TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: David M. Abramson, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 3-1-04 / 04-271 / Villas of Rolling Hills, 3200 - 3550 Rolling Hills Circle, generally located at the northeast corner of Rolling Hills Circle and SW 36 Street (Rolling Hills Boulevard).

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 3-1-04, VACATING AND PROVIDING FOR DRAINAGE EASEMENTS WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE VILLAS OF ROLLING HILLS AND VILLAS OF ROLLING HILLS NORTH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:
The purpose of this request is to vacate and replace existing drainage easements in Villas of Rolling Hills and Villas of Rolling Hills North in order to provide legal easements that correspond to existing infrastructure. The petitioner notes that some of the existing drainage pipes are not in the existing easements per the original plat. Furthermore, most of the existing easements themselves do not have drainage pipes within them.

The existing easements in some instances, conflict with the approved and under construction site plan for Villas of Rolling Hills residential site plan. Therefore, it is essential to relocate the drainage easements and existing storm sewers to conform to the approved site plan. The petitioner has provided plans that specify how the storm sewers are to be relocated to accommodate the proposed site plan

PREVIOUS ACTIONS: None

CONCURRENCES:
At the April 28, 2003 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. Stevens, to approve. (Motion carried 3-0) Mr. McLaughlin and Ms. Lee were absent.

FISCAL IMPACT: None

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

ATTACHMENT(s):
Ordinance, Planning Report, Justification Letter, Future Land Use Map, Subject Site, Zoning and Aerial map, Sketch of Drainage Easements to be Vacated

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 3-1-04, VACATING AND PROVIDING FOR DRAINAGE EASEMENTS WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE VILLAS OF ROLLING HILLS AND VILLAS OF ROLLING HILLS NORTH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, certain land located within Section 21, Township 50 south, Range 41 east and within the Villas of Rolling Hills and Villas of Rolling Hills North specifically described on Exhibit "A" attached hereto, was accepted as drainage easements; and

WHEREAS, vacation of the drainage easements will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That drainage easements located within the Villas of Rolling Hills and Villas of Rolling Hills North specifically described on Exhibit "A" attached hereto, are hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 2004.

PASSED ON SECOND READING THIS_____DAY OF_____, 2004.

_____
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK
APPROVED THIS _____ DAY OF _____ , 2004.

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: RHG/TKO Joint Venture, LLP
Address: 2001 W Sample Road, Suite 320
City: Pompano Beach, FL 33064
Phone: (954) 969-5111

Background Information

Date of Notification: April 21, 2004 **Number of Notifications:** 70

Application History: No deferrals have been requested.

P & Z Board Recommendations: At the April 28, 2003 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. Stevens, to approve. (Motion carried 3-0). Mr. McLaughlin and Ms. Lee were absent.

Application Request: The petitioner is requesting to vacate and replace existing drainage easements in Villas of Rolling Hills and Villas of Rolling Hills North in order to continue the existing drainage patterns and provide legal easements for their maintenance.

Address/Location:

Future Land Use Plan Designation: Residential 3.5 DU/AC

Zoning: PRD-6.3, Planned Residential District

Existing Use: 96 Multi-Family Community (Under Construction)

Proposed Use: 96 Multi-Family Community

Parcel Size: 869,700 sq. ft. (19.9656 Acres)

Surrounding Land

Surrounding Uses:		**Use Plan Designation:**
North:	Golf course	Residential (3 DU/AC)
South:	Single Family Homes across SW 36 Street	Residential (3 DU/AC)
East:	Commercial/office buildings	Commerce/office
West:	Rolling Hills Hotel	Residential (3 DU/AC)

Surrounding Zoning:

North:	PRD, Planned Residential District
South:	R-5, Low Medium Density Dwelling District
East:	O, Office District
West:	PRD, Planned Residential District

Zoning History

Previous Request on same property:

Plat Request: Rolling Hills Golf and Tennis Club, was approved on November 26, 1973 by the Broward County Board of County Commissioners.

Ordinance: On June 3, 1987, the Town of Davie adopted Ordinance No. 87-72 approving a Development Order for the Rolling Hills DRI, which was valid for five years.

Ordinance: In 1995, Town Council approved Ordinance 87-72 occurred amending the DO's build-out date.

Ordinance: Ordinance 95-2, which extended the duration of the DO until March 15, 2001. On January 15, 2003, the Town Council approved an Agreement regarding the Rolling Hills DRI allowing the development of the proposed townhouses.

Site Plan Request (SP 9-3-02): Town Council approved Villas of Rolling Hills (96 Multi-Family Community) Site Plan submittal on February 19, 2003.

Variance Request (V 12-1-02): The Town of Davie Planning and Zoning Board denied this variance on January 22, 2003, after the application withdrawn.

Site Plan Modification Request (3-4-04): The Town of Davie Planning and Zoning Division approved Villas of Rolling Hills Site Plan Modification on April 5, 2004.

Application Details

The petitioner is requesting vacate and replace existing drainage easements in Villas of Rolling Hills and Villas of Rolling Hills North in order to continue the existing drainage patterns and provide legal easements for their maintenance.

Applicable Codes & Ordinances

Section 12-310 of the Land Development Code, review for vacations or abandonment's of right-of-way.

Comprehensive Plan Considerations

Planning Area:

The subject site is located in Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

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:

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.

Staff Analysis

The purpose of this request is to vacate and replace existing drainage easements in Villas of Rolling Hills and Villas of Rolling Hills North in order to provide legal easements that correspond to existing infrastructure. The petitioner notes that some of the existing drainage pipes are not in the existing easements per the original plat. Furthermore, most of the existing easements themselves do not have drainage pipes within them.

The existing easements in some instances, conflict with the approved and under construction site plan for Villas of Rolling Hills residential site plan. Therefore, it is essential to relocate the drainage easements and existing storm sewers to conform to the approved site plan. The petitioner has provided plans that specify how the storm sewers are to be relocated to accommodate the proposed site plan

Staff notes that the Central Broward Water Control District has no objections to the vacation of existing drainage easements and the replacement drainage easements. In conclusion, the requested vacations will not have an adverse affect on neighboring properties, nor create a conflict with the public interest.

Findings of Fact

<u>Vacations or abandonments of right-of-way:</u>
Section 12-310 (A)(1):

The following findings of fact apply to the vacation requested:

(a) It will adversely affect access to neighboring properties.
It will not adversely affect access to neighboring properties, nor will the vacation will of the drainage easements affect access on or to the subject property.

(b) It will be in conflict with the public interest.
Vacation of the drainage easements will not be in conflict with the public interest. The replacement the existing drainage easements with new proposed drainage easements will support drainage patterns

Staff Recommendation

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

Planning & Zoning Board Recommendation

At the April 28, 2003 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. Stevens, to approve. (Motion carried 3-0) Mr. McLaughlin and Ms. Lee were absent.

Town Council Recommendation

Exhibits

1. Justification Letter
2. Future Land Use Map
3. Subject Site, Zoning and Aerial Map
4. Sketch of Drainage Easements to be Vacated
   a. Surveyor's Notes & Certification
   b. Surveyor's Description
   c. Surveyor's Sketch

Prepared by: _____ Reviewed by: _____

"Exhibit 1" ***(Justification Letter)***

A.J. Hydro Engineering, Inc.
5932 NW 73rd Court
Parkland, Fl 33067
Phone (954) 344-7866
Fax (954) 344-7866
Mob (954) 347-3397

January 2, 2003
Revised March 12, 2004

Town of Davie Planning Department
6591 Orange Drive
Davie, Florida 33314

Re: **The Villas of Rolling Hills** - Drainage Easement Vacation Justification & Revisions
AJH #: 02-0010

Dear Town:

The owner of the property is requesting that the existing drainage easements on this property be vacated and replaced by the proposed drainage easements. This justification letter is attached to the easement vacation application that includes copies of the survey of the property a sketch and legal description of the property to be vacated. This application has been processed and previously approved by the Town Council (Ordinance # 2003-17). However, while processing through Broward County, a minor discrepancy in the legal description was discovered (which changed the area to be vacated from 0.3083 ac to 0.3117 ac, a difference of 0.0034 ac). Broward County has requested that the easement vacation be reprocessed so that the legal description of the easement to be vacated by the County is identical to the one approved by the Town. Below is the original justification for the drainage easement vacation.

All of the existing storm sewers that convey runoff through this site have been identified and indicated on the engineering plans submitted to the Town of Davie planning and engineering departments, as well as the Central Broward Water Control District. It is the intent of this project to continue the existing drainage patterns and provide legal easements for their maintenance. Some of the existing drainage pipes are not currently in the easements provided per the original plat (in other words they are not in an easement). Most of the easements themselves do not have drainage pipes within them. In either case, the engineering plans indicate the current and proposed routing of the storm sewers and easements. The attached site plan indicates the location of the proposed easements as do the attached sketch and legal descriptions.

This project will in no way affect the existing 60' Flow easement for the Central Broward Water Control District that bisects the property.

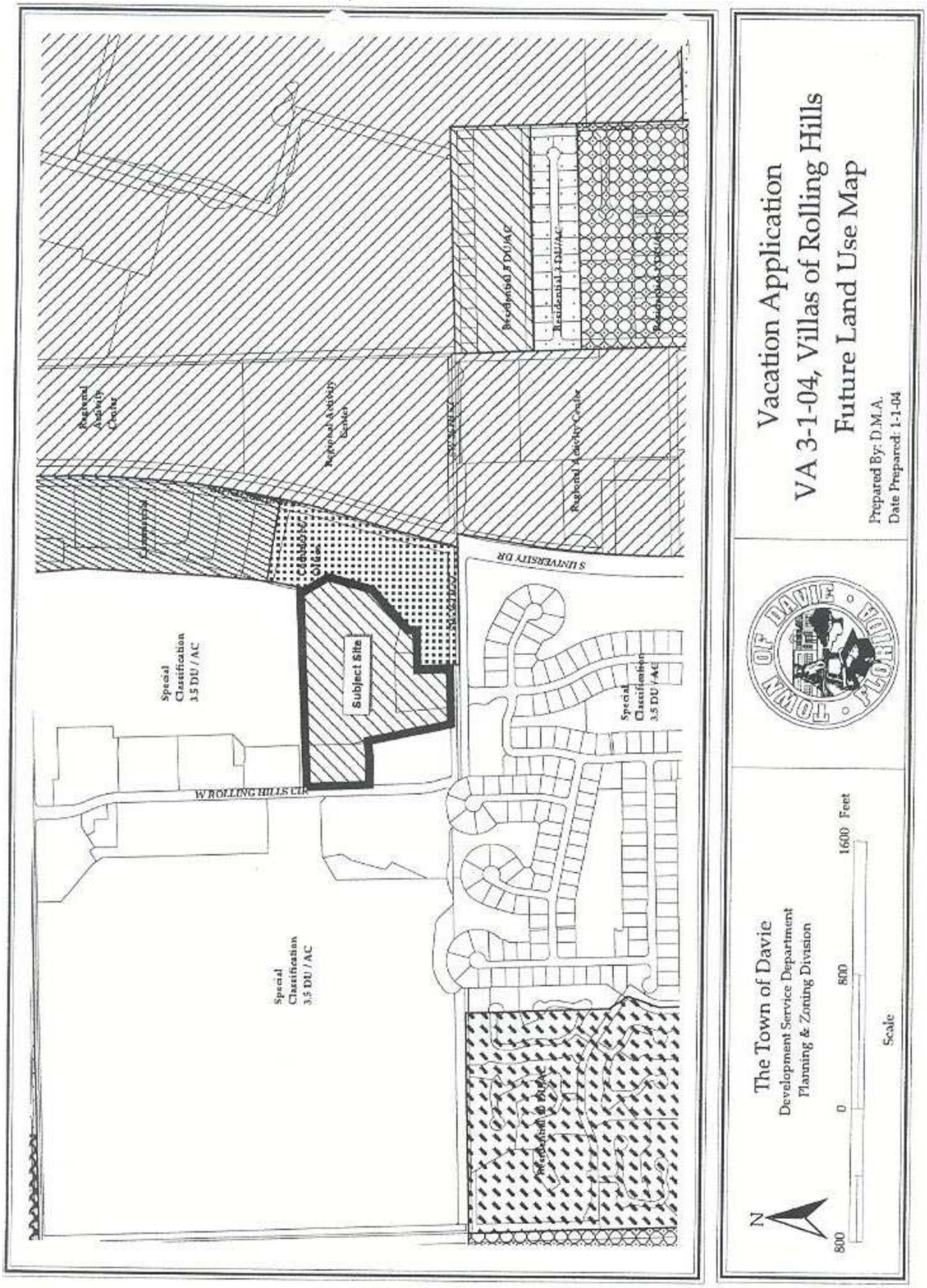
Thank you for your kind attention to this matter. Should you have any questions or comments, please do not hesitate to contact me at one of the above-referenced numbers.

Sincerely,

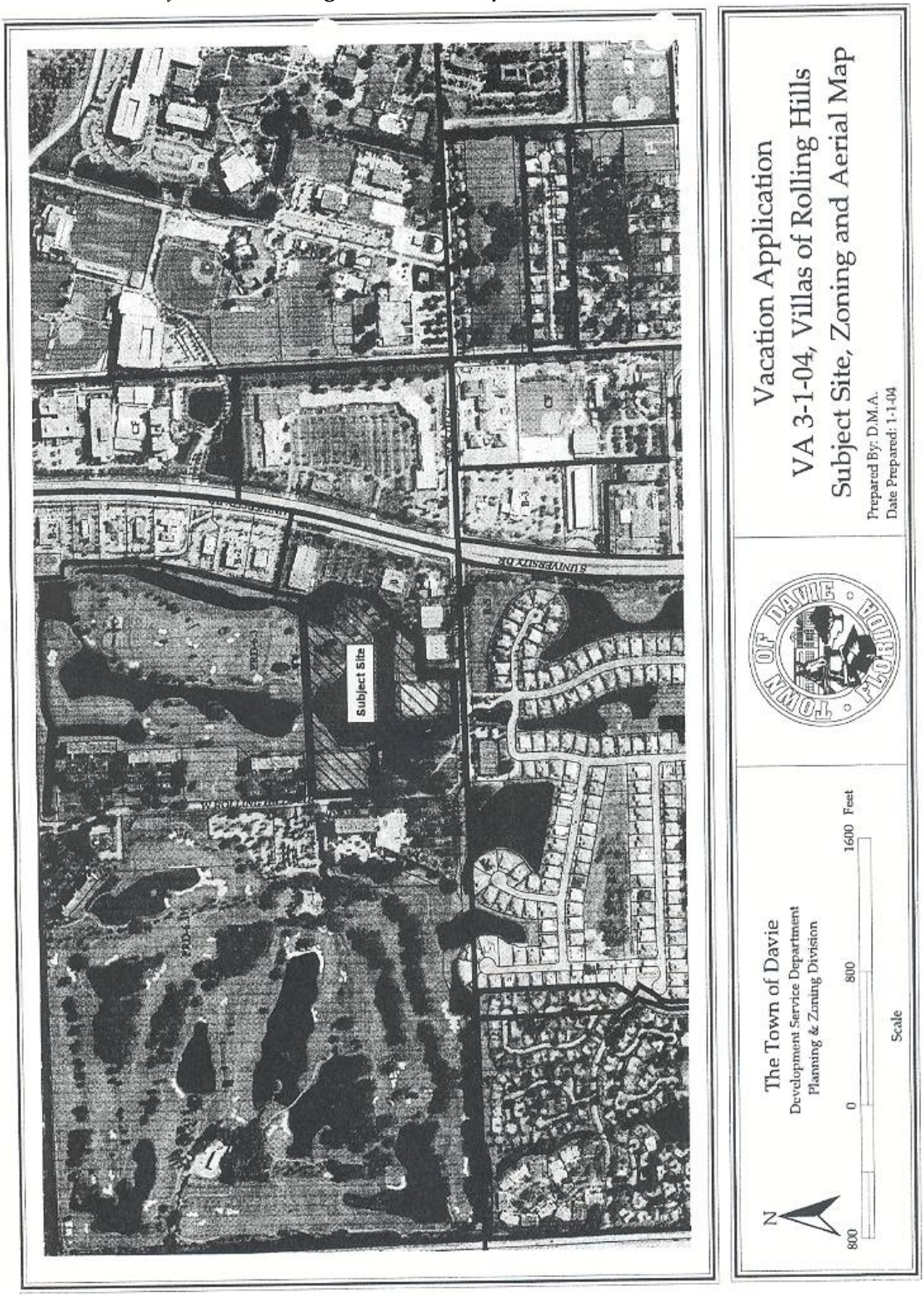
Howard Jablon, P.E.
License #: 47514

cc: file

"Exhibit 2" ***(Future Land Use Map)***



"Exhibit 3" ***(Subject Site, Zoning and Aerial Map)***



"Exhibit 4a" *(Surveyor's Notes & Certification)*

SURVEYOR'S NOTES

1. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
2. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
3. BLINOW & ROSSI, INC. RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SKETCH OF LEGAL DESCRIPTION, INCLUDING THIS SKETCH, FOR ANY OTHER PURPOSES.
4. SOURCE OF INFORMATION USED IN THE PREPARATION OF THIS SURVEY ARE AS FOLLOWS:
   A) RECORD PLAT OF ROLLING HILLS GOLF AND TENNIS CLUB, PLAT BOOK 81, PAGE 27, BROWARD COUNTY PUBLIC RECORDS.
   B) BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY MILLER LEGG & ASSOCIATES, PROJECT NO. 900405, DATED: 10/13/99.
5. THE BASIS OF THIS SKETCH IS A LEGAL DESCRIPTION PREPARED BY THIS OFFICE IN CONFORMANCE WITH INSTRUCTION PROVIDED BY THE CLIENT.
6. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF BLINOW & ROSSI, INC.
7. THIS DRAWING IS NOT VALID UNLESS BEARING AN ORIGINAL SIGNATURE AND EMBOSSED LAND SURVEYOR'S SEAL.
8. CERTIFICATION HEREON IS FOR THE LATEST REVISION DATE.
9. THE BEARINGS SHOWN ON THIS MAP OF LAND SURVEY WERE BASED ON THE BOUNDARY & TOPOGRAPHIC SURVEY REFERENCED IN SURVEYOR'S NOTE 4.B), AND ARE RELATIVE TO THE WEST LINE OF SECTION 21-50-41, BEARING OF NORTH 02°15'00" WEST, AS SHOWN THEREON.
10. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
11. THIS DRAWING DOES NOT REPRESENT THE RESULTS OF A FIELD SURVEY. THIS DRAWING WAS PREPARED TO ILLUSTRATE THE ELEMENTS OF THE LEGAL DESCRIPTION.
12. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE MENTIONED SKETCH OF LEGAL DESCRIPTION, AND THE LEGAL DESCRIPTION ON WHICH IT IS BASED, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS PREPARED UNDER MY DIRECTION AND SUPERVISION. I FURTHER CERTIFY THAT THIS SKETCH OF LEGAL DESCRIPTION MEETS THE APPLICABLE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS IN THE STATE OF FLORIDA (CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE) PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BLINOW & ROSSI, INC. LB-7236

3-10-04
DATE

NICHOLAS W. BLINOW, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5989

REVISIONS:	DATE:

TITLE: SKETCH OF DESCRIPTION – 12' DRAINAGE EASEMENT VACATION

PROJECT: PORTION OF PARCEL 'B', ROLLING HILLS GOLF AND TENNIS CLUB

Blinow & Rossi, Inc.
Land Surveying, Mapping and Consultant Services
10301 N.W. 50th Street, Suite 102
Sunrise, Florida 33351
Telephone No. (954) 749-4911

DRAWN BY: VALENTINE
APPROVED BY: N.W.B.
DATE: 10/04/03
SCALE:
DRAWING NO.: 202083SKA01C

SHEET NUMBER
1 OF 3

"Exhibit 4b" *(Surveyor's Description)*

DESCRIPTION:

A 12 FOOT DRAINAGE EASEMENT LYING OVER AND ACROSS A PORTION OF PARCEL 'B', ROLLING HILLS GOLF AND TENNIS CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST; THENCE ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 21, NORTH 02°15'00" WEST, 360.29 FEET; THENCE NORTH 87°45'00" EAST, 67.75 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 02°15'43" WEST, 44.90 FEET; THENCE NORTH 86°48'34" EAST, 68.13 FEET; THENCE NORTH 75°11'28" EAST, 73.08 FEET; THENCE NORTH 69°21'53" EAST, 43.53 FEET; THENCE NORTH 14°48'32" WEST, 164.40 FEET; THENCE NORTH 05°44'12" WEST, 143.54 FEET; THENCE NORTH 85°16'52" WEST, 44.01 FEET; THENCE SOUTH 87°44'16" WEST, 81.74 FEET; THENCE SOUTH 89°50'02" WEST, 12.27 FEET TO THE WESTERLY LINE OF SAID PARCEL 'B'; THENCE ALONG SAID LINE, NORTH 02°14'04" WEST, 12.01 FEET; THENCE NORTH 89°50'02" EAST, 12.48 FEET; THENCE NORTH 87°44'16" EAST, 82.26 FEET; THENCE SOUTH 85°16'52' EAST, 42.96 FEET; THENCE NORTH 02°15'43" WEST, 176.50 FEET; THENCE NORTH 87°46'07" EAST, 12.00 FEET; THENCE SOUTH 02°15'43" EAST, 183.09 FEET; THENCE SOUTH 05°44'12" EAST, 141.25 FEET; THENCE NORTH 78°35'49" EAST, 273.22 FEET TO A POINT ON THE WEST LINE OF THAT 60 FOOT FLOW EASEMENT AS SHOWN ON SAID PLAT; THENCE ALONG SAID LINE, SOUTH 31°10'30" WEST, 16.30 FEET; THENCE SOUTH 78°35'49" WEST, 262.45 FEET; THENCE SOUTH 14°48'32" EAST, 168.39 FEET; THENCE SOUTH 69°21'53" WEST, 54.97 FEET; THENCE SOUTH 75°11'28" WEST, 74.92 FEET; THENCE SOUTH 86°48'34" WEST, 57.55 FEET; THENCE SOUTH 02°15'43" EAST, 33.10 FEET; THENCE SOUTH 87°44'17" WEST, 12.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 0.3117 ACRES, (13,579 SQUARE FEET), MORE OR LESS.

TOGETHER WITH:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST; THENCE ALONG THE SOUTH LINE OF SECTION 21, NORTH 88°31'35" EAST, 653.51 FEET; THENCE NORTH 01°28'25" WEST, 66.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 01°28'25" WEST, 12.00 FEET; THENCE NORTH 88°31'35" EAST, 33.00 FEET; THENCE NORTH 01°28'25" WEST, 150.28 FEET; THENCE NORTH 03°53'36" EAST, 59.20 FEET; THENCE NORTH 88°31'35" EAST, 150.46 FEET; THENCE NORTH 01°28'26" WEST, 155.67 FEET; THENCE NORTH 59°32'42" WEST, 354.84 FEET TO A POINT ON THE EAST LINE OF THAT 60 FOOT FLOW EASEMENT AS SHOWN ON SAID PLAT; THENCE ALONG SAID LINE, NORTH 31°10'30" EAST, 12.00 FEET; THENCE SOUTH 59°32'42" EAST, 361.50 FEET; THENCE SOUTH 01°28'26" EAST, 163.73 FEET; THENCE SOUTH 76°29'36" EAST, 132.05 FEET; THENCE SOUTH 01°28'25" EAST, 11.69 FEET; THENCE SOUTH 88°31'35" WEST, 5.69 FEET; THENCE NORTH 07°40'49" EAST, 0.77 FEET; THENCE NORTH 76°29'36" WEST, 133.31 FEET; THENCE SOUTH 88°31'35" WEST, 144.75 FEET; THENCE SOUTH 03°53'36" WEST, 47.72 FEET; THENCE SOUTH 01°28'25" EAST, 161.72 FEET; THENCE SOUTH 88°31'35" WEST, 45.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 0.2907 ACRES, (12,662 SQUARE FEET), MORE OR LESS.

	REVISIONS:	DATE:
TITLE: SKETCH OF DESCRIPTION – 12' DRAINAGE EASEMENT VACATION	CORR'D DESC FIRST PARC	10/04/03
PROJECT: PORTION OF PARCEL 'B', ROLLING HILLS GOLF AND TENNIS CLUB		

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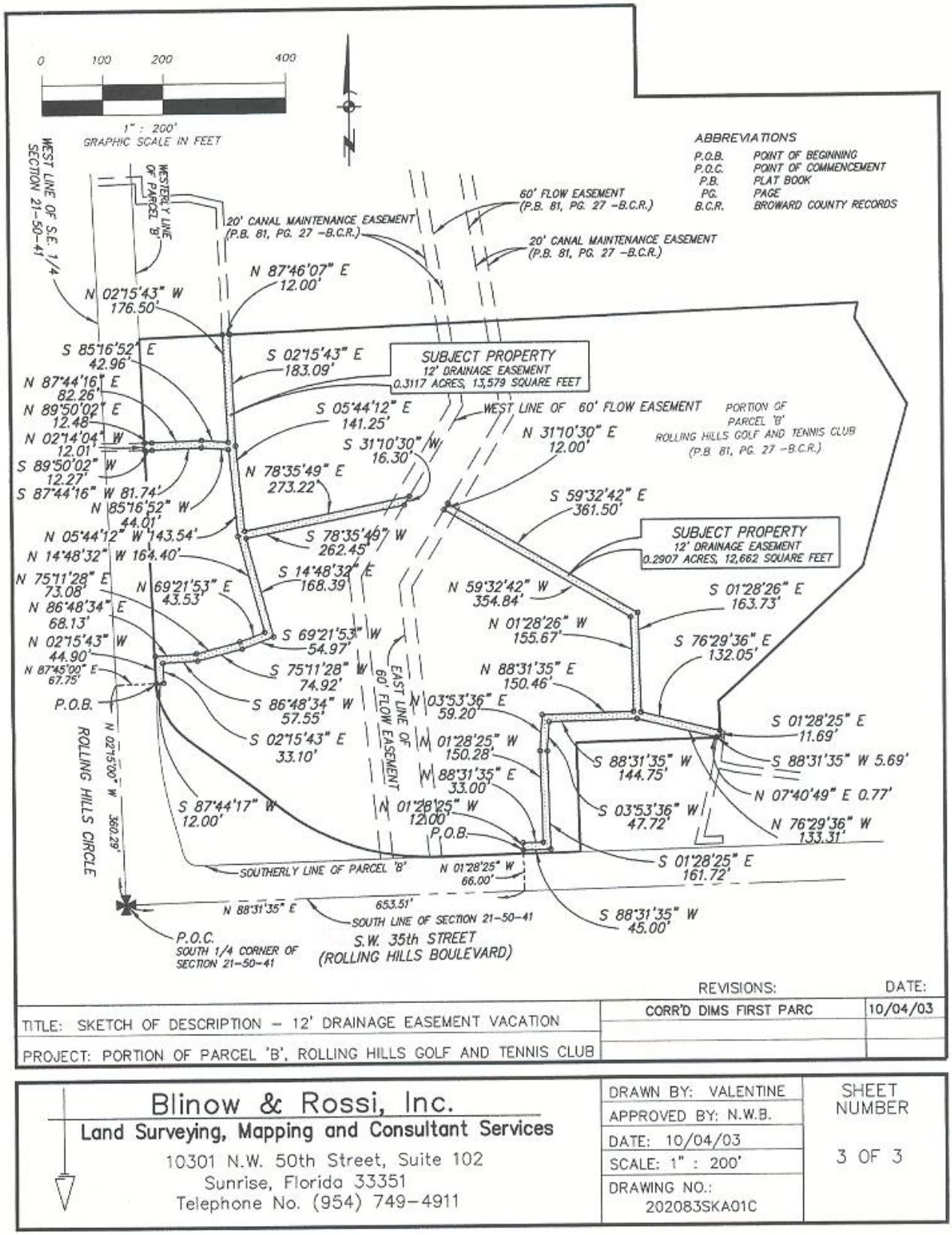
DRAWN BY: VALENTINE	SHEET NUMBER
APPROVED BY: N.W.B.	
DATE: 10/04/03	2 OF 3
SCALE:	
DRAWING NO.: 202083SKA01C	

"Exhibit 4c" ***(Surveyor's Sketch)***



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