

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Council members

FROM/PHONE: Mark Kutney, Development Services Director (954) 797-1101

SUBJECT: Vested Rights Determination
Project Name and Location: Leto Estates No. 4
SW 130th Avenue and SW 25th Street

TITLE OF AGENDA ITEM: Vested Rights Determination for Leto Estates No. 4

REPORT IN BRIEF: The applicant seeks a vested rights determination from Town Council as to whether the plat vests the non-conforming conditions shown on the plat.

The applicant has indicated development of the site under its present site configuration with the required 35,000 square foot lots would yield a loss of five (5) lots of the developable 9 lots, which provides for a density of 1 dwelling unit per gross acre.

In order to meet current Code, the applicant would have to incorporate the 30' canal and drainage easement and the 10' utility easement within the usable lot area. In addition, the 20' landscape buffer required along 130th Avenue would have to be planted within the 30' canal and drainage easement. C.B.W.C.D. has provided their written consent for the landscape use within this easement.

PREVIOUS ACTIONS: None

APPLICABLE CODES AND ORDINANCES:

Section 12-81, which requires a minimum lot size of 35,000 square feet net dry land in A-1 districts.

Section 12-102(I) landscape buffers, which states, required landscape buffers may not be contained within any lot line or lot(s).

Section 12-107(A)(5)(a) which requires a 20 foot landscape buffer along arterial and collector streets.

Section 12-503, Definition of Lot Area, which excludes easements or rights-of-way for public or private roads, primary utility transmission lines, water management or drainage district canals.

CONCURRENCES: None

RECOMMENDATION(S): If Town Council should determine vested rights, staff has recommended the following conditions for approval:

1. Providing a description of all common landscape areas to be maintained and irrigated by

the Home Owner's Association within the Home Owner's Association documents as described in Exhibit D.

2. Reflecting graphically on the site plan all common areas to be maintained by the Home Owner's Association to include, roads, landscaping, sidewalks, swales, and easements.

Attachment(s): Planning Report, Land Use Map, Subject Site Map, Aerial

**Application #: Vested Rights Determination
Leto Estates No. 4**

Revisions:

Exhibit "A":

Original Report Date: 8/10/01

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

APPLICANT INFORMATION

Owner:

Name: John Leto SR. Trust
Address: 3100 Stirling Rd.
City: Hollywood, FL 33021
Phone: (954) 989-9520

Agent:

Name: Gustavo Aquirre
Address: 5450 Griffin Rd.
City: Davie, FL 33021
Phone: (954) 584-6880

BACKGROUND INFORMATION

Application Requests: The applicant is requesting a vested rights determination from Council for the Leto Estates No. 4 Plat relative to the minimum required lot sizes along SW 130th Avenue to include the 30' canal and drainage easement as well as the required 20' landscape buffer.

Address/Location: SW 130th Avenue and SW 25th Street

Future Land Plan Use Designation: Residential (1 du/ac)

Zoning: A-1, Agricultural District

Existing Use: Vacant land

Proposed Use: 10 Single Family Lots

Parcel Size: 9.24 gross acres (402,600 square feet).

Surrounding Uses:

Surrounding Land Use Designation Plan:

Request for Vested Rights Determination, Leto Estates No. 4

North: Single Family Development Residential (1 du/ac)
South: Trail Ridge Development Residential (1 du/ac)
East: Single Family Development Residential (1du/ac)
West: Emerald Springs Development Residential (1du/ac)

Surrounding Zoning:

North: A-1, (Agricultural District 1du/ac)
South: A-1, (Agricultural District 1du/ac)
East: A-1, (Agricultural District 1du/ac)
West: A-1, (Agricultural District 1du/ac)

ZONING HISTORY

Related Zoning History: The Town Code by definition of “Lot Area” excludes easements or rights-of-way for public or private roads, primary utility transmission lines, water management or drainage district canals from lot area calculations. The present Landscape Code, as amended by Ordinance No. 96-27, prohibits required landscape buffers from being contained within any lot line or lot(s). Application of these two code provisions would result in 5 of the 9 platted lots being substandard as to lot area, with lot areas ranging from 30,166 square feet to 31,091 net dry land.

Previous Request on same property: The subject plat was recorded by Broward County on February 19, 1997, Plat Book 162, Page 31 of the Broward County records. The plat is lot specific, reflecting 9 lots as currently proposed.

DEVELOPMENT PLAN DETAILS

The petitioner is proposing to develop nine (9) single family lots with custom built homes on approximately 9.24 gross acres of platted property. The property currently has the infrastructure of the interior roadway and underground utilities constructed on site.

Applicable Codes and Ordinances

Section 12-81, which requires a minimum lot size of 35,000 square feet net dry land in A-1 districts.

Section 12-102(I) landscape buffers, which states, required landscape buffers may not be contained within any lot line or lot(s).

Section 12-107(A)(5)(a) which requires a 20 foot landscape buffer along arterial and collector streets.

Section 12-503, Definition of Lot Area, which excludes easements or rights-of-way for public or private roads, primary utility transmission lines, water management or drainage district canals.

Comprehensive Plan Considerations

Planning Area: The proposed project is within the Planning Area No. 2, which generally 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 Nob Hill Road and Pine Island Road. The predominant existing and planned land use in single-family residential at a density of one dwelling unit per acre. The Broward County Landfill site, now closed, is programmed for redevelopment as a park site. The Boy Scout Camp is located to the north of the landfill site and is also used for recreational and open space purposes. A major land holding, Imagination Farms, constitutes the last remaining dairy operation in Davie and has developed half of the site with 400 single-family residences. Several larger parcels are currently being platted, in preparation for marketing or development as estate residences and commercial projects.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 113. The platted property has met the test of concurrency and is in compliance with all restrictions of the approved plat.

Staff Analysis

The applicant seeks a vested rights determination from Town Council as to whether the plat vests the non-conforming conditions shown on the plat.

The applicant has indicated development of the site under its present site configuration with the required 35,000 square foot lots would yield a loss of five (5) lots of the developable 9 lots, which provides for a density of 1 dwelling unit per gross acre.

In order to meet current Code, the applicant would have to incorporate the 30' canal and drainage easement and the 10' utility easement within the usable lot area. In addition, the 20' landscape buffer required along 130th Avenue would have to be planted within the 30' canal and drainage easement. C.B.W.C.D. has provided their written consent for the landscape use within this easement.

If Town Council should determine vested rights, staff has recommended the following conditions for approval:

1. Providing a description of all common landscape areas to be maintained and irrigated by the Home Owner's Association within the Home Owner's Association documents as described in Exhibit D.
2. Reflecting graphically on the site plan all common areas to be maintained by the Home Owner's Association to include, roads, landscaping, sidewalks, swales, and easements.

Exhibits

Request for Vested Rights Determination, Leto Estates No. 4

Land Use Map, Subject Site Map, and Aerial.

Prepared by: _____

Reviewed by: _____





