

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: Carlo F, Galluccio III Planning Aide

SUBJECT: Special Permit Application: SE 11-01-06/Point West Center/4050 Weston Road/Generally located on the northern end of property of Weston Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: SE 11-01-06/Point West Center

REPORT IN BRIEF: The petitioner requests to use the subject site (a vacant lot) as a temporary vehicle storage lot for a period of twelve (12) months. The subject site is located on the northern most portion of the Maroone Toyota dealership. Adjacent to the north is a Nissan-Volvo zoned BP, Business Park District, to the south is flex-warehouse zoned BP, Business Park District, to the east is Interstate-75 zoned T, Transit, and to the west is the City Of Weston.

Access onto the proposed temporary vehicle storage lot will be from the existing Maroone Toyota dealership parking lot. Presently, the subject site has no native planting material. Additionally, the petitioner agrees that if any destruction should occur (infrastructure, planting, etc...), the petitioner would restore those items to their original conditions.

This special permit request is consistent with the current use on the subject site. Additionally, the land use and zoning designations allow permanent automobile dealership with storage lots. Similar to the existing automobile dealership, the proposed temporary vehicular storage lot will be buffered from eastern residential uses by Interstate-75.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the January 10, 2007 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve a temporary special permit for 12 months subject to Town's Code Enforcement or other Town representative taking a visual observation of the site to look for any oil spills that may be hazardous and for the applicant to clean up any of those spills before proceeding with the installation of the mulch; and that the applicant accepts the conditions made by the Development Review Committee and will continue to comply with those conditions. **(Motion carried 4-1 with Chair Bender being opposed. Chair Bender asked that staff relay the Board's concerns regarding an environmental study when this item be presented to Council.)**

As agreed, the applicant has submitted a Site Plan for process and agreed to have construction completed within the twelve-month period.

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

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

Attachment(s): Planning Report

Exhibit "A"

Application: SE 11-01-06/Point West Center

Original Report Date: 12/28/06

Revision(s): 1/16/07

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

Applicant Information

Owner / Petitioner:

Name: Gunster, Yoakley & Stewart, P.A. c/o Heidi Davis Knapik
Address: 500 E. Broward Blvd., Suite 1400
City: Fort Lauderdale, Florida 33394
Phone: (954) 468-1391

Background Information

Date of Notification: January 03, 2006 **Number of Notifications:** 17
Application Request: Approval of a Special Permit to allow outdoor storage of vehicles.
Address: 4050 Weston Road
Location: Generally located on the northern end of property of Weston Road
Future Land Use Plan Map Designation: Community Facility
Zoning: BP, Business Park District
Existing/Proposed Use: Vacant Land/Vehicle Storage Lot
Parcel Size: 7.4 acres (259,000 Square Feet)

<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North: Nissan-Volvo	BP
South: Maroone Toyota	BP
East: Interstate 75	T/CF
West: City of Weston	City of Weston

Surrounding Zoning:
North: BP, Business Park District
South: BP, Business Park District
East: T/CF, Transportation/Community Facility
West: City of Weston

Zoning History

Related Zoning History:

Rezoning (ZB 9-2-98 Ordinance 99-03) The site was Zone AG, Agricultural District to BP, Business Park District for 3.55 Acres with the utilization of the Broward County “5% residential-to-commercial” Code Compliance initiated a special magistrate hearing on July 6, 2006 against the respondent ownership of Maroone Toyota aka MS & S Toyota, Inc. and An Imports on Weston Road, Inc. upon receipt of a complaint about illegal parking and storage of automobiles upon unpaved surfaces.

Previous Requests on same property:

Variance Request (10-16-02): Town Council approved the Variance on February 05, 2003 for the Entrance and Interstate Signs.

Site Plan Request (10-8-02): Town Council approved Maroone Toyota (21.97 acre for the construction of a one-story 3,082 square foot Pre-Owned Sales building.) Site Plan February 19, 2004.

Temporary Use Request (5-6-04): Town Council approved MS & S Toyota, Inc. for Temporary Use on said date June 6, 2004.

Temporary Use Request (11-2-06): Staff with the Petitioner agreed to withdraw application and move forward with Special Use Permit with the approval of Town Council on said date January 03, 2007

Concurrent request on same property:

Site Plan Request (12-06-06): The petitioner is requesting site plan modification approval for Maroone Toyota (develop 33,541 square feet of vacant land for parking)

Effective Codes and Ordinances

Land Development Code(Section 12-24) The Business Park (BP) District is intended to be used to promote modern campus types of industrial, office, distribution, and service business areas where a wide variety of uses can be built in an attractive environment with substantial open areas on the periphery of the development.

Land Development Code (Section 12-34) Parking:

12-34 (C) BP Zoning District: f/1 Parking. Note that parking for storage area shall not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.

Land Development Code (Section 12-205) functional elements of on-site circulation system must be met.

Land Development Code (Section 12-202) Location, character, and size dustless surface must be maintained.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. Planning Area 1 includes the parcels designated for commercial use located in the northern and southern ends of the Ivanhoe development at the intersections of I-75 northwest intersection of I-75 and Orange Drive are planned for business park development, know as ICW West.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 115

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.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted meetings with the public at Eastside Community Center on December 11, 2006 and December 13, 2006. Attached is the petitioner's Citizen Participation Report.

Significant Development Review Agency Comments

The Development Review Committee has reviewed this application and presented petitioner with comments. The following have not yet been addressed.

Planning & Zoning Division:

1. Staff request lighting for proposed vehicle storage area.
2. Staff requests that no customers use the storage lot.
3. Staff requests that you provide a site plan with detailed access onto and from the proposed storage area and parking configuration.
4. Staff requests that there be no signage, banners, balloons, visual markers, tents, canopies, and pedestrian access in the storage area.
5. Staff requests that the storage area be cover with mulch and the perimeter grass area be protected.
6. Staff requests that if any destruction should occur, the affected areas would be completely restored to pre-use conditions.

Engineering:

1. Proposed parking area must be dust-free surface.
2. Proposed temporary parking may affect the overall Storm water Management Permit.
3. Submit engineering permit application with engineering plan and revised storm water management calculations for review and approval.
4. Approval must be obtained from the Drainage District.

Landscape:

1. Will not require landscaping for a Special Use Permit, as per Town Code, as it is accompanied with a temporary use permit request TU 11-2-06/07-14 at the time when site Plan Modification is submitted, the landscape staff will require a landscape plan to be submitted with it, which will reflect the required landscaping per Town Code, *Section 12-107, D (2, 4, 5, 7 and 8)*

Staff Analysis

The petitioner requests to use the subject site (a vacant lot) as a temporary vehicle storage lot for a period of twelve (12) months. The subject site is located on the northern most portion of the Maroone Toyota dealership. Adjacent to the north is a Nissan-Volvo zoned BP, Business Park District, to the south is flex-warehouse zoned BP, Business Park District, to the east is Interstate-75 zoned T, Transit, and to the west is the City Of Weston.

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This special permit request is consistent with the current use on the subject site. Additionally, the land use and zoning designations allow permanent automobile dealership with storage lots. Similar to the existing automobile dealership, the proposed temporary vehicular storage lot will be buffered from eastern residential uses by Interstate-75.

Staff Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed vehicle storage lot is permitted on property with all required approval.

- (ii) The proposed change will not create an unrelated an incompatible use;

The proposed vehicle storage lot will not create incompatibilities with surrounding Automobile dealership. Furthermore, this use is related to the existing business on the subject site.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed vehicle storage lot will not have adverse impacts on living conditions in the neighborhood and/or in the BP Business Park District, as it is temporary until a Site Plan is approved for a pertinent vehicular parking lot.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The propose vehicle storage lot will not create an increase in traffic congestion, based on the existing land use commercial.

- (v) The proposed change will not adversely affect surrounding property values

The proposed vehicle storage lot will not have an impact on surrounding property values as the petitioner plans to develop the property as a permanent parking lot. Accessory to the dealership.

(vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed vehicle storage lot would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues.

(vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the public.

This request is a use that may be permitted if is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the January 10, 2007 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve a temporary special permit for 12 months subject to Town's Code Enforcement or other Town representative taking a visual observation of the site to look for any oil spills that may be hazardous and for the applicant to clean up any of those spills before proceeding with the installation of the mulch; and that the applicant accepts the conditions made by the Development Review Committee and will continue to comply with those conditions. **(Motion carried 4-1 with Chair Bender being opposed. Chair Bender asked that staff relay the Board's concerns regarding an environmental study when this item be presented to Council.)**

Town Council Action

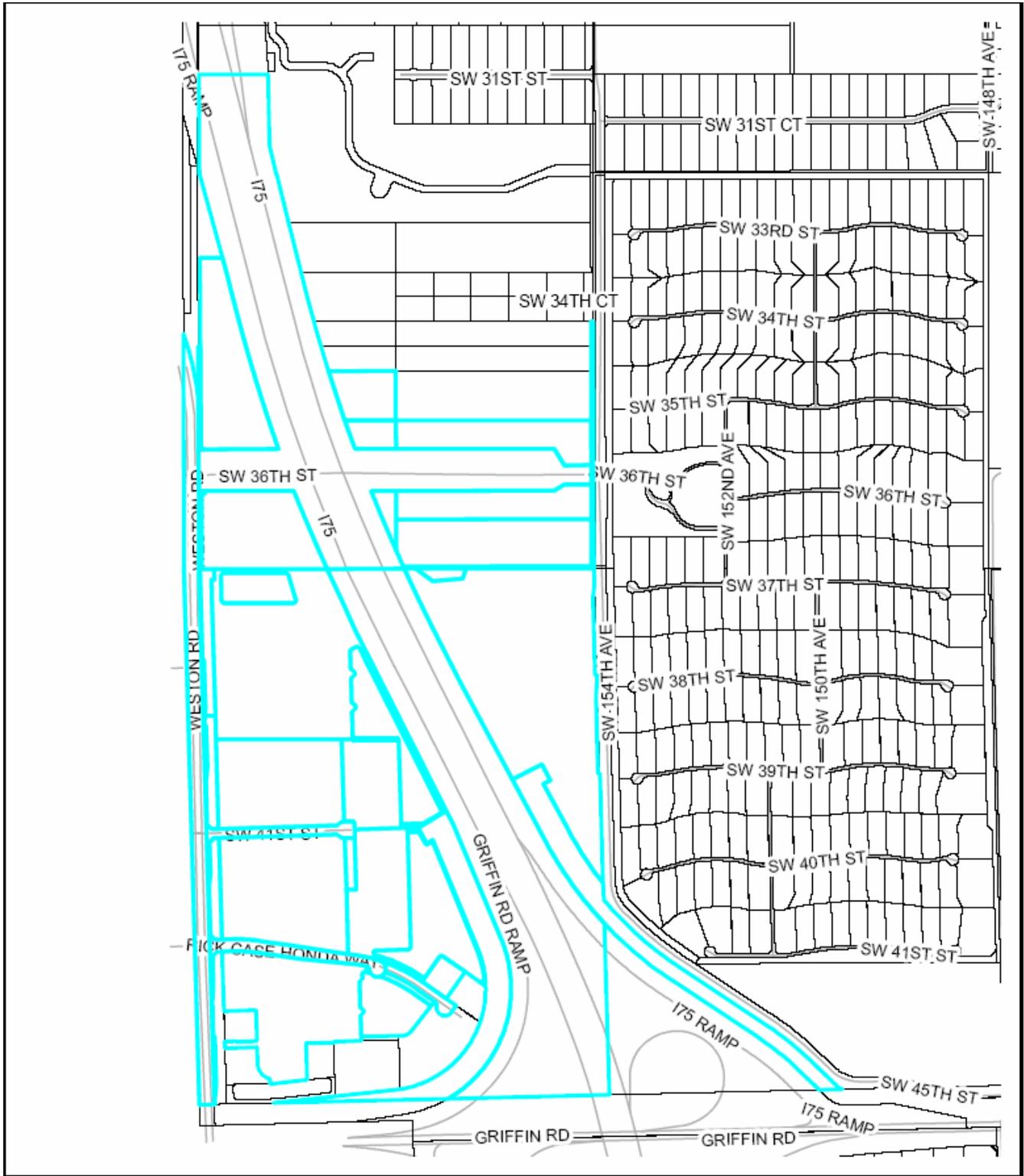
Exhibits

1. 1,000' Mail out Radius Map
 2. Property Owners within 1,000' of the Subject Site
 3. Public Participation Notice
 4. Public Participation Sign-in Sheets
 5. Public Participation Plan
 6. Public Participation Report
 7. Site Plan
 8. Future Land Use Plan Map
 9. Aerial, Zoning, and Subject Site Map
-

Prepared by: _____

Reviewed by: _____

Exhibit 1 (1,000' Mail out Radius Map)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

1000 Foot Buffer Properties

Prepared by: ID
Date Prepared: 12/4/06

Exhibit 2 (Property Owners within 1,000' of the Subject Site)

BMS DAVIE LTD
% DEPT PT FL 25571
PO BOX 25025
GLENDALE CA 91221-5025

CASE,RICHARD J & RITA M
949 HILLSBORO MILE
HILLSBORO BEACH FL 33062

DAVIE BUSINESS CENTER
PROPERTY
% PINES PROPERTY
MANAGEMENT INC
PO BOX 820100

DOM INC
9401 BISCAYNE BLVD
MIAMI SHORES FL 33138-2970

GL HOMES OF DAVIE ASSOC
IV LTD
1401 UNIVERSITY DR SUITE 200
CORAL SPRINGS FL 33071

HOME DEPOT USA INC
% PROPERTY TAX DEPT #6326
PO BOX 105842
ATLANTA GA 30348-5842

M S & S TOYOTA INC
110 SE 6 ST 20TH FL
FORT LAUDERDALE FL 33301

OAK SCHOLAR OF BROWARD LLC
6035 SW 88 CT
MIAMI FL 33173

PLANTATION SALES INC
% MICHAEL E HOOLEY
3650 WESTON ROAD
DAVIE FL 33331

POINTE WEST II P1 LLC &
POINTE WEST II P2 LLC ETAL
1096 E NEWPORT CENTER DR
#100
DEERFIELD BEACH FL 33442

POINTE WEST PROPERTY
OWNERS AASN
% PINES PROPERTY
MANAGEMENT
PO BOX 820100

PRINCIPAL LIFE INS CO
% BUTTERS REALTY & MGMT
1096 E NEWPORT CTR DR #100
DEERFIELD BEACH FL 33442

R & R DAVIE LLC
949 HILLSBORO MILE
HILLSBORO BEACH FL 33062

SOUTH FLA WATER MGMT DIST
ATTN: LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416-4680

TRUST FOR PUBLIC LAND
306 N MONROE ST
TALLAHASSEE FL 32301

WESTON ROAD SHOPPING
CENTER LLC
470 BILTMORE WAY STE 100
CORAL GABLES FL 33134-5788

WILLOW ACQUISITIONS LLC
949 HILLSBORO MILE
HILLSBORO BEACH FL 33062

Exhibit 3 (Public Participation Notice)



Our File No.: 15880.00510
Writer's Direct Dial Number: (954) 713-6419
Writer's E-Mail Address: jcrowley@gunster.com

November 28, 2006

MEETING NOTICE

South Florida Water Management District
ATTN: Land Management
PO Box 24680
West Palm Beach, FL 33416-4680

**Re: *Citizen Participation Plan for AN Imports on Weston Road, Inc. (a/k/a
Maroone Toyota)
Petition Number: SE 11-1-06***

Dear Neighbor:

The purpose of this letter is to invite you to a citizen participation meeting relating to AN Imports on Weston Road, Inc. ("Maroone Toyota"), located at 4050 Weston Road, Davie, Florida (the "Property"). Maroone Toyota is currently seeking a Special Use Permit from the Town of Davie to temporarily allow parking on an undeveloped, but stabilized, portion of the Property. The Special Use permit would permit the parking of vehicles on the Property until such time as the site plan for a parking lot is approved by the Town Council. A location map of the Property is attached as Exhibit 1.

Under a Town of Davie ordinance, Maroone Toyota is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating their review of the application. We have scheduled the following meetings:

First Citizen Participation Meeting:

Date: 12/11/06
Time: 7:00 – 8:00 pm
Location: Eastside Community Center
4300 S.W. 55th Ave
Davie FL 33314

Second Citizen Participation Meeting:

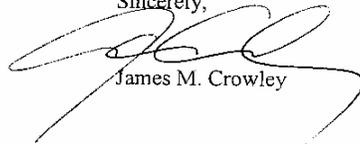
Date: 12/13/06
Time: 7:00 – 8:00 pm
Location: Eastside Community Center
4300 S.W. 55th Ave
Davie FL 33314

A location map of Eastside Community Center is attached as Exhibit 2. If you wish to submit written comments, please send them to:

Gunster Yoakley & Stewart, P.A.
c/o James Crowley
500 East Broward Boulevard, Suite 1400
Fort Lauderdale, FL 33394
(954) 713-6419

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings on this matter.

Sincerely,

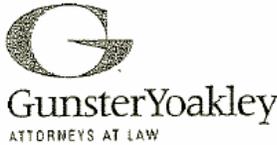


James M. Crowley

Encl.

cc: Lise Basinet, Town of Davie
Jessica Wood (via electronic mail)
Mike Archey, Esq. (via electronic mail)
Heidi Davis, Esq. (via electronic mail)

Exhibit 5 (Public Participation Plan)



Our File No.: 15880.00510
Writer's Direct Dial Number: (954) 713-6419
Writer's E-Mail Address: jcrowley@gunster.com

November 28, 2006

CITIZEN PARTICIPATION PLAN ACKNOWLEDGEMENT

Lise Bazinet
Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

**Re: *Citizen Participation Plan for AN Imports on Weston Road, Inc. (a/k/a
Maroone Toyota)
Petition Number: SE 11-1-06***

Dear Lise:

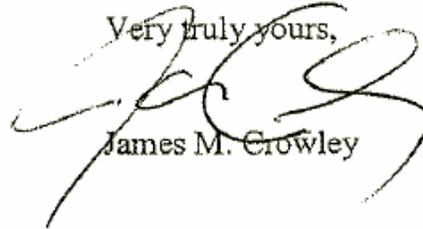
As required by Davie Ordinance No. 2004-31, AN Imports on Weston Road, Inc. ("Maroone Toyota") is enclosing herewith a copy of the proposed citizen participation plan for the above-referenced application. In addition to the outline of the plan, Maroone Toyota is attaching the following materials:

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application. (Exhibit 1). The names and addresses of residents and property owners within the public hearing notice area (the "Affected Parties"), as set forth in the Davie Code of Ordinances, has been provided to Maroone Toyota by Philip Bachers.
2. A summary of how Maroone Toyota proposes to notify all Affected Parties of the application. (Exhibit 2).
3. A summary of the proposed application. (Exhibit 3).
4. A description of the manner in which Maroone Toyota proposes to disseminate information to the Affected Parties. (Exhibit 4).
5. A schedule of events planned by Maroone Toyota to complete the citizen participation procedure. (Exhibit 5). Pursuant to the Davie Code of Ordinances, Maroone Toyota is required to conduct a minimum of two (2) public meetings with the Affected Parties.

Finally, Maroone Toyota is attaching copies of the Meeting Notices sent to the Affected Parties as Exhibit 6. Maroone Toyota acknowledges its obligation to keep the Development Services department informed on the status of its citizen participation efforts by coordinating these efforts through the assigned project planner.

We trust the information contained within this letter, and the attachments hereto, satisfy the requirements of the public participation and application review process. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Crowley', is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

James M. Crowley

Exhibit 6 (*Public Participation Report*)

Mr. Galluccio,

Heidi is out of the office at a meeting this morning but asked that I send this email in her absence.

The public participation meetings were held on December 11 and 13, 2006 at the Eastside Community Hall. Attached is the sign in sheet for the December 11th meeting. Bill Sander, the Project Manager of Rick Case Honda, is the only person who attended the meeting and he was there to see if any neighbors came - to see if his property was affected. He had no concerns or issues. No one attended the second meeting.

Pursuant to your request also attached is the citizen participation plan addressed to Lise Bazinet dated November 28, 2006.

Please advise if you have any questions or need additional information.

Thank you.

Mary

Mary H. Hargreaves
Secretary to Donald R. Hall and
Heidi Davis Knapik
500 E. Broward Boulevard, Suite 1400
Fort Lauderdale, FL 33394
Telephone: 954-462-2000 Ext. 263

Exhibit 7 (Site Plan)

TECH
Sun-Tech Engineering, Inc.
Engineers • Planners • Surveyors
www.sun-tech-engineering.com
1000 West Orange Park Boulevard
Gainesville, FL 32609
Phone: (352) 336-7777
Fax: (352) 336-7778

SITE PLAN

CITY OF WESTON
**MAROONE TOYOTA
TEMPORARY PARKING**
FLORIDA

DATE: Nov. 2006
SCALE: 1"=80'
DESIGNED BY: M.G.
DRAWN BY: M.A.S.
JOB NUMBER: 06-3070
SHEET No.: SP1
SHEET: 1 OF 1

REV. NO. DATE DESCRIPTION

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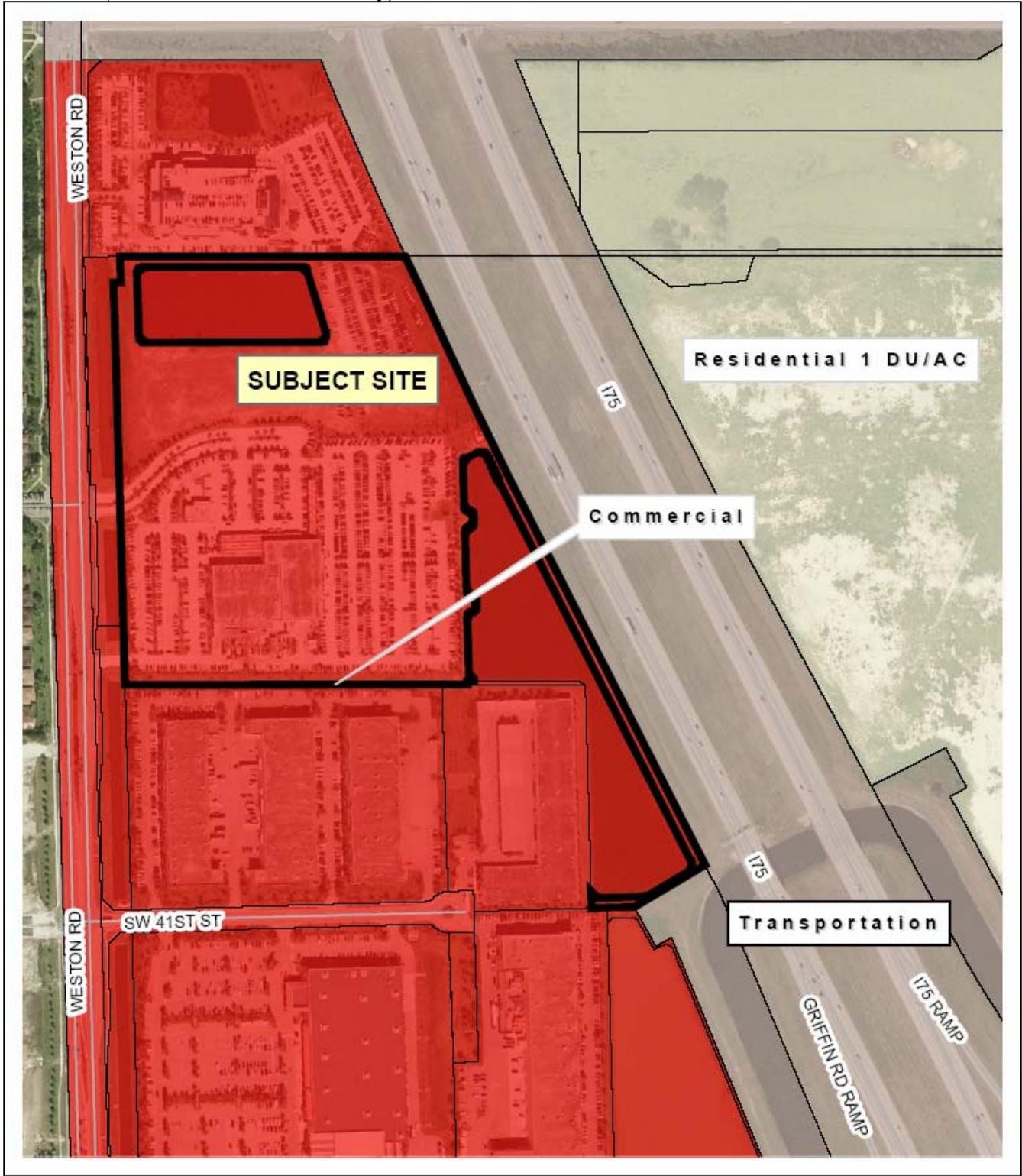
EXPLANATION:

ALL OF PARCELS 7, 8 AND 9, AND ALL OF PARCELS 6, 10, 11 AND 12, TOGETHER WITH THE PORTION OF PARCELS 1, 2, 3, 4, 5, 13 AND 14, TOGETHER WITH THE PORTION OF PARCELS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 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999, 1000.



THIS PLAN WAS PREPARED BY THE SURVEYORS AND ENGINEERS OF SUN-TECH ENGINEERING, INC. UNDER THE CLOSE PERSONAL SUPERVISION AND CONTROL OF THE SURVEYORS AND ENGINEERS OF SUN-TECH ENGINEERING, INC. AND IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS SUBMITTED TO THE CITY OF WESTON FOR RECORD.

Exhibit 8 (Future Land Use Plan Map)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

**Temporary Use
TU 11-2-06
Future Land Use Map**

Prepared by: ID
Date Prepared: 12/15/06

Exhibit 9 (Aerial, Zoning, and Subject Site Map)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Temporary Use TU 11-2-06 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 12/15/06