



**DEVELOPMENT SERVICES DEPARTMENT (954) 797-1111**

Administration (954) 797-1101

Planning & Zoning (954) 797-1103, FAX (954) 797-1204

Building & Occupational Licensing (954) 797-1111

Code Enforcement (954) 797-1121

Engineering (954) 797-1113

**TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030**

**MEMORANDUM**

**PZ 10-01-04**

**TO:** Mayor and Town Council

**THRU:** Mark A. Kutney, Development Services Director

**THRU:** Fernando Leiva, Planning and Zoning Manager

**FROM:** Marcie Oppenheimer Nolan, Deputy Planning and Zoning Manager

**DATE:** October 14, 2004

**RE:** Project: SE 8-1-03 / 03-132 / Sunny Lakes  
Owner: Madeira Limited  
Petitioner: Barry Lethbridge  
Location: 5400 Griffin Road/Generally located on the south-west corner of Griffin Road and the Florida Turnpike

**REQUEST:** The petitioner is requesting that the above referenced item, currently scheduled for the October 20, 2004 Town Council meeting be tabled to the November 3, 2004 meeting. This is the 5<sup>th</sup> request for tabling of this item and the 4<sup>th</sup> request by the applicant. This request will allow time for the Town of Davie and the applicant to finalize the purchase agreement for the site.

**HISTORY:** This item was scheduled for the June 16, 2004 Town Council and was tabled by Town Council to the October 20, 2004 meeting in order to continue working on grant funding for acquisition of the site by the Town as a park.

The petitioner previously requested that the above referenced item, currently scheduled for the May 5, 2004 Town Council meeting, be tabled to the meeting on June 16, 2004. This was the 3<sup>th</sup> request for tabling by the petitioner.

The petitioner previously requested that the above referenced item, currently scheduled for the April 21, 2004 Town Council meeting, be

tabled to the meeting on May 5, 2004. This was the 2<sup>nd</sup> request for tabling by the petitioner.

The petitioner previously requested that the above referenced item that was scheduled for the April 07, 2004 Town Council meeting, be tabled to the meeting on April 21, 2004. This was the 1<sup>st</sup> request for tabling by the petitioner.

The Planning and Zoning Board tabled this item from the February 25, 2004 to the March 10, 2004 P & Z Meeting, due to an error in the public noticing.

**JUSTIFICATION:** The petitioner completed a grant application for state funding. Tabling this item will allow time for the Town of Davie and the applicant to finalize the purchase agreement.

**APPLICABLE CODE:** According to Sec. 12-302.1. Deferral of public hearings for applications. Public hearings for planning and development applications hereunder may be deferred or tabled twice by the applicant(s) and automatically rescheduled. Upon request for a third deferral or tabling, including any deferrals granted by the Planning and Zoning Board or Local Planning Agency, the Town Council may direct staff to withdraw the application on behalf of the applicant. Further consideration of the application after withdrawal by staff will require payment of a new application fee and resubmission of any materials that the staff deems necessary for reprocessing the application, based on the need for updating or other revision.

# 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: David M. Abramson, Planner I

**SUBJECT:** Quasi Judicial Hearing: Special Permit, SE 8-1-03, Sunny Lake, 5400 Griffin Road/Generally located on the south-west corner of Griffin Road and the Florida Turnpike

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** SE 8-1-03, Sunny Lake

### **REPORT IN BRIEF:**

The applicant requests to fill in the northeastern half of an existing 10.5-acre rock pit, a.k.a. Sunny Lake. The site is a former rock pit located on the south-west corner of Griffin Road and the Florida Turnpike. Access onto the site is via Griffin Road, which runs along a portion of the northern boundary line. A local road, S.W. 52<sup>nd</sup> Avenue, runs the northern half, then wraps down along the eastern boundary line. Adjacent to the south and west boundary lines are single-family homes, which abut the existing rock pit. Currently, on the western portion of the site is an existing two story single-family home.

The applicant has confirmed in writing that the hours of operation will be from 7:30 a.m. to sunset, Monday through Friday. Furthermore, access onto the property will only be from the service road coming off Griffin Road

The existing rock pit is surrounded by both native and exotic planting material. The applicant has agreed to provide a Hazard Tree Assessment, Tree Preservation Plan, and Wild Life Study prior to commencement of any work done on the site.

The filling of Sunny Lake rock pit is associated with future development on the site, which is situated in the Griffin Road Corridor District (Turnpike Node). The purpose of this special permit review for filling Sunny Lake rock pit is to ensure that traffic will have a limited impact upon wildlife and surrounding uses.

Development Review Committee (DRC) finds that the filling of Sunny Lake rock pit to be in conformance with all applicable Codes and Ordinances. The filling of this existing rock pit for a future commercial node will assist in creating an entrance into the heart of the Town from the Turnpike or 441.

### **PREVIOUS ACTIONS:**

The Planning and Zoning Division tabled this item from the February 25, 2004 to the March 10, 2004 P & Z Meeting, because of an error in the public noticing.

The petitioner requested that this item scheduled for the April 07, 2004 Town Council meeting, be tabled to the meeting on April 21, 2004, because the petitioner will be out of Town.

The petitioner requested that this item scheduled for the April 21, 2004 Town Council meeting, be tabled to the meeting on May 5, 2004, because the petitioner needs additional time in order to prepare for the hearing and potentially make application for state funding.

**CONCURRENCES:**

Vice-Chair Turin made a motion, seconded by Mr. Stevens, to deny on the basis that the evidence presented tonight has shown that this area definitely has significant wildlife and protected wildlife; that the requested permit would cause an adverse affect on the living conditions in the neighborhood subsection (iii) [planning report]; that it would be in violation of subsection (ii) [planning report] which would be to create an unrelated and incompatible use; and furthermore that the evidence has shown that it would be in violation of subsection (v) [planning report], adversely affecting property values; and, therefore, this application does not meet the criteria for a special permit under Section 12-308(A) (1) (a). (Motion carried 5-0)

**FISCAL IMPACT:** None

**RECOMMENDATION(S):**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, staff recommends that the following condition be met:

1. Provide an accurate tree survey that illustrates all planting material on site and off-site, fifteen (15) feet from boundary lines.

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

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**Applicant Information**

<u>Owner:</u>		<u>Petitioner:</u>	
<b>Name:</b>	Madeira Limited	<b>Name:</b>	Barry Lethbridge
<b>Address:</b>	2200 S. Ocean Lane, #910	<b>Address:</b>	100 S. Pine Island Road, Suite 202
<b>City:</b>	Ft. Lauderdale, Florida 33316	<b>City:</b>	Davie, Fl 33314
<b>Phone:</b>	(954) 423-1001	<b>Phone:</b>	(954) 424-7750

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**Background Information**

**Date of Notification:** February 18, 2004      **Number of Notifications:** 100

**P & Z Board Motions:** Vice-Chair Turin made a motion, seconded by Mr. Stevens, to deny on the basis that the evidence presented tonight has shown that this area definitely has significant wildlife and protected wildlife; that the requested permit would cause an adverse affect on the living conditions in the neighborhood subsection (iii) [planning report]; that it would be in violation of subsection (ii) [planning report] which would be to create an unrelated and incompatible use; and furthermore that the evidence has shown that it would be in violation of subsection (v) [planning report], adversely affecting property values; and, therefore, this application does not meet the criteria for a special permit under Section 12-308(A) (1) (a). (Motion carried 5-0)

**Application History:** The Planning and Zoning Division tabled this item from the February 25, 2004 to the March 10, 2004 P & Z Meeting, because of an error in the public noticing.

The petitioner requested that this item scheduled for the April 07, 2004 Town Council meeting, be tabled to the meeting on April 21, 2004, because the petitioner will be out of Town.

The petitioner requested that this item scheduled for the April 21, 2004 Town Council meeting, be tabled to the meeting on May 5, 2004, because the petitioner needs additional time in order to prepare for the hearing and potentially make application for state funding.

**Application Request:** Special Permit pursuant to §12-33 (P) of the Land Development Code, in order to fill any water body with material obtained from off-premises in excess of three thousand (3,000) cubic yards.

**Address/Location:** 5400 Griffin Road/Generally located on the south-west corner of Griffin Road and the Florida Turnpike

**Future Land Use Plan**

**Map Designation:** Commercial and Residential/Office

**Zoning:** Griffin Road Corridor District (Turnpike Node) and Residential/Office

**Existing/Proposed Use:** Rock Pit / Vacant Land

**Parcel Size:** 16.87 acres (734,911 Square Feet)

**Surrounding Uses:**

**North:** South New River Canal

**South:** Residential & Vacant Land

**East:** Florida Turnpike

**West:** Residential & Commercial

**Surrounding Land**

**Use Plan Map Designations:**

Recreational & Open Space

Residential (5 DU/AC) &

Residential (1 DU/AC)

Transportation

Residential (5 DU/AC) &

Commercial

**Surrounding Zoning:**

**North:** South New River Canal

**South:** R-3, Estate Dwelling District & A-1, Agricultural District

**East:** T, Transportation District

**West:** Griffin Road Corridor District (Turnpike Node) &  
R-5, Low Medium Dwelling Density

## Zoning History

**Related Zoning History:**

*Rezoning (ZB 7-1-90):* Town Council approved Ordinance (90-052) on September 17, 1990, to rezone this parcel from NCR-1 and NCR-5 to CC, Commerce Center and B-2, Community Business District.

*Rezoning (ZB 6-4-97):* Town Council approved Ordinance (97-054) on September 17, 1997, to rezone this parcel from R-1, Estate Dwelling District and R-5, Low Medium Density Dwelling Districts to B-2, Community Business District and RO, Residential/Office District.

*Rezoning,* Town Council approved Ordinance (2000-007) on February 2, 2000, to rezone this parcel to the Griffin Corridor District (West Gateway Use Zone 1).

**Previous Requests on same property:**

*Right-of-Way:* Town Council approved Ordinance (90-053) on September 17, 1990, accepting an easement grant for use as a right-of-way from Sunny Lakes Inc.

*Right-of-Way:* Town Council approved Ordinance (90-054) on September 17, 1990, accepting a warranty deed for use as a right-of-way from Sunny Lakes Inc.

**Related Plat History:**

*A Plat Request (P 3-11-89):* Town Council approved Sunny Lakes Plat (R-89-178) on June 21, 1989.

## Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-33 (P) (2) Filling of Lakes and Ponds Prohibited, Exception, The filling of any lake, pond or other water body with material obtained from off-premises in excess of three thousand (3,000) cubic yards shall be permitted only after issuance of a special permit has been approved by the Town Council.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 9. This Planning Area 9 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.

### **Applicable Goals, Objectives & Policies:**

*Future Land Use Plan – Policy Group 7: Commercial Use Policy 7-1:* The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

*Future Land Use Plan - Objective 17: Land Use Compatibility and Community Appearance, Policy 17-1:* Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

*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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## Significant Development Review Agency Comments

The Development Review Committee reviewed this application on October 7, 2003. At that time, the following comments were addressed:

### Planning & Zoning Division:

1. As per Section 26-1, provide a wildlife study by a certified Biologist before the issuance of a clearing and grubbing permit.

### Landscaping:

Article IV, Clearing and Grubbing of Land, Section 26-55, Permit required, of the Town Code:

1. Provide complete and accurate tree preservation or a mitigation plan, tree inventory, and tree survey (including all trees in the site, around the perimeter of the lake, and fifteen (15) feet from property line) by a registered landscape architect or licensed arborist, to include the information as required in section 26-25 (b).
2. Provide a hazard tree assessment for the existing trees on the site by a certified Arborist or registered Landscape Architect.

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## Staff Analysis & Finding of Facts

The applicant requests to fill in the northeastern half of an existing 10.5-acre rock pit, a.k.a. Sunny Lake. The site is a former rock pit located on the south-west corner of Griffin Road and the Florida Turnpike. Access onto the site is via Griffin Road, which runs along a portion of the northern boundary line. A local road, S.W. 52<sup>nd</sup>

Avenue, runs the northern half, then wraps down along the eastern boundary line. Adjacent to the south and west boundary lines are single-family homes, which abut the existing rock pit. Currently, on the western portion of the site is an existing two story single-family home.

The applicant has confirmed in writing that the hours of operation will be from 7:30 a.m. to sunset, Monday through Friday. Furthermore, access onto the property will only be from the service road coming off Griffin Road

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Development Review Committee (DRC) finds that the filling of Sunny Lake rock pit to be in conformance with all applicable Codes and Ordinances. The filling of this existing rock pit for a future commercial node will assist in creating an entrance into the heart of the Town from the Turnpike or 441.

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## Findings of Fact

### **Review for Special Permits:**

#### **Section 12-308(A) (1) (a):**

#### **The following findings of facts apply to the special permit request:**

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The proposed rock pit filling is permitted on properties with approved permits. The request is not in conflict with any portion of the comprehensive plan.*

- (ii) The proposed change will not create an unrelated an incompatible use;

*The proposed rock pit filling poses no incompatibilities with surrounding properties. Half of the rock pit (lake) will remain along the southern boundary line adjacent to residential homes.*

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

*The proposed rock pit filling will not have adverse impacts on living conditions in the neighborhood or in the town as it is temporary until a future development is permitted and all wildlife and other environmental issues will be addressed prior to the issuance of a permit.*

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The proposed rock pit filling will not generate an increase of automobile and vehicular traffic as construction trucks will be only utilizing Griffin Road to enter onto the site.*

- (v) The proposed change will not adversely affect surrounding property values;

*The proposed rock pit filling will not have an impact on surrounding property values as the applicant is leaving ½ the lake adjacent to the existing residential homes.*

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*The proposed rock pit filling would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues.*

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

*This request is for a use that may be permitted if it is determined by the Town Council to be compatible with the surrounding uses.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, staff recommends that the following condition be met:

- 2. Provide an accurate tree survey that illustrates all planting material on site and off-site, fifteen (15) feet from boundary lines.

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### **Planning and Zoning Board Recommendation**

Vice-Chair Turin made a motion, seconded by Mr. Stevens, to deny on the basis that the evidence presented tonight has shown that this area definitely has significant wildlife and protected wildlife; that the requested permit would cause an adverse affect on the living conditions in the neighborhood subsection (iii) [planning report]; that it would be in violation of subsection (ii) [planning report] which would be to create an unrelated and incompatible use; and furthermore that the evidence has shown that it would be in violation of subsection (v) [planning report], adversely affecting property values; and, therefore, this application does not meet the criteria for a special permit under Section 12-308(A) (1) (a). (Motion carried 5-0)

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### **Town Council Action**

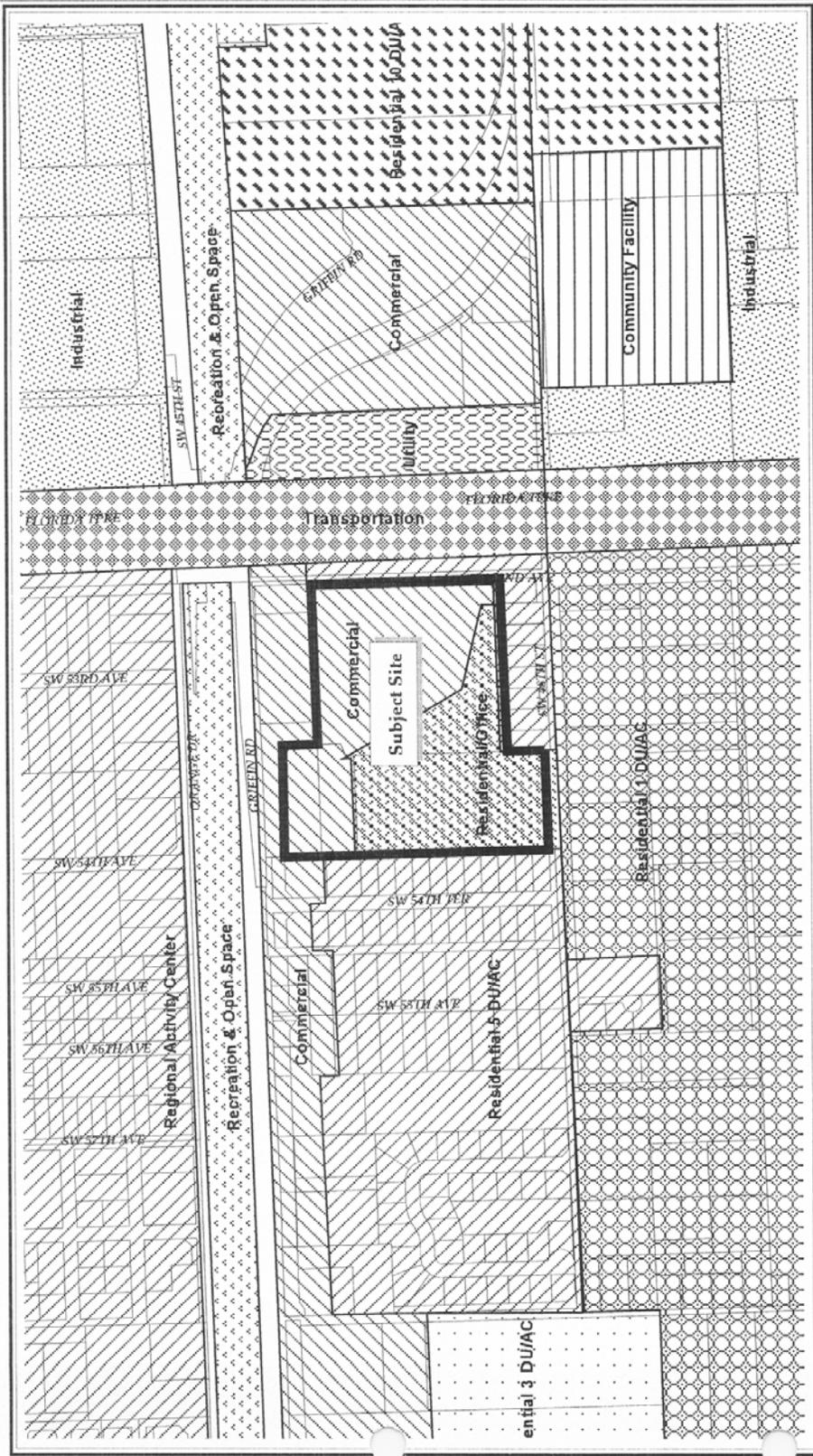
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## Exhibits

1. Rock Pit Fill Plan
2. Future Land Use Plan Map
3. Zoning and Aerial Map

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

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



600 0 600 Feet

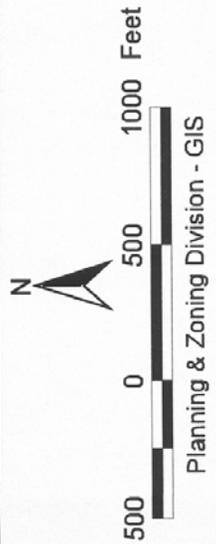


Planning & Zoning Division - GIS



Special Permit Application  
 SE 8-1-03, Sunny Lake  
 Future Land Use Map

Prepared By: D.M.A.  
 Date Prepared: 1/30/04



Planning & Zoning Division - GIS



**Special Permit Application  
SE 8-1-03, Sunny Lake  
Subject Site, Zoning, and Aerial Map**

Prepared By: D.M.A.  
Date Prepared: 1/30/04