

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by: Bradley Swing, AICP, Planner II

**SUBJECT:** Resolution  
DA 9-3-03 Spear and Varat Plat, 8550 Stirling Road/Generally located on the southeast corner of Stirling Road and Pine Island Road.

**AFFECTED DISTRICT:** District 2

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO AGREE WITH BROWARD COUNTY, RACHEL SPEAR AND CYNTHIA VARAT THAT THE SPEAR AND VARAT PLAT SHALL PROCEED AS ONE PLAT THROUGH THE DEVELOPMENT REVIEW PROCESS OF BOTH THE TOWN OF DAVIE AND BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** On July 18, 2003 Rachel Spear and Cynthia Varat (hereafter known as 'the applicants') submitted the Spear and Varat Plat to the Town of Davie for review by the Development Services Department. During review of the plat, it was found that the main portion of the plat is within Town of Davie boundaries and a small portion of the plat is within unincorporated Broward County. Please see the attached copy of the Plat - Parcel "A" is within the Town of Davie and consists of 11.1973 acres, while Parcel B, at 0.0814 acres, lies within unincorporated Broward County.

Florida Statute 177.071(1)(c) states "When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdictions agree that one plat is mutually acceptable." In addition to this agreement, the applicants have submitted a delegation request to Broward County asking them to find one plat acceptable. This agreement is the instrument by which the applicant is requesting the Town of Davie to allow the Spear and Varat Plat proceed as one plat, rather than requiring two separate plats.

By agreeing to allow the plat to move forward as one to be reviewed by both the Town of Davie and Broward County, neither governmental entity would lose any developmental control over the plat.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** N/A

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

**Attachments:** Resolution, Justification Letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO AGREE WITH BROWARD COUNTY, RACHEL SPEAR AND CYNTHIA VARAT THAT THE SPEAR AND VARAT PLAT SHALL PROCEED AS ONE PLAT THROUGH THE DEVELOPMENT REVIEW PROCESS OF BOTH THE TOWN OF DAVIE AND BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rachel Spear and Cynthia Varat propose to develop a property known as the Spear and Varat Plat; and

WHEREAS, a portion of the proposed Spear and Varat Plat lies within the boundaries of the Town of Davie and a portion of the proposed Spear and Varat Plat lies within unincorporated Broward County; and

WHEREAS, Section 177.071(1)(c) of the Florida State Statutes states "When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable," and

WHEREAS, Rachel Spear and Cynthia Varat wish the Town of Davie and Broward County to find a single plat for the property known as the Spear and Varat Plat mutually acceptable.

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 through the Mayor and Town Administrator, hereby agrees with Broward County, Rachel Spear and Cynthia Varat, that the Spear and Varat Plat shall proceed as one plat through the development review process of both the Town of Davie and Broward County.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

LAW OFFICES  
DOUMAR, ALLSWORTH, CROSS, LAYSTROM,  
VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.  
EMERSON ALLSWORTH, P.A.  
E. SCOTT ALLSWORTH, P.A.  
MARK E. ALLSWORTH, P.A.  
WILLIAM S. CROSS, P.A.\*\*  
RAYMOND A. DOUMAR, P.A.\*

† ALSO ADMITTED IN PENNSYLVANIA  
\* ALSO ADMITTED IN MICHIGAN  
‡ BOARD CERTIFIED REAL ESTATE LAWYER  
\*\* CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

1177 SOUTHEAST THIRD AVENUE  
FORT LAUDERDALE, FLORIDA 33316-1109  
BROWARD (954) 762-3400  
MIAMI (305) 945-3172  
TELEFAX (954) 525-3423

C. WILLIAM LAYSTROM, JR., P.A.  
STUART J. MAC IVER, P.A.  
JOHN D. VOIGT, P.A.  
JEFFREY S. WACHS, P.A.†

JOHN W. PERLOFF, P.A.‡  
OF COUNSEL

RE:SPEAR AND VARAT PLAT (043-MP-03)

JUSTIFICATION STATEMENT FOR DEVELOPER'S AGREEMENT  
WITH BROWARD COUNTY TO PROCEED AS ONE PLAT

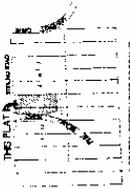
The proposed Spear and Varat Plat consists of a total area of 11.2787 acres. Parcel A, which is located within the Town of Davie, consists of 11.1973 acres. Parcel B, which is located within unincorporated Broward County, consists of 0.0814 acres. Parcel B is a necessary portion of the Spear and Varat Plat because it is the only means of providing access to Pine Island Road. Broward County will not approve a plat unless adequate access to the plat is clearly demonstrated.

Technically, Chapter 177 of Florida Statutes would require Parcel A to be submitted as one plat within the Town of Davie, and Parcel B as one plat within Broward County. Unfortunately, Parcel A may not stand on its own as a separate plat because of the access issue and, therefore, Parcel B must be included. Since the inclusion of Parcel B will not serve to increase the intensity of development that will be allowed on the plat, the applicant should be allowed to proceed to process one plat with the Town of Davie and Broward County.

Contemporaneously with this request to the Town of Davie, the developer has submitted a delegation request to Broward County asking for the same permission. Broward County staff has indicated that the granting of such permission should be only a formality provided that the Town of Davie approves the concept of one plat, rather than two. As a result, the applicant requests that the Town of Davie approve the concept of processing the proposed Spear and Varat Plat as a single plat to be reviewed by both the Town of Davie and Broward County. Neither entity would lose any developmental rights or control over the proposed plat as a result of this agreement.

# 'SPEAR AND VARAT PLAT'

A PORTION OF A PORTION OF TRACT 10 & 11  
OF THE  
"SPEAR AND VARAT SUBDIVISION"  
AS SHOWN ON PLAT 100, RANGE 41, EAST  
RANGE 75, TOWNSHIP 53, SOUTH, RANGE 41, EAST  
PLAT BOOK 2, PAGE 75 DADE COUNTY RECORDS,  
TOWNSHIP OF DAVIE, BROWARD COUNTY, FLORIDA



### DESCRIPTION

THIS PLAT IS A PORTION OF A PORTION OF TRACT 10 & 11 OF THE "SPEAR AND VARAT SUBDIVISION" AS SHOWN ON PLAT 100, RANGE 41, EAST RANGE 75, TOWNSHIP 53, SOUTH, RANGE 41, EAST PLAT BOOK 2, PAGE 75 DADE COUNTY RECORDS, TOWNSHIP OF DAVIE, BROWARD COUNTY, FLORIDA.

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### GENERAL BROWARD WATER CONTROL DISTRICT

GENERAL BROWARD WATER CONTROL DISTRICT  
1815 N. W. 11th Street  
Fort Lauderdale, Florida 33304  
(305) 771-1010

### BROWARD COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL DEVELOPMENT

BROWARD COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL DEVELOPMENT  
100 N. W. 11th Street  
Fort Lauderdale, Florida 33304

### BROWARD COUNTY ENGINEERING DIVISION

BROWARD COUNTY ENGINEERING DIVISION  
100 N. W. 11th Street  
Fort Lauderdale, Florida 33304

### BROWARD COUNTY PLANNING COUNCIL

BROWARD COUNTY PLANNING COUNCIL  
100 N. W. 11th Street  
Fort Lauderdale, Florida 33304

### BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION  
100 N. W. 11th Street  
Fort Lauderdale, Florida 33304

### ACKNOWLEDGEMENT

ACKNOWLEDGEMENT  
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

OFFICE: \_\_\_\_\_

CITY: \_\_\_\_\_

COUNTY: \_\_\_\_\_

STATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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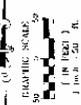
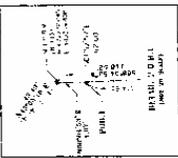
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# "SPEAR AND VARAT PLAT"

A PART OF A PORTION OF TRACT 10 & 11  
 "THE ENCLOSURES SUGAR AND LAND COMPANY SUBDIVISION"  
 LYING IN SECTION 5, TOWNSHIP 31 S, RANGE 17 E,  
 COUNTY OF BROWARD, STATE OF FLORIDA,  
 PART OF THE LANDS OF THE  
 TOWN OF TAMPA, BROWARD COUNTY, FLORIDA.



## INSTRUCTIONS

1. This plat is prepared to show the location of the 'SPEAR AND VARAT PLAT' within the 'ENCLOSURES SUGAR AND LAND COMPANY SUBDIVISION'.
2. The plat is prepared to show the location of the 'SPEAR AND VARAT PLAT' within the 'ENCLOSURES SUGAR AND LAND COMPANY SUBDIVISION'.
3. The plat is prepared to show the location of the 'SPEAR AND VARAT PLAT' within the 'ENCLOSURES SUGAR AND LAND COMPANY SUBDIVISION'.

## ACREAGE TABULATION

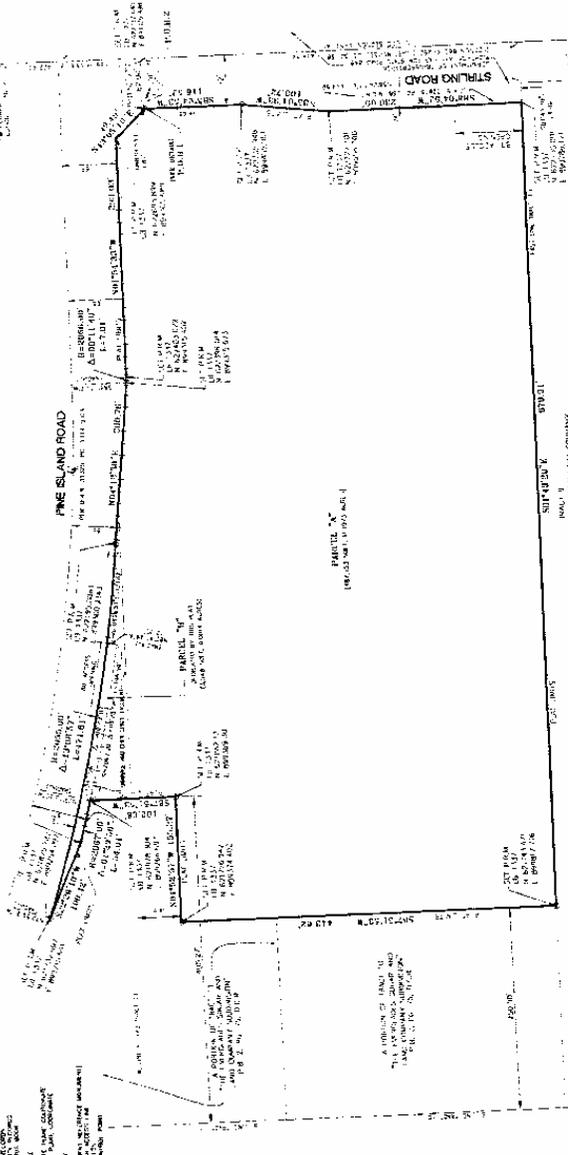
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TRACT 10	11.0000
TRACT 11	11.0000
TOTAL	22.0000

## NOTES

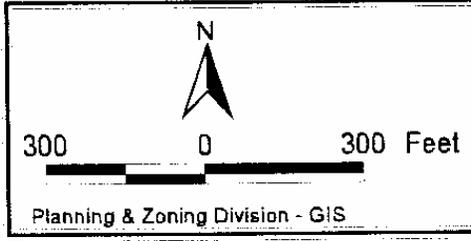
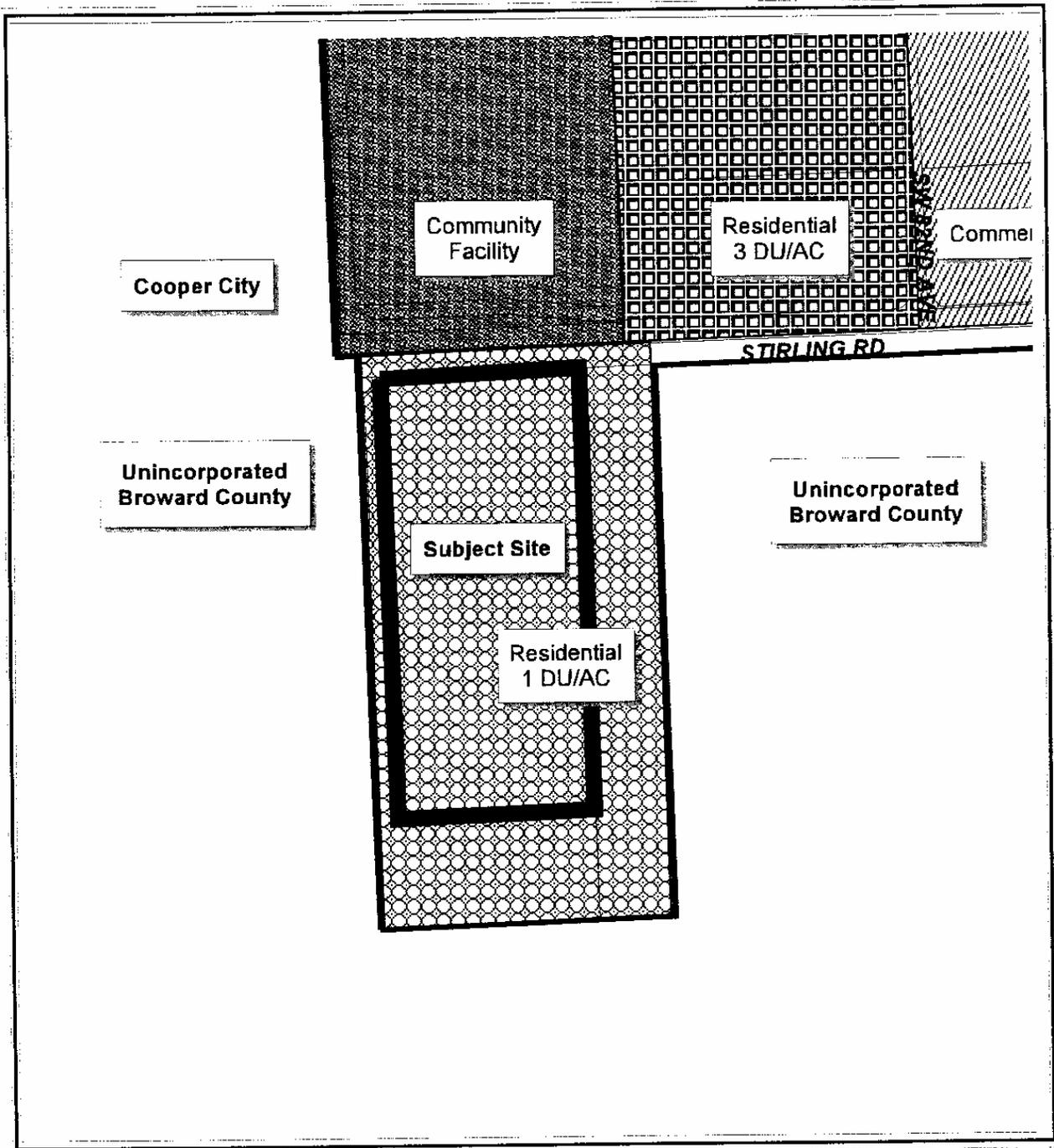
1. The 'SPEAR AND VARAT PLAT' is a part of a portion of Tract 10 & 11 of the 'ENCLOSURES SUGAR AND LAND COMPANY SUBDIVISION'.
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## LEGEND

- 1. 1/4" = 50' SCALE
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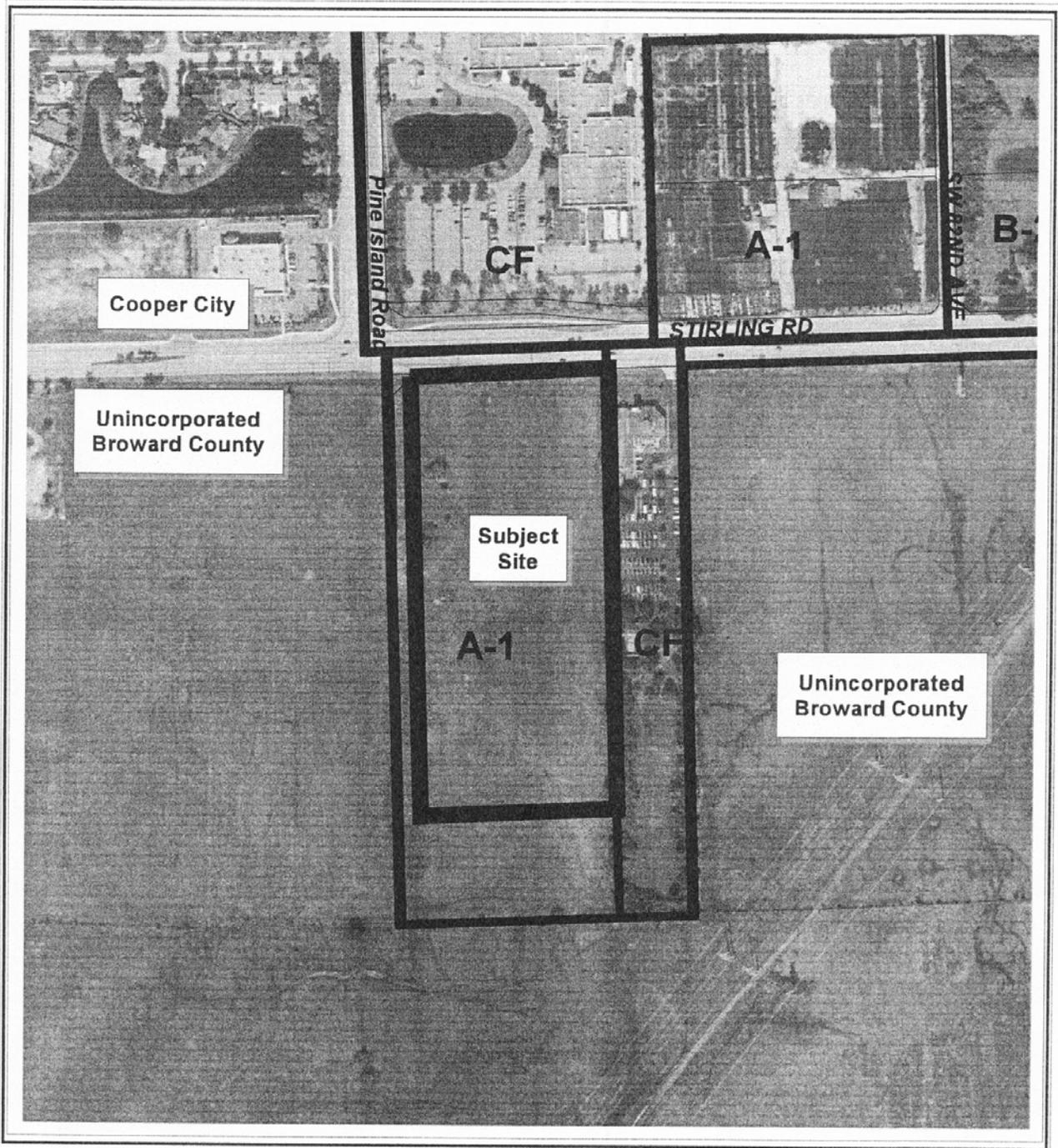


THE ENCLOSURES SUGAR AND LAND COMPANY  
 BY JAMES H. HARRIS, JR., S.E.

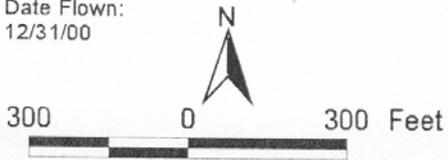


**DEVELOPERS AGREEMENT**  
**DA 9-3-03**  
**Future Land Use Map**

Prepared By: TAV  
 Date Prepared: 10/6/03



Date Flown:  
12/31/00



Planning & Zoning Division - GIS



**DEVELOPERS AGREEMENT**  
**DA 9-3-03**  
**Zoning and Aerial Map**

Prepared By: TAV  
Date Prepared: 10/6/03