

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Planning and Zoning Staff

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 1-1-06 / 06-34 / Southwest 26th Street / Generally located along Southwest 26th Street in between Southwest 127th Avenue and Flamingo Road

AFFECTED DISTRICT: District 3 (to the North) and District 4 (to the South)

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 1-1-06, VACATING PORTIONS OF RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET ALONG THE SECTION LINE BETWEEN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 40 EAST AND SECTION 14, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town of Davie is requesting to vacate portions of right-of-way along Southwest 26th Street from Southwest 127th Avenue to Flamingo Road. The Town is requesting this in order to prohibit all vehicular access through Southwest 26th Street right-of-way, which runs east and west from Flamingo Road to Southwest 127th Avenue. Therefore, the following portions of right-of-ways are requesting to be vacated:

1. A 25-foot wide portion of right-of-way (Southwest 26th Street), between Southwest 127th Avenue and Flamingo Road, in Section 14, Township 50 South, Range 40 East
2. A 15-foot wide portion of right-of-way (Southwest 26th Street), between Southwest 127th Avenue and Flamingo Road, in Section 23, Township 50 South, Range 40 East

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: None

RECOMMENDATION(S):

Staff has been directed to transmit the subject application to Town Council for further consideration.

ATTACHMENT(s):

Ordinance, Planning Report, Justification Letter, Description and Sketches, Future Land Use Map, Subject Site, Zoning and Aerial map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 1-1-06, VACATING PORTIONS OF RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET ALONG THE SECTION LINE BETWEEN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 40 EAST AND SECTION 14, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a 25-foot wide portion of right-of-way for Southwest 26th Street within Section 14, Township 50 South, Range 40 East, was dedicated by the Florida Fruit Land Company Subdivision Number 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, said lands lying in Broward County, Florida; and

WHEREAS, a 15-foot wide portion of right-of-way for Southwest 26th Street within Section 23, Township 50 South, Range 40 East, was dedicated by the Florida Fruit Land Company Subdivision Number 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, said lands lying in Broward County, Florida; and

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance; and

WHEREAS, on the date of adoption of this Ordinance, the Town Council of the Town of Davie did agree to the vacation request.

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

SECTION 1. That the right-of-way herein after described be vacated by the Town of Davie:

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2006.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

North: AG, Agricultural District
South: AG, Agricultural District
East: AG, Agricultural District
West: A-1, Agricultural District

Zoning History

Related Zoning History: Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Applicable Codes & Ordinances

Land Development Code (Section 12-310), review for vacations or abandonment's of right-of-way.

Land Development Code (Section 12-332 (A)), Arrangement of Streets, at all section lines and one-quarter section lines an eighty-foot right-of-way shall be provided by the developer unless otherwise designated on the trafficways plan. Where other public uses conflict with this requirement, the developer shall provide a sufficient right-of-way width in a location as determined by the engineering department. Where deviation from the grid pattern requirement of this provision is requested, alternative designs will be permitted if approved by the development review committee, upon a finding that substantially equivalent protection of public safety can be achieved without adhering to the grid pattern requirement.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 15: Consistency of Development with Comprehensive Plan, Policy 15-1: The designation of lands for Transportation purposes shall insure the preservation of transportation corridors and acquisition of right-of-way necessary to address future needs.

Application Details

The Town of Davie is requesting to vacate portions of right-of-way along Southwest 26th Street from Southwest 127th Avenue to Flamingo Road. The Town is requesting this in order to prohibit all vehicular access through Southwest 26th Street right-of-way, which runs east and west from Flamingo Road to Southwest 127th Avenue. Therefore, the following portions of right-of-ways are requesting to be vacated:

1. A 25-foot wide portion of right-of-way (Southwest 26th Street), between Southwest 127th Avenue and Flamingo Road, in Section 14, Township 50 South, Range 40 East

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Staff Analysis

In review of this application, staff analyzed the Town's Comprehensive Plan, 2005 Draft Evaluation and Appraisal Report, Land Development Code, existing and future conditions. The following is a summary of the findings:

Past Analysis

In July of 1989, the Town Council adopted the Comprehensive Plan, Traffic Circulation. The number one goal was to develop and maintain an overall transportation system, which will provide for the transportation needs of all sectors of the community in a safe, efficient, cost effective and aesthetically pleasing manner.

Presents Analysis

On September 21, 2005, Town Council approved Resolution 2005-263, the Town of Davie Draft Evaluation and Appraisal Report (EAR). One of the EAR based recommendations was that the Town should provide network continuity for north-south and east-west circulation, meaning no gaps in the network. Connections must be made that are internal to development parcels as well as between parcels. Likewise, the street network must provide for connectivity between residential/commercial neighborhoods and public facilities, as well as a built environment, which provides for alternate routes dispersing traffic and easing congestion and pedestrian friendly design features. The creation of any road network must include the concerns of the local residents on issues such as cut-through traffic, widening of existing roads or creation of new road right-of-way.

The South Florida Regional Planning Council, the lead reviewing agency for the Town of Davie 2005 Draft EAR, provided the following comment regarding the major issue of 'Building an Adequate Local Road Network' identified in Chapter 2 of the Draft EAR.

Comment: The Town of Davie has a well-developed north-south arterial road network that connects through the Town. However, the east-west connectivity is less than optimal, particularly west of Pine Island Road. Connectivity of the road network is a policy of the Town of Davie. The Town should consider its policy for seeking opportunities to create connectivity at a scale appropriate to the type of development in the area. Connectivity for residents can be achieved without encouraging cut-through traffic, particularly in the east-west direction, through various traffic calming measures.

Future Analysis

Presently, there are no public roadway construction plans from Flamingo Road to Southwest 127th Avenue along Southwest 26th Street. The development to the south (Oak Park Estates), is proposing restricted access for emergency vehicles along Southwest 26th Street. This emergency access along Southwest 26th Street will serve the of residents who live in western portions of the Town. Furthermore, this portion of right-of-way is the last remaining segment needed to connect Southwest 26th Street from Flamingo Road thru to Shotgun Road.

Findings of Fact

Vacations or abandonments of right-of-way:

Section 12-310 (A) (1):

The following findings of fact apply to the vacation requested:

(a) It will adversely affect access to neighboring properties.

All of the communities west of Flamingo Road consist of low-density single-family homes. There are only seven local access points to regional road networks to and from the community. Currently, three of these access points (Southwest 14th Street, Southwest 26th Street, and Southwest 36th Street) run east and west. However, only one of these access points (Southwest 36th Street) is being utilized.

Based on the 2000 Census data, the number of households in the western portion was approximately 6,522. This has increased roughly eight percent over the past four years to 7,044 households. As a result, the need for additional east and west access points becomes critical. Therefore, the removal of Southwest 26th Street will not support the anticipated transportation needs of this community

(b) It will be in conflict with the public interest.

The removal of Southwest 26th Street will negatively affect the quality of life of residents in the following ways:

- *Increase in vehicular congestion due to limited access points of connection to arterials*
- *Limited emergency response routes and increased response times*
- *Limited evacuation routes*
- *Increase in travel time*
- *Increase in fuel consumption*
- *Increase in infrastructure maintenance*

Staff Recommendation

Staff has been directed to transmit the subject application to Town Council for further consideration. However, staff notes this vacation request is not in compliance with Land Development Code, Section 12-332 (A), Arrangement of Streets, which requires an 80' right-of-ways at all section lines.

Planning & Zoning Board Recommendation

Town Council Recommendation

Exhibits

1. Justification Letter
2. Surveyor's Vacation Description and Sketch
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)



Development Services Department
Planning & Zoning Division

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

January 26, 2006

Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314

Re: JUSTIFICATION RELATING TO VACATION OF RIGHT-OF-WAY

Dear Planning and Zoning Staff:

At the January 18, 2006 Town Council meeting, Administration was directed by the Town Council to bring forth an ordinance to discuss the vacation of a portion of SW 26th street between Flamingo Road and SW 127th Avenue.

The area proposed to be vacated is a 40 foot wide section of ROW on SW 26th Street extending west from Flamingo Road to approximately the intersection of SW 127th Avenue. The intent of this request is to preserve this land as a dedicated trail.

Thank you for your attention to this matter.

Sincerely,

Russell C. Muniz, CMC
Town Clerk

Exhibit 2 (Surveyor's Vacation Description and Sketch)

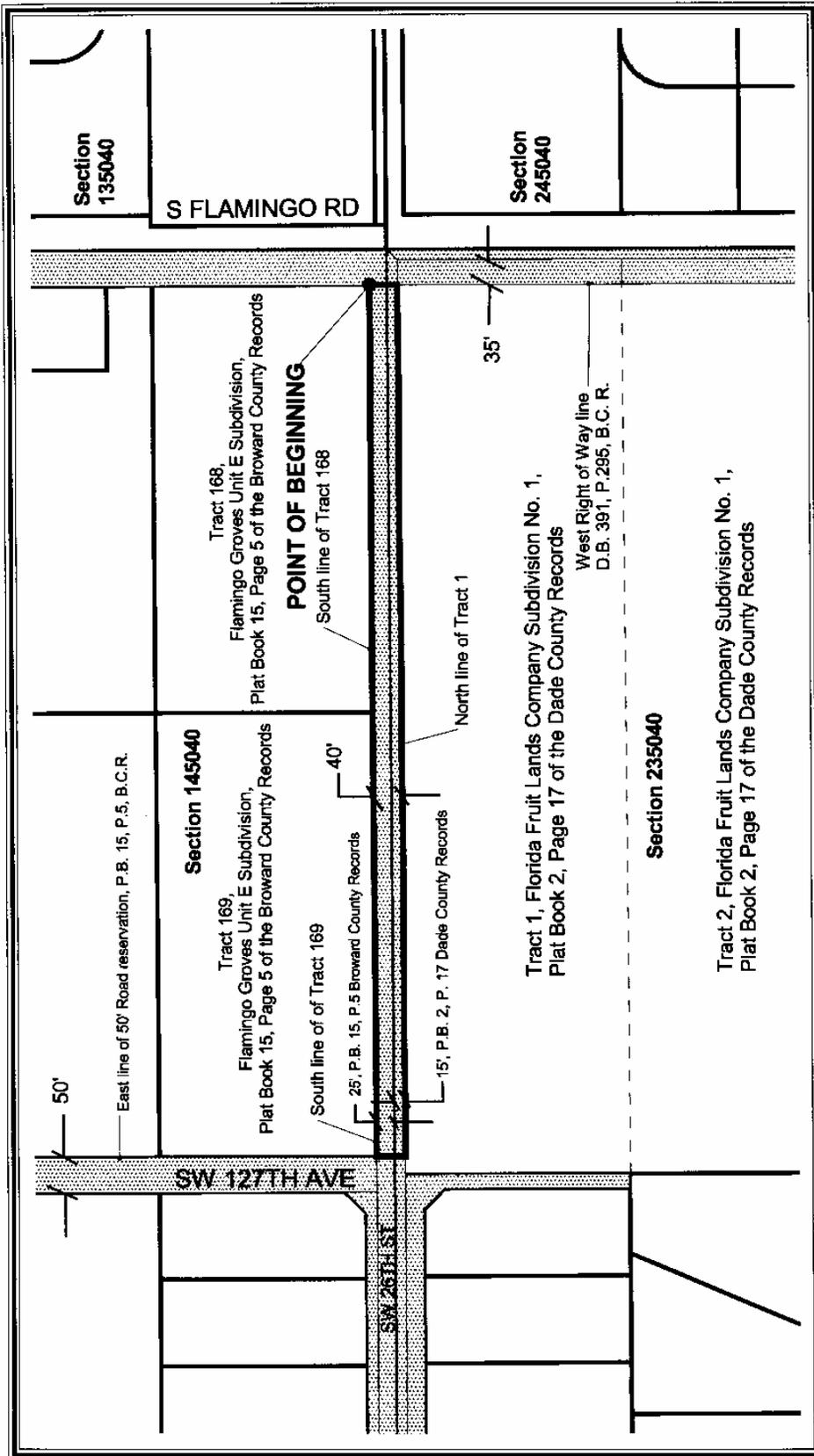
LEGAL DESCRIPTION FOR A PORTION OF SW 26 STREET RIGHT OF WAY

General location between Flamingo Road (AKA: SW 124 Avenue) and SW 127 Avenue. The north 25 feet lying in Section 14, Township 50 South and Range 40 East and the South 15 feet lying in Section 23, Township 50 South, Range 40 East for a total of 40 feet.

Said location being more particularly described as follows:

Beginning at the Southeast corner of Tract 168, Flamingo Groves Unit E Subdivision as recorded in Plat Book 15, page 5 of the Public Records of Broward County, Florida. Thence continue Westerly along the South line of Tract 168 and Tract 169 of Flamingo Groves Unit E Subdivision to the Southwest corner of Tract 169, Flamingo Groves Unit E Subdivision also being the East line of a 50 foot Road Reservation in Plat book 15, Page 5 of the Broward County Records, thence continue South 40 feet in a perpendicular direction to a point on the North line of Tract 1 of Section 23, Township 50 South, Range 40 East of Florida Fruit Lands Company Subdivision No. 1, Plat Book 2, Page 17 of the Dade County Records. Thence continue East to a point 35 feet West of the East line of Tract 1 of Florida Fruit Lands Company Subdivision No. 1, said point being the West Right-of Way line recorded in Deed Book 391, Page 295 of the Broward County records. Thence continue North 40 feet to the Point of Beginning.

Said Right of Way situate and lying in the Town of Davie, Broward County, Florida, containing approximately 49,653 square feet.



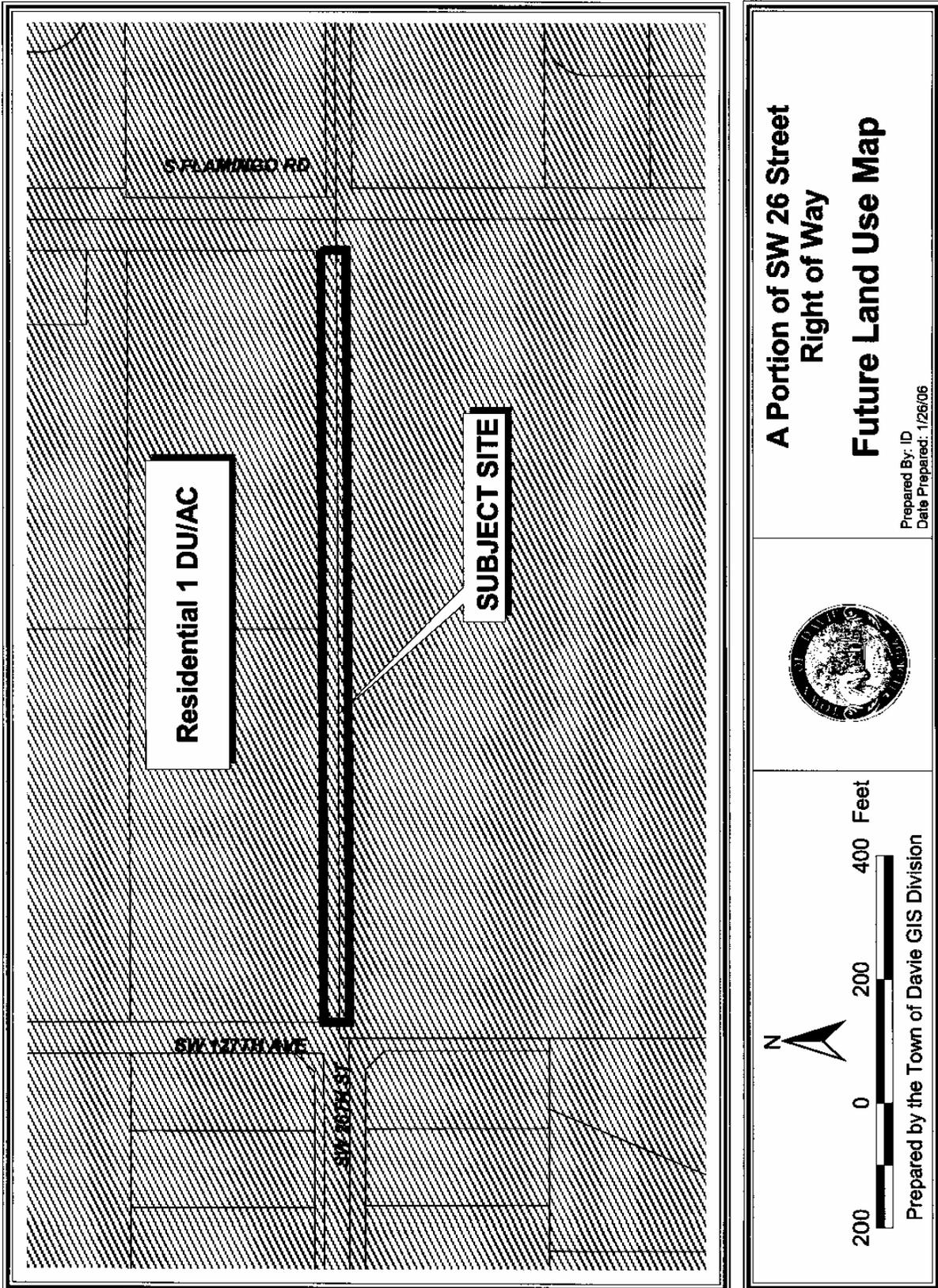
**Sketch of Description
for
A Portion of SW 26 Street
Right of Way**

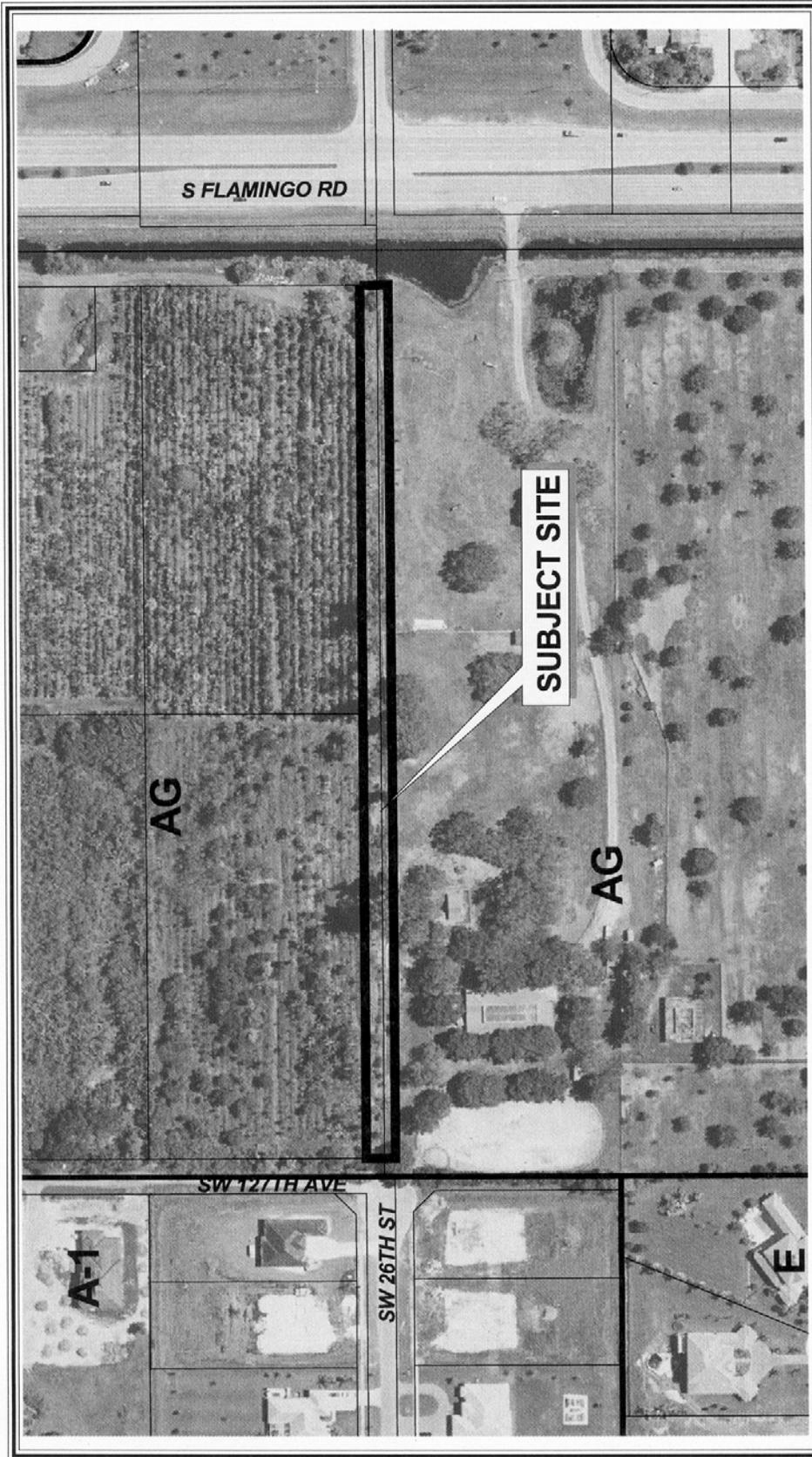
Prepared By: ID
Date Prepared: 1/26/06





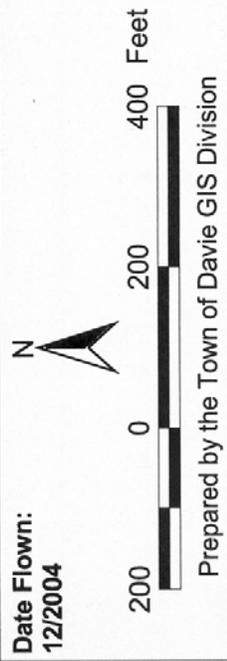
 Prepared by the Town of Davie GIS Division





**A Portion of SW 26 Street
Right of Way
Zoning and Aerial Map**

Prepared By: JD
Date Prepared: 1/26/06



Date Flown:
12/2004