

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 10-2-04 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 THE DELEGATION REQUEST, DG 10-2-04 RICK CASE HYUNDAI, TO VACATE AN EXISTING NON-VEHICULAR ACCESS LINE AND TO ESTABLISH A NEW NON-VEHICULAR ACCESS LINE ON THE PLAT KNOWN AS THE POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The request is directly linked to the vacation request, VA 10-1-04 Rick Case Hyundai, wherein the applicant has requested to vacate 198 square feet of right-of-way at the northeast corner of Weston Road and SW 36 Street (South Post Road). The parcel was dedicated by the adjoining Pointe West Center North plat to provide for the sight visibility triangle at the intersection of Weston Road and SW 36 Street, and a non-vehicular access line was placed upon it.

Should the vacation request be approved, the existing non-vehicular access line must be vacated and a new non-vehicular access line must be established.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: N/A

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 THE DELEGATION REQUEST, DG 10-2-04 RICK CASE HYUNDAI, TO VACATE AN EXISTING NON-VEHICULAR ACCESS LINE AND TO ESTABLISH A NEW NON-VEHICULAR ACCESS LINE 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 vacate an existing non-vehicular access line and to establish a new non-vehicular access line 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

<u>Owner:</u>		<u>Petitioner:</u>	
Name:	R & R Davie, LLC	Name:	J. Gary Brown, Jr.
Address:	875 North State Road 7		Doumar, Allsworth, et al.
City:	Fort Lauderdale, FL 33317	Address:	1177 SE 3 Avenue
Phone:	(954) 377-7400	City:	Fort Lauderdale, FL 33316
		Phone:	(954) 762-3400

Background Information

Application History: No deferrals have been requested.

Application Request: Approval of the resolution to authorize the vacation of an existing non-vehicular access line and to establish a new non-vehicular access line on the plat known as the Pointe West Center North Plat.

Address/Location: 3550 Weston Road/Generally located on the north side of SW 36 Street (South Post Road), 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

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

	<u>Surrounding Uses:</u>	<u>Surrounding Land</u>
North:	I-75	<u>Use Plan Designation:</u>
South:	SW 36 Street, Davie Volvo-Nissan	Transportation
East:	I-75	Transportation, Commercial
West:	Vacant/Meridian Business Campus	Transportation
		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 and expired.

The delegation request, DG 9-2-04 Pointe West Center North, was approved on December 15, 2004, 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 110,000 square feet of auto dealership use and 215,000 square feet of auto storage use”.

The developer’s agreement, DA 4-2-05 Rick Case Hyundai, was approved on July 6, 2005, to provide for measures to satisfy traffic concurrency on the Regional Road Network.

The vacation request, VA 10-1-04 Rick Case Hyundai, to vacate 198 square feet of right-of-way at the northeast corner of Weston Road and SW 36 Street, is being considered by Town Council concurrently with this request.

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, SPM 9-2-04 Rick Case Hyundai, was approved on September 22, 2004.

The site plan modification, SPM 2-1-05 Rick Case Hyundai, was approved on April 6, 2005.

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 request is directly linked to the vacation request, VA 10-1-04 Rick Case Hyundai, wherein the applicant has requested to vacate 198 square feet of right-of-way at the northeast corner of Weston Road and SW 36 Street (South Post Road). The parcel was dedicated by the adjoining Pointe West Center North plat to provide for the sight visibility triangle at the intersection of Weston Road and SW 36 Street, and a non-vehicular access line was placed upon it.

Staff Analysis

Should the vacation request be approved, the existing non-vehicular access line must be vacated and a new non-vehicular access line must be established.

Findings of Fact

The request is consistent with the Comprehensive Plan and Land Development Code.

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 MODIFICATION OF NVAL LINE REQUEST

RE: Pointe West Center North Plat

The applicant is the owner of a vacant parcel of land which constitutes the entirety of the Pointe West Center North Plat. The property is a triangular parcel that is bordered on the east side of Interstate 75. Immediately to the south is S.W. 36th Street/South Post Road. The west border of the property is Weston Road and the city limits for the City of Weston. The westernmost border of the subject property is also the western town limit for the Town of Davie. The applicant plans to open a Rick Case Hyundai dealership complete with a parking garage for storage of inventory automobiles.

At the time of recording the Pointe West Center North Plat in June, 2003, the Plat limited development to 55,000 square feet of auto dealership. It was contemplated at that time that the applicant would seek to expand the dealership before it was actually constructed. The applicant now proposes to increase the size of the dealership from 55,000 square feet to 110,000 square feet of auto dealership use and 215,000 square feet of auto storage use.

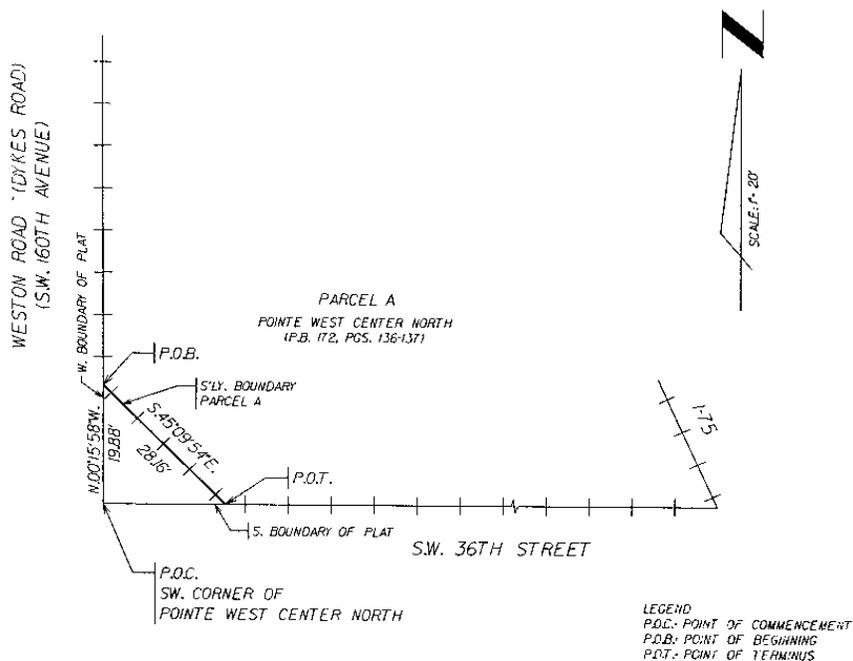
In planning for the expanded size of the dealership, the applicant has been working on traffic concurrency solutions in advance that would allow for the additional size of the proposed dealership.

This area is unused by FDOT along the western boundary. This request accommodates an improved entrance designation along Weston Road.

LEGAL DESCRIPTION

THAT PORTION OF THE NON-VEHICULAR ACCESS LINE, ACCORDING TO THE PLAT OF POINTE WEST CENTER NORTH, AS RECORDED IN PLAT BOOK 172 AT PAGES 136 AND 137 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PLAT OF POINTE WEST CENTER NORTH; THENCE RUN NORTH 00°15'58" WEST (ON A PLAT BEARING) 19.88 FEET ALONG THE WEST BOUNDARY OF SAID PLAT, TO THE POINT OF BEGINNING; THENCE RUN SOUTH 45°09'54" EAST 28.16 FEET ALONG THE SOUTHERLY BOUNDARY OF PARCEL A, ACCORDING TO SAID PLAT, TO AN INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID PLAT AND THE TERMINUS OF SAID LINE. SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.



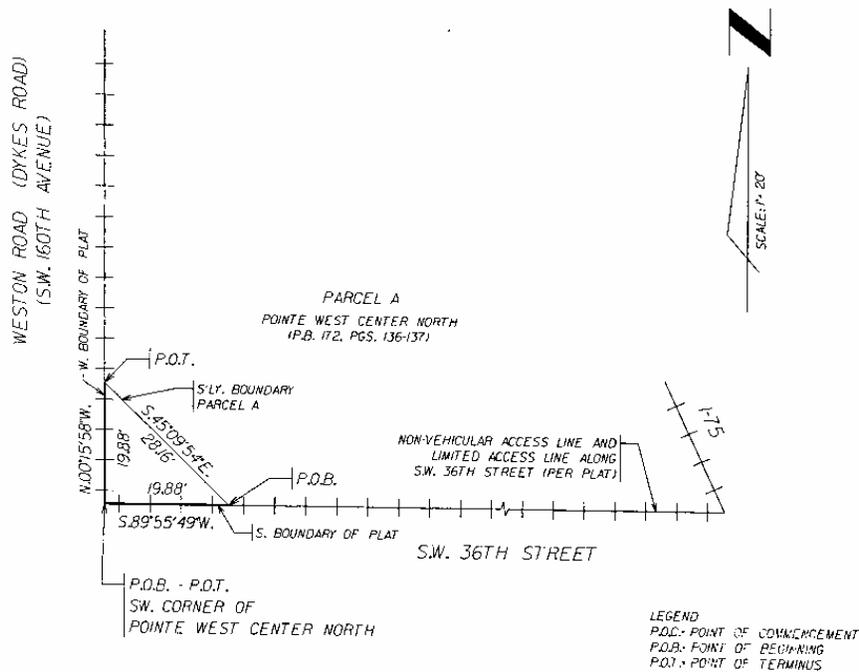
LEGEND
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 P.O.T. POINT OF TERMINUS

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS IS NOT A SKETCH OF SURVEY, IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

BY: *Mark D. Sturgis*
 MARK D. STURGIS
 PROFESSIONAL SURVEYOR AND MAPPER NO. 4829
 STATE OF FLORIDA

POINTE WEST CENTER NORTH SKETCH AND DESCRIPTION		PLATTED NON-VEHICULAR ACCESS LINE TO BE VACATED	
WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 N.E. 44th STREET, OAKLAND PARK, FL 33304 (954) 771-7440 FAX (954) 771-0008		EB 0002945 EB 0002955	DESIGNED: CEG CHECKED: CEG DATE: 2-4-04
98530.01 PLATTED NVAL VAC.dgn Oct 07, 2004 12:35:16		PROJECT NUMBER: 98530.01	SHEET: 1

LEGAL DESCRIPTION
 THAT PORTION OF THE SOUTH AND WEST BOUNDARY LINES OF THE PLAT OF POINTE WEST CENTER NORTH, AS RECORDED IN PLAT BOOK 172 AT PAGES 136 AND 137 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID PLAT OF POINTE WEST CENTER NORTH; THENCE RUN NORTH 00°15'58" WEST (ON A PLAT BEARING) 19.88 FEET ALONG THE WEST BOUNDARY OF SAID PLAT, TO THE TERMINUS OF SAID LINE; THENCE RUN SOUTH 45°09'54" EAST 28.16 FEET ALONG THE SOUTHERLY BOUNDARY OF PARCEL A, ACCORDING TO SAID PLAT, TO AN INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID PLAT AND THE POINT OF BEGINNING; THENCE RUN SOUTH 89°55'49" WEST 19.88 FEET ALONG SAID SOUTH BOUNDARY, TO SAID SOUTHWEST CORNER OF SAID PLAT AND THE TERMINUS OF SAID LINE.
 SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

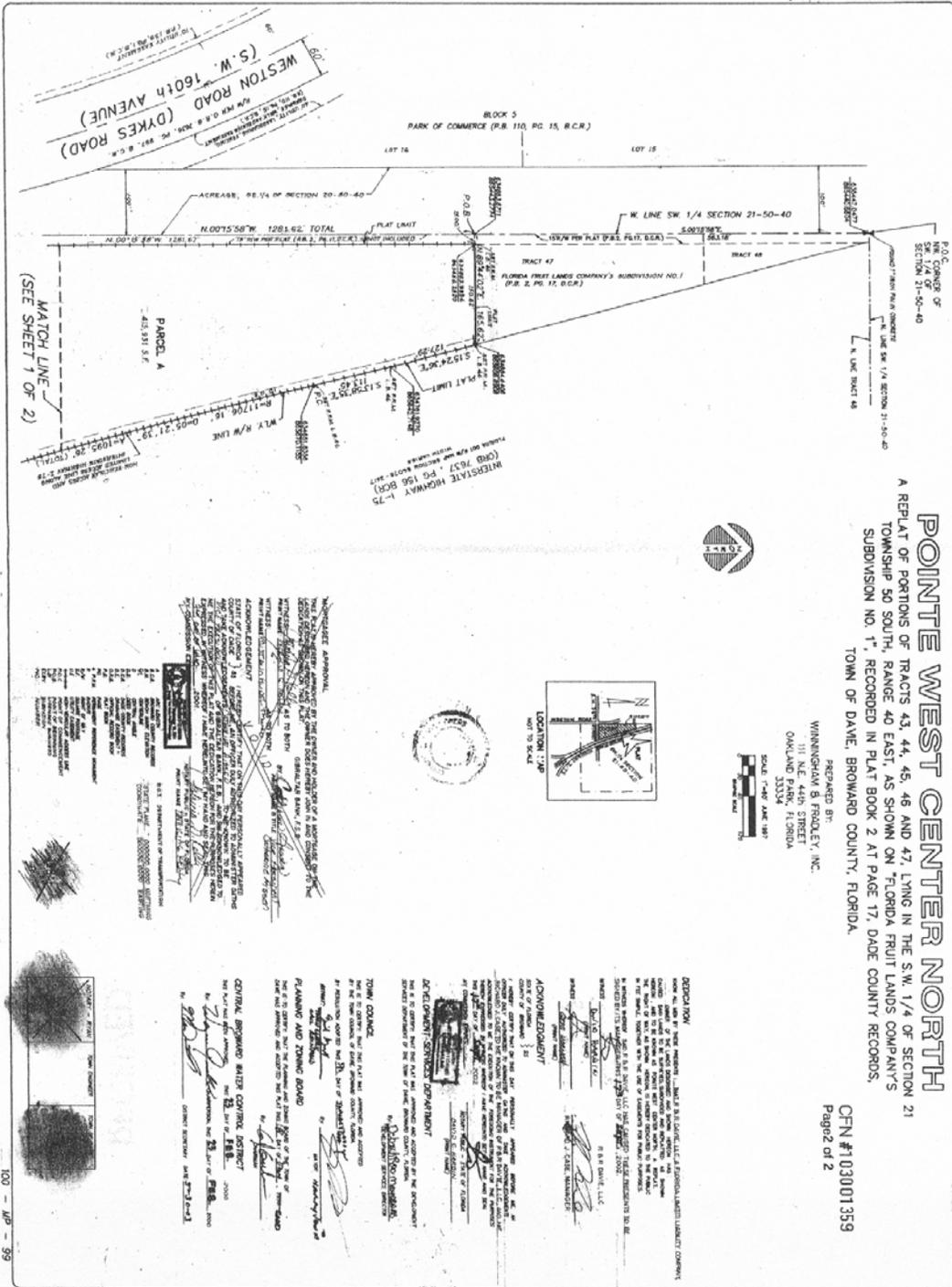


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BY: Mark D. Sturgis
 MARK D. STURGIS
 PROFESSIONAL SURVEYOR AND MAPPER NO. 4829
 STATE OF FLORIDA

POINTE WEST CENTER NORTH TOWN OF DAVIE, BROWARD COUNTY, FLORIDA		SKETCH AND DESCRIPTION ADDITIONAL NON-VEHICULAR ACCESS LINE	
WINNINGHAM & FRADLEY, INC. ENGINEERS - PLANNERS - SURVEYORS <small>111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-271-7440 FAX 954-771-0298</small>		DATE: 2-4-04 SHEET: 98530.01 OF: 1	PROJECT NO.: 98530.01 SHEET: 1

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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 DAVE, BROWARD COUNTY, FLORIDA.



PREPARED BY:
 WINNINGHAM & FRODOLEY, INC.
 111 N.E. 44th STREET
 OAKLAND PARK, FLORIDA
 33334
 SCALE: 1"=40' (SEE PLAN)



ACKNOWLEDGMENT
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same has been compared with the original and found to be a true and correct copy thereof.

ACKNOWLEDGMENT
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same has been compared with the original and found to be a true and correct copy thereof.

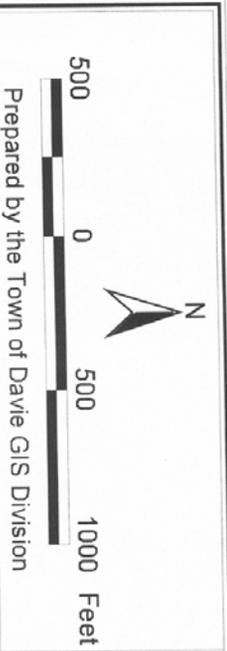
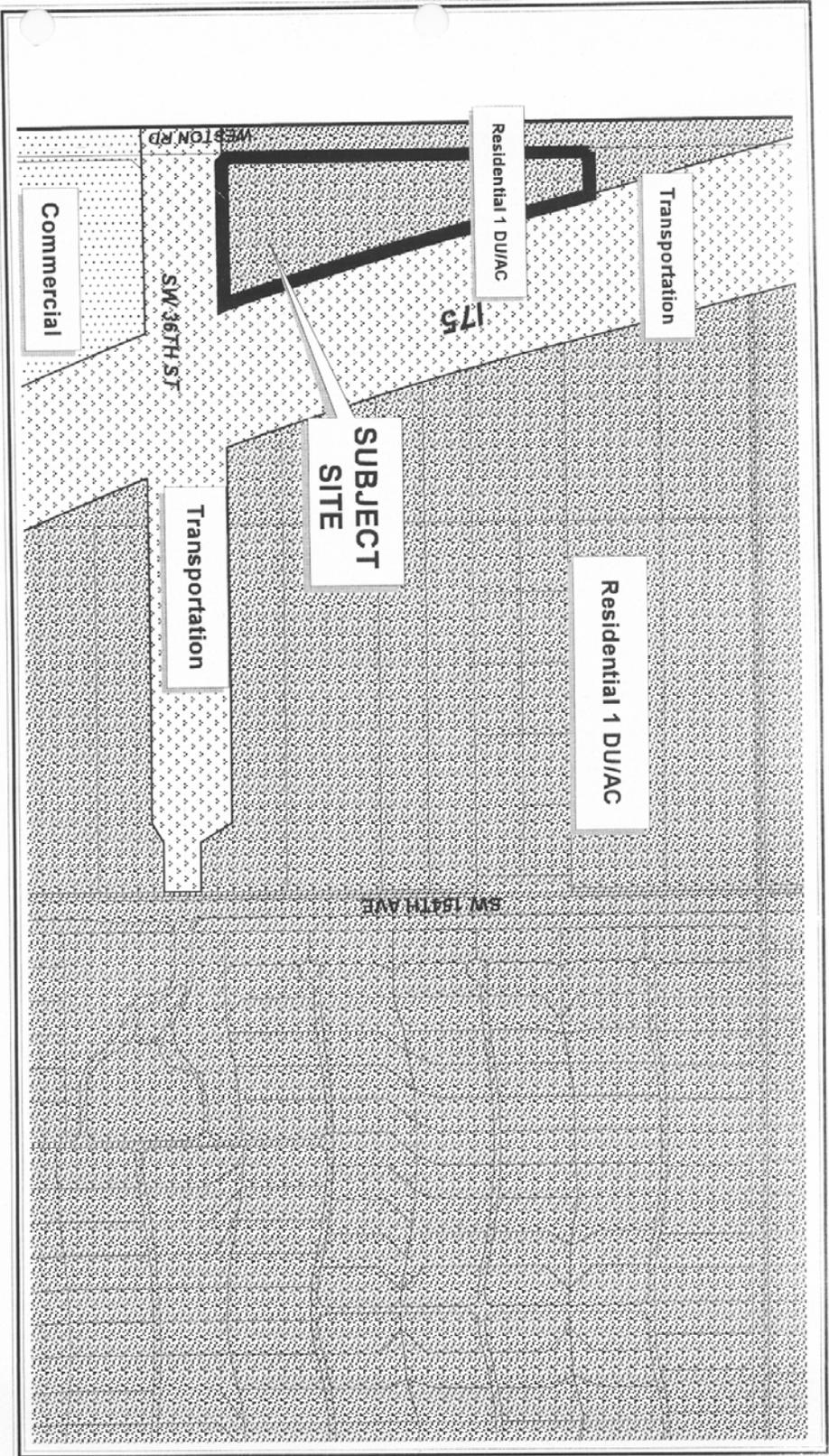
TOWN BOARD
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same has been compared with the original and found to be a true and correct copy thereof.

PLANNING AND ZONING BOARD
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same has been compared with the original and found to be a true and correct copy thereof.

CENTRAL BROWARD WATER CONTROL DISTRICT
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same has been compared with the original and found to be a true and correct copy thereof.

CFN #103001359
 Page 2 of 2

PLAT BOOK 17A PAGE 181
 SHEET 2 OF 2

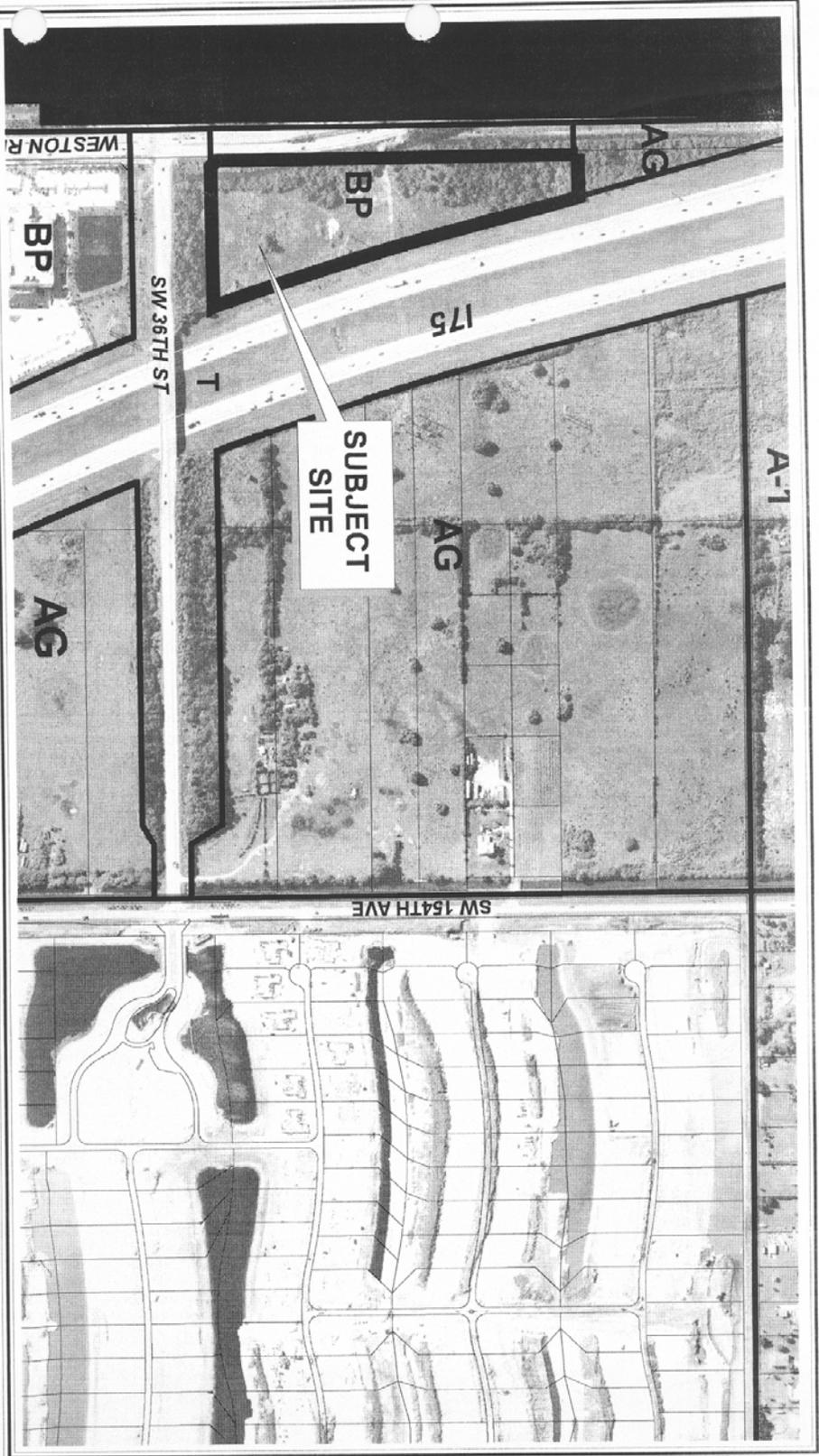


Prepared by the Town of Davie GIS Division



DELEGATION REQUEST
DG 9-2-04
Future Land Use Map

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



Date Flown:
12/31/02



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

DELEGATION REQUEST
DG 9-2-04
Zoning and Aerial Map

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