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 9-2-04 Pointe West Center North Plat a.k.a. Rick Case Hyundai, 3550 Weston Road/Generally located on the north side of SW 36 Street, between Weston Road and I-75

AFFECTED DISTRICT: District 4

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 POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant is seeking to increase the amount of development allowed on the subject plat. There is currently an approved site plan and recorded plat with a note restricting it to a 55,000 square foot car dealership, site development permits have been issued and construction has commenced. The request is to revise the restrictive note on the plat to allow 110,000 square feet of car dealership and 215,000 square feet of auto storage use.

Approval of the request will enable the subject plat to be amended so that it can be developed with approximately the maximum square footage that can be constructed on this site which is constrained by its triangular shape, wetlands, and Florida Power and Light transmission lines. This expansion will benefit the Town's tax base because of the increase in taxable commercial square footage. According to the Broward County Land Use Plan, the paramount issue to establish these development rights is satisfying traffic concurrency by requiring the developer to provide for improvements to the regional road network so that the use can be accommodated; however, the Town of Davie also has great infrastructure and local road concurrency needs in the area. To this end, besides the improvements that will be required by Broward County to be presented to Town Council for approval in a subsequent tri-party agreement, the developer is committing to working with the Town to connect the equestrian trail on the west side of I-75 to the Shotgun Road equestrian trail by providing a covered equestrian crossing on the existing SW 36 Street bridge. It is believed that there is adequate space on the existing bridge to accommodate this improvement. In addition, the developer is committing to providing a reasonable share of the cost for the improvements to the Shotgun Road/Orange Drive corridor that have been identified in a study performed by the URS Corporation. Presently, the conceptual plans of the corridor study have been completed, with design and construction estimates to be provided at a later date yet to be determined.

The request is consistent with and permitted by the site's BP, Business Park designation. A site plan for the proposed expansion that demonstrates compliance with the Land Development Code will be required. By providing for, or contributing to, improvements to satisfy traffic concurrency on the regional road network and local road network, and by providing the proposed equestrian crossing on the SW 36 Street bridge, the developer will have done what can be considered to be fair and necessary to mitigate the impact of the amount of development proposed on the subject plat. The developer's commitment to provide the equestrian crossing and to contribute a fair share of the cost for the improvements to the Shotgun Road/Orange Drive corridor is included in the attached resolution.

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

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 POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the Pointe West Center North Plat was approved by the Town Council of the Town of Davie on January 5, 2000; and

WHEREAS, the Pointe West Center North Plat was recorded in the official records of Broward County in Plat Book 172, Page 136; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, the owners have committed to working with the Town of Davie to provide an equestrian crossing on the existing SW 36 Street bridge and to provide a reasonable share contribution for the cost of improvements to the Shotgun Road/Orange Drive corridor that are necessary to mitigate the impact of the proposed amount of development on 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 Pointe West Center North 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 _____, 2005

_____
MAYOR/COUNCILMEMBER

Attest:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:
Name: R & R Davie, LLC
Address: 875 North State Road 7
City: Fort Lauderdale, FL 33317
Phone: (954) 377-7400

Agent:
Name: C. William Laystrom Jr./John D. Voigt
Doumar, Allsworth, et al.
Address: 1177 SE 3 Avenue
City: Fort Lauderdale, FL 33316
Phone: (954) 762-3400

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 Pointe West Center North Plat **FROM:** "This plat is restricted to 55,000 square feet of auto dealership use"; **TO:** "This plat is restricted to 110,000 square feet of auto dealership use and 215,000 square feet of auto storage use".

Address/Location: 3550 Weston Road/Generally located on the north side of SW 36 Street, between Weston Road and I-75.

Future Land Use Plan Map Designation: Residential (1 DU/AC)
Commercial Flexibility was applied

Zoning: BP, Business Park District and AG, Agricultural District

Existing/Proposed Use: Auto dealership (under construction)

Net Parcel Size: 9.555 acres (416,215.8 square feet)

	Surrounding Uses:	Surrounding Land Use Plan Designation:
North:	I-75	Transportation
South:	SW 36 Street, Davie Volvo-Nissan	Transportation, Commercial
East:	I-75	Transportation
West:	Vacant/Meridian Business Campus	Industrial within Irregular (1.83) Residential (Broward County)

	Surrounding Zoning:
North:	T, Transportation District
South:	T, Transportation District, BP, Business Park District
East:	T, Transportation District
West:	PDD, Planned Development District (City of Weston)

Zoning History

Zoning History: The rezoning, ZB 9-2-98, Ordinance 99-03, of the southern portion of the subject site from AG, Agricultural District to BP, Business Park District for 6.45 acres with the utilization of the Broward County "5% residential-to-commercial" flexibility rule was approved on February 3, 1999.

The rezoning, ZB 8-1-99, Ordinance 99-44, of the northern portion of the subject site from AG, Agricultural District to BP, Business Park District for 3.55 acres with the utilization of the Broward County "5% residential-to-commercial" flexibility rule was approved on December 15, 1999.

Plat History: The plat, P 12-1-98 Pointe West Center North, was approved on January 5, 2000, with a note restricting the plat to 55,000 square feet of auto dealership use, and was subsequently recorded in Plat Book 172, Page 136, of the official records of Broward County on June 9, 2003.

The delegation request, DG 5-6-02 Pointe West Center North, was approved on July 3, 2002, to amend the restrictive note on the plat from "This plat is restricted to 55,000 square feet of auto dealership use"; to "This plat is restricted to 100,000 square feet of retail". The request was not considered by the Broward County Board of County Commissioners.

Site Plan History:

The site plan, SP 11-11-99 Davie Dealership, was approved on February 16, 2000.

The site plan, SP 9-5-02 Rick Case Hyundai, was approved on January 15, 2003.

The site plan modification, SP 9-2-04 Rick Case Hyundai, was approved on September 22, 2004.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113. 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 5: Consistency of Development with Comprehensive Plan, 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 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The applicant is seeking to increase the amount of development allowed on the subject plat. There is currently an approved site plan and recorded plat with a note restricting it to a 55,000 square foot car dealership, site development permits have been issued and construction has commenced. The request is to revise the restrictive note on the plat to allow 110,000 square feet of car dealership and 215,000 square feet of auto storage use.

Staff Analysis

Approval of the request will enable the subject plat to be amended so that it can be developed with approximately the maximum square footage that can be constructed on this site which is constrained by its triangular shape, wetlands, and Florida Power and Light transmission lines. This expansion will benefit the Town's tax base because of the increase in taxable commercial square footage. According to the Broward County Land Use Plan, the paramount issue to establish these development rights is satisfying traffic concurrency by requiring the developer to provide for improvements to the regional road network so that the use can be accommodated; however, the Town of Davie also has great infrastructure and local road concurrency needs in the area. To this end, besides the improvements that will be required by Broward County to be presented to Town Council for approval in a subsequent tri-party agreement, the developer is committing to working with the Town to connect the equestrian

trail on the west side of I-75 to the Shotgun Road equestrian trail by providing a covered equestrian crossing on the existing SW 36 Street bridge. It is believed that there is adequate space on the existing bridge to accommodate this improvement. In addition, the developer is committing to providing a reasonable share of the cost for the improvements to the Shotgun Road/Orange Drive corridor that have been identified in a study performed by the URS Corporation. Presently, the conceptual plans of the corridor study have been completed, with design and construction estimates to be provided at a later date yet to be determined.

Findings of Fact

The request is consistent with and permitted by the site's BP, Business Park designation. A site plan for the proposed expansion that demonstrates compliance with the Land Development Code will be required. By providing for, or contributing to, improvements to satisfy traffic concurrency on the regional road network and local road network, and by providing the proposed equestrian crossing on the SW 36 Street bridge, the developer will have done what can be considered to be fair and necessary to mitigate the impact of the amount of development proposed on the subject plat. The developer's commitment to working with the Town to provide the equestrian crossing and to contribute a fair share of the cost for the improvements to the Shotgun Road/Orange Drive corridor is included in the attached resolution.

Staff Recommendation

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

Exhibits

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

Prepared by: _____ Reviewed by: _____

JUSTIFICATION STATEMENT FOR TOWN OF DAVIE DELEGATION REQUEST

RE: Pointe West Center North Plat

The subject property is a triangular parcel bordered on the east by Interstate 75 and on the south by S.W. 36th Street/South Post Road. To the west the property is bordered by Weston Road and the City of Weston. The westernmost border of the subject property is the western limit of the Town of Davie.

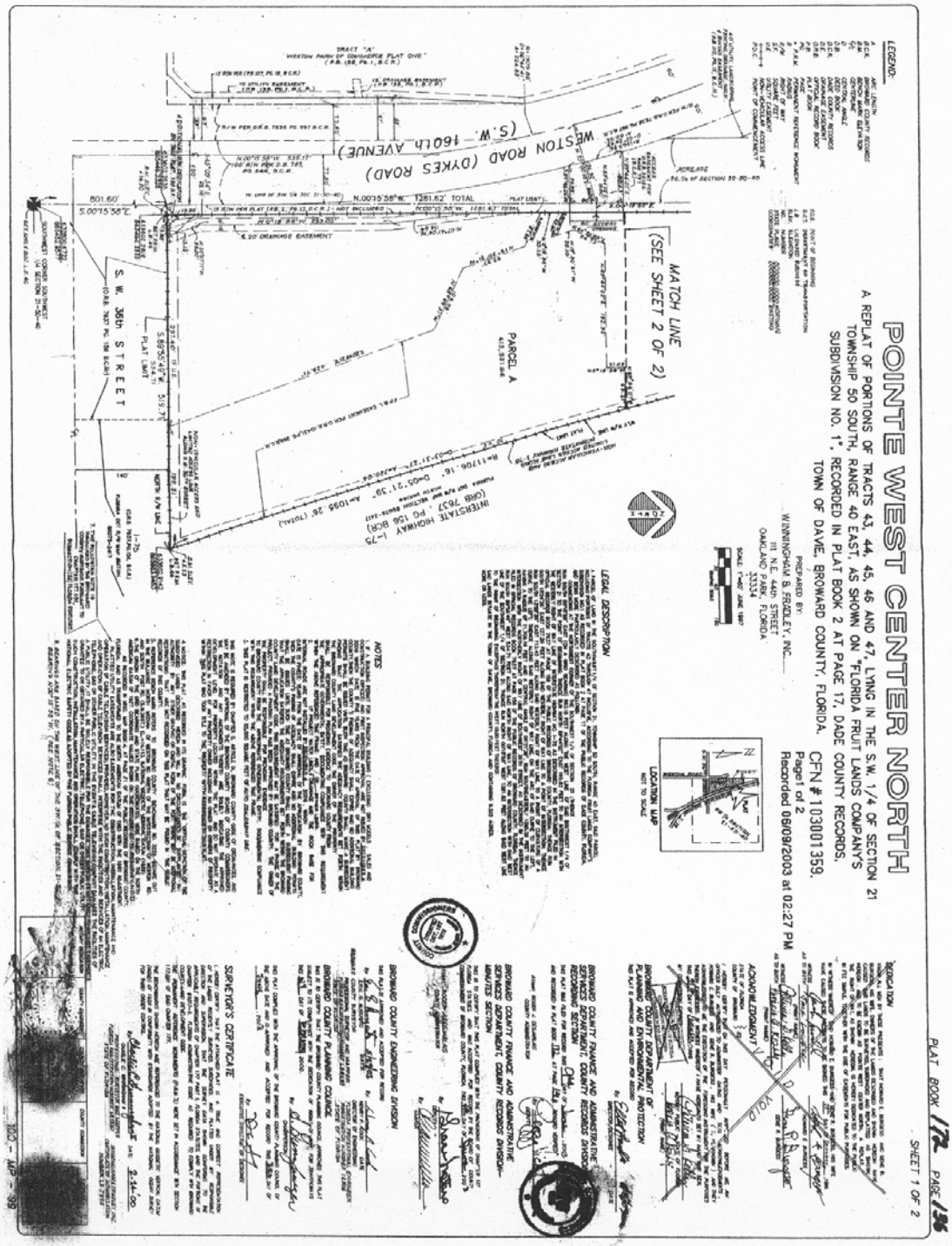
The property is currently zoned Business Park (BP) and with the wetlands portion of the property maintaining and A-1 zoning. This is the northernmost parcel of the business park which extends between Weston Road and Interstate 75 southward to Griffin Road. The subject parcel is currently vacant land.

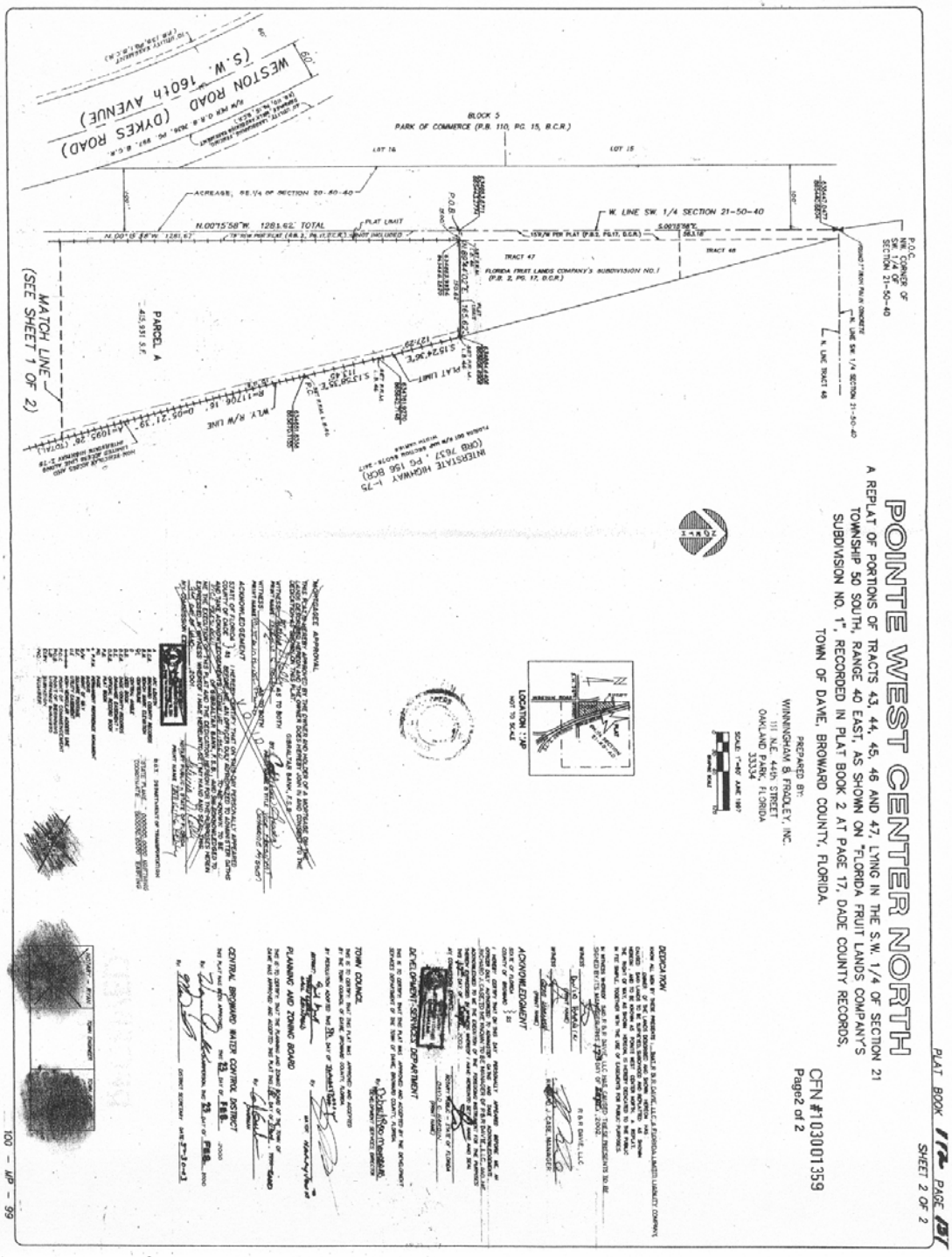
The applicant seeks to open a Rick Case Hyundai dealership on the subject site. A number of other car dealerships are already located in this business park.

At the time the Point West Center North Plat was recorded in June, 2003, the plat note restricted development to 55,000 square feet of auto dealership use. The applicant seeks to increase this to 110,000 square feet of auto dealership use and 215,000 square feet of auto storage use. It is proposed to erect a parking garage on the sight to hold automobiles and inventory for sale.

At the time of recording the Pointe West Center North Plat, the applicant was contemplating and expansion of the proposed dealership and discussed that with representatives of Broward County with regard to traffic issues. As a result an applicant has taken steps with Broward County to address traffic concurrency issues in advance of the planned expansion. It is believed at this time that the applicant is in agreement with Broward County as to adequate traffic solutions.

As a result, the petitioner's Delegation Request to amend the note on the Pointe West Center North Plat to increase the size of the proposed dealership and to allow for an automobile parking garage for storage of vehicle inventory merits favorable consideration.


POINTE WEST CENTER NORTH
A REPLAT OF PORTIONS OF TRACTS 43, 44, 45, 46 AND 47, LYING IN THE S.W. 1/4 OF SECTION 21
TOWNSHIP 50 SOUTH, RANGE 40 EAST, AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO. 1", RECORDED IN PLAT BOOK 2 AT PAGE 17, DADE COUNTY RECORDS,
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.
CFN # 103001359.
Page 1 of 2
Recorded 06/09/2003 at 02:27 PM
PREPARED BY:
WINNINGHAM & FRIDLEY, INC.
111 N.E. 44th STREET
OAKLAND PARK, FLORIDA
33334
LEGEND:
LEGAL DESCRIPTION
NOTES
LOCATION MAP
NOT TO SCALE
WESTON ROAD (DYKES ROAD)
(S.W. 160th AVENUE)
MATCH LINE
(SEE SHEET 2 OF 2)
PARCEL A
S.W. 36th STREET
INTERSTATE HIGHWAY I-75
(ORB 7637, PG 156 BCR)
PLAT LIMIT
TRACT "A"
WESTON PARK OF COMMERCE PLAT ONE
SURVEYOR'S CERTIFICATE
BROWARD COUNTY ENGINEERING DIVISION
BROWARD COUNTY PLANNING COUNCIL
BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION
BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION-MINUTES SECTION
ACKNOWLEDGEMENT
DEDICATION
PLAT BOOK 172 PAGE 136
SHEET 1 OF 2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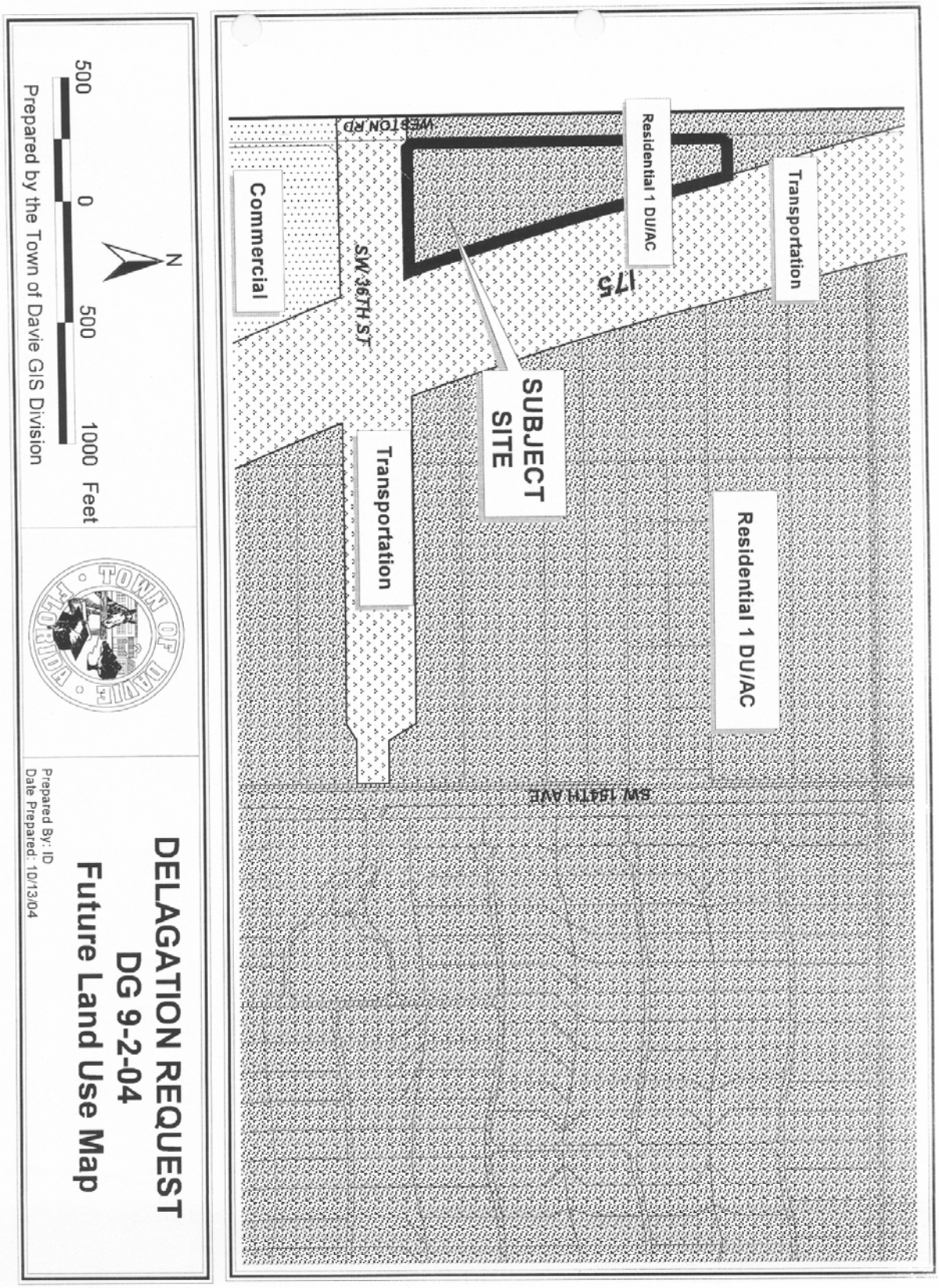
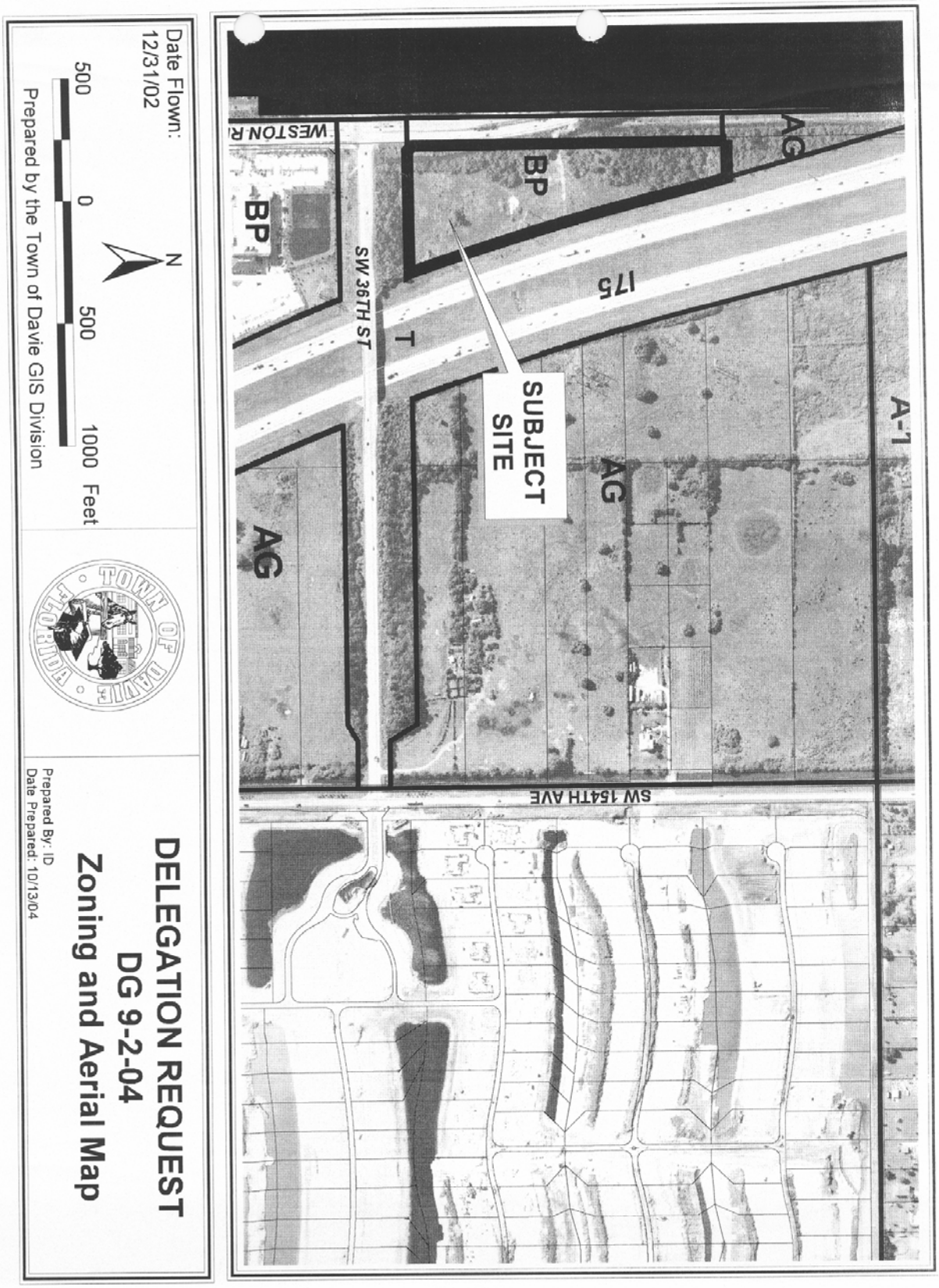
CFN #103001359
Page2 of 2
PLAT BOOK 176 PAGE 187
SHEET 2 OF 2
BLOCK 5
PARK OF COMMERCE (P.B. 110, PG. 15, B.C.R.)
LOT 14
LOT 15
ACREAGE: SE 1/4 OF SECTION 20-50-40
N.00°15'58"W. 1281.62' TOTAL
PLAT LIMIT
W. LINE SW. 1/4 SECTION 21-50-40
TRACT 47
TRACT 46
FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1
(P.B. 2, PG. 17, D.C.R.)
P.O.C. CORNER OF SW. 1/4 OF SECTION 21-50-40
N. LINE SW. 1/4 SECTION 21-50-40
N. LINE TRACT 46
PARCEL A
415,931 S.F.
MATCH LINE
(SEE SHEET 1 OF 2)
WESTON ROAD (DYKES ROAD)
(S.W. 160th AVENUE)
60'
INTERSTATE HIGHWAY I-75
(ORB 7637, PG 156 BCR)
MLT. R/W LINE
R=11706.16'
D=05°21'39"
L=1095.26' (TOTAL)
S.R. 84 (STATE ROAD NO. 84)
(HOLLYWOOD-FORT LAUDERDALE EXPRESSWAY)
(FORMERLY SOUTH NEW RIVER CANAL)
LOCATION MAP
NOT TO SCALE
SCALE 1"=50' JANE 1987
DEDICATION
ACKNOWLEDGEMENT
TOWN COUNCIL
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING BOARD
CENTRAL BROWARD WATER CONTROL DISTRICT
STATE PLANE COORDINATES
MONUMENTS
SURVEYOR
TOWN ENGINEER
TOWN ATTORNEY
TOWN MANAGER
CASE MANAGER
DIRECTOR
SECRETARY
DATE
100 - MP - 99


Transportation
Residential 1 DU/AC
175
WESTON RD
Commercial
SW 36TH ST
SUBJECT SITE
Transportation
Residential 1 DU/AC
SW 154TH AVE
N
500 0 500 1000 Feet
Prepared by the Town of Davie GIS Division
TOWN OF DAVIE FLORIDA
DELAGATION REQUEST
DG 9-2-04
Future Land Use Map
Prepared By: ID
Date Prepared: 10/13/04


DELEGATION REQUEST
DG 9-2-04
Zoning and Aerial Map
Prepared By: ID
Date Prepared: 10/13/04
Date Flown:
12/31/02
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Prepared by the Town of Davie GIS Division
TOWN OF DAVIE FLORIDA
SUBJECT SITE
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SW 36TH ST
SW 154TH AVE
I75
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