TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by David M. Abramson, Planner II

SUBJECT: Resolution: DG 10-4-04 / 04-443 / Davie Garden Estates / Generally located on the west side of Southwest 61st Avenue, 700' north of Southwest 55th Court.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE "DAVIE GARDEN ESTATES", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "Davie Garden Estates":

From: "This plat is restricted to 8 detached single-family units with Tract "A", Tract "B" restricted to no development."

To: "This plat is restricted to 8 detached single-family units, with Tract "A" and Tract "B" restricted to wholesale nursery."

The Petitioner is requesting to amend the restrictive note on the "Davie Garden Estates" to reflect the new level of development on this property. The property is adjacent to Southwest 61st and local road improvements appear not to be needed in this area. However, any concurrency requirements for mitigation measures shall be in the Town of Davie.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

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, Planning Report, Justification letter, Plat, Future Land Use Map, Zoning, and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "DAVIE GARDEN ESTATES," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Davie Garden Estate" was recorded in the public records of Broward County in Plat Book 159, Page 5; and

WHEREAS, the owners desire 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 "Davie Garden Estates." The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie on the local road network.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005.

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:		**Petitioner:**	
Name:	Robert H. Hirsh	**Name:**	Associated Engineers of South Fl.
Address:	3050 Northeast 40th Street	**Address:**	5450 Griffin Road
City:	Ft. Lauderdale, Florida 33308	**City:**	Davie, Florida 33314
Phone:	(954) 214-6664	**Phone:**	(954) 584-6880

Background Information

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on "Davie Garden Estates":

From: "This plat is restricted to 8 detached single-family units with Tract "A," Tract "B" restricted to no development."

To: "This plat is restricted to 8 detached single-family units, with Tract "A" and Tract "B" restricted to wholesale nursery."

Location: Generally located on the west side of Southwest 61st Avenue, 700' north of Southwest 55th Court

Land Use Plan Designation: Special Classification 2 DU/AC

Existing Zoning: R-2, Low Dwelling Density District, RO, Residential Office, and A-1, Agricultural District

Existing Use: Vacant land

Proposed Use: Eight (8) detached single-family homes and a wholesale nursery

Parcel Size: 6.85 acres (298,523 square feet)

	Surrounding Uses:	Surrounding Land Use Plan Designation:
North:	Nursery	Residential (1 and 5 DU/AC)
South:	Residential Dwelling	Residential (1 DU/AC)
East:	Residential Dwelling	Special Classification (2 DU/AC)
West:	Vacant Lot	Residential Office

	Surrounding Zoning:
North:	CF, Community Facility and RO, Residential Office District
South:	A-1, Agricultural District
East:	A-1, Agricultural District
West:	CF, Community Facility District

Zoning History

Previous Request on same property:
Plat Application (P 5-1-92 Davie Garden Estates), On July 22, 1993 Town Council approved "Davie Garden Estates" plat that is restricted to 8 detached single-family units with Tract "A", Tract "B" restricted to no development conditionally approving a subdivision plat.

Comprehensive Plan Considerations

Planning Area: The subject site is located within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:
Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code, §12-24 (I) (3), Low Density Dwelling Districts. The R-2 District is intended to implement the two (2) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low density dwelling districts in the town.

Land Development Code, §12-81 (A) of the Land Development Code, Conventional Multifamily Development Standards, R-2, Low Density Dwelling District requires the following minimums: lot area of 17,500 square feet, 100' frontage, 30 front setbacks, 15' side setbacks, 25' rear setback, and the following maximums: height 35', 40% building coverage.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

Application Details

The petitioner requests approval of the resolution to authorize the change in the restrictive note on the "Davie Garden Estates" Plat **FROM:** "This plat is restricted to 8 detached single-family units with Tract "A", Tract "B" restricted to no development."; **TO:** "This plat is restricted to 8 detached single-family units, with Tract "A" and Tract "B" restricted to wholesale nursery."

Staff Analysis

The Comprehensive Plan and Land Development Code permits parcels designated R-2, Low Dwelling Density District to be developed with single-family residential dwelling units. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event, sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie. The property is adjacent to Southwest 61st and local road improvements appear not to be needed in this area. However, any concurrency requirements for mitigation measures shall be in the Town of Davie.

Findings of Fact

Staff finds that the proposal to develop the site with 8 detached single-family units on Tract "A" and a wholesale nursery on Tract "B" is consistent with R-2, Low Dwelling Density District, RO, Residential Office, and A-1, Agricultural District, Special Classification 2 DU/AC Land Use Plan Designation, and is compatible with the surrounding area. Staff has no objection to the request.

Staff Recommendation

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

Exhibits

1. Justification Letter
2. Plat
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____

"Exhibit 1 - Justification Letter"

ASSOCIATED ENGINEERS OF SOUTH FLORIDA, INC

PLANNING • DESIGN • STUDIES • INSPECTION SERVICES

5450 GRIFFIN ROAD, DAVIE, FL. 33314

October 29, 2004

Davie Planning and Zoning Division
6591 S.W. 45th St.
Davie, FL 33314

Att: Mr. Christopher M. Gratz
Re: Davie Garden Estates
Delegation Request
Our Project No. 04-107

Dear Chris:

Enclosed for your review and recommendations, find a Delegation request package for the referenced project. At this time we are requesting a change to the note of the plat, to delete the following Note: "One Single Family Unit within this plat was approved for development under the DeMinimis exception of Chapter 5, Article IX of the Broward Code of Ordinances. Such approval requires that a building permit for a principal building shall be issued on or before the 7th day of March 1998, which date is three (3) years from the date of approval of the plat by the Broward County Board of County Commissioners. In the event no building permit is issued by the above date, the County's finding of adequacy of the regional road network shall expire and no building permit shall be issued". The above note was added to the original plat because at the time of recording of the plat the traffic generated by one unit was impacting on Griffin Road, which at the time of plat recording the segment of Griffin Road being impacted by that one unit, was already operating over capacity. At the present time Griffin Road has been widened, and as per the last trip report prepared by the County, a copy of which is enclosed herewith, the County has confirmed that this project does not place any trips per peak hour on any over-capacity segment of road. We are also requesting at this time that Tracts "A" and "B" be restricted to development as wholesale nursery. Town of Davie approval of our request is required by Broward County prior to the amendment of any restrictive note to the plat.

Please let us know at your earliest convenience, when will this delegation request , be considered by Town Council.

Sincerely,

ASSOCIATED ENGINEERS
OF SOUTH FLORIDA, INC.

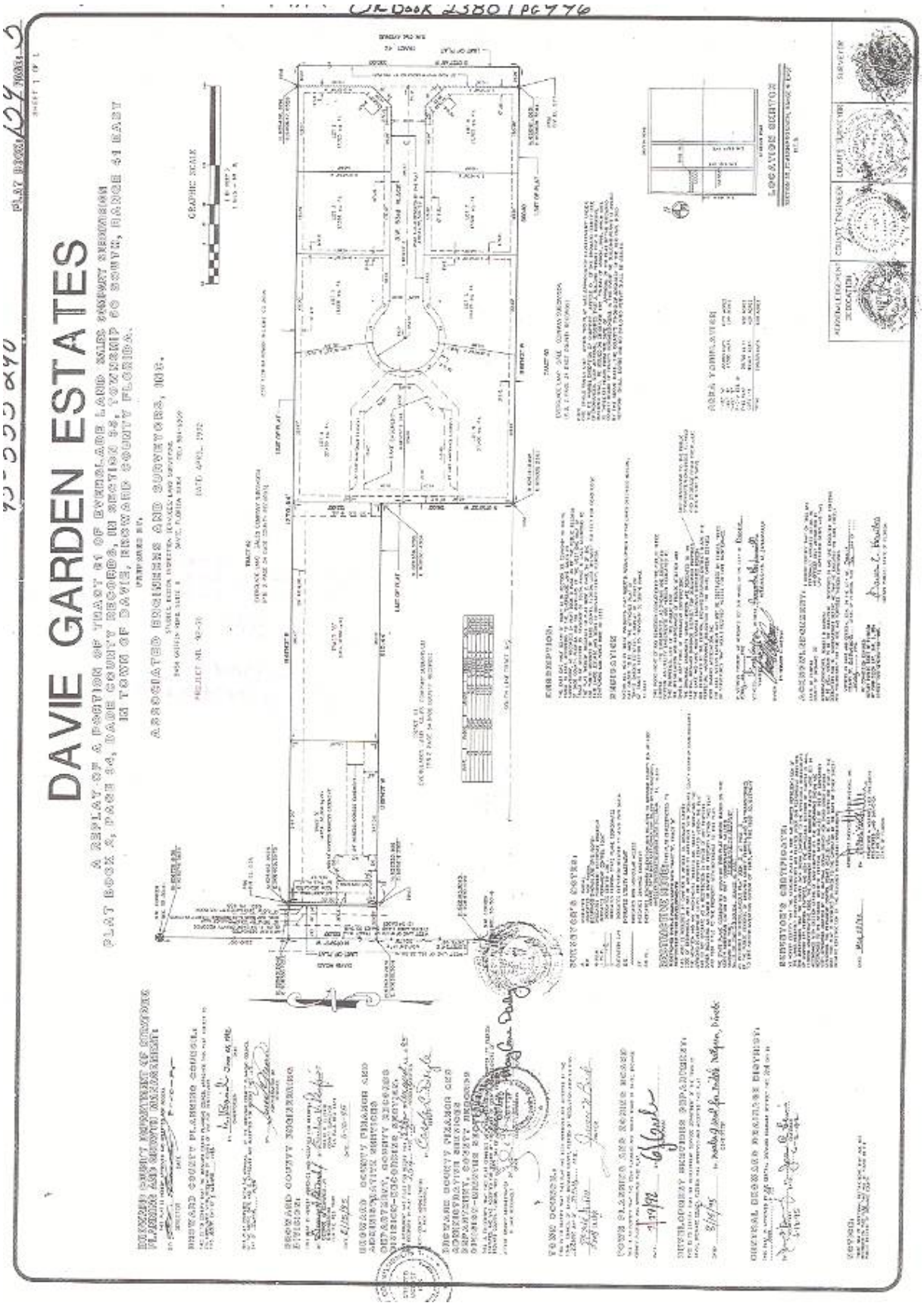
Gustavo X. Aguirre, President

cc: Mr. Robert H. Hirsch

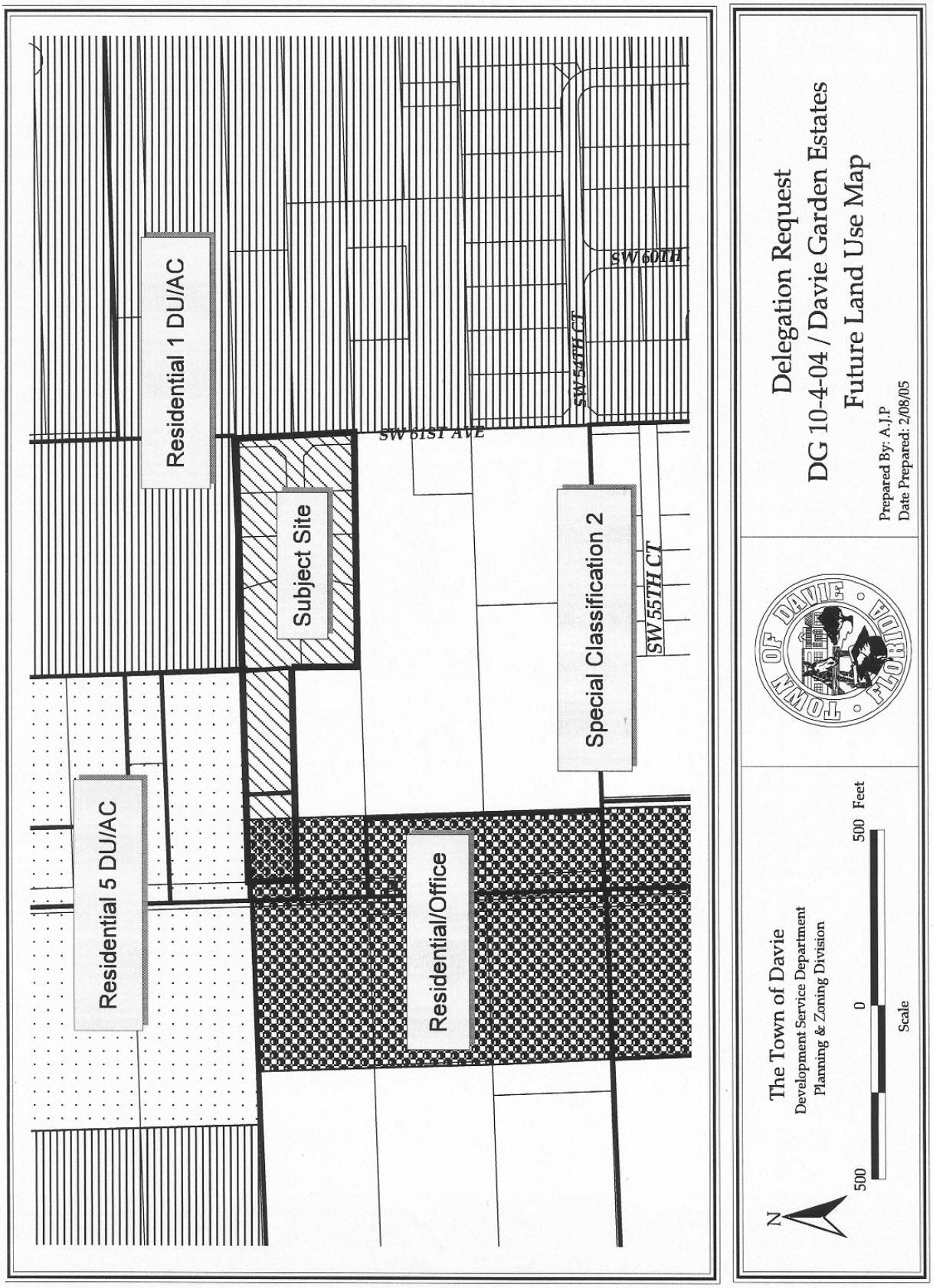
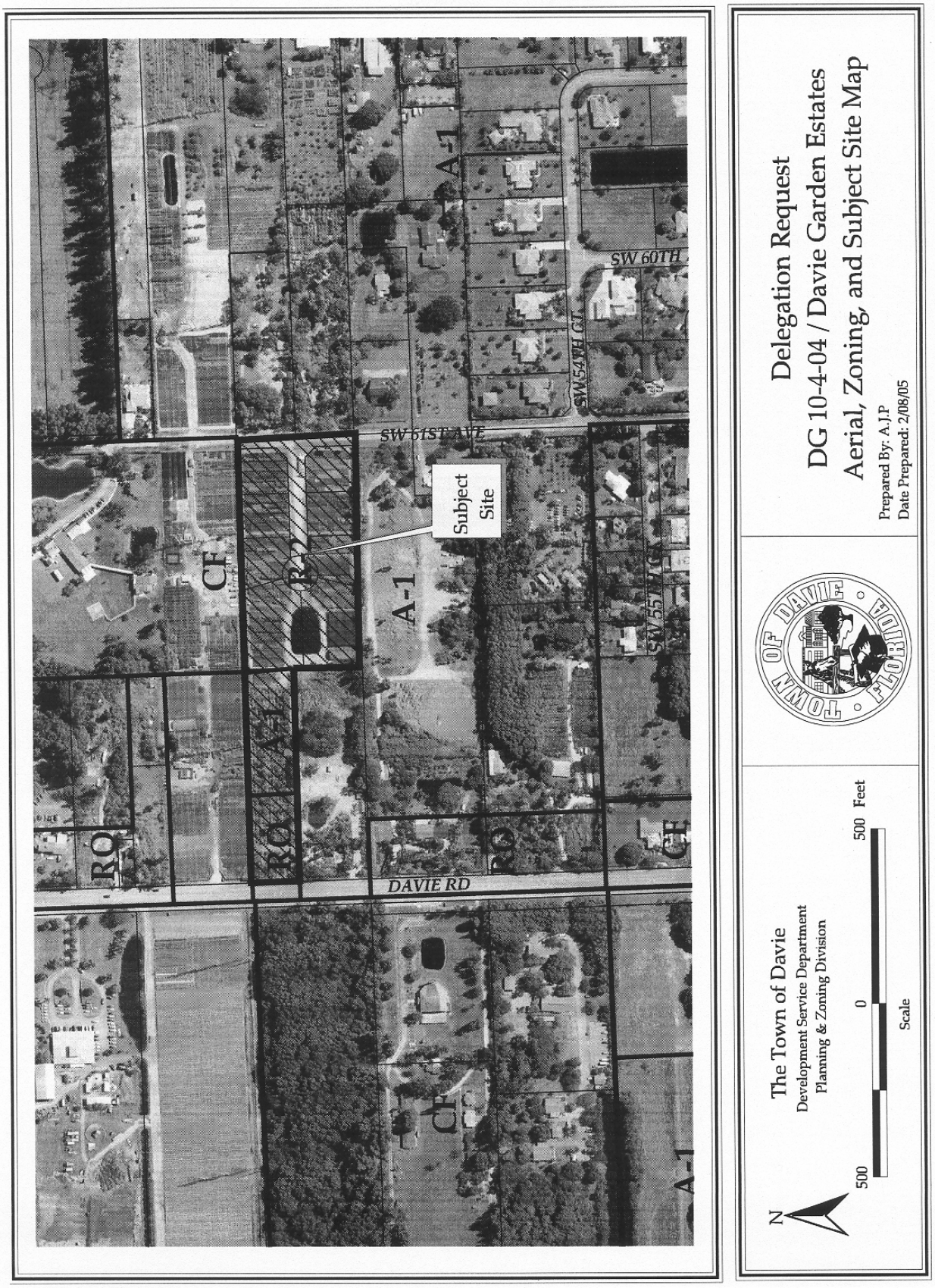
04-107 DPZ gxaletters

Phone: (954) 584-6880 **Fax: (954) 584-2862**

"Exhibit 2 – Plat"



"Exhibit 3 - Future Land Use Map"



"Exhibit 4 - Aerial, Zoning, Subject Site Map"