

# 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 5-1-04 SHM Parcel Plat, 5800 Davie Road/Generally located on the east side of Davie Road, approximately 350 feet north of Stirling Road.

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE SHM PARCEL PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the SHM Parcel Plat **FROM:** "This plat is restricted to 18,000 square feet of office space"; **TO:** "This plat is restricted to eight (8) townhouse units."

The plat was approved by Town Council on August 20, 2003, but has yet to be approved by the County Commission and recorded in the Office Records of Broward County. Broward County will evaluate the request and may require measures to mitigate any additional impacts that may be created by changing the development potential of the site.

The Comprehensive Plan and Land Development Code permit parcels designated Residential/Office to be developed with residential dwelling units. A Town initiated rezoning designated the majority of the site Residential/Office to provide a transitional use from Davie Road to the single family homes to the east. The owner is also the developer of the recently approved site plan for single family homes on the property to the east, SP 5-4-03 Sunshine Estates, and wants to build townhomes that will be compatible with this development.

Staff finds that the proposal to develop the site with eight (8) townhomes is consistent with the Residential/Office and Special Classification Residential (2 DU/AC) Future Land Use Plan Map designations, RO, Residential/Office District zoning classification, and is compatible with the surrounding area. Staff has no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to 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 CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE SHM PARCEL PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the SHM Parcel Plat was approved by the Town Council of the Town of Davie on August 20, 2003; 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 SHM Parcel 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.

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



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**Applicant Information**

**Owner:**

**Name:** Sunshine State Builders  
**Address:** 6310 SW 56 Street  
**City:** Davie, FL 33314  
**Phone:** (954) 791-3195

**Agent:**

**Name:** Pulice Land Surveyors Inc.  
**Address:** 5381 Nob Hill Road  
**City:** Sunrise, FL 33351  
**Phone:** (954) 572-1777

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**Background Information**

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

**Application Request:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the SHM Parcel Plat **FROM:** "This plat is restricted to 18,000 square feet of office space"; **TO:** "This plat is restricted to eight (8) townhouse units."

**Address/Location:** 5800 Davie Road/Generally located on the east side of Davie Road, approximately 350 feet north of Stirling Road.

**Future Land Use Plan Designations:**

Special Classification Residential (2 DU/AC)	0.6136 acres	= 1.2272 dwelling units
Residential/Office (5 DU/AC)	1.356 acres	= 6.78 dwelling units
Total	1.9696 acres	= 8.0072 dwelling units

**Zoning:** RO, Residential/Office District

**Existing/Proposed Use:** Vacant/Eight (8) townhouse units

**Gross Parcel Size:** 1.9696 acres (85,818 square feet)

**Net Parcel Size:** 1.8621 acres (81,114 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Future Land Use Plan Map Designation:</u>
<b>North:</b>	Vacant	Residential/Office
<b>South:</b>	Pool King	Commercial
<b>East:</b>	Water retention area	Special Classification Residential (2 DU/AC)
<b>West:</b>	Tree Nursery/Vacant	Residential/Office

**Surrounding Zoning:**

<b>North:</b>	RO, Residential/Office District and R-2, Low Density Dwelling District
<b>South:</b>	B-2, Community Business District and A-1, Agricultural District
<b>East:</b>	R-2, Low Density Dwelling District
<b>West:</b>	RO, Residential/Office

## Zoning History

**Related Zoning History:** The Residential/Office zoning district was adopted by Ordinance 83-20 on March 2, 1983.

The site plan, SP 5-4-03, Sunshine Estates, for the adjacent property to the east, was approved on June 2, 2004, and is under the same ownership

**Previous Requests on same property:** The rezoning, ZB 1-1-85 Town of Davie, was approved on January 2, 1985.

The rezoning, ZB 4-2-02 Maurer/Pulice Land Surveyors, changing 0.6136 acres of the subject site from: R-2, Low Density Dwelling District; to: RO, Residential/Office District utilizing the Broward County 5 percent residential to commercial flexibility rule, was approved on August 7, 2002.

The plat, P 6-4-02 SHM Parcel Plat, was approved on August 20, 2003, but has yet to be approved by the County Commission and recorded in the Office Records of Broward County.

## Application Details

The applicant requests approval of the resolution to authorize the change in the restrictive note on the SHM Parcel Plat **FROM:** "This plat is restricted to 18,000 square feet of office space"; **TO:** "This plat is restricted to eight (8) townhouse units."

The plat was approved by Town Council on August 20, 2003, but has yet to be approved by the County Commission and recorded in the Office Records of Broward County. Broward County will evaluate the request and may require measures to mitigate any additional impacts that may be created by changing the development potential of the site.

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## Applicable Codes and Ordinances

§ 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, RO, Residential/Office District, requires minimum: lot area of 17,500 square feet, frontage of 100', front setback of 25', side and rear setbacks of 20', and maximum building height of 25'.

§ 12-24(J)(1): The RO District is intended to implement the residential/office classification of the Town of Davie Comprehensive Plan by providing a buffer of professional offices and mixed residential and office development to surrounding residential areas. The intent of this district is to maintain the residential character of the neighborhood while permitting the development of professional offices.

§ 12-34(W)(1) Residential Use of Nonresidentially Zoned Property: Residential Development in the RO District is limited to a maximum density as permitted by the underlying residential designation on the Future Land Use Plan Map, in no event to exceed five (5) dwelling units per acre.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

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

*Future Land Use Plan, Plan Implementation:* The Residential/Office category accommodates residential and limited non-residential uses for application in areas where a transition is appropriate.

The permitted uses of the Residential/Office category include the following:

1. Residential dwelling units at a maximum density of five (5) units per acre.
2. Home occupations and accessory uses.
3. Professional and business offices constructed and maintained to resemble a residential structure.

4. Community Facilities
  5. Agriculture
  6. Public and private utilities, provided such use does not preclude or adversely affect the future use of the surrounding area for residential/office purposes. Permitted utilities shall not include power plant substations, and transmission facilities.
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### **Staff Analysis**

The Comprehensive Plan and Land Development Code permit parcels designated Residential/Office to be developed with residential dwelling units. A Town initiated rezoning designated the majority of the site Residential/Office to provide a transitional use from Davie Road to the single family homes to the east. The owner is also the developer of the recently approved site plan for single family homes on the property to the east, SP 5-4-03 Sunshine Estates, and wants to build townhomes that will be compatible with this development.

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### **Findings of Fact**

Staff finds that the proposal to develop the site with eight (8) townhomes is consistent with the Residential/Office and Special Classification Residential (2 DU/AC) Future Land Use Plan Map designations, RO, Residential/Office District zoning classification, and is compatible with the surrounding area. Staff has no objection to the request.

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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: \_\_\_\_\_

SHEET 1 OF 2 SHEETS

**"SHM PARCEL"**  
 A REPLAT OF A PORTION OF TRACT 54 OF EVERGLADE LAND SALES CO.,  
 SUBDIVISION OF SECTION 35, TOWNSHIP 50 SOUTH, RANGE 41 EAST  
 PLAT BOOK 2 AT PAGE 34, DCR  
 TOWN OF DAVIE-BROWARD COUNTY-FLORIDA

PREPARED BY  
**PULICE LAND SURVEYORS, INC.**  
 5831 NOB HILL ROAD  
 SUNRISE, FLORIDA 33051  
 954-572-9778  
 FAX NO. 954-572-9778  
 MARCH 2002

**LEGAL DESCRIPTION:**  
 THAT CERTAIN 1.50 ACRES OF LAND, BEING 1.50 ACRES OF TRACT 54 OF EVERGLADE LAND SALES CO., SUBDIVISION OF SECTION 35, TOWNSHIP 50 SOUTH, RANGE 41 EAST, PLAT BOOK 2 AT PAGE 34, DCR, BEING MORE PARTICULARLY DESCRIBED AS SHOWN HEREON, LESS THE WEST 50.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY, AND CONTAINS 85.88 SQUARE FEET (1.976 ACRES), MORE OR LESS.

**DEDICATION:**  
 I, **LAURENCE A. BAUER**, CHAIRMAN OF THE BOARD OF BROWARD COUNTY, DO HEREBY DEDICATE AND PLATTED AS SHOWN HEREON, SAID PLAT TO BE KNOWN AS "SHM PARCEL", A REPLAT.

THE ADDITIONAL RIGHTS-OF-WAY AS SHOWN HEREON ARE HEREBY DEDICATED TO THE PUBLIC IN FULL FOR ROAD AND RELATED PURPOSES.

INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.

IN WITNESS WHEREOF, I HAVE SIGNED MY HANDS IN THE STATE OF FLORIDA, COUNTY OF BROWARD, THIS 15th DAY OF August, 2002.

WITNESSES:  
 1) John J. ...  
 2) James ...  
 3) James ...  
 LAURENCE A. BAUER  
 PRINT NAME  
 PRINT NAME  
 PRINT NAME

**ACKNOWLEDGEMENT:**  
 I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY TO ME, BEING A NOTARY PUBLIC, AND WHO HAS KNOWN AND OBSERVED THE FOREGOING INSTRUMENT AND WHO KNOWS THE CONTENTS THEREOF, FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED.

IN WITNESS MY HAND AND SEAL, THIS 15th DAY OF August, 2002.  
 MY COMMISSION EXPIRES December 31, 2002.  
 STATE OF FLORIDA, NOTARY PUBLIC  
 PRINT NAME  
 PRINT NAME



**TOWN PLANNING AND ZONING BOARD:**  
 THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, ON THIS 15th DAY OF August, 2002.

BY: ... CHAIRPERSON DATE

**TOWN COUNCIL:**  
 THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE TOWN COUNCIL OF DAVIE, FLORIDA, BY RESOLUTION ADOPTED THIS DAY OF August, 2002.

BY: ... MAYOR TOWN OF DAVIE  
 NO BONDING OR OTHER SURETY REQUIRED FOR THIS PLAT UNDER THE PROVISIONS OF CHAPTER 177, F.S., AS AMENDED BY CHAPTER 2002-10, F.S., WHICH PROVIDES THAT AS A CONDITION OF THE RECORDATION OF THIS PLAT, THE RECORDATION FEE SHALL BE PAID BY THE PLATTEE.

**CENTRAL BROWARD WATER CONTROL DISTRICT:**  
 THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CENTRAL BROWARD WATER CONTROL DISTRICT. APPROVED BY THE CENTRAL BROWARD WATER CONTROL DISTRICT, THIS 15th DAY OF August, 2002.

BY: ... DISTRICT SECRETARY DATE

**BROWARD COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION:**  
 THIS PLAT HAS BEEN APPROVED AND ACCEPTED FOR RECORD THIS 15th DAY OF August, 2002.

BY: ... DIRECTOR/REGISRE

**BROWARD COUNTY PLANNING COUNCIL:**  
 THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE BROWARD COUNTY PLANNING COUNCIL. APPROVED BY THE BROWARD COUNTY PLANNING COUNCIL, THIS 15th DAY OF August, 2002.

BY: ... CHAIRPERSON

**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT:**  
 THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, F.S., AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA, THIS 15th DAY OF August, 2002.

BY: ... DEPUTY MAYOR COUNTY COMMISSIONER

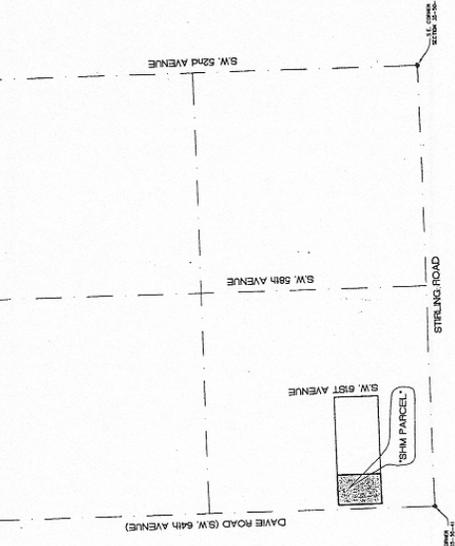
**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT:**  
 THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, F.S., AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA, THIS 15th DAY OF August, 2002.

BY: ... DEPUTY COUNTY COMMISSIONER

**BROWARD COUNTY ENGINEERS DIVISION:**  
 THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE BROWARD COUNTY ENGINEERS DIVISION. APPROVED BY THE BROWARD COUNTY ENGINEERS DIVISION, THIS 15th DAY OF August, 2002.

BY: ... REGISTERED PROFESSIONAL ENGINEER STATE OF FLORIDA

**SURVEYORS CERTIFICATION:**  
 I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I HAVE READ THE PLAT AND AM AWARE OF THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA ADMINISTRATIVE CODE, AND FURTHER THAT THE PLAT IS IN ACCORDANCE WITH SECTION 177.091, F.S., AND THE REQUIREMENTS OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS. I HAVE ALSO REVIEWED THE PLAT AND AM Satisfied THAT THE PLAT IS IN ACCORDANCE WITH SECTION 177.091, F.S., AND THE REQUIREMENTS OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS. I HAVE ALSO REVIEWED THE PLAT AND AM Satisfied THAT THE PLAT IS IN ACCORDANCE WITH SECTION 177.091, F.S., AND THE REQUIREMENTS OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS. I HAVE ALSO REVIEWED THE PLAT AND AM Satisfied THAT THE PLAT IS IN ACCORDANCE WITH SECTION 177.091, F.S., AND THE REQUIREMENTS OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS.



DEVELOPMENT SERVICES DEPARTMENT, BROWARD COUNTY, FLORIDA, HAS REVIEWED THIS PLAT AND HAS APPROVED AND ACCEPTED BY THE DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, THIS 15th DAY OF August, 2002.

BY: ... DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

ACKNOWLEDGEMENT

DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

COUNTY ENGINEER

COUNTY SURVEYOR

TOWN OF DAVIE

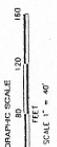
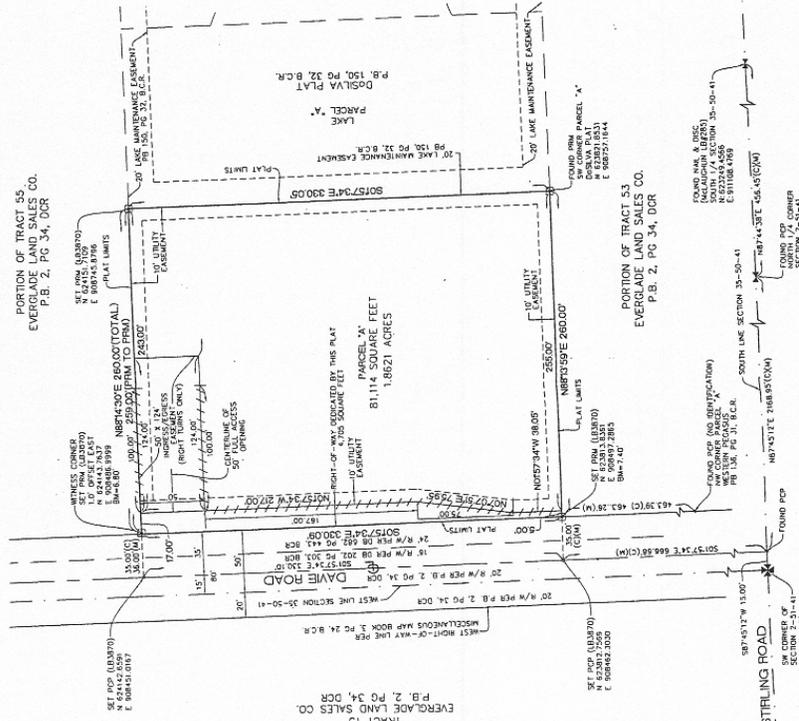
CENTRAL BROWARD WATER CONTROL DISTRICT

REGISTRATION NO. 12-2002

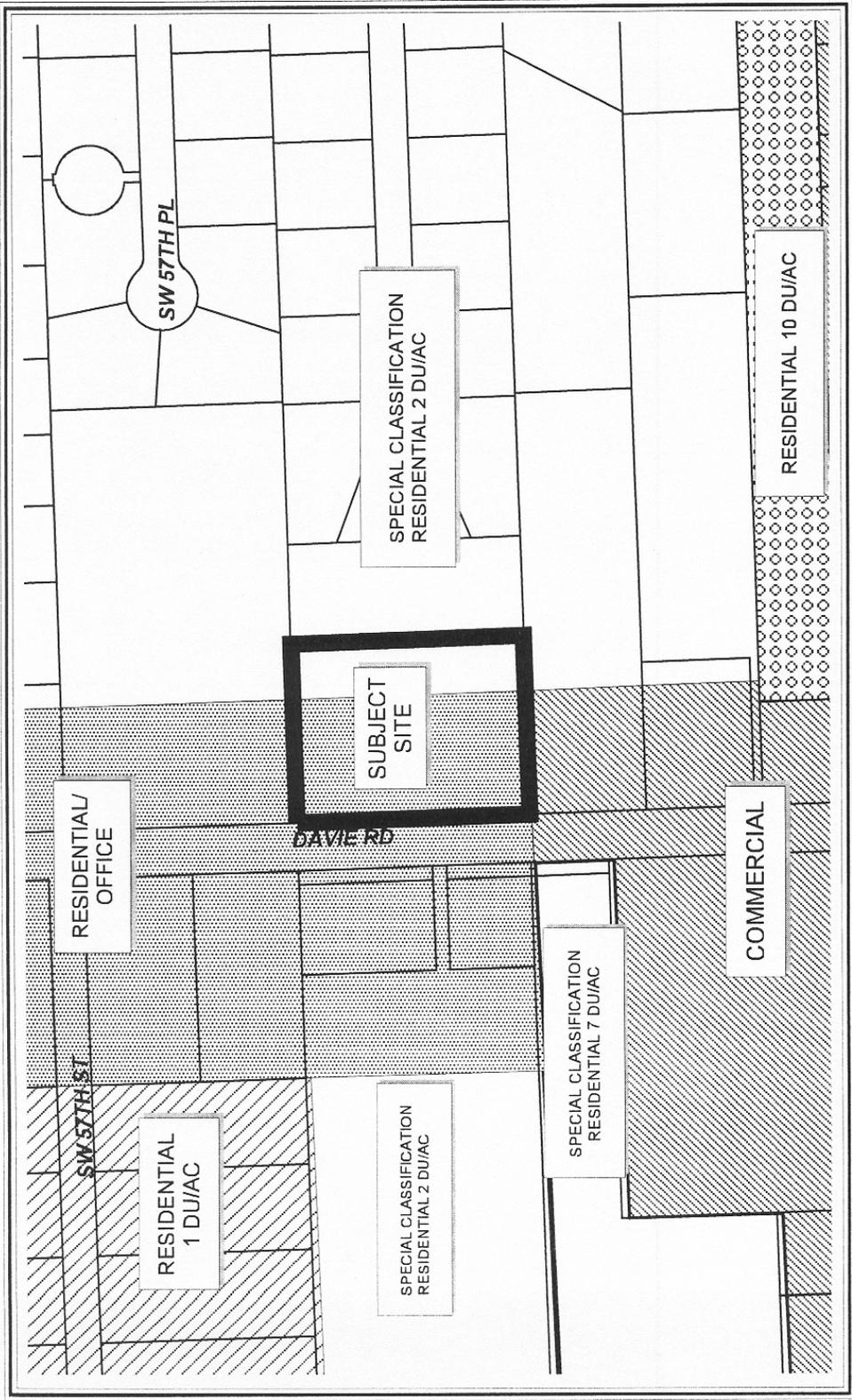
**"SHM PARCEL"**  
 A REPLAT OF A PORTION OF TRACT 54 OF EVERGLADE LAND SALES CO.  
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PREPARED BY  
**PULICE LAND SURVEYORS, INC.**

5881 NOD HILL ROAD  
 SUNRISE, FLORIDA 33351  
 954-972-1777  
 FAX NO. 954-932-0778  
 APRIL 2008



- SURVEYOR'S NOTES**
- 1) PER 6 (17) FROM PLS WITH CAP LIBERTY SET IN CONCRETE UNLESS OTHERWISE NOTED.
  - 2) BENCH MARK ELEVATIONS, ELEVATIONS RELATIVE TO BROWARD COUNTY BENCH MARK NO. 1075, ELEVATION 5.4 FEET ON SOUTH WEST CORNER OF CONCRETE FOUNDATION 3W 56TH STREET, DAVIE, FLORIDA.
  - 3) PER 6 (17) FROM PLS WITH CAP LIBERTY SET IN CONCRETE UNLESS OTHERWISE NOTED.
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**PLAT**

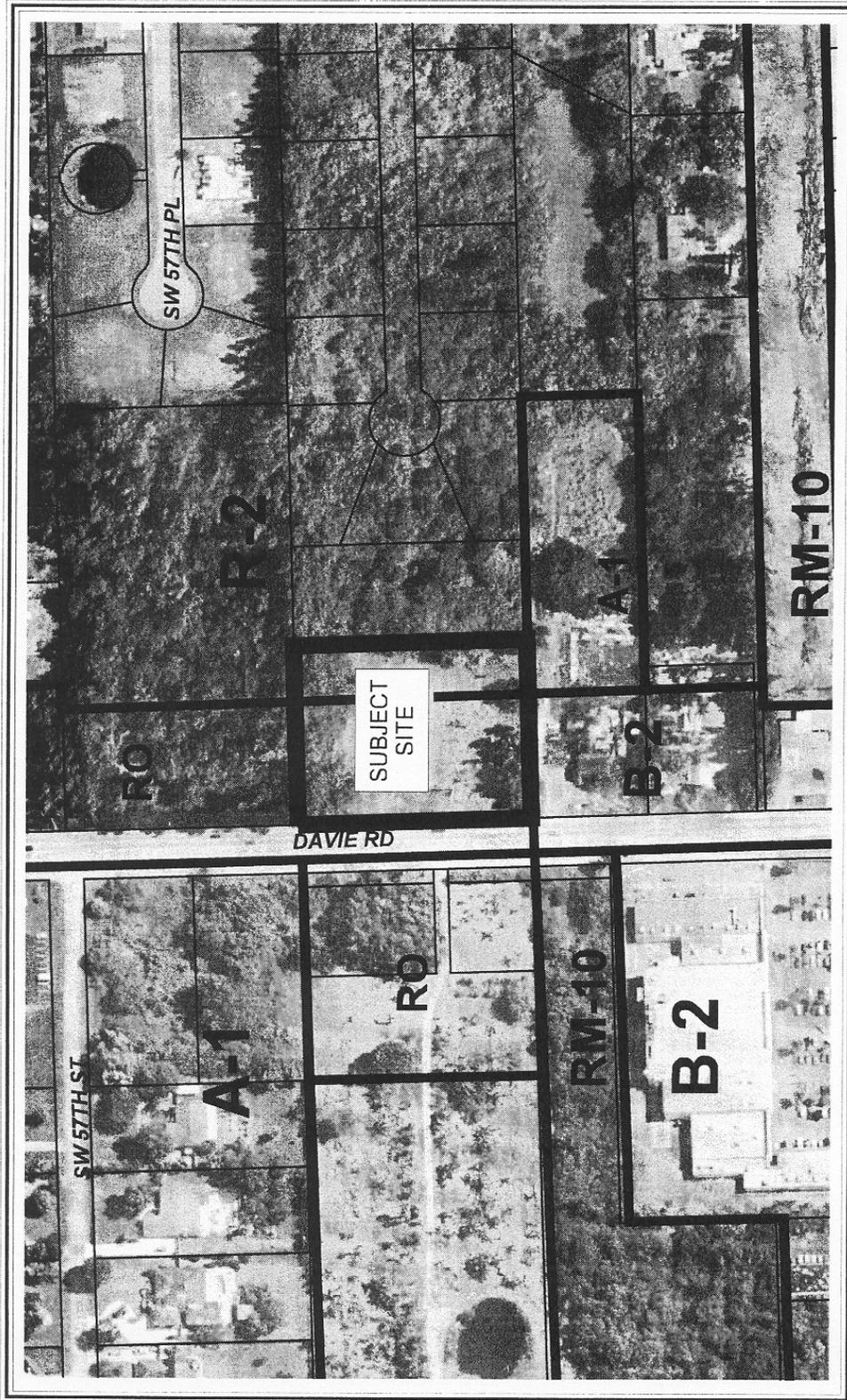
**Future Land Use Map**

Date Flown: 12/31/01

Seal of the Town of Davie, Florida

200 0 200 400 Feet

Planning & Zoning Division - GIS



Planning & Zoning Division - GIS

PLAT

Subject Site and Aerial Map

Date Flown: 12/31/01