TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan AICP, Acting Development Services Director/(954)797-1101

PREPARED BY: Carlo F. Galluccio III, Planner I

SUBJECT: Delegation Application: DG 12-1-07/08-29 / Berman Stirling Plat/ Generally located on the Northeast corner of Stirling Road and Southwest 58th Avenue

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BERMAN STIRLING PLAT"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 12-1-07, Berman Stirling Plat, generally located on the northeast corner of Stirling Road and SW 58 Avenue)

REPORT IN BRIEF: The owner (NAV 99, Inc.) is requesting approval to amend the restrictive note on the boundary plat known as “Berman Stirling Plat” to construct a retail development (Navarro Pharmacy) on the site.

From: This plat is restricted to 100,000 square feet of office use on Parcel "A" and 50,000 square feet of office use on Parcel "B".

To: This plat is restricted to 100,000 square feet of office use on Parcel "A" and 55,000 square feet of commercial/retail use on Parcel "B".

PREVIOUS ACTIONS: At the February 20, 2008 Town Council meeting, this application was tabled to March 05, 2008 Town Council meeting.**(Motion carried 5-0)**

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Justification Letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BERMAN STIRLING PLAT;" PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as "Berman Stirling Plat" was approved through resolution by Town Council of Town of Davie on March 7, 1984; and,

WHEREAS, the owner desires to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision 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 of the proposed revision to the restrictive note shown on the "Berman Stirling Plat". The proposed revision being specifically described in the planning exhibits attached hereto.

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie network to the greatest extent possible.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

Exhibit (*Justification Letter*)

CDI
ENGINEERING AND PLANNING
320 Davie Boulevard, Fort Lauderdale, Florida 33315
P.O. Box 2147, Fort Lauderdale, Florida 33303
(954) 524-9800, Fax (954) 522-6502, teamcdi@aol.com

December 14, 2007

Mr. David Abramson
Town of Davie
6591 Orange drive
Davie, FL 33314

Re: Parcel 'B', Berman Stirling Plat, Davie;
Justification Letter for Note on Plat Amendment

Dear Mr. Abramson:

The purpose of this letter is to request a proposed amendment to the note on Parcel 'B' of the Berman Stirling Plat. At the time we prepared the plat in 1997, we were developing a 100,000 sq. ft. office building (Bristol Insurance) on Parcel 'A' of the plat. At that time there was no plan to develop Parcel 'B', so we chose to restrict it to 50,000 sq. ft. of office use knowing that any future buyer would have the opportunity to amend the note to any other potential use consistent with the Town's B-2 zoning. Navarro Pharmacies has recently purchased the property and intends to construct a retail development on the site, which necessitates the change from office use to commercial retail use.

The existing plat note reads as follows:

> The plat is restricted to 100,000 square feet of office use on Parcel 'A' and 50,000 square feet of office use on Parcel 'B'.

The proposed plat note will read as follows:

> The plat is restricted to 100,000 square feet of office use on Parcel 'A' and 55,000 square feet of commercial/retail use on Parcel 'B'.

I trust this application package will allow us to proceed to the Town Council. Should you have any questions or need any additional information, please feel free to call.

Sincerely,

CDI ENGINEERING AND PLANNING

Daniel A. Fee, P.E.
Principal/Vice President

DEDICATION

STATE OF FLORIDA
COUNTY OF BROWARD } SS

KNOW ALL MEN BY THESE PRESENTS: That BERMAN RANCH, INC., a Florida Corporation, owner of the lands described and shown as included in this plat, has caused said lands to be subdivided and platted as shown hereon, said plat to be known as "BERMAN STIRLING PLAT", being a replat of a portion of Tract 15, "JOHN W. NEWMAN'S SURVEY" of Section 35, Township 50 South, Range 41 East, (P.B. 2, P. 26, D.C.R.). The additional thoroughfare dedication is hereby dedicated to the public in fee simple for roads and road related purposes. The easements, as shown hereon, are hereby dedicated to the public for proper purposes.

IN WITNESS WHEREOF, We hereunto set our hands and affix the corporate seal in the City of Fort Lauderdale, Broward County, Florida this 16th day of December, 1997.

Witness: _____ name printed DANIEL B. FINK — BERMAN RANCH, INC., a Florida Corporation
(as to both) William Berman, President

Witness: _____ name printed DENNIS J. PERRY — and Norman Jason S. Berman, Title Secy.
(as to both)

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF BROWARD } SS

The foregoing instrument was acknowledged before me this 16th day of December, 1997 by WILLIAM BERMAN and Jason S. Berman being the PRESIDENT and Secretary, respectively of BERMAN RANCH, INC. A Florida Corporation. They are personally known to me or have produced D.L. #B500-740-50-0 as identification, and (did not) take an oath.

Notary Public _____ STATE OF FLORIDA name printed Nelly Fossos

My commission expires the 7th day of October 2001.

BERMAN STIRLING PLAT

A RESUBDIVISION OF A PORTION OF TRACT 15 JOHN W. NEWMAN SURVEY, (P.B. 2, P. 26, D.C.R.) SECTION 35, TOWNSHIP 50 SOUTH, RANGE 41 EAST TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

TOWN PLANNING AND ZONING BOARD

THIS IS TO CERTIFY: That the Planning and Zoning Board of the Town of Davie, Florida has approved and accepted the attached plat, this 15th day of Jan. 1998

By _____ Chairperson

TOWN COUNCIL

THIS IS TO CERTIFY: That this plat has been approved and accepted by the Town Council of Davie, Florida, by resolution and adopted this 18th day of February 1998

Approved _____ Mayor attested _____ Town Clerk

DEVELOPMENT SERVICES DEPARTMENT

This plat has been approved this 2nd day of June 1998 By _____ Director

CENTRAL BROWARD DRAINAGE DISTRICT

This plat is approved and accepted for record this _____ day of _____ 19__

By _____ Chairperson, this _____ day of _____ 19__

By _____ District Secretary, this 29th day of June 1998

BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

This plat is approved and accepted for record this 2nd day of June 1998

By _____ Director

BROWARD COUNTY ENGINEERING DIVISION

This plat has been approved and accepted for record.

By _____ Henry P. Cook, Director of Engineering, Fla. P.E. Reg. No. 12506, Date 6-26-98

BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY: That the Broward County Planning Council approved this plat subject to its compliance with dedication of right-of-way for trafficways this 22nd day of January 1998 By _____ Chairperson

This plat complies with the resolution of the Broward County Planning Council of the above date and is approved and accepted for record this 26th day of June 1998 By _____ Administrator or Designee

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - MINUTES SECTION

THIS IS TO CERTIFY: That this plat complies with the provisions of Chapter 177, FLORIDA STATUTES, and was accepted for record by the Board of County Commissioners of Broward County, Florida, this 21st day of April 1998 ATTEST: ROGER A. DESJARLAIS - COUNTY ADMIN

By _____ Deputy By _____ Clerk - County Commis

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - RECORDING SECTION

This plat filed for record this 8th day of July 1998 in BOOK 169 of PLATS, at Page 20, record verified.

ATTEST: ROGER A. DESJARLAIS - COUNTY ADMINISTRATOR By _____ Deputy

SURVEYOR'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF BROWARD } SS

I HEREBY CERTIFY: That the attached plat is a true and correct representation of the lands recently surveyed, subdivided and platted under my responsible direction and supervision, that the survey data shown complies with the applicable requirements of Chapter 177, Part I, Florida STATUTES, A.D. 1971, and further that the PERMANENT REFERENCE MONUMENTS (P.R.M.'S) were set in accordance with Section 177.091 of said Chapter 177, on the 24th day of April 1998. The BENCH MARKS shown are referenced to N. G. VERTICAL DATUM and conform to standards for third order work. This plat conforms to all applicable sections of Chapter 61-G-17-6, FLORIDA ADMINISTRATIVE CODE.

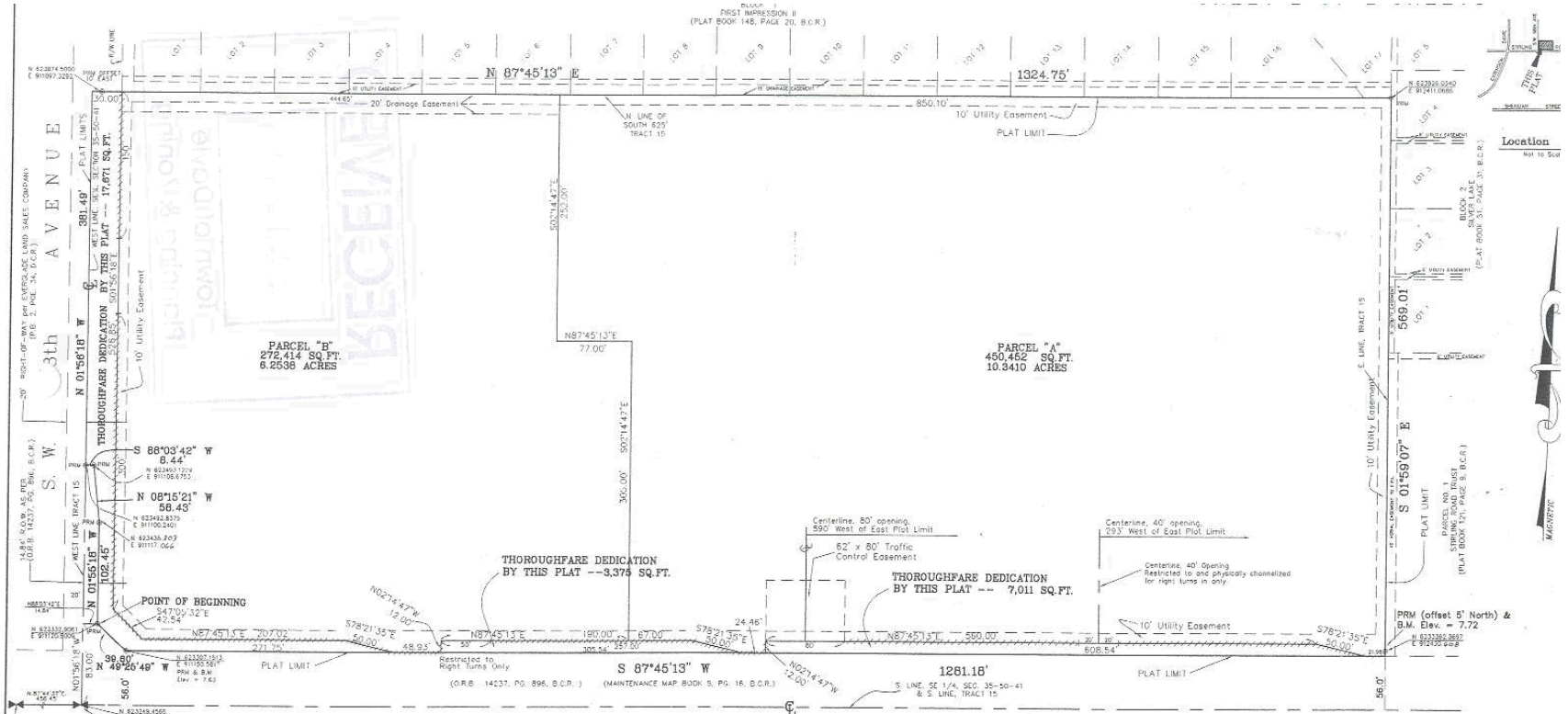
The plat dated at Fort Lauderdale, Florida, this 19th day of November 1997

By _____
Jerold A. Mc Laughlin
Registered Land Surveyor No. 5269
State of Florida
McLaughlin Engineering Company
LB 285

PREPARED BY: Mc LAUGHLIN ENGINEERING CO. 400 N.E. 3rd AVENUE FORT LAUDERDALE FLORIDA 33301 TEL (954) 763-7611 FAX (954) 763-7615

Exhibit (*Plat 1 of 2*)

Exhibit (*Plat 2 of 2*)



LEGAL DESCRIPTION

A ... of Tract 15, JOHN W. NEWMAN SURVEY of Section 35, Township 50 South, Range 41 East, according to the plat recorded in Plat Book 2, Page 26, of the public records of Dade County, Florida, more fully described as follows:

... ing at the South one-quarter corner of said Section 35, thence North 01°56'18" West, on the West line of the So... just one-quarter (SE¼) of said Section 35, a distance of 83.00 feet; thence North 88°03'42" East, a distance of 14.84 feet to the Point of Beginning, thence North 01°55'16" West, a distance of 102.45 feet; thence North 08°15'21" West, a distance of 58.43 feet; thence South 88°03'42" West, a distance of 8.44 feet, thence North 01°56'18" West, on the said West line of the Southeast one-quarter (SE¼) of Section 35, a distance of 381.49 feet; thence North 87°45'13" East, on a line 625.00 feet North of (as measured at right angles) and parallel with the South line of said Section 35, a distance of 1324.75 feet; thence South 01°59'07" East, on the East line of said Tract 15, a distance of 569.01 feet; thence South 87°45'13" West, on a line 56.00 feet North of (as measured at right angles) and parallel with the said South line of Section 35, a distance of 1281.18 feet; thence North 49°25'49" West, a distance of 36.60 feet to the Point of Beginning.

Said land situate, lying and being in Broward County, Florida, and containing 17.2388 Acres (750,923 Square Feet) more or less.

PLAT NOTES

1) ⊕ PRM= PERMANENT REFERENCE MONUMENT
2) ////////// DENOTES NON VEHICULAR ACCESS LINE.
3) NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. The plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat.
4) U.E. DENOTES UTILITY EASEMENT
5) B.C.R. DENOTES BROWARD COUNTY RECORDS
P.B.C.R. DENOTES PALM BEACH COUNTY RECORDS
6) ℄ DENOTES CENTERLINE
7) REFERENCE BENCH MARK: BROWARD COUNTY BENCH MARK NO. 7643 (P.K.NAIL & TAB NO. 2926 AT WEST EDGE OF PAVEMENT OF S.W. 56TH AVENUE, 948' NORTH OF THE NORTH EDGE OF PAVEMENT OF STIRLING ROAD AND 3' +/- SOUTH OF CENTERLINE OF DRIVEWAY ELEVATION = 9.08'
8) THIS PLAT IS RESTRICTED TO 100,000 SQUARE FEET OF OFFICE USE ON PARCEL "A", AND 50,000 SQUARE FEET OF OFFICE USE ON PARCEL "B". COMMERCIAL/RETAIL USES ARE NOT PERMITTED WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE FOR INCREASED IMPACTS.

ANY STRUCTURE WITHIN THIS PLAT MUST COMPLY WITH SECTION IV D.1.f., DEVELOPMENT REVIEW REQUIREMENTS, OF THE BROWARD COUNTY LAND USE PLAN, REGARDING HAZARDS TO AIR NAVIGATION.

PLAT NOTES CONTINUED

THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY APPROVAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS. THE NOTATION AND ANY AMENDMENTS THERETO ARE SOLELY INDICATING THE APPROVED DEVELOPMENT LEVEL FOR THE PROPERTY LOCATED WITHIN THE PLAT AND DO NOT OPERATE AS A RESTRICTION IN FAVOR OF ANY PROPERTY OWNER INCLUDING AN OWNER OR OWNERS OF THE PROPERTY WITHIN THIS PLAT WHO TOOK TITLE TO THE PROPERTY WITH REFERENCE TO THIS PLAT.

9) STATE PLANE COORDINATES AND GRID BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1927 COORDINATE VALUES, AS SHOWN ON THE "STONER/KEITH RESURVEY NO. 81", AS RECORDED IN MISC. PLAT BOOK 5, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983, WITH THE 1990 ADJUSTMENT BY THE BROWARD COUNTY ENGINEERING DIVISION.

10) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by April 21, 2003, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

If project water lines, sewer lines, drainage, and the rock base for internal roads are not installed by April 21, 2003, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

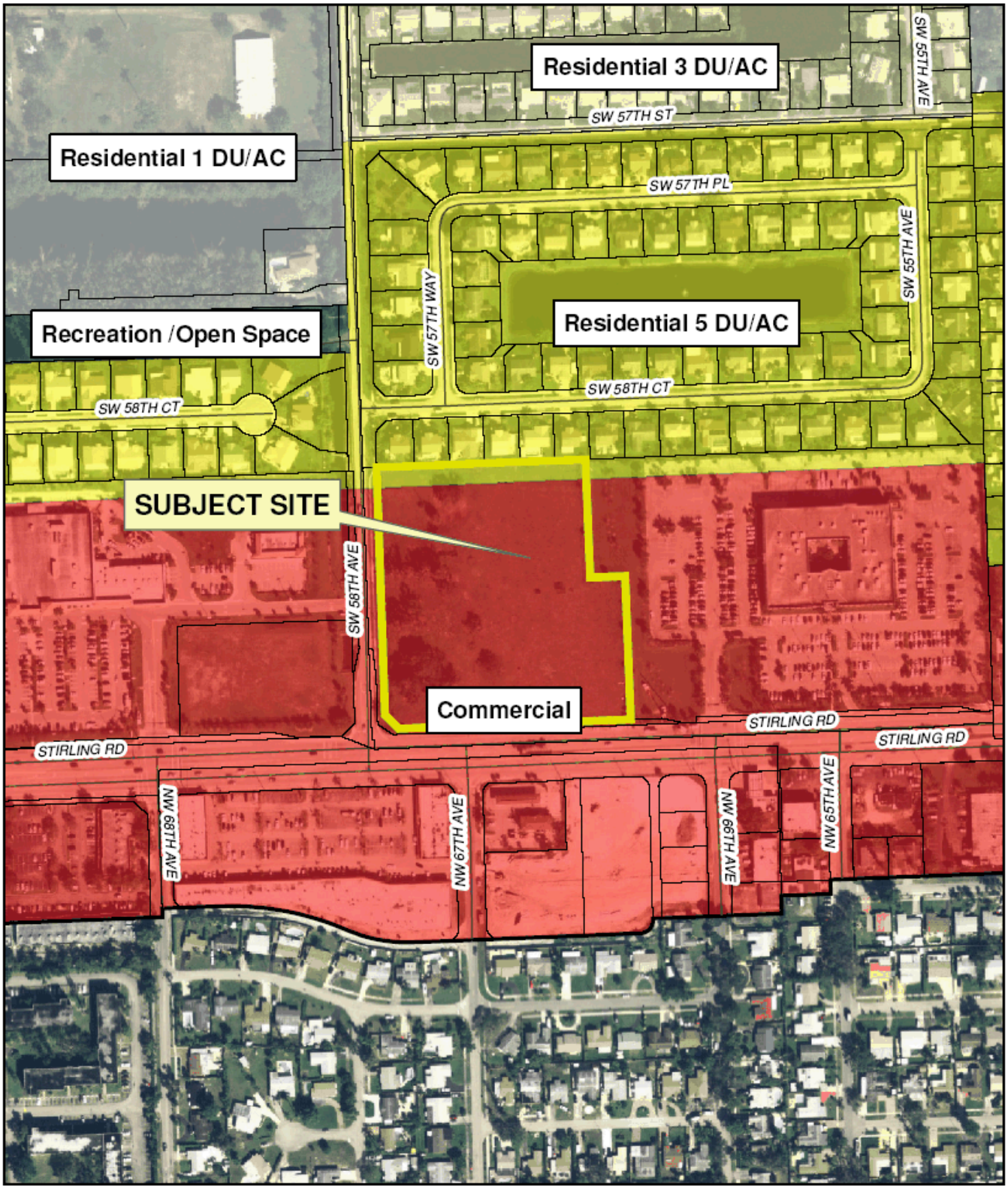
BERMAN STIRLING PLAT

A RESUBDIVISION OF A PORTION OF TRACT 15 JOHN W. NEWMAN SURVEY, (P.B. 2, P. 26, D.C.R.) SECTION 35, TOWNSHIP 50 SOUTH, RANGE 41 EAS TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

PREPARED BY: McLAUGHLIN ENGINEERING CO. 400 N.E. 3rd AVENUE FORT LAUDERDALE FLORIDA 33301 TEL. (954) 763-7611 FAX (954) 763-7615

SURVEY FILE NO. R-116 & AA-486 McL JOB NO. S-8797

Exhibit (Future Land Use Map)



TOWN OF DAVIE FLORIDA

Date Flown:
12/2006

N

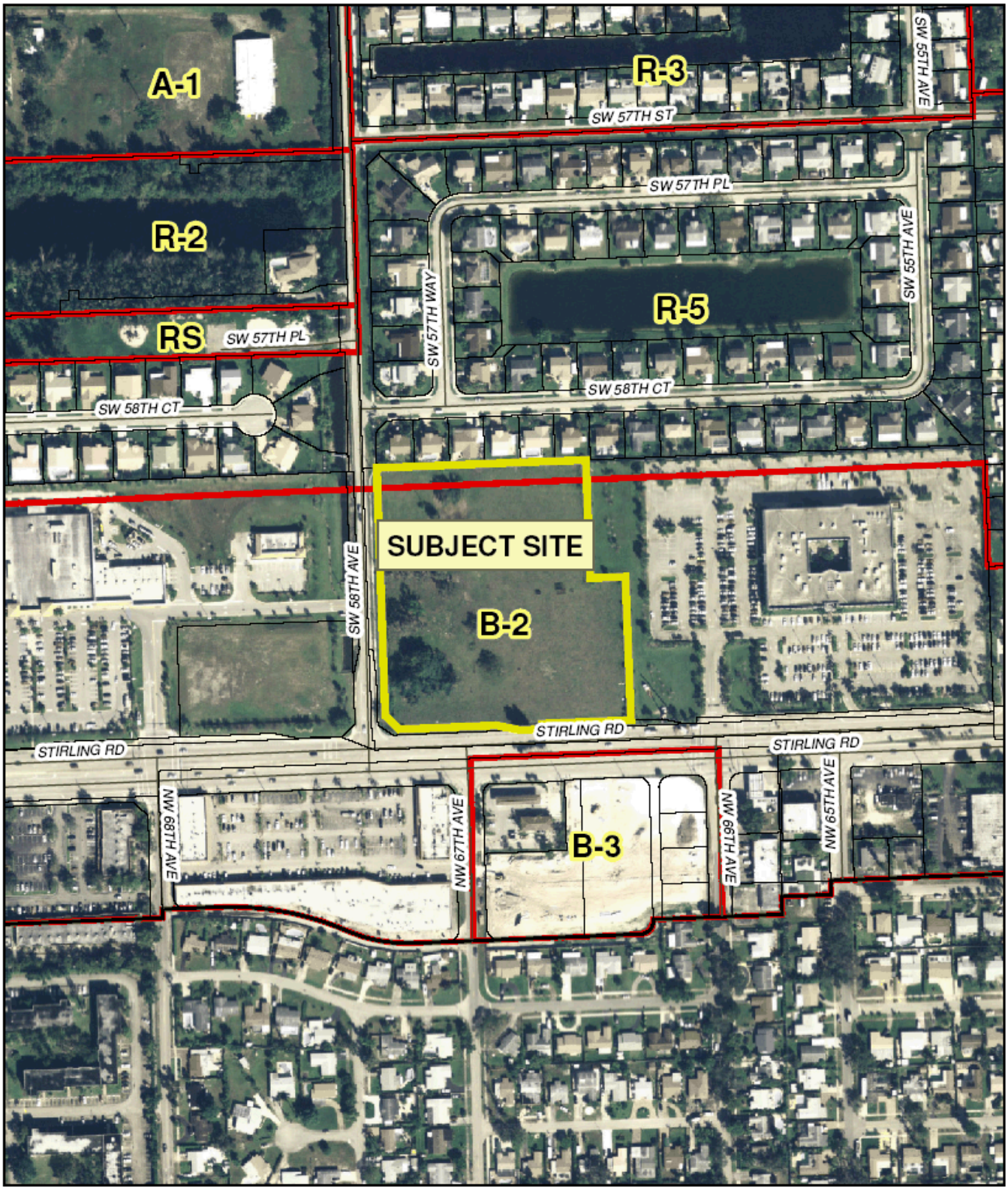
0 150 300 600 Feet

Prepared by the Town of Davie GIS Division

Delegation Request
DG 12-1-07
Future Land Use Map

Prepared by: ID
Date Prepared: 1/11/08

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



Date Flown:
12/2006

N

0 150 300 600 Feet

Prepared by the Town of Davie GIS Division

Delegation Request
DG 12-1-07

Zoning and Aerial Map

Prepared by: ID
Date Prepared: 1/8/08