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: Roberta Moore, Planner I

SUBJECT: Special Permit, SE 1-2-03, Grand Oaks Estates, 12963 SW 35 Place, Generally located between Flamingo Road and SW 130 Avenue and on the north side of SW 36 Court.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

SE 1-2-03 Costoya, Jr./Grand Oaks Estates L.L.C., 12963 SW 35 Place (R-1, Estate Dwelling)

REPORT IN BRIEF:

The applicant requests approval of a temporary real estate sales office located at 12963 SW 35 Place. The temporary real estate sales trailer request is associated with a proposed development of 32 single family dwelling units called Grand Oaks Estates. The trailer will be placed at the entrance of the development and the landscaping will be consistent throughout the parking lot area, the temporary sales trailer and the models. The location of the trailer meets the setbacks of the R-1 zoning district, front setback of 35 feet, side setback of 25 feet, and a rear setback of 40 feet. Access to the site is from SW 35 Place.

PREVIOUS ACTIONS: None

CONCURRENCES: At the March 12, 2003, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

FISCAL IMPACT: None

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

Attachment(s): Planning Report, Justification, Landscape Plan, Land Use Map, Zoning and Aerial Map

Application #: SE 1-2-03 **Revisions:** 3/18/03
Exhibit: "A" **Original Report Date:** 2/27/03

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

Applicant Information

Owner:		**Agent:**	
Name:	Carlos Avila, Grand Oaks Estates L.L.C	**Name:**	Frank Costoya, Jr.
Address:	3006 Aviation Avenue, Suite 2A	**Address:**	12161 SW 2 Street
City:	Miami, Florida 33133	**City:**	Plantation, Florida 33325
Phone:	(305) 857-0400	**Phone:**	(954) 474-2300

Background Information

Date of Notification: March 5, 2003 **Number of Notifications:** 31

Application History: No deferrals have been requested.

Application Request: Special permit for a trailer to be used as a temporary real estate sales office pursuant to Section 12-34(P)(1)(b)(3)(f) of the Land Development Code.

Address/Location: 12963 SW 35 Place/Generally located between Flamingo Road and SW 130 Avenue and on the north side of SW 36 Court.

Future Land Use Plan Designation: Residential (1 DU/AC)

Zoning: R-1, Residential Estate Dwelling District

Existing Use: Vacant

Proposed Use: Temporary real estate sales office trailer

Parcel Size: 0.880 acres (38,334 square feet) For Parcel 2 which is the trailer parcel.

Surrounding Uses:		**Surrounding Land Use Plan Designation:**
North:	Kapok Village Estates	Residential (1 DU/AC)
South:	Flamingo Road ESL Site	Conservation
East:	Flamingo Road	Residential (1 DU/AC)
West:	Flamingo Road ESL Site	Conservation

Surrounding Zoning:

North: R-1, Estate Dwelling District
South: RS, Recreation/Open Space
East: AG, Agricultural District
West: RS, Recreation/Open Space

Zoning History

Related Zoning History: The Town of Davie Land Development Code by definition of "Lot Area" excludes easements or rights-of-ways 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 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 30 of the 33 platted lots being substandard as to lot area, with lot areas ranging from 27,713 square feet to 34,089.05 net dry land with an average lot area of 32,317.61 square feet net dry land. On April 4, 2001, Town Council approve the vested rights determination subject and conditioned upon the applicant's indication of voluntarily agreeing to meet the landscaping requirements as indicated by the staff report, the buffering of the property, and a covenant on the land which indicates the landscaping area being maintained by the home owner's association.

Previous Request on same property: Town Council approved the Vista Del Lago Plat, on May 1, 1996, which was recorded in plat book 167, page, 8 of the public records of Broward County.

Town Council approved a site development plan to construct 33 single family dwelling units on a 37.92 gross acre parcel, on July 17, 1996, with conditions.

Due to the expiration of the previously approved site plan of 1996 and subsequent code revisions which rendered the site plan non-compliant with portions of the code, the applicant sought a vested rights determination for the Vista Del Lago Plat relative to minimum required lot size for the R-1 District and width of required landscape buffers. This vested rights determination was approved by Town Council on April 4, 2001. The applicant agreed with the following stipulations:

1. A white aluminum picket fence with concrete columns will be constructed on the west, south and east sides to the rear of the perimeter landscape easement.
2. A canal culvert required to connect the equestrian trail located along the east limits of the site to the trail on the south side of SW 36 Street will be provided by the applicant.

A site plan (SP 7-6-00, Grand Oaks Estates) was approved by Town Council on June 6, 2001 for the construction of 32 single family dwelling units.

Application Details

The applicant is proposing to install a temporary real estate sales office on lot 2 of the approved Grand Oaks Estates site for a duration not to exceed eighteen (18) months. This request is associated with a proposed development of 32 single family dwelling units called Grand Oaks Estates.

The temporary sales trailer is to be located on Lot 2 of the site plan and within the district setbacks. There will be an asphalt parking lot installed with 5 parking spaces (including 1 handicapped). Foxtail palm, Florida Gama Grass, Plumbago, Cocoplum, Dwarf Yaupon, Dwarf Allamanda, Crinum Lily, Wild Coffee, Lobster Claw, Blue Daze, Giant Lilyturf, Shore Juniper, and Sod will surround the trailer

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Applicable Codes and Ordinances

Section 12-34(P)(1)(b)(3)(f) of the Land Development Code permits trailers to be used as a temporary real estate sales office pursuant to a special permit; requiring removal upon completion of the development of the subdivision or sooner, as dictated by the special permit; and prohibits sales activity on the development site until final development approval has been granted by Town Council pursuant to the site plan application procedure.

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: *Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The intent of Land Development Code's requirement for special permits is for the Town to consider external impacts of uses that require special permits. Staff finds that the proposed real estate sales trailer poses minimal negative impacts on the surrounding area due its temporary nature and location on the subject site and is consistent with the intent of the Land Development Code. The trailer will be placed at the entrance of the development and the landscaping will be consistent throughout the parking lot area, the temporary sales trailer and the models. The location of the trailer meets the setbacks of the R-1 zoning district, front setback of 35 feet, side setback of 25 feet, and a rear setback of 40 feet. Landscape will be provided surrounding the sales trailer and the parking lot which will include Foxtail Palm, Everglades Palm, Lobster Claw, Cocoplum, Florida Gama Grass, Dwarf Allamanda, Dwarf

Philodendron, Wax Jasmine and Plumbago. This special permit shall be limited to eighteen (18) months.

Findings of Fact

Review for Special Permits:
Section 12-308(A)(1)(a):

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

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

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

(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;

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

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

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

Staff Recommendation

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

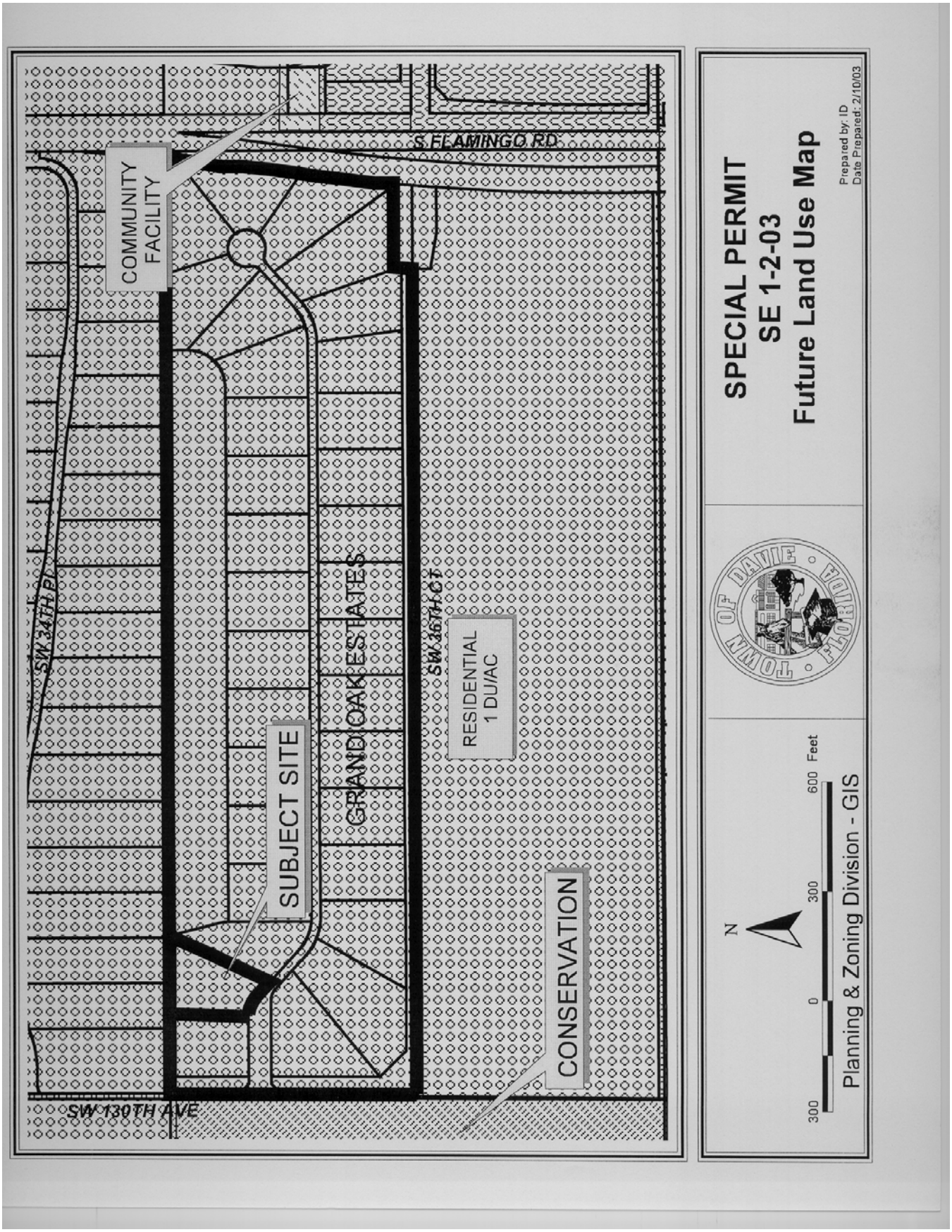
Planning and Zoning Board

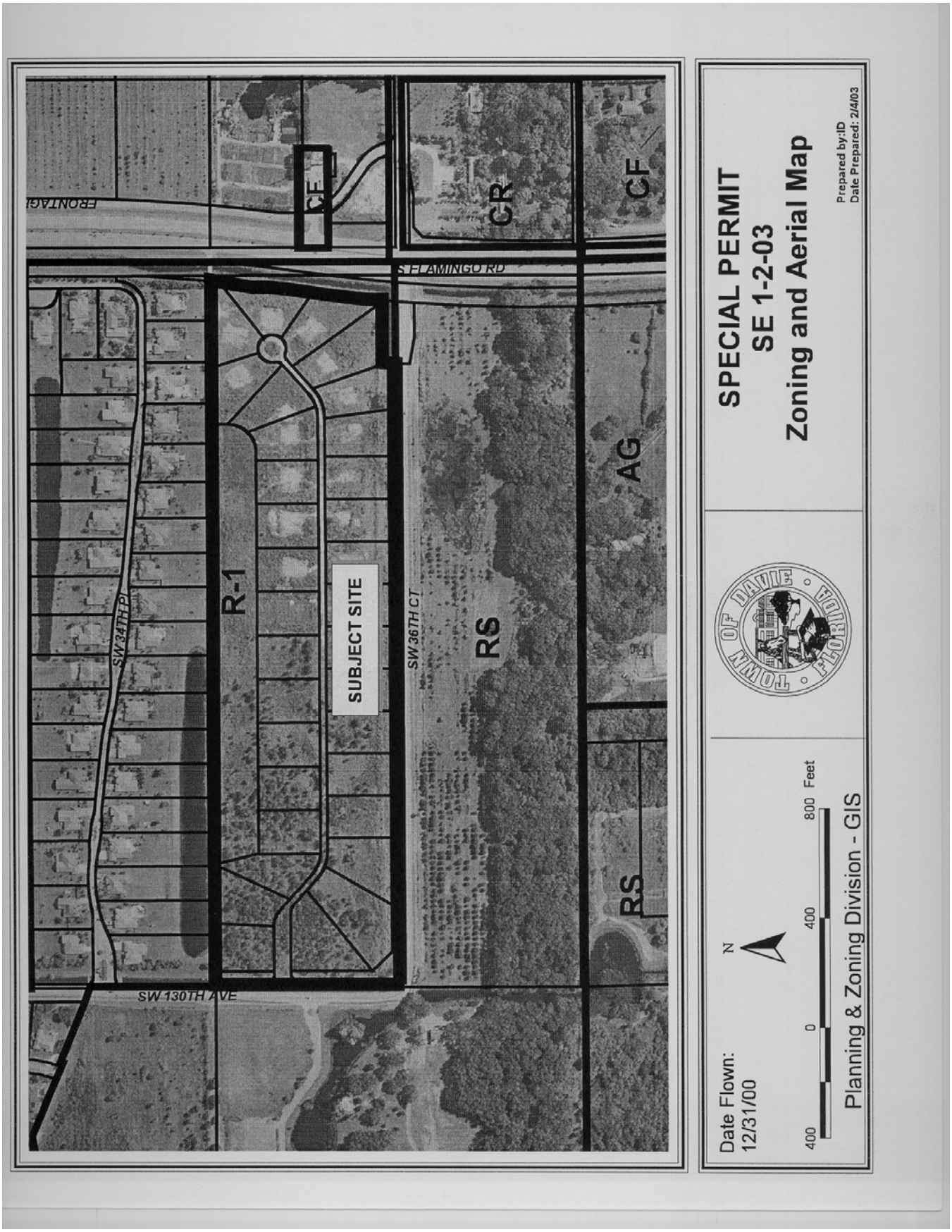
Planning and Zoning Board Recommendation: At the March 12, 2003, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

Exhibits

1. Justification
2. Landscape Plan
3. Land Use Map
4. Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____


COMMUNITY FACILITY
S. FLAMINGO RD.
SW 34TH PL
SUBJECT SITE
GRANDI OAKS ESTATES
SW 167TH CT
RESIDENTIAL 1 DU/AC
CONSERVATION
SW 130TH AVE
SPECIAL PERMIT
SE 1-2-03
Future Land Use Map
Prepared by: ID
Date Prepared: 2/10/03
TOWN OF DAVIE FLORIDA
N
300 0 300 600 Feet
Planning & Zoning Division - GIS


SPECIAL PERMIT
SE 1-2-03
Zoning and Aerial Map
Prepared by:ID
Date Prepared: 2/4/03
TOWN OF DAVIE FLORIDA
Date Flown:
12/31/00
N
400
0
400
800 Feet
Planning & Zoning Division - GIS
SW 130TH AVE
SW 34TH PL
R-1
SUBJECT SITE
SW 36TH CT
RS
S FLAMINGO RD
CF
CR
CF
AG
RS