

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

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

SUBJECT: Resolution DG 1-1-04, Nova Plaza Addition, 6075 Orange Drive/Generally located at the northeast corner of Orange Drive and SW 61 Avenue

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

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

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "Nova Plaza Addition" from "This plat is restricted to 8,400 square feet of office use" to "This plat is restricted to 12,000 square feet of office use."

The proposed delegation request is for consistency with the proposed site plan (SP 3-3-03), FMC Telecommunication, a 12,000-square-foot office building at the northeast corner of Orange Drive and SW 61 Avenue.

A 55-foot road right-of-way along Orange Drive was dedicated via the original plat "Nova Plaza Addition". In February 2003, Orange Drive was deleted from the Broward County Trafficways Plan. Thereafter, on August 20, 2003, the Town Council approved Ordinance 2003-28 to vacate the 55 feet of right-of-way. Therefore, the parcel size has increased from 25,051 square feet to 33,750 square feet. The site plan layout meets the intent of Western Theme District by placing the building in the front and parking in the rear. The project conforms to the Land Development Code and Western Theme Development Manual in terms of setbacks, parking and landscaping.

The proposed amendment reflects the proposed level of development. 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.

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 Survey, Proposed survey, Existing Future Land Use Map, and Subject Site and Aerial Map

RESOLUTION _____

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

WHEREAS, the subdivision plat known as the Nova Plaza Addition was recorded in the public records of Broward County in Plat Book 129, Page 26; 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 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 Nova Plaza Addition 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 _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

Application #: DG 1-1-04 FMC Telecommunication
Exhibit "A"

Revisions:
Original Report Date: 1/29/04

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

Applicant Information

Owner:

Name: Francis & Phyllis Cassidy
Address: 6045 Orange Drive
City: Davie, FL 33315
Phone: (954) 792-6492

Agent:

Name: Kalis & Kleiman, P.A.
Address: 7320 Griffin Road
City: Davie, FL 33314
Phone: (954) 791-0477

Background Information

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on "Nova Plaza Addition" from "This plat is restricted to 8,400 square feet of office use" to "This plat is restricted to 12,000 square feet of office use."

Address/Location: 6075 Orange Drive/Generally located at the northeast corner of Orange Drive and SW 61 Avenue

Future Land Use Plan Designation: RAC, Regional Activity Center

Zoning: B-2, Community Business District, Western Theme Overlay District

Existing Use: Vacant

Proposed Use: One office building of 12,000 square feet

Parcel Size: .775 acre (33,750 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Industrial	Regional Activity Center
South:	Linear Park and C-11 canal	Recreation and Open Space
East:	Commercial	Regional Activity Center
West:	Commercial	Regional Activity Center

Surrounding Zoning:

North: M-1, Light Industrial District
South: C-11 Canal
East: B-2, Community Business District
West: B-2, Community Business District

Zoning History

Related Zoning History:

On August 20, 2003, the Town Council approved Ordinance 2003-29 to rezone the subject site from B-2, Community Business District to B-2, Community Business District, Western Theme Overlay District.

Orange Drive was deleted from the Broward County Trafficways Plan in February 2003.

Previous Requests on same property:

On April 17, 1985, the Town Council approved the subdivision plat for Nova Plaza Addition. A portion of 55 feet along Orange Drive within the plat limit was dedicated as right-of-way by this plat.

On August 26, 1999, the Town Council approved Special Permit, SE 3-1-09, to allow a satellite dish antenna erected on the FMC site east of the subject site. This Special Permit was amended on October 3, 2001 to allow an additional single monopole/antenna not to exceed 75 feet in height for a maximum of three years. On September 4, 2002, the Town Council approved to extend the special permit for another 18 months.

On August 20, 2003, the Town Council approved Ordinance 2003-28 to vacate 55 feet of right-of-way along Orange Drive, a ten (10)-foot utility easement along the east boundary of the plat, a 6-foot utility easement on the western boundary of the plat continuing along the southwest corner of the plat and increasing to a 10-foot utility easement along the southern boundary of the plat, and a nine (9)-foot drainage easement along the western boundary of the plat continuing along the southwest corner of the plat and increasing to a 15-foot drainage easement along the southern boundary of the plat.

Application Details

Petitioner is requesting to amend the restrictive note on the "Nova Plaza Addition" to reflect the proposed level of development.

Current Plat Note: This plat is restricted to 8,400 square feet of office use.

Proposed Plat Note: This plat is restricted 12,000 square feet of office use.

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 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 98.

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.

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

Staff Analysis/Findings of Fact

The proposed delegation request is in light of the proposed site plan (SP 3-3-03) for a 12,000-square-foot office building at the northeast corner of Orange Drive and SW 61 Avenue.

A 55-foot road right-of-way along Orange Drive was dedicated via the original plat "Nova Plaza Addition". In February 2003, Orange Drive was deleted from the Broward County Trafficways Plan. Thereafter, on August 20, 2003, the Town Council approved Ordinance 2003-28 to vacate the 55 feet of right-of-way. Therefore, the parcel size has increased from 25,051 square feet to 33,750 square feet. The site plan layout meets the intent of Western Theme District by placing the building in the front and parking in the rear. The project conforms to the Land Development Code and Western Theme Development Manual in terms of setbacks, parking and landscaping.

The proposed amendment is consistent with the 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

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

Town Council Action

Exhibits

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

Prepared by: _____

Reviewed by: _____

Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109
Davie, Florida 33314

Neal R. Kalis
M. Scott Kleiman
Abigail M. Cohen*
*Member FL & CA Bar

Telephone (954) 791-0477
Fax (954) 791-0506
E-mail KalisKleiman@kaliskleiman.com

January 26, 2004

Ms. Annie Feng
Planner II
Town of Davie
6591 Orange Drive
Davie FL 33314

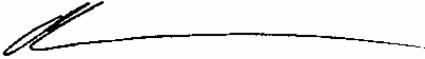
HAND DELIVERED

RE: FMC Telecommunications/Nova Plaza Addition - Amendment to Plat Note

Dear Ms. Feng:

As you are aware, the undersigned is counsel to FMC Telecommunications and Frank and Phyllis Cassidy. As you are also aware the Cassidy's will be developing the corner of SW 61st Avenue and Orange Drive with a western theme office building. The purpose of this letter is to request, from the Town of Davie, a letter of no objection to amend the Nova Plaza Addition Plat by increasing the amount of commercial office space from 8,400 square feet to 12,000 square feet. This letter of no objection will be submitted to Broward County as part of the delegation request to amend the Plat Note for Nova Plaza Addition. We appreciate your assistance and cooperation with this matter.

Very truly yours,



M. Scott Kleiman

/BAC

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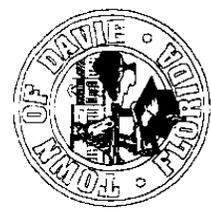


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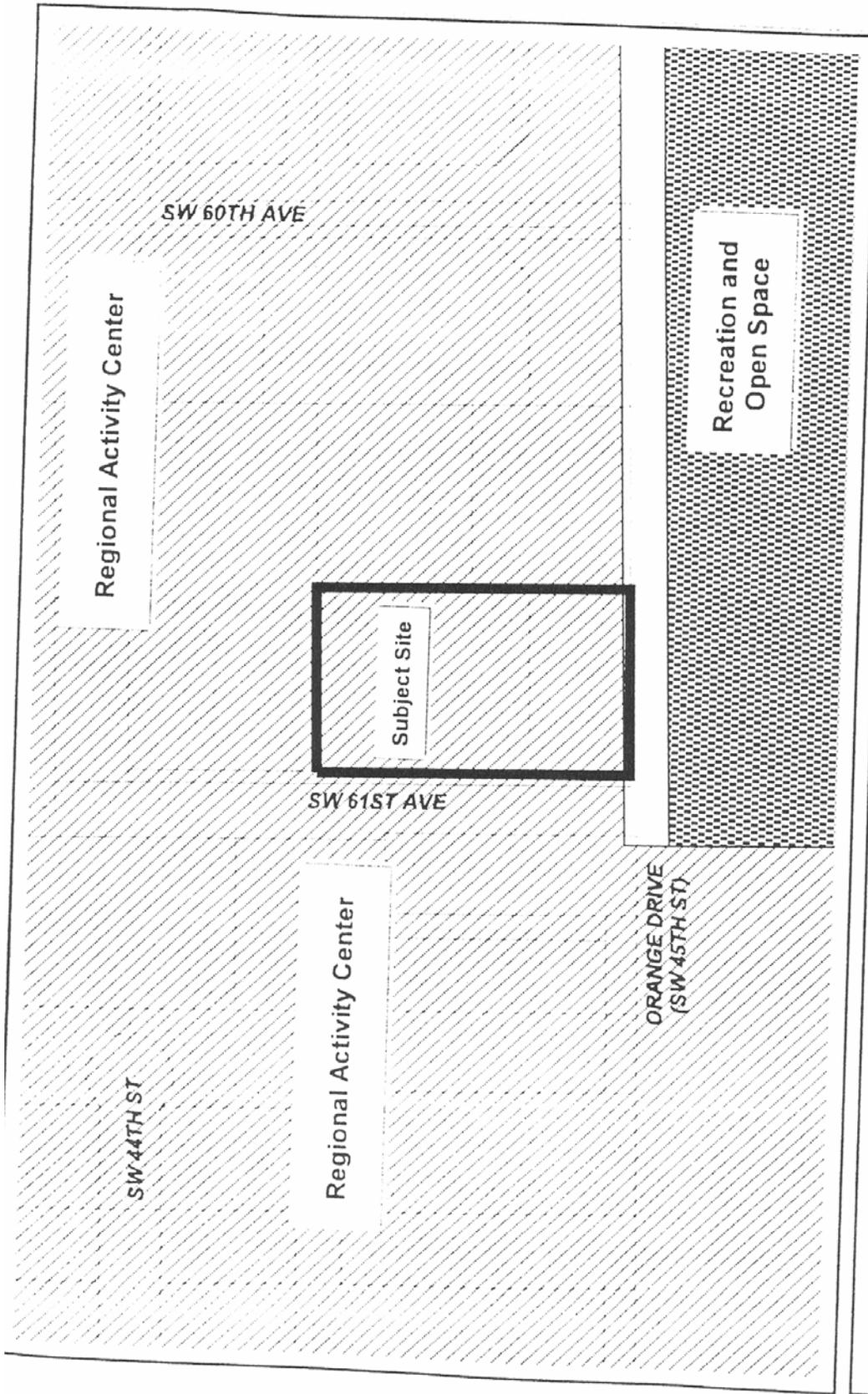
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Planning & Zoning Division - GIS



DELEGATION REQUEST DG 1-1-04 Zoning and Aerial Map

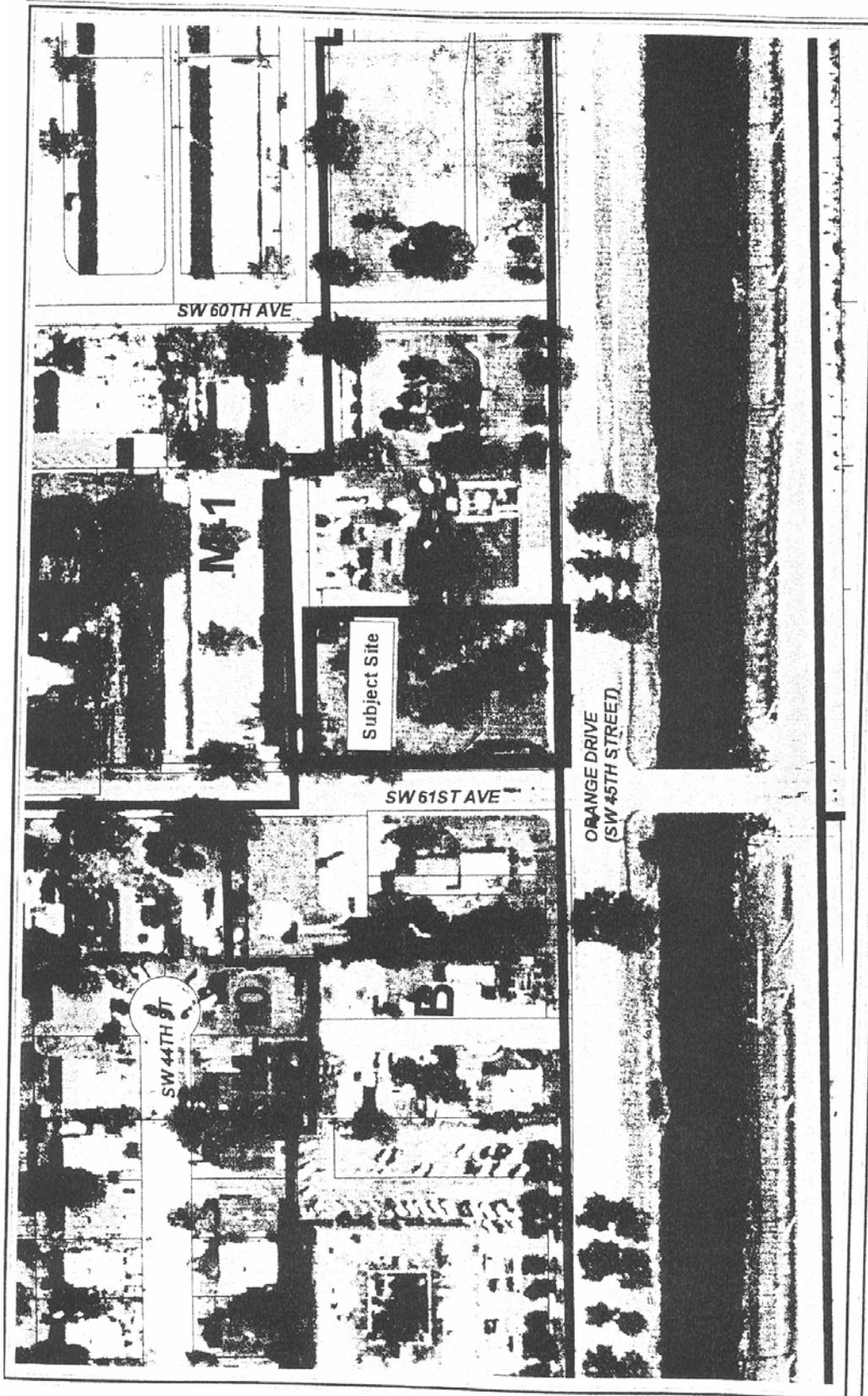
Prepared By: TAV
Date Prepared: 7/10/03



DELEGATION REQUEST
DG 1-1-04
Future Land Use Map

Prepared By: TAV
 Date Prepared: 7/10/03





Date Flown:
12/31/00



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Planning & Zoning Division - GIS



DELEGATION REQUEST DG 1-1-04 Zoning and Aerial Map

Prepared By: TAV
Date Prepared: 7/10/03

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