4, 2003 the Flamingo site plan application was approved by the Town and the approved site plan (" Approved Flamingo Site Plan") is attached hereto as Composite Exhibit "C"; and

WHEREAS, on September 17, 2003, the Town approved the Charleston Oaks site plan and the approved site plan (Charleston Oaks Site Plan) is attached hereto as Composite Exhibit "D"; and

WHEREAS, without admitting fault, Southern Homes and the Town desire to resolve all issues raised by the Parties in the Litigation.

#### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises hereinafter set forth and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

Section 1. Recitals. The Parties acknowledge and agree that the recital set forth above are true and correct.

Section 2. Agreement.

(a) Upon the Town's final approval of the site plan for Charleston Oaks, Southern Homes agrees to dismiss the above-styled cases with prejudice.

(b) The Town agrees to process, all subsequent applications submitted by Southern Homes with regard to the development of the Properties (i.e. platting, building permits, traffic mitigation agreements), in accordance with the law.

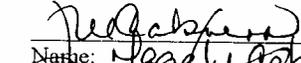
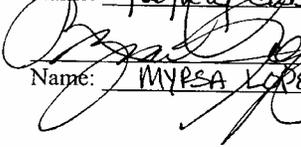
(c) The Parties agree to bear their own attorneys' fees and costs in the Litigation.

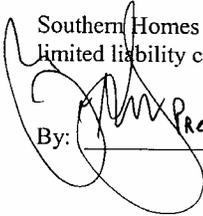
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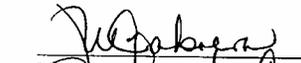
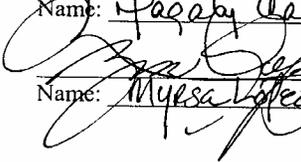
IN WITNESS WHEREOF, the Parties hereto have signed this Agreement as of the day and year first written above.

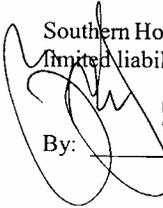
IN WITNESS WHEREOF:

THE PARTIES:

  
Name: Magaly Cabrera  
  
Name: MYRSA LOPEZ

Southern Homes of Davie, LLC, a Florida limited liability corporation  
By:  President Southern Homes of Broward Inc.  
its manager

  
Name: Magaly Cabrera  
  
Name: Myrsa Lopez

Southern Homes of Davie II, LLC, a Florida limited liability corporation  
By:  President Southern Homes of Broward Inc.  
its manager.

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Town of Davie, a municipal corporation located in Broward County, Florida

By: \_\_\_\_\_  
Tom Truex, Mayor

EXHIBIT LIST

- EXHIBIT A      Legal Description of the Charleston Property
- EXHIBIT B      Legal Description of Flamingo Property
- EXHIBIT C      Approved Flamingo Site Plan
- EXHIBIT D      Approved Charleston Oaks Site Plan





## EXHIBIT A - LEGAL DESCRIPTION - FLAMINGO PLAT

THAT PORTION OF THE EAST ONE-HALF (E 1/2) OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST LYING NORTH OF THE SOUTH NEW RIVER CANAL, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE ON A GRID BEARING OF SOUTH 01°47'01" EAST (BASED ON THE "STONER/KEITH RESURVEY NO. 11" AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY RECORDS) ALONG THE EAST BOUNDARY OF SAID SECTION 26, A DISTANCE OF 606.00 FEET TO AN INTERSECTION WITH THE EASTERLY PROLONGATION OF THE APPROXIMATE CENTERLINE OF AN EXISTING CANAL; THENCE SOUTH 89°52'03" WEST ALONG SAID EASTERLY PROLONGATION AND SAID APPROXIMATE CENTERLINE A DISTANCE OF 135.37 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 823, PARCEL NO. 163, ORDER OF TAKING, CIVIL ACTION NO. 88-18492DF, DATED SEPTEMBER 6TH, 1988, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 06°32'27" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 917.60 FEET TO A POINT OF CURVATURE OF A 5576.58 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 01°19'32" AN ARC DISTANCE OF 129.02 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH AND 50.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 26; THENCE SOUTH 01°47'01" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 600.56 FEET TO A POINT 1000.00 FEET NORTH OF (AS MEASURED ALONG SAID PARALLEL LINE) THE NORTH RIGHT-OF-WAY LINE OF SAID SOUTH NEW RIVER CANAL; THENCE SOUTH 88°26'14" WEST AND PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 1350.00 FEET; THENCE SOUTH 01°47'01" SECONDS EAST AND PARALLEL WITH THE EAST BOUNDARY OF SAID SECTION 26 A DISTANCE OF 920.00 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH AND 80.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) THE NORTH RIGHT-OF-WAY LINE OF SOUTH NEW RIVER CANAL) SAID PARALLEL LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF ORANGE DRIVE, PARCEL NO. 163, ORDER OF TAKING CIVIL ACTION NO. 88-18492DF DATED SEPTEMBER 6TH, 1988; THENCE SOUTH 88°26'14" WEST ALONG SAID PARALLEL LINE AND SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 795.34 FEET;

THENCE NORTH 01°47'01" WEST AND PARALLEL WITH THE EAST BOUNDARY OF SAID SECTION 26 A DISTANCE OF 2614.80 FEET TO AN INTERSECTION WITH THE APPROXIMATE CENTERLINE OF AN EXISTING CANAL; THENCE NORTH 89°52'03" EAST ALONG SAID APPROXIMATE CENTERLINE A DISTANCE OF 2060.87 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE PROPERTY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST ONE-HALF (E 1/2) OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST LYING NORTH OF THE SOUTH NEW RIVER CANAL, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE ON A GRID BEARING OF SOUTH 01°47'01" EAST (BASED ON THE "STONER/KEITH RESURVEY NO. II" AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY RECORDS) ALONG THE EAST BOUNDARY OF SAID SECTION 26 A DISTANCE OF 606.00 FEET TO AN INTERSECTION WITH THE EASTERLY PROLONGATION OF THE APPROXIMATE CENTERLINE OF AN EXISTING CANAL; THENCE SOUTH 89°52'03" WEST ALONG SAID EASTERLY PROLONGATION AND SAID APPROXIMATE CENTERLINE A DISTANCE OF 135.37 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 823, PARCEL NO. 163, ORDER OF TAKING, CIVIL ACTION NO. 88-18492DF DATED SEPTEMBER 6TH, 1988; THENCE SOUTH 06°32'27" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°50'13" WEST AND ALONG THE SOUTHERLY TOP OF BANK OF SAID EXISTING CANAL A DISTANCE OF 1151.54 FEET; THENCE NORTH 89°17'03" WEST ALONG SAID TOP OF BANK A DISTANCE OF 911.46 FEET; THENCE NORTH 01°47'01" WEST 7.00 FEET; THENCE NORTH 89°52'03" EAST ALONG SAID CENTERLINE 2060.87 FEET TO THE POINT OF BEGINNING.

# EXHIBIT C

## TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Council members

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/(954) 797-1101

**SUBJECT:** Site Plan MSP 2-3-02, 12901 Orange Drive, generally located at the northwest corner of Orange Drive and Flamingo Road

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** MSP 2-3-02, Southern Homes of Davie II, LLC, and Southern Homes of Broward, Inc. 12901 Orange Drive (A-1, Agricultural District)

**REPORT IN BRIEF:** The applicant proposes 79 single family homes on a 97-acre flag-shape site located at the northwest corner of Orange Drive and Flamingo Road. Orange Drive and Flamingo Road are designated scenic corridors by the Rural Lifestyle Ordinance. A ten-foot equestrian trail is proposed along Flamingo Road, the south and east property lines adjacent to Flamingo Commons and connecting to the existing trail along south side of Orange Drive. The site plan layout is consistent with the design principles of rural lifestyle requirements.

The applicant presents a master model plan including seven (7) floor models with 25 elevations. Should this master model plan be approved, the models will also be used for the up-coming projects known as Blackstone Creek, Diamond Creek, Charleston Oaks, Woodbridge, and Mill Creek. Most of the models present country styles, which incorporate front porches, decorative cornices, columns, and shutters. The proposed models are in consistent with the Anti-Monotony principles required by the Rural Lifestyle Ordinance.

Orange Drive and Flamingo Road are designated scenic corridors. One-hundred (100) feet scenic corridor buffer areas are required for both streets. A 20-foot landscaping buffer is provided along Orange Drive while a 50-foot scenic corridor area including a 20-foot landscaping buffer and a ten-foot equestrian trail are provided inside of the east property line along Flamingo Road. Landscaping design meets the scenic corridor requirements.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At May 13, 2003 Site Plan Committee meeting, Vice-Chair Aucamp made a motion, seconded by Councilmember Crowley, to approve subject to staff's recommendations and the following conditions:

- Increase the height of the 11 Live Oaks at the main entrance to 20 feet overall.
- No planting of landscape material shall be in the 20-foot lake maintenance easement.

- Check into the location of trees within the horse trail, so that the horses could travel through it. (Motion carried 4-0, Mr. Engel absent)

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration. In addition, the following conditions shall be addressed prior to final site plan approval:

1. Continue the sidewalk and street lighting (same theme) along Orange Drive (currently being installed by Imagination Farms) all the way to Flamingo Road.
2. To continue the recreational and equestrian trail along the east property line, provide a multi-purpose crossing (bicycle; pedestrian; equestrian) on Orange Drive to the Linear Park running along the south side of Orange Drive.
3. The lighting fixtures in the community shall utilize the approved lighting fixtures for Griffin Corridor consistent with the rural lifestyle.
4. Homeowner Association (HOA) document shall be recorded prior to the issuance of the first C.O. for the single-family homes. HOA document shall address that horses and barns be allowed subject to the Town of Davie regulations.
5. Temporary Use permit shall be approved by the Town Council for the sales trailer.

**Attachment(s):** Planning Report, Land Use Map, Zoning and Aerial Map, Site Plan

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

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**Applicant Information**

**Owner/Petitioner:**

**Name:** Southern Homes of Davie II, LLC, and Southern Homes of Broward, Inc.  
**Address:** 12900 SW 128 Street, Suite 100  
**City:** Miami, FL 33186  
**Phone:** (305) 971-0102

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**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** Site plan approval for the construction of 79 single family homes

**Address/Location:** 12901 Orange Drive, generally located at the northwest corner of Orange Drive and Flamingo Road

**Future Land Use Plan Designation:** Residential (1 DU/AC)

**Zoning:** A-1 (Agricultural District)

**Existing Use:** Vacant

**Proposed Use:** Single family homes

**Parcel Size:** 97.12 acres

|               | <b><u>Surrounding Uses:</u></b>   | <b><u>Surrounding Land Use Plan Designation:</u></b> |
|---------------|-----------------------------------|--|
| <b>North:</b> | Horse farm & Flamingo ESL         | Residential (1 DU/AC)                                |
| <b>South:</b> | Flamingo Commons & Orange Drive   | Commercial and Right-of-way                          |
| <b>East:</b>  | Flamingo Commons & Flamingo Road  | Commercial and Right-of-way                          |
| <b>West:</b>  | Single Family (Imagination Farms) | Residential (1 DU/AC)                                |

**Surrounding Zoning:**

**North:** A-1, Agricultural District  
**South:** B-3, Planned Business Center & Orange Drive  
**East:** B-3, Planned Business Center & Flamingo Road  
**West:** E, Estate District

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## Zoning History

### Previous Requests on same property:

On October 2, 2002, the Town of Davie adopted Ordinance No. 2002-35 approving rural lifestyle regulations including the Scenic Corridors Overlay District.

On November 20, 2001, the Town Council approved the plat, Flamingo Plat.

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### APPLICATION DETAILS

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject property is a flag-shape site of approximately 97 acres in area. It is abutting a horse farm and Flamingo ESL site to the north, single-family residents (Imagination Farms) to the west, and the designated scenic corridors, Flamingo Road to the east and Orange Drive to the south. An existing lake separates the site from the commercial development (Flamingo Commons) at the southeast corner.

The applicant is proposing 79 single-family houses with minimum lot size of 35,000 square feet on the subject site. The site plan layout is consistent with the design principles of rural lifestyle requirements. The loop-pattern street system with a water body and open spaces limits the dead-end streets. The streets within the development are 50-foot public right-of-way with eight-foot swale to accommodate large street trees. Sidewalks are provided on both sides of streets.

2. *Equestrian Trail:* A ten-foot equestrian trail is proposed along Flamingo Road, the south and east property lines adjacent to Flamingo Commons and connecting to the existing trail along south side of Orange Drive. To continue the recreational and equestrian trail along the east property line, staff recommends providing a multi-purpose crossing (bicycle; pedestrian; equestrian) at Orange Drive to the Linear Park along the south side of Orange Drive. This can be accomplished with brick or other textured pavement and special signage.
3. *Building:* The applicant presents a master model plan including seven (7) floor models with 25 elevations. Should this master model plan be approved, the models will also be used for the up-coming projects known as Blackstone Creek, Diamond Creek, Charleston Oaks, Woodbridge, and Mill Creek.

Most of the models present country styles, which incorporate front porches, decorative cornices, columns, and shutters. Seventy percent (70%) of the models have garages facing side yard while 30 percent of models have garages recessed back from the front yard. Roof materials are options of shingle, barrel tile, concrete flat tile, and metal roofs. Building colors are earth tones with options of stucco, sidings, decorative brick, and natural stone. The variety of building materials and colors will provide customers with different options and present interesting streetscape. In addition, the master model plan also includes some

Mediterranean style buildings. The proposed models are in consistent with the Anti-Monotony principles required by the Rural Lifestyle Ordinance.

4. *Access and Parking:* The access to the site is on Orange Drive. Each single family home has a minimum of two car garage and driveway to accommodate parking requirements.
5. *Lighting:* The proposed photometric lighting plan meets the code requirements. Staff recommends that same street lights as Imagination Farms be carried on along Orange Drive to create the continuous streetscape on Orange Drive. The lighting fixtures in the community shall utilize the approved lighting fixtures for Griffin Corridor consistent with the rural lifestyle. The 16-foot streetlights with large canopy street trees will provide pedestrian friendly environments within the community.
6. *Landscaping:* Orange Drive and Flamingo Road are designated scenic corridors. One-hundred (100) feet scenic corridor buffer areas are required for both streets. In addition to the existing 80-foot right-of-way on Orange Drive, a 20-foot landscaping buffer is provided inside of the south property line to make the required 100 feet. On Flamingo Road, in addition to the minimum of 50 feet right-of-way at the south end of the street, a 50-foot scenic corridor area including a 20-foot landscaping buffer and a ten-foot equestrian trail are provided inside of the east property line.

The 20-foot landscaping buffers along Orange Drive and Flamingo Road are including street trees, canopy trees, sub-canopy trees and continuous hedges. Live Oaks and Mahogany trees are proposed street trees and canopy trees accented with flower and specimen trees including Pitch apple, and Gumbo Limbo, Cordia Sebestena, Geiger trees, etc. Rockscape waterfalls with different layers of landscaping materials around them provide natural attraction at the front entrance of the development.

The typical landscaping plan for each home indicates that canopy trees accented with flower trees, palms, shrubs and ground covers are provided to enhance the appearance of the buildings.

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## **Significant Development Review Agency Comments**

### Planning and Zoning:

Temporary Use permit shall be approved by the Town Council for the sales trailer.

### Engineering:

1. Continue the sidewalk and street lighting (same theme) along Orange Drive (currently being installed by Imagination Farms) all the way to Flamingo Road.
  2. To continue the recreational and equestrian trail along the east property line, provide a multi-purpose crossing (bicycle; pedestrian; equestrian) of Orange Drive to the Linear Park running along the south side of Orange Drive.
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## Applicable Codes and Ordinances

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

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### Comprehensive Plan Considerations

**Planning Area:** The subject site is located in Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its 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 SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West Ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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### Staff Analysis/Findings of Fact

Staff finds that the site plan is in conformance with all applicable Codes and Ordinances.

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### Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Site Plan Committee and Town Council for further consideration. In addition, the following conditions shall be addressed prior to final site plan approval:

1. Continue the sidewalk and street lighting (same theme) along Orange Drive (currently being installed by Imagination Farms) all the way to Flamingo Road.
2. To continue the recreational and equestrian trail along the east property line, provide a multi-purpose crossing (bicycle; pedestrian; equestrian) on Orange Drive to the Linear Park running along the south side of Orange Drive.
3. The lighting fixtures in the community shall utilize the approved lighting fixtures for Griffin Corridor consistent with the rural lifestyle.
4. Homeowner Association (HOA) document shall be recorded prior to the issuance of the first C.O. for the single-family homes. HOA document shall address that horses and barns be allowed subject to the Town of Davie regulations.
5. Temporary Use permit shall be approved by the Town Council for the sales trailer.

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## Site Plan Committee Recommendation

At May 13, 2003 Site Plan Committee meeting, Vice-Chair Aucamp made a motion, seconded by Councilmember Crowley, to approve subject to staff's recommendations and the following conditions:

- Increase the height of the 11 Live Oaks at the main entrance to 20 feet overall.
- No planting of landscape material shall be in the 20-foot lake maintenance easement.
- Check into the location of trees within the horse trail, so that the horses could travel through it. (Motion carried 4-0, Mr. Engel absent)

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## Town Council Action

At the June 18 Town Council meeting, the item was approved with the consent subject to the letter from Mr. Laystrom and the staff's recommendations.

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**Exhibits:** Site Plan, Future Land Use Map, Zoning and Aerial Map.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

L-5  
P-1  
P-2  
PH1 OF 3  
PH2 OF 3  
PH3 OF 3

**APPROVED**  
DATE 10/30/03  
BY ab  
TOWN OF DAVIE  
PLANNING & ZONING

THIS SITE PLAN WAS APPROVED BY THE TOWN COUNCIL ON JUNE 18, 2003, BUT HAS NOT <sup>BEEN</sup> REVISED TO ADDRESS THE TC COMMENTS.

**FLAMINGO PLAT**  
(GROVE CREEK)  
SOUTHERN HOMES OF DAVIE II, L.L.C.  
**KEITH & BALLBE', INC.**  
Consulting Engineers



Approved by: CARLOS J. BALLBE'

[Signature] Date: 05/30/2003

Registered Engineer Number 41811  
State of Florida

**DATE: FEBRUARY 04, 2002**  
**PROJECT NUMBER: 21-04-28**

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**TOWN COUNCIL MINUTES  
JUNE 18, 2003**

- 4.15. SP 12-3-02, Oak Hollow Estates, 3700 SW 136 Avenue (A-1) *Site Plan Committee recommended approval subject to staff's recommendations; subject to extending the south sidewalk all the way to the recreational trail; and subject to the addition of "valley curbs" across the fronts of all home sites and up to the project entranceway*

*Site Plan Modification*

- \* 4.16. MSP 2-3-02, Flamingo Plat, 12901 Orange Drive (A-1) *Site Plan Committee recommended approval subject to staff's recommendations and the following: 1) increase the height of the 11 Live Oaks at the main entrance to "20-foot overall"; 2) that no planting of landscape material be in the 20-foot lake maintenance easement; and 3) check into the location of trees within the horse trail, so that the horses could travel through it*

*Temporary Use Permits*

- 4.17. TU 4-5-03, Davie II Stor-All, Ltd., 12451 Orange Drive  
4.18. TU 5-5-03, New Life Baptist Church, 2400 South Pine Island Road  
4.19. TU 6-1-03, Nations Rent, 6580 State Road 84

Councilmember Paul requested that items 4.1, 4.10, 4.14, 4.15, and 4.16 be removed from the Consent Agenda. Vice-Mayor Starkey requested that items 4.7 and 4.12 be removed. Mayor Truex requested that items 4.3 and 4.4 be removed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 4.1, 4.3, 4.4, 4.7, 4.10, 4.12, 4.14, 4.15, and 4.16. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.1 Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve subject to correcting the reference to the Local Planning Agency to Land Preservation Advisory Board. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Mayor Truex asked if the Town still had discretion in granting bonus density units and referred to Broward County's Land Use Plan. Housing and Community Development Director Shirley Taylor-Prakelt indicated that the plan was a way to make homes affordable in today's economy. Mayor Truex asked if there was a deadline for approval by Council. Ms. Taylor-Prakelt indicated there was no deadline and indicated that the purpose was to update the plan. She indicated that tabling the resolution might prevent someone from getting the waivers they might need.

Mayor Truex expressed concern that this plan might be held over "Council's head" in the future and not allow Council the final say over what types of density would be utilized for these developments. Town counsel Andre Parke referred to State Statute 420.90.72, which was an incentive program where the State provided funding for municipalities for this type of program. He stated that there was no definitive answer as to the type of incentive the Town had to give to developers for affordable housing.

Vice-Mayor Starkey asked Ms. Taylor-Prakelt to clarify the definition of affordable housing. Ms. Taylor-Prakelt indicated that current programs were designed for working families. She indicated that a family of four would qualify if the total income did not exceed \$40,000.

**TOWN COUNCIL MINUTES  
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garages, except for barns, that might come in for variances to get closer to the park. Dennis Mele, representing the applicant, agreed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

\* 4.16 Councilmember Paul indicated she had met with Mr. Laystrom regarding her concerns about the site plan. She advised of the changes Mr. Laystrom agreed to.

Bill Laystrom, representing the applicant, indicating the applicant's willingness to include three provisions to Council's approval.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve, subject to the letter from Mr. Laystrom and staff's recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING CHAPTER 4 ENTITLED ANIMALS; PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; AMENDING SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING CATEGORIES FOR KEEPING OF WILD ANIMALS; AMENDING SECTION 12-34(B) ENTITLED ANIMALS; PROVIDING FOR REGULATIONS FOR THE CARE AND MAINTENANCE OF WILD ANIMALS; AND AMENDING SECTION 12-503 DEFINITIONS PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 4, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Jeffrey Harrod, 3000 SW 121 Avenue, voiced his objections to this ordinance and questioned why this was before Council as this ordinance conflicted with Florida Statutes. He asked that Council "kick it back" so that issues he had with it could be worked out.

Mr. Kutney spoke of the genesis of this issue and why it was before Council at this time. Planning and Zoning Manager Fernando Leiva spoke of directives from Council to add specific language to the ordinance and to amend the definition of wild animals.

Mr. Harrod wanted to know who would be doing the inspections. Mr. Kutney indicated that staff was consistent with State Statutes.

Councilmember Paul indicated that she had spoken with Mr. Ruggeri from Flamingo Gardens, who had concerns because of the way the animals there were permitted.

Vice-Mayor Starkey understood that the intent of staff was to prevent single-family homeowners from "going beyond" the limits. She realized this ordinance was not intended to negatively impact legitimate businesses.

Mr. Harrod indicated that the Planning and Zoning Board advised the permit would cost \$1,000, whereas the state only charged \$25.00.



# EXHIBIT D

## TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Council members

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Annie Feng, Planner II

**SUBJECT:** Site Plan MSP 11-1-01, 14500 SW 26<sup>th</sup> Street / generally located at the SW corner of SW 26 Street and SW 142 Avenue.

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** MSP 11-1-01, Southern Homes of Davie II, LLC, and Southern Homes of Broward, Inc. 14500 SW 26<sup>th</sup> Street (A-1, Agricultural District)

**REPORT IN BRIEF:** The applicant proposes the construction of 66 single family homes on 75.89 acres. The development is known as Charleston Oaks located on the south side of SW 26 Street between SW 142 Avenue and the designated scenic corridor SW 148 Avenue (Boyscout Road). The site plan layout is consistent with the design principles of rural lifestyle requirements. The loop-pattern street system limits the dead-end streets. The streets within the development are 50-foot public right-of-way with eight-foot swale to accommodate large street trees. Sidewalks are provided on both sides of streets.

The applicant presents a master model plan including seven (7) floor models with 25 elevations has been approved by the Town Council on June 18, 2003. The master model plans will be used for Southern Homes projects including Flamingo Plat, Blackstone Creek, Diamond Creek, Charleston Oaks, Woodbridge, and Mill Creek. Most of the models present country styles, which incorporate front porches, decorative cornices, columns, and shutters. The proposed models are in consistent with the Anti-Monotony principles required by the Rural Lifestyle Ordinance.

SW 142 Avenue (Boyscout Road) is a designated scenic corridor. A fifty-foot scenic corridor buffer area is required inside of the east property line. Within the scenic corridor, a 20-foot landscaping buffer and a ten-foot recreation trail are provided. A 20-foot landscape buffer along SW 26 Street and a ten-foot landscape buffer along SW 148 Avenue are provided. Landscaping design meets the scenic corridor requirements

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the August 26, 2003 Site Plan Committee meeting, Vice-Chair Evans made a motion, seconded by Mr. Breslau, to approve based on the applicant offering optional marketing material for barns; reconfigure or customize a plan in order for Lot 34 to work; add the gazebo to the site plan and the architectural plan; make the entrance on 26<sup>th</sup> Street a non-vehicular emergency access and a pedestrian/equestrian access point (which would entail linking

sidewalks); and reference that the plans being used for this development are from Grove Creek (Motion carried 5-0).

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Site Plan Committee and Town Council for further consideration. In addition, the following conditions shall be addressed prior to final site plan approval:

1. Provide a recreation trail along SW 26 Street.
2. Reconstruct SW 148 Avenue within the length of the plat limits.
3. Provide five (5) feet sidewalk and eight (8) foot swale area along SW 148 Avenue. The elevation of the sidewalk shall be equal or higher than the crown of the road.
4. Homeowner Association (HOA) document shall be recorded prior to the issuance of the first C.O. for the single-family homes. HOA document shall address that horses and barns be allowed subject to the Town of Davie regulations.
5. Special permit shall be approved by the Town Council for the sales trailer.

**Attachment(s):** Planning Report, Land Use Map, Zoning and Aerial Map, Site Plan

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

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**Applicantion Information**

**Owner/Petitioner:**

**Name:** Southern Homes of Davie II, LLC, and Southern Homes of Broward, Inc.  
**Address:** 12900 SW 128 Street, Suite 100  
**City:** Miami, FL 33186  
**Phone:** (305) 971-0102

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**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** Site plan approval for the construction of 66 single family homes on 75.89 acres. The development is known as Charleston Oaks.

**Address/Location:** 14500 SW 26 Street/Generally located at the SW corner of SW 26 Street and SW 142 Avenue.

**Future Land Use Plan Designation:** Residential (1 DU/ AC)

**Zoning:** A-1 (Agricultural District)

**Existing Use:** Vacant

**Proposed Use:** Single family homes

**Parcel Size:** 75.89 acres

|               | <b><u>Surrounding Uses:</u></b>                                 | <b><u>Surrounding Land Use Plan Designation:</u></b> |
|---------------|---|--|
| <b>North:</b> | Single Family Homes   | Residential 1 DU/ AC                                 |
| <b>South:</b> | Vacant, Single Family Homes                                     | Residential 1 DU/ AC                                 |
| <b>East:</b>  | Single Family Homes   | Residential 1 DU/ AC                                 |
| <b>West:</b>  | Vacant, Single Family Homes                                     | Residential 1 DU/ AC                                 |
|               | <b><u>Surrounding Zoning:</u></b>                               |  |
| <b>North:</b> | R-1 (Estate Dwelling District)                                  |  |
| <b>South:</b> | R-1 (Estate Dwelling District), and A-1 (Agricultural District) |  |
| <b>East:</b>  | R-1 (Estate Dwelling District)                                  |  |

## Zoning History

### Related Zoning History:

On October 16, 2002, the Town Council approved Ordinance 2002-35, amending the Land Development Code to create Article IX of Chapter 12, entitled "Rural Lifestyle Regulations" and to create Scenic Corridors Overlay District.

On January 15, 2003, the Town Council approved Ordinance 2003-1, amending the Code of Ordinance Section 12-81A and Section 12-287, providing for revised development standards in the A-1 zoning district.

### Previous Request on same property:

The Town Council approved the plat, Charleston Oaks, on October 10, 2001. The plat is a boundary plat restricted to 70 single-family homes. There are a 50-foot access opening on SW 148 Avenue, and a 100-foot access opening on SW 142 Avenue.

On June 4, 2003, the Town Council approved the delegation request to amend a non-vehicular access line on the SW 26 Street on the "Charleston Oaks" plat.

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## Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site is 75.89 acres in area located on the south side of SW 26 Street between SW 142 Avenue and the designated scenic corridor SW 148 Avenue (Boyscout Road). The applicant is proposing 66 single-family houses with minimum lot size of 35,000 square feet surrounding a lake in the middle of the property. The site plan layout is consistent with the design principles of rural lifestyle requirements. The loop-pattern street system limits the dead-end streets. The streets within the development are 50-foot public right-of-way with eight-foot swale to accommodate large street trees. Sidewalks are provided on both sides of streets.
2. *Equestrian Trail:* A ten-foot equestrian trail is proposed along SW 148 Avenue and SW 26 Street to connect to the equestrian trail on the east side of SW 142 Avenue. The ten-foot equestrian trail along SW 26 Street will be provided outside the 20-foot landscape buffer in the right-of-way area dedicated to the Town. A ten-foot recreation trail shall be provided within the same area to connect the trail to the east and along SW 142 Avenue.
3. *Building:* The master model plan including seven (7) floor models with 25 elevations has been approved by the Town Council on June 18, 2003. The master model plans will be

used for Southern Homes projects including Flamingo Plat, Blackstone Creek, Diamond Creek, Charleston Oaks, Woodbridge, and Mill Creek.

4. *Access and Parking:* The accesses to the site are through SW 142 Avenue, SW 148 Avenue and SW 26 Street. A traffic calming device is proposed at the entrance on SW 142 Avenue while another one is proposed at the end of SW 145 Avenue on SW 26 Street.

Each single family home has a minimum of two car garage and driveway to accommodate parking requirements.

5. *Lighting:* The proposed photometric lighting plan meets the code requirements. The lighting fixtures in the community comply with the approved lighting fixtures for the rural lifestyle. The 18-foot streetlights with large canopy street trees will provide pedestrian friendly environments within the community.
6. *Landscaping:* SW 142 Avenue (Boyscout Road) is a designated scenic corridor. A fifty-foot scenic corridor buffer area is required inside of the east property line. Within the scenic corridor, a 20-foot landscaping buffer and a ten-foot recreation trail are provided. A 20-foot landscape buffer along SW 26 Street and a ten-foot landscape buffer along SW 148 Avenue are provided.

The landscaping buffers along SW 142 Avenue, SW 148 Avenue, and SW 26 Street include street trees, canopy trees, sub-canopy trees and continuous hedges. Live Oaks and Mahogany trees are proposed street trees and canopy trees accented with flower and specimen trees including Slash Pines and Gumbo Limbo. A fountain with different layers of landscaping materials around them provide as a traffic calming devise and focal point at the front entrance of the development.

The typical landscaping plan for each home indicates canopy trees accented with flower trees, palms, shrubs and ground covers provided.

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## Significant Development Review Agency Comments

Planning and Zoning: Temporary Use permit shall be approved by the Town Council for the sales trailer.

Engineering:

1. Reconstruct SW 148 Avenue within the length of the plat limits.
2. Provide five (5) feet sidewalk and eight (8) foot swale area along SW 148 Avenue. The elevation of the sidewalk shall be equal or higher than the crown of the road.

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## Applicable Codes and Ordinances

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

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## Comprehensive Plan Considerations

**Planning Area:** The subject site is located in Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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### Staff Analysis/Findings of Fact

Staff finds that the site plan is in conformance with all applicable Codes and Ordinances.

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### Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Site Plan Committee and Town Council for further consideration. In addition, the following conditions shall be addressed prior to final site plan approval:

1. Provide a recreation trail along SW 26 Street.
  2. Reconstruct SW 148 Avenue within the length of the plat limits.
  3. Provide five (5) feet sidewalk and eight (8) foot swale area along SW 148 Avenue. The elevation of the sidewalk shall be equal or higher than the crown of the road.
  4. Homeowner Association (HOA) documents shall be recorded prior to the issuance of the first C.O. for the single-family homes. HOA document shall address that horses and barns be allowed subject to the Town of Davie regulations.
  5. A special permit shall be approved by the Town Council for the sales trailer.
- 

### Site Plan Committee Recommendation

At the August 26, 2003 Site Plan Committee meeting, Vice-Chair Evans made a motion, seconded by Mr. Breslau, to approve based on the applicant offering optional marketing material for barns; reconfigure or customize a plan in order for Lot 34 to work; add the gazebo to the site plan and the architectural plan; make the entrance on 26th Street a non-vehicular emergency access and a pedestrian/equestrian access point (which would entail linking sidewalks); and reference that the plans being used for this development are from Grove Creek ( Motion carried 5-0).

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## **Town Council Action**

On September 17, 2003, the Town Council approved the item with the following conditions: to expand the horse trail on 26 Street from 10 feet to 12 feet and keep the sidewalks at four (4) feet; an adjustment will need to be made to ensure that the horses and bikes could maneuver the roundabouts; to add a horse crossing with signage and stripping along 142 Avenue and 26 Street and 145 Avenue and 26 Street; move the equestrian trail on 148 Avenue with five (5) -foot landscaping on either side of the trail, leaving those sidewalks at four (4) feet as well. As an option, should the school system decide to make the 142 Avenue entrance a bus stop, there should be a shelter. (Motion carried 5-0).

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### **Exhibits**

Site Plan, Future Land Use Map, Zoning and Aerial Map.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

**APPROVED**  
DATE 10/30/03  
BY ab  
TOWN OF DAVIE  
PLANNING & ZONING

THIS SITE PLAN WAS APPROVED BY THE TOWN COUNCIL ON 9/17/03, BUT HAS NOT <sup>BEEN</sup> REVISED TO ADDRESS THE TC COMMENTS.

ab 10/30/03

**CHARLESTON OAKS**  
**SOUTHERN HOMES OF DAVIE, L.L.C.**



**KEITH & BALLBE', INC.**  
Consulting Engineers

Approved by: CARLOS J. BALLBE'

Date: 09/10/2003

Registered Engineer Number  
State of Florida

41811

**DATE: SEPTEMBER 28, 2001**  
**PROJECT NUMBER: 21-05-30**

**TOWN COUNCIL MINUTES  
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- 5.18. **AGREEMENT RENEWAL - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2003-241 **FLORIDA RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE  
AND THE DAVIE SCHOOL FOUNDATION, INC.; AND PROVIDING AN  
EFFECTIVE DATE. (\$15,000)**

*Site Plans*

- 5.19. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD)  
(tabled from September 3, 2003) *Site Plan Committee recommended approval with the  
conditions that the applicant send a letter to the president of the homeowner's association  
[Chelsea Homeowners' Association] stating the date when this item was to be reviewed by  
the Town Council; and that the lighting levels on the east side of the buildings be at the  
lowest possible levels that the Police Department would allow after 9:00 p.m.*
- \* 5.20. MSP 11-1-01, Charleston Oaks, 14500 SW 26 Street (A-1) *Site Plan Committee  
recommended approval based on the applicant offering optional marketing material for  
barns; reconfigure or customize a plan in order for Lot 34 to work; add the gazebo to the  
site plan and the architectural plan; make the entrance on 26th Street a non-vehicular  
emergency access and a pedestrian/equestrian access point (which would entail linking  
sidewalks); and reference that the plans being used for this development are from Grove  
Creek*

Councilmember Hubert requested that item 5.14 be removed from the Consent Agenda.  
Councilmember Paul requested that items 5.16 and 5.20 be removed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve  
the Consent Agenda without items 5.14, 5.16 and 5.20. In a voice vote, all voted in favor.  
(Motion carried 5-0)

**6. DISCUSSION OF CONSENT AGENDA ITEMS**

5.14 & 3.2 Councilmember Hubert questioned why the project would take so long to  
complete. Kevin Ratterree, representing GL Homes, explained that the proposed design and  
aesthetic improvements for Hiatus Road would help with traffic by incorporating curbing and  
landscaping on each side of the road to slow traffic. He stated that GL Homes was not required  
to install pavers, a median or curbing and landscaping on each side of the road, but were doing  
this in an effort to improve traffic conditions. Mr. Ratterree indicated that the length of time  
could be attributed to permits from various agencies that would need to be garnered.

Vice-Mayor Starkey thanked Mr. Ratterree for his efforts to calm traffic on Hiatus Road.  
She disclosed that she was in the process of purchasing a home within this community and she  
had asked Mr. Kiar if there would be a conflict of interest if she voted on the matter. Mr. Kiar  
advised that since there would be no special gain or loss and Vice-Mayor Starkey received the  
same rights as the other homeowners, there would not be any form of conflict.

Vice-Mayor Starkey indicated that prior to her purchase and her election, the density in  
the community was approved as well as the minimal road improvements that were required.  
She stated that these improvements would not only be made to Hiatus Road, but also on 26th,  
58th, Shotgun and other locations. Mr. Ratterree indicated that the improvements to Hiatus  
Road were being done concurrently with the entry lanes to the development.

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Councilmember Hubert asked how long the improvements would take. Mr. Ratterree indicated that it would be 12 months.

Mayor Truex thanked GL Homes and felt that the proposed changes would be a 200% improvement to Hiatus Road.

Councilmember Crowley questioned the timeframe on the Orange Drive and Hiatus Road improvements. Mr. Ratterree indicated that there had been discussion regarding the equestrian trail to the west side of the right-of-way and stated that the same request for an extension had been made for both areas at the same time.

Mayor Truex asked if anyone wished to speak on this issue.

Linda Greck stated that she was not clear as to what was before Council at this time. Mayor Truex stated that although GL Homes was not required to make the improvements, the agreement would allow them more time to complete those improvements. Ms. Greck stated that she felt the improvements would be a vast improvement over what currently existed, but did not think the traffic calming mechanisms would make a tremendous difference.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve item 5.14 along with the permit for the new improvements. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

5.16 Councilmember Paul indicated that there were three issues that she wanted clarified prior to approval. She stated that there was to be an 80 foot entrance on Shotgun Road, that 31st would only be an emergency exit and that the plat note would decrease from 40 homes to 32. Bill Laystrom, presenting the petitioner, indicated in the affirmative. Councilmember Paul indicated that if this property "came through" as an open space initiative piece, it should be noted on the plat that a horse connection would be provided on the entire south side of the property. Mr. Laystrom agreed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve with the condition that in the event that this issue became an open space initiative piece, it should be stated on the plat that it would allow for a horse connection on the entire south side of the property. In a voice vote, all voted in favor. (Motion carried 5-0)

\* 5.20 Councilmember Paul stated that this property was in the heart of Oak Hill and indicated that the amended designs were Florida vernacular with horse stables. Bill Laystrom displayed the new design.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve with the following conditions: to expand the horse trail on 26th Street from 10 feet to 12 feet and keep the sidewalks at 4 feet; an adjustment will need to be made to ensure that the horses and bikes could maneuver the roundabouts; to add a horse crossing with signage and stripping along 142nd and 26th and 145th and 26th; move the equestrian trail on 148th with 5 foot landscaping on either side of the trail, leaving those sidewalks at four feet as well. She added that as an option, should the school system decide to make the 142nd entrance a bus stop, there should be a shelter.

Councilmember Paul stated that she had concerns regarding the roads and felt the road was overbearing and not conducive to the Town's rural atmosphere. She advised that she would like to see a 40 foot road rather than a 50 foot road to increase the green space and reduce

**TOWN COUNCIL MINUTES  
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the asphalt. Mr. Willi raised the possible conflict with the Code on the sidewalk reduction from five feet to four feet and stated that the Code had a minimum of five feet.

Mr. Kiar requested clarification from Mr. Laystrom regarding the pending litigation with Southern Homes of Davie and whether the lawsuit would be dismissed once the site plan was approved for the Flamingo site and Charleston Oaks site. Mr. Laystrom explained that when he appeared before Council on October 16th, his client would settle the lawsuit if the Town would amend its ordinance which was done. He stated that he had requested that there be a provision to provide an expedited process of the site planning and cooperation with all other governmental entities; however, the Town's counsel had indicated that this was not the Town's position. Mr. Laystrom stated that it was their hope that the building permits be processed fairly and expeditiously.

Mayor Truex asked special counsel Mike Burke if the lawsuit had been dismissed. Mr. Burke explained the genesis of the lawsuits, stating that both lawsuits asked the courts to compel the Town to process site plans other than the laws as existed before the rural lifestyle ordinance was adopted. He felt that the deal that was made pertained to the site plan being processed which it had and he did not think the lawsuits could be brought forward as the lawsuits did not address building permits or other governmental entities. Mr. Burke stated that he did not think this issue pertained to whether Council should approve or not approve the site plan and if this complied with the Code, he suggested approval.

Mayor Truex asked Mr. Laystrom if the petitioner would agree to dismiss the lawsuit and staff would be directed that every effort would be made to expedite their applications. Hector Garcia asked if Development Service Director Mark Kutney had been assigned to be the point person. Mr. Willi responded in the affirmative.

In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Garcia advised that the lawsuit would be dismissed. Mr. Laystrom indicated that they would sign the agreement prepared by Mr. Burke. Mr. Kutney added that the applicant would always have the option under the Cost Recovery Program of managing one of the Town's consultants.

**7. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 7.1. **ORDINANCE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading September 3, 2003 - all voted in favor with Vice-Mayor Starkey dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Human Resource Director Mark Alan indicated that staff had been provided with an amendment allowing the personnel rules under Rule 1, Section 10, to retain language required

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