

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: Plat, P 9-1-04 Deeb Plat, S. George Deeb & Jacqueline Deeb/Mikki Ulrich, Deni Land Surveyors, Inc., 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DEEB PLAT" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant requests approval of the "Deeb Plat". The plat is for a property that is 15,600 square feet (0.358 acres) and is restricted to 2,400 square feet of restaurant use. Access is provided by a 50' opening to SW 38 Court with non-vehicular access lines (NVAL) being placed on the remainder of the northern limits and along the western boundary adjacent to Davie Road. A 24' cross-access easement to the unplatted parcel to the south is provided as required by the Western Theme Overlay District.

This plat is required because the owner wishes to redevelop the parcel with 2,400 square feet of restaurant use. The existing structure has been vacant longer than six (6) months and when a nonconforming use of a structure or building, or structure or building and premises in combination, is discontinued or abandoned for ninety (90) consecutive days or for a total of six (6) months during any two-year period it cannot be used again except in conformance with the regulations of the district in which it is located.

In order to meet current development standards the existing structure must be demolished and this requires the parcel to be platted. Since the parcel is a legal lot of record, the minimum lot size requirements of the B-2, Community Business District do not have to be met in order to allow it to be platted.

The adjacent SW 38 Court right-of-way is already improved, and during the site plan review process it will be determined if the roadway and swale need to be refurbished. Since this plat is located within an area designated by the Broward County Land Use Plan for urban unfill, urban redevelopment, or downtown revitalization, the regional road network concurrency requirement is waived by Broward County.

Staff finds that the plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. The proposed restaurant use can be considered compatible with the surrounding properties.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 13, 2005, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin to approve (Motion carried 5-0).

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following conditions shall be met:

1. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DEEB PLAT" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Deeb Plat" was considered by the Town of Davie Planning and Zoning Board on April 13, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Deeb Plat" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. 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

Owners:

Name: S. George Deeb & Jacqueline Deeb
Address: 721 North 11 Avenue
City: Hollywood, FL 33019
Phone: (954) 455-0308

Petitioner:

Name: Mikki H. Ulrich, P.S.M.
Deni Land Surveyors, Inc.
Address: 1991 NW 35 Avenue
City: Coconut Creek, FL 33066
Phone: (954) 973-7966

Background Information

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendation: Approval was recommended at the April 13, 2005, meeting.

Application Request: Approval of the plat known as the "Deeb Plat".

Address/Location: 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court.

Future Land Use

Plan Map Designation: Regional Activity Center

Zoning: B-2, Community Business District (Western Theme Overlay District)

Gross Parcel Size: 15,600 square feet (0.358 acres)

Net Parcel Size: 15,208 square feet (0.349 acres)

Existing Use: 1,345 square foot vacant restaurant structure

Proposed Use: 2,400 square feet of restaurant use

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	SW 38 Court, Vacant structure	Regional Activity Center
South:	Vacant (former Winn Dixie site)	Regional Activity Center
East:	Vacant (former Winn Dixie site)	Regional Activity Center
West:	Davie Road, Nova Elementary	Regional Activity Center
	<u>Surrounding Zoning:</u>	
North:	B-2, Community Business District (Western Theme Overlay District)	
South:	B-2, Community Business District (Western Theme Overlay District)	
East:	B-2, Community Business District (Western Theme Overlay District)	
West:	CF, Community Facilities District	

Zoning History

Annexation:

The property was incorporated into the Town in 1964. Historical accounts indicate that the site was developed at that time with restaurant use (Royal Castle Hamburgers).

Plat History:

The property was platted as the Everglades Land Sale Company Subdivision, Plat Book 2, Page 34, in the public records of Dade County, on May 4, 1912.

Related Zoning History:

The Western Theme Overlay District was adopted on August 15, 1990.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of 15,600 square feet (0.358 acres).
2. *Restrictive Note:* The plat is restricted to 2,400 square feet of restaurant use.
3. *Access:* Access is provided by a 50' opening to SW 38 Court with non-vehicular access lines (NVAL) being placed on the remainder of the northern limits and along the western boundary adjacent to Davie Road. A 24' cross-access easement to the unplatted parcel to the south is provided as required by the Western Theme Overlay District.
4. *Trails:* There are no existing or proposed trails adjacent to the site.

5. *Dedications and Easements:* A total of 392 square feet (0.009 acres) of the property has been dedicated as right-of-way for the site visibility triangle at the Davie Road and SW 38 Court intersection. There is a 24' cross-access easement on the southern plat limits.
6. *Drainage:* The subject property lies within Central Broward Water Control District, and approval from this agency has been obtained.
7. *Road Concurrency:* The adjacent SW 38 Court right-of-way is already improved, and during the site plan review process it will be determined if the roadway and swale need to be refurbished. Since this plat is located within an area designated by the Broward County Land Use Plan for urban unfill, urban redevelopment, or downtown revitalization, the regional road network concurrency requirement is waived by Broward County.
8. *Compatibility:* This proposed plat for restaurant use can be considered compatible with both existing and allowable uses on the adjacent properties. To the north, south, and east are unplatted parcels awaiting redevelopment within the Western Theme District, and to the west is Davie Road.

Applicable Codes and Ordinances

Article XII Subdivisions and Site Plans.

Article XIII Special Planning Areas and Districts. Division 1 Western Theme District.

§12-24 (J) (5) of the Land Development Code, Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.

§12-40 Nonconforming uses of buildings, structures and premises.

(4) When a nonconforming use of a structure or building, or structure or building and premises in combination, is discontinued or abandoned for ninety (90) consecutive days or for a total of six (6) months during any two-year period, except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

§12-360 (B) Platting requirement:

(1) The town may not grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit which meets any of the following criteria:

- (a) Construction of one (1) single-family dwelling unit or duplex unit on a lot or parcel, which lot or parcel was of record as such in the official records of Broward County as of March 1, 1989; or
- (b) Construction on any multifamily or nonresidential lot or parcel which is less than five (5) acres in size and specifically delineated on a plat recorded on or before June 4, 1953;

§12-38 Nonconforming lots. A principal building and customary accessory buildings may be erected on a single lot, tract or parcel of land, notwithstanding limitations imposed by other provisions of these regulations, if:

- (1) The erection of such building(s) was permissible prior to the adoption of these regulations; and
- (2) The single lot, tract or parcel of land was shown on a recorded map, plat, drawing or survey prior to the adoption of these regulations; or
- (3) The single lot, tract or parcel of land was shown on a plat, drawing or survey, which was registered with the Department of Business Regulation, Division of Florida Land Sales, prior to the effective date of the adoption of these regulations; and
- (4) The single lot, tract or parcel of land shall meet the minimum property development regulations, except minimum lot size requirements, that are generally applicable in the district, except as may be provided through the granting of a variance pursuant to Article X.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two (2) large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-1: The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development redevelopment that facilitates a coordinated and balanced mix of land uses providing for: educational

facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities, including the use of mixed residential/nonresidential land uses.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-6: Development activities within the RAC should stimulate quality redevelopment of businesses and dwellings, particularly development requests for increased density or intensity above that permitted by the existing zoning designations of the land.

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.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning: Provide a cross-access easement to the unplatted parcel to the south. *(This has been provided.)*

Engineering: Provide site visibility triangle and storm water management calculations. *(These have been provided.)*

Staff Analysis

This plat is required because the owner wishes to redevelop the parcel with 2,400 square feet of restaurant use. The existing structure has been vacant longer than six (6) months and when a nonconforming use of a structure or building, or structure or building and premises in combination, is discontinued or abandoned for ninety (90) consecutive days or for a total of six (6) months during any two-year period it cannot be used again except in conformance with the regulations of the district in which it is located.

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Findings of Fact

Staff finds that the plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. The proposed restaurant use can be considered compatible with the surrounding properties.

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, the following conditions shall be met:

1. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
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Planning and Zoning Board Recommendation

At the April 13, 2005, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin to approve (Motion carried 5-0).

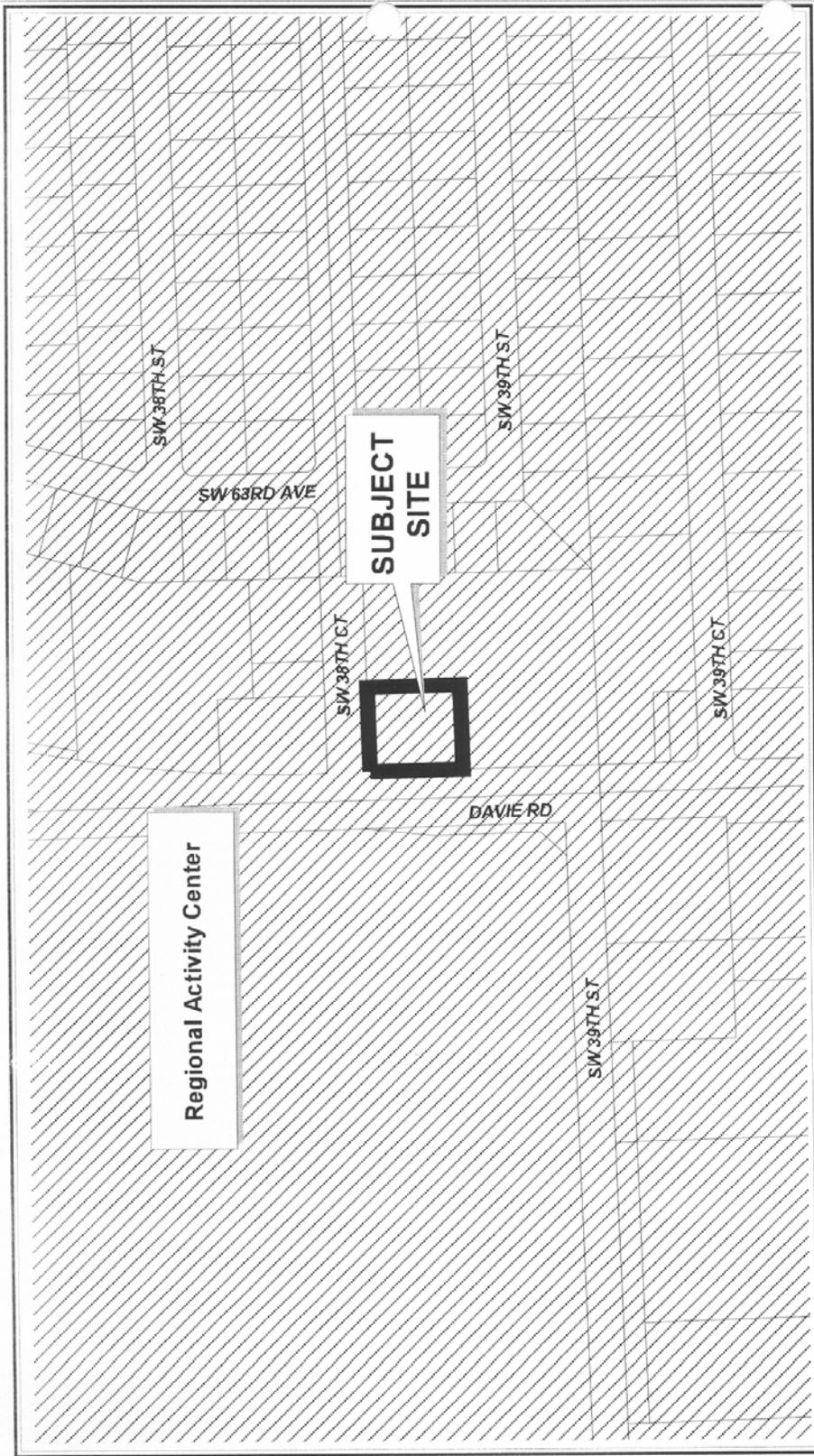
Town Council Action

Exhibits

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

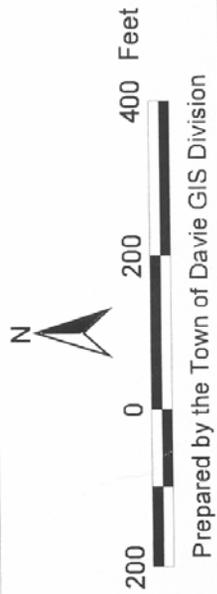
Prepared by: _____

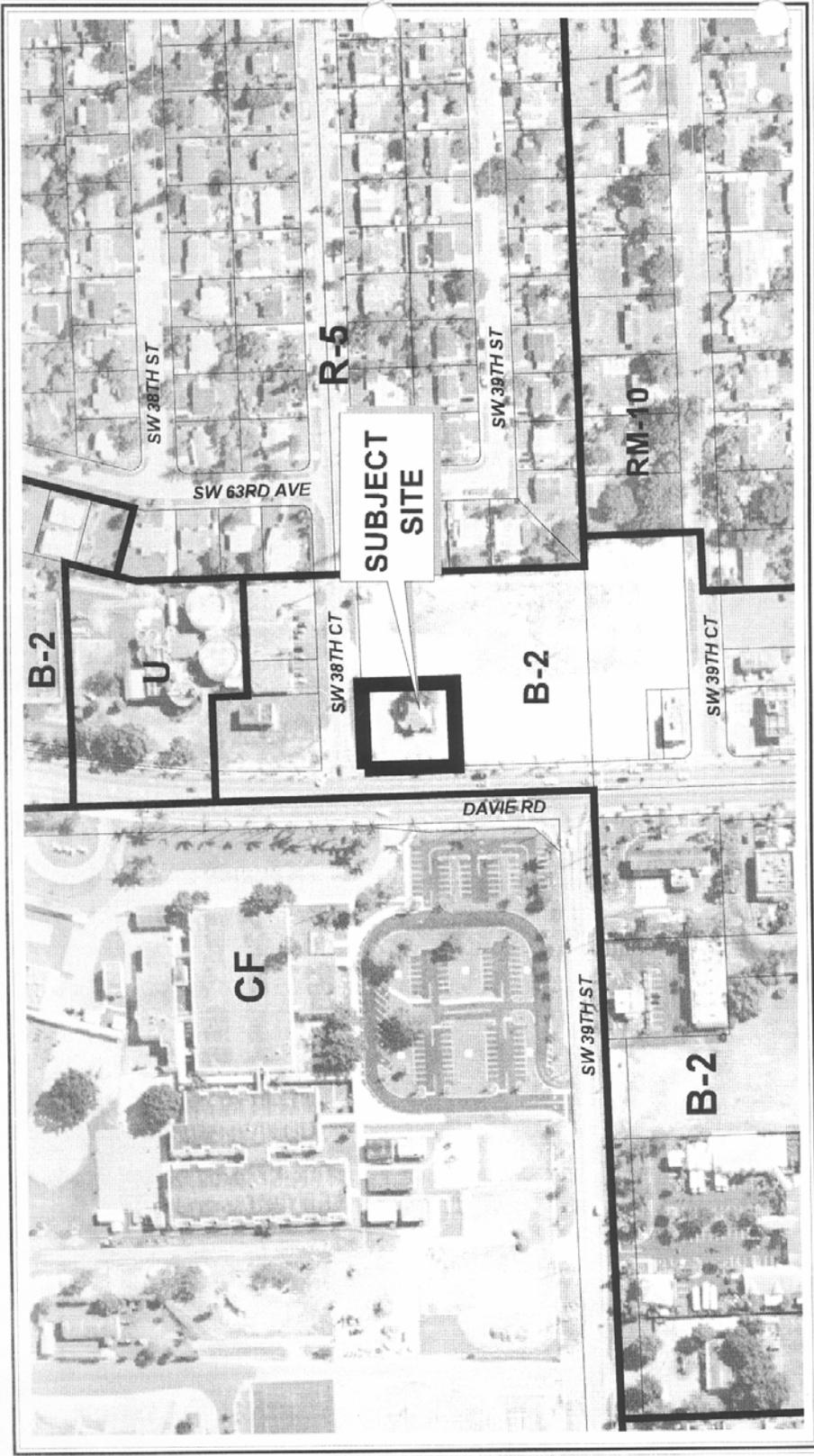
Reviewed by: _____



**PLAT
P 9-1-04
Future Land Use Map**

Prepared By: ID
Date Prepared: 10/13/04





**PLAT
P 9-1-04
Zoning and Aerial Map**

Prepared By: JD
Date Prepared: 10/13/04



Date Flown:
12/31/02

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Prepared by the Town of Davie GIS Division

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