

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Delegation Request, DG 4-2-03 Sterling Townhomes, Rod A. Feiner, Esquire/Rosendo E. Prieto, Sterling Villas Developers, 3875 NW 76 Avenue/Generally located 900' south of Stirling Road on the west side of NW 76 Avenue.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AUTHORIZE A CHANGE TO THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE STERLING VILLAS PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The applicant's request is to authorize a change to the restrictive note on the Sterling Villas plat from twenty-two (22) to twenty-five (25) townhouse units. The site plan, SP 4-7-03 Sterling Townhomes, which depicts the details of the proposal, has been filed concurrently. The request represents an increase in the traffic that will be generated from the site. Broward County will evaluate the request and will require mitigation measures if they are necessary. The request does not represent a change educational or park impacts as 60 bedrooms are shown on the proposed on the site plan, while the recorded plat allows 66 bedrooms.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None.

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** If this item is pulled from the consent agenda for discussion the site plan, SP 4-7-03 Sterling Townhomes, should be as well. Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

**Attachment(s):** Resolution, Planning Report, Justification, Plat, Future Land Use Plan Map, Zoning and Aerial Map

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

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AUTHORIZE A CHANGE TO THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE STERLING VILLAS PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as Sterling Villas has been recorded in Plat Book 157, Page 24, of the public records of Broward County; and

WHEREAS, the owners desire to revise 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 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 delegation request to change the restrictive note on the Sterling Villas 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 and Zoning Division Staff**  
**Report and Recommendation**

**Applicant Information**

<b><u>Owner:</u></b>		<b><u>Agent:</u></b>	
<b>Name:</b>	Rosendo E. Prieto	<b>Name:</b>	Rod A. Feiner, Esquire
	Sterling Villas Developers		Coker & Feiner
<b>Address:</b>	10011 Pines Boulevard, Suite 203H	<b>Address:</b>	1404 South Andrews Avenue
<b>City:</b>	Pembroke Pines, FL 33024	<b>City:</b>	Fort Lauderdale, FL 33316
<b>Phone:</b>	(954) 885-0008	<b>Phone:</b>	(954) 761-3636

**Background Information**

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

**Application Request:** Approval of the resolution to authorize the change in the restrictive note on the Sterling Villas Plat **FROM:** This plat is restricted to twenty-two (22) townhouse units; **TO:** This plat is restricted to twenty-five (25) townhouse units.

**Address/Location:** 3875 NW 76 Avenue/Generally located 900' south of Stirling Road on the west side of NW 76 Avenue.

**Future Land Use Plan Map Designation:** Residential (8 DU/AC)

**Zoning:** RM-8, Medium Density Dwelling District

**Existing Density:** Twenty-two (22) townhouse units

**Maximum Density:** Twenty-seven (27) multi-family units

**Existing Use:** Vacant

**Proposed Density/Use:** Twenty-five (25) multi-family units

**Parcel Size:** 3.393 gross acres (147,799 square feet)

**Surrounding Uses:**

**North:** Townhomes  
**South:** Town of Davie Water Treatment Plant  
**East:** Town of Davie Water Treatment Plant  
**West:** Sundance on Stirling

**Surrounding Land Use Plan Designation:**

Residential (8 DU/AC)  
 Utilities  
 Utilities  
 Residential (8 DU/AC)

**Surrounding Zoning:**

**North:** RM-8, Medium Density Dwelling District  
**South:** U, Utilities District  
**East:** U, Utilities District  
**West:** RM-8, Medium Density Dwelling District

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**Zoning History**

**Related Zoning History:** Pursuant to a referendum vote, the subject site was annexed to the Town of Davie by Ordinance 81-7, on March 5, 1981

**Previous Requests on same property:** Available records indicate the Future Land Use Plan Map designation and zoning classification were in place prior to the site’s annexation.

The plat, Sterling Villas, was approved on October 19, 1989, with a note restricting it to 22 townhouse units, and was subsequently recorded in Plat Book 157, Page 24, of the official records of Broward County on November 14, 1994.

The site plan, SP 4-7-03 Sterling Townhomes, has been submitted concurrently with this request.

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**Application Details**

The applicant’s request is to change the restrictive note on the Sterling Villas plat from twenty-two (22) to twenty-five (25) townhouse units. The site plan, SP 4-7-03 Sterling Townhomes, which depicts the details of the proposal, has been filed concurrently.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**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**

This request will allow twenty-five (25) multi-family units to be developed on the subject plat. The request represents an increase in the traffic that will be generated from the site. Broward County will evaluate the request and will require mitigation measures if they are necessary.

The request does not represent a change educational or park impacts as 60 bedrooms are shown on the proposed on the site plan, while the recorded plat allows 66 bedrooms.

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### **Staff Recommendation**

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

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### **Exhibits**

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

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

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



**STONER & ASSOCIATES, INC.**  
**SURVEYORS – MAPPERS**

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4341 S.W. 62nd Avenue, Davie, FL 33314  
Phone: (954) 585-0997 • Fax: (954) 585-3927  
E-Mail: mail@stonersurveyors.com

April 21, 2003

Mr. Chris Gratz  
Planner II  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

**Re: Sterling Villas Townhomes  
Plat Note Amendment**

Dear Mr. Gratz:

On behalf of the owner, H.E.M. Development Corporation, I hereby request a letter (suitable for submittal to Broward County) from the Town of Davie approving an amendment to the note on the Sterling Villas plat.

The information which is required for the Broward County application is provided herein. Enclosed are two full-size and two reduced size copies of the recorded plat and a check in the amount of \$500 for the application fee.

**PROJECT INFORMATION**

**Plat Name:** "STERLING VILLAS"  
**Plat Book-Page:** Plat Book 157 Page 24  
**Owner/Applicant:** H.E.M. Development Corporation  
**Address:** 7333 Coral Way  
Miami, FL 33155

**PROPOSED CHANGES**

**Current note for entire plat:** This plat is restricted to 22 townhouse units.

**Proposed note for entire plat:** This plat is restricted to 25 townhouse units.

**Does the note change represent a change in trips?** Increase

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Mr. Chris Grantz  
Page 2 of 2  
April 21, 2003

**Does the note change represent a major change in land use?** No

**Are onsite wells for potable water and/or septic tanks currently in use or proposed?** No

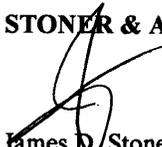
**JUSTIFICATION NARRATIVE**

When the plat was recorded, a different type of dwelling unit and layout were proposed. The villa project, (which was recently designed and is currently under review by the Town of Davie) includes 25 units; just three more than were envisioned when the plat was recorded and consistent with the density permitted by the land use and zoning classifications for this site. It is necessary to amend the plat restriction note in order to construct one of the buildings depicted on the site plan. The anticipated additional impact in traffic is minimal and will be mitigated as required by Broward County. The projected educational and park impacts should not be increased since the total number of bedrooms will not be increased.

If you have any questions or need additional information, please don't hesitate to call.

Sincerely,

**STONER & ASSOCIATES, INC.**



James D. Stoner, P.S.M.  
President

JDS:llm

Enclosures

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"STERLING VILLAS"  
SECTION 17, TOWNSHIP OF A CORNERS OF TOWNSHIP 17, TOWN OF DELTA, BROWARD COUNTY, FLORIDA

LEGAL DESCRIPTION

Section 17, Township 17 North, Range 32 East, of the Delta Survey, Broward County, Florida, contains approximately 1,195 acres more or less. The lands described herein are a portion of the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348. The lands described herein are a portion of the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348. The lands described herein are a portion of the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348.

DEDICATION

Know all men by these presents that STERLING VILLAS CORPORATION, a Florida corporation, in the name of the State of Florida, County of Broward, State of Florida, has dedicated to the public for public purposes the lands described herein, to-wit: the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348.

ACKNOWLEDGEMENT

I, the undersigned, being duly qualified, do hereby certify that the lands described herein are the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348.

SURVEYORS CERTIFICATE

We, the undersigned, being duly qualified, do hereby certify that the lands described herein are the lands described in the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348.

BROWARD COUNTY PLANNING COUNCIL

This is to certify that the Board of Planning and Zoning Management of the County of Broward, Florida, has approved the plat of the Delta Survey, Broward County, Florida, recorded in Public Book 157, of the Public Records of Broward County, Florida, at page 348.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT  
COUNTY RECORDS DIVISION - RECORDING SECTION

The instrument was filed for record in the Public Records of Broward County, Florida, at page 348. The instrument was filed for record in the Public Records of Broward County, Florida, at page 348. The instrument was filed for record in the Public Records of Broward County, Florida, at page 348.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT  
COUNTY RECORDS DIVISION - MINUTES SECTION

The instrument was filed for record in the Public Records of Broward County, Florida, at page 348. The instrument was filed for record in the Public Records of Broward County, Florida, at page 348. The instrument was filed for record in the Public Records of Broward County, Florida, at page 348.

BROWARD COUNTY ENGINEERING DIVISION

This plat is approved and accepted for record. The Plat is approved and accepted for record by the Board of Planning and Zoning Management of the County of Broward, Florida, on this 14th day of December, A.D. 1994.

BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

This Plat is approved and accepted for record. The Plat is approved and accepted for record by the Board of Planning and Zoning Management of the County of Broward, Florida, on this 14th day of December, A.D. 1994.

TOWN PLANNING AND ZONING BOARD

This is to certify that the Plat was approved and accepted by the Planning and Zoning Board of the Town of Delta, Broward County, Florida, on this 14th day of December, A.D. 1994.

TOWN COUNCIL

This is to certify that the Plat was approved and accepted by the Town Council of the Town of Delta, Broward County, Florida, on this 14th day of December, A.D. 1994.

DEVELOPMENT SERVICES DEPARTMENT

This is to certify that the Plat was approved and accepted by the Department of Development Services of the Town of Delta, Broward County, Florida, on this 14th day of December, A.D. 1994.

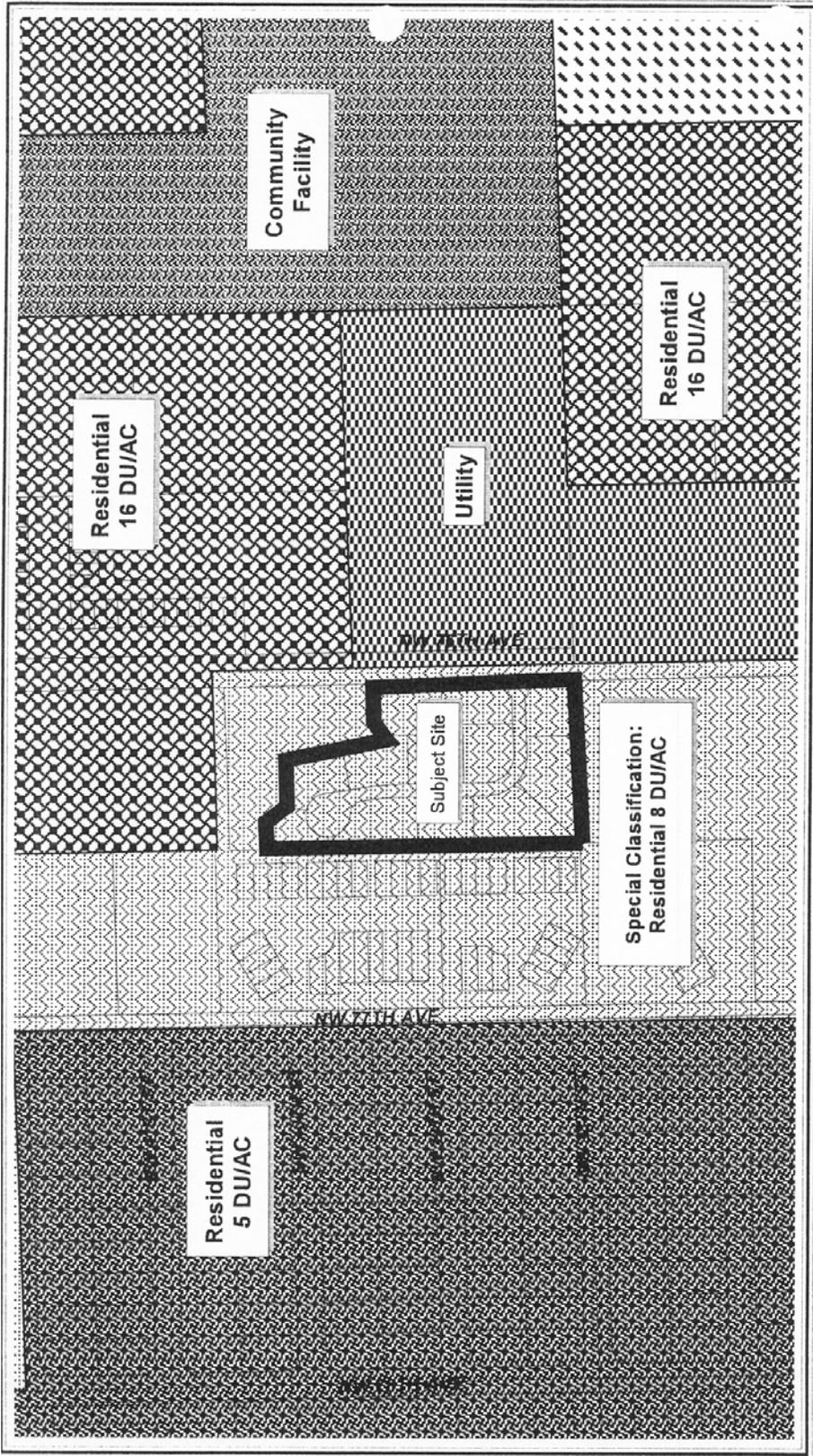
CENTRAL BROWARD DRAINAGE DISTRICT

This Plat is approved and accepted for record. The Plat is approved and accepted for record by the Board of Directors of the Central Broward Drainage District, on this 14th day of December, A.D. 1994.



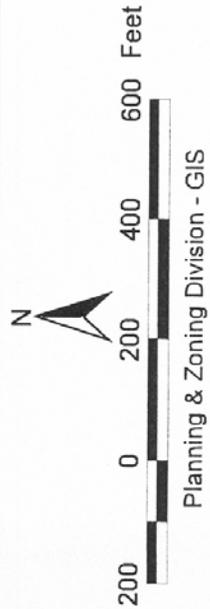
PREPARED BY  
DELTA SURVEYORS, INC.  
12000 SW 34th Street, Miami, Florida

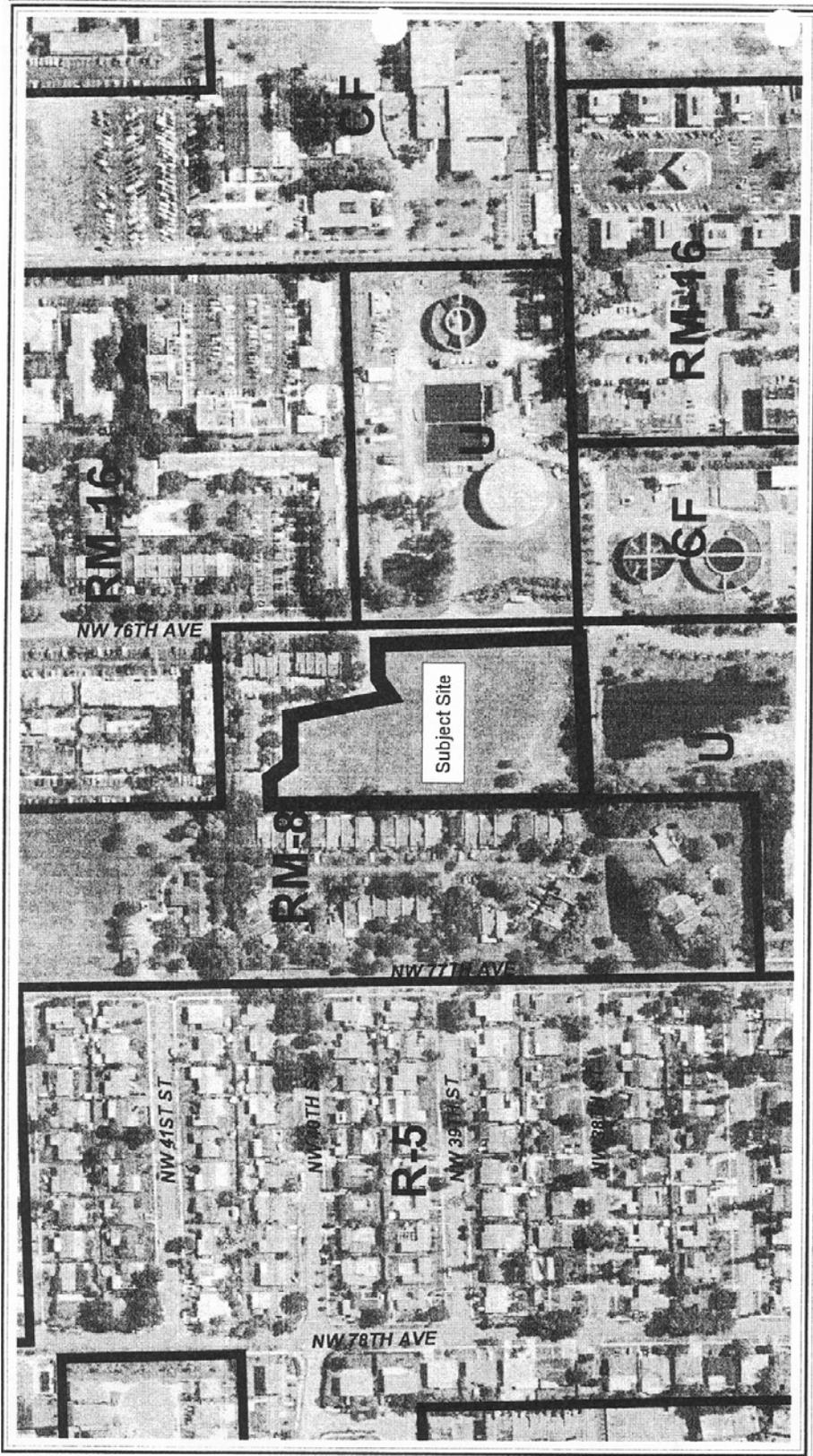




**SITE PLAN  
SP 4-7-03  
Future Land Use Map**

Prepared By: TAV  
Date Prepared: 6/4/03





Date Flown:  
12/31/00



Planning & Zoning Division - GIS



**SITE PLAN**  
**SP 4-7-03**  
**Zoning and Aerial Map**

Prepared By: TAV  
Date Prepared: 6/4/03

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