

# 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 9-3-04/2399 S. University Drive, Generally located at the northwest corner of Nova Drive and University Drive

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING A 30-FOOT LANDSCAPE EASEMENT FROM THE GULF UNIVERSITY AND NOVA PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-3-04/2399 S. University Drive)

**REPORT IN BRIEF:**

The "Gulf University and Nova" plat, approved by Town Council on July 13, 1979, includes a 30-foot-wide landscape easement along the west property line. The subject site is currently a Mobil gas station with four (4) fuel pumps, a 1500-square foot convenience store, and a separate carwash structure. The applicant proposes to redevelop the site with a six(6)-fuel pump gas station and a 3,200 square foot convenience store. The applicant also requests to delete this 30-foot landscape easement from the plat and incorporate it into the design of the overall site.

The 30-foot-wide landscape easement is 175 feet long and currently contains a 6-foot-high wall and existing trees. The purpose of this easement is to provide a landscape buffer to separate the existing gas station from the adjacent residential use to the west. The current Land Development Code requires a 10-foot-wide landscape buffer with an eight-foot high wall between any commercial use and residential use. On the proposed site plan, the applicant will increase the existing six foot wall to eight (8) feet high. A ten-foot landscape buffer including seven (7) Live Oak trees with a Cocoplum hedge is provided outside of the wall. Inside of the wall, an approximately 15 foot wide dry retention area including six (6) Bold Cypress trees is proposed. This buffer has been reviewed and approved by the adjacent Home Owners Association. The combined green area along the west property line within the subject site is 25 feet wide and there is an existing 25 foot wide alley between the subject site and the residential property creating a 50' separation in between uses. As such, with the proposed landscaping and the existing alley, the impact of the request to the residential property is minimized.

This resolution is not requested by Broward County; as such, it shall be recorded in the public records to reflect this plat modification.

**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 Future Land Use Map, and Subject Site and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING A 30-FOOT LANDSCAPE EASEMENT FROM THE GULF UNIVERSITY AND NOVA PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the approved Gulf University and Nova plat includes a 30-foot-wide landscape easement along the west property line; and

WHEREAS, the applicant has filed a site plan application to redevelop the subject site with a six fuel pump gas station and a 3,200 square foot convenience store; and

WHEREAS, the applicant desires to delete the 30-foot landscape easement from the plat.

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 to delete the 30-foot landscape easement from the Gulf University and Nova Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall be recorded in the Broward County public records.

SECTION 3. 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 9-3-04 Exxon Mobil  
**Exhibit "A"**

**Revisions:**  
**Original Report Date:** 11/9/04

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

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**Applicant Information**

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**Owner:**

**Name:** Mobil Oil Corporation  
**Address:** P. O. Box 4973  
**City:** Houston, TX 77210  
**Phone:**

**Petitioner:**

Progressive Development Group, Inc.  
5205 S. Lois Avenue  
Tampa, FL 33611  
(813) 805-0313

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**Background Information**

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

**Application Request:** Petitioner is requesting to delete a 30-foot-wide landscaping easement along the west property line on the "Gulf University and Nova" Plat.

**Address/Location:** 2399 S. University Drive, Generally located at the northwest corner of Nova Drive and University Drive

**Future Land Use Plan Map Designations:** Commercial

**Existing Zoning:** B-2, Community Business District

**Existing Use:** Gas station of 4 fuel pumps, car wash, and a convenience store

**Proposed Use:** Gas station of six (6) fuel pumps and a 3,200 square foot convenience store

**Parcel Size:** .92 net acres (40,705 square feet)

**Surrounding Uses:**  
**North:** Restaurant (Longhorn)  
**South:** Nova Drive, Funeral Home  
**East:** Restaurant (Pollo Tropical)  
**West:** Condo Buildings

**Surrounding Land**  
**Use Plan Designation:**  
Commerce  
Commercial  
Commercial  
Residential (10DU/AC)

**Surrounding Zoning:**

**North:** B-2 (Community Business District)  
**South:** B-2 (Community Business District)  
**East:** B-2 (Community Business District)  
**West:** R-4A (Old Code) (Planned Apartment District)

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## Zoning History

**Plat Information:** The plat, Gulf University and Nova, was approved by the Broward County Board of Commissioners on August 29, 1979.

**Previous Request on same property:**

The site plan for the existing Mobil Gas Station was approved by the Town Council on August 15, 1979.

On October 20, 2004, Town Council approved the following variances:

1. **FROM:** Section 12-34 (Y)(2) of the Town of Davie Land Development Code which requires a minimum distance of 250 feet, shortest airline measurement, between the nearest points on any **lot** to be occupied for fuel pump islands and/or service station purposes and any **lot** which is zoned, or land use plan designated residential; **TO:** reduce the distance from the proposed gas station **lot line** to a residential property **lot line** to 25 feet;
2. **FROM:** Section 12-34 (Y)(2) of the Town of Davie Land Development Code which requires a minimum distance of 250 feet between a **lot** to be occupied by fuel pump islands and any **lot** occupied for service station purpose; **TO:** reduce the distance to another gas station to approximately 200 feet;
3. **FROM:** Section 12-34 (Y)(1) of the Town of Davie Land Development Code which requires a minimum lot area of 43,560 square feet for a lot to be occupied by fuel pump islands, **TO:** reduce the lot area to 40,057 square feet;
4. **FROM:** Section 12-33 (A)(4) of the Town of Davie Land Development Code which requires that in all districts an accessory building or structure shall not be of greater height than a principal building on the plot; **TO:** allow the fuel pump canopy higher than the mean roof height of the convenience store;
5. **FROM:** Section 12-107 (D)(4) of the Town of Davie Land Development Code which requires a minimum of ten-foot landscape buffer between commercial properties and other abutting properties; **TO:** reduce the landscape buffer adjacent to the commercial property to the north to 4.9 feet. These requests are required for redevelopment of the existing Mobil gas station on site.

Concurrent with this delegation request, the applicant has filed a site plan application for a 3,200-square foot convenience store and a gas canopy of six (6) fuel pumps.

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## Application Details

The “Gulf University and Nova” plat, approved by Town Council on July 13, 1979, includes a 30-foot-wide landscape easement along the west property line. The subject site is currently a Mobil gas station with four (4) fuel pumps, a 1500-square foot convenience store, and a separate carwash structure. The applicant proposes to redevelop the site with a six(6)-fuel pump gas station and a 3,200 square foot convenience store. As a result, the applicant also request to delete this 30-foot landscape easement from the plat and incorporate it into the design of the overall site.

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## Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

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## Significant Development Review Agency Comments

All agency comments have been satisfied.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

**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.

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## Staff Analysis

The 30-foot-wide landscape easement is 175 feet long and currently contains a 6-foot-high wall and existing trees. The purpose of this easement is to provide a landscape buffer to separate the existing gas station from the adjacent residential uses to the west. The current Land Development Code requires a 10-foot-wide landscape buffer with an eight-foot high wall

between any commercial use and residential use. On the proposed site plan, the applicant will increase the existing six foot wall to eight (8) feet high. A ten-foot landscape buffer including seven (7) Live Oak trees with a Cocoplum hedge is provided outside of the wall. Inside of the wall, an approximately 15 foot wide dry retention area including six (6) Bold Cypress trees is proposed. Ultimately, the combined green area along the west property line within the subject site is 25 feet wide. In addition, there is an existing 25 foot wide alley between the subject site and the residential property. As such, with the proposed landscaping and the existing alley, the impact of the request to the residential property is minimized.

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### **Staff Recommendation**

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

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### **Town Council Action**

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#### **Exhibits**

1. Resolution,
2. Plat,
3. Existing Future Land Use Map,
4. Subject Site and Aerial Map

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

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





**Delegation Request  
 DG 9-3-04  
 Zoning and Aerial Map**

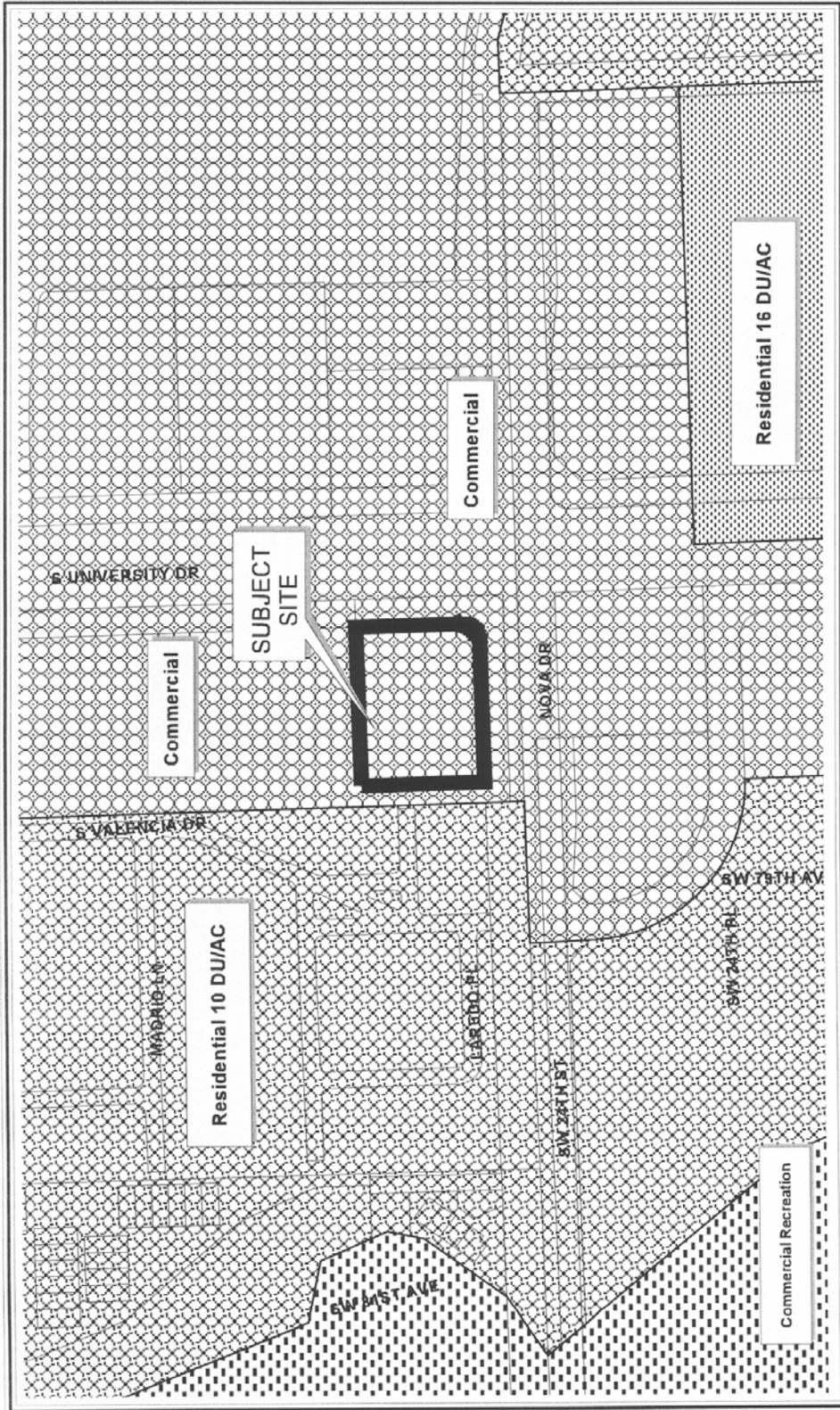
Prepared By: ID  
 Date Prepared: 11/9/04



Date Flown:  
 12/31/02

200 0 200 400 Feet

Prepared by the Town of Davie GIS Division



# Delegation Request DG 9-3-04 Future Land Use Map

Prepared By: ID  
Date Prepared: 11/9/04



Prepared by the Town of Davie GIS Division