

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: Christopher M. Gratz, Planner II

SUBJECT: Plat, P 4-3-04 West Oak Estates, Kennedy & Pester/Associated Engineers of South Florida, 1900 SW 145 Avenue/Generally located on the east side of SW 145 Avenue, 0.37 miles south of SW 14 Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "WEST OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Approval of the plat to be known as "West Oak Estates" is being requested. The subject site consists of 9.85 acres (428,951.49 square feet), and is generally located on the east side of SW 145 Avenue, 0.37 miles south of SW 14 Street. The plat is restricted to one (1) single family dwelling (existing) on parcel "A", and eight (8) single family dwellings on parcel "B". Access to SW 145 Avenue is provided by a 75' opening on the southern limits of the parcel. Non-vehicular access lines (NVAL) are provided on the north side of the opening to delineate the sight visibility triangle. Internally, a 40' right-of-way leading to a cul-de-sac is provided. SW 145 Avenue consists of a 50' right-of-way, with 20' of asphalt pavement, 15' gravel parkway on the east side, and 15' grassed/landscaped swales on the west side.

There is an existing equestrian trail on the east side of SW 145 Avenue located within the 15' wide gravel parkway. A 5' recreational trail easement is being dedicated on the western boundary, adjacent to SW 145 Avenue. Internally, a 4' recreational trail easement is being provided on the north side of the road right-of-way, however staff believes that this should be changed to a sidewalk easement. A total of 51,662.91 square feet (1.2 acres) of the property has been dedicated toward right-of-way. Since there is a canal on the eastern boundary of the parcel, a 20' canal maintenance easement is provided. A 10' utility easement adjacent to the northern boundary, recreational trail easements, and canal maintenance easement is shown. Parcel "C" is the required 10' landscape buffer on the south side of the right-of-way.

Drainage for the site is provided by a drainage and flowage easement that is 40' wide on the northern half of the parcel, and there is a 6' drainage easement around the cul-de-sac. The subject property lies within Central Broward Water Control District, and approval from this agency has been obtained.

The proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation. To satisfy traffic concurrency a tri-party agreement for a \$30,000 payment towards the roundabout at SW 14 Street and SW 136 Avenue is required and has been submitted concurrently for Town Council's consideration.

Staff finds that the plat is generally in conformance with the applicable Codes and Ordinances. This proposed plat for single family residential use can be considered compatible with both existing and allowable uses on the adjacent properties. The majority of the surrounding properties are also developed with single family dwellings.

PREVIOUS ACTIONS: None

CONCURRENCES: At the May 25, 2005, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens to approve. (Motion carried 3-1, with Vice-Chair Turin absent, and Chair Bender opposed because he believed that 1 home too many is being proposed.)

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following conditions shall be met:

1. Increase the recreational trail easement adjacent to SW 145 Avenue from 5' to 15', in order to provide an ultimate width of 30' that is required by §12-287(8) & §12-295(B) (1).
2. Change the internal 4' recreational trail easement to a sidewalk easement.
3. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "WEST OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as "West Oak Estates" was considered by the Town of Davie Planning and Zoning Board;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as "West Oak Estates" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. 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 and Zoning Division
Staff Report and Recommendation

Applicant Information

Owners:

Name: Nona J. Kennedy, & Glenn Kennedy, wife and husband, and Stu Pester
Address: 1900 SW 145 Avenue
City: Davie, FL 33325
Phone: (954) 325-1836

Petitioner:

Name: Gustavo X. Aguirre, President
Associated Engineers of South Florida, Inc.
Address: 5450 Griffin Road
City: Davie, FL 33314
Phone: (954) 584-6880

Background Information

Application History: No deferrals have been requested.

Planning and Zoning

Board Recommendation: Approval was recommended on May 25, 2005.

Application Request: Approval of the plat known as "West Oak Estates".

Address/Location: 1900 SW 145 Avenue/Generally located on the east side of SW 145 Avenue, 0.37 miles south of SW 14 Street

Future Land Use

Plan Map Designation: Residential (1 DU/ AC)

Zoning: R-1, Estate Dwelling District

Gross Parcel Size: 9.85 acres (428,951.49 square feet)

Net Parcel Size: 8.2 acres (357,643.13 square feet)

Existing Use: One (1) single family dwelling

Proposed Use: Nine (9) single family dwellings

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North, South, East, & West:	Single family dwellings	Residential (1 DU/AC)
	<u>Surrounding Zoning:</u>	
North, South, East, & West:	R-1, Estate Dwelling District	

Zoning History

Annexation: This parcel was annexed into the Town of Davie by referendum on October 1, 1974, as part of the Imagination Farms Annexation Referendum.

Vacation: VA 5-2-02, vacating a portion of road right-of-way for SW 142 Avenue adjacent to the "Florida Fruit Lands Company's Subdivision No. 1" between SW 14 Street and SW 26 Street, was approved on August 21, 2002.

Application Details

The applicant's submission indicates the following:

1. *Site:* Approval of the plat to be known as "West Oak Estates" is being requested. The subject site consists of 9.85 acres (428,951.49 square feet), and is generally located on the east side of SW 145 Avenue, 0.37 miles south of SW 14 Street.
2. *Restrictive Note:* The plat is restricted to one (1) single family dwelling (existing) on parcel "A", and eight (8) single family dwellings on parcel "B".
3. *Access:* Access to SW 145 Avenue is provided by a 75' opening on the southern limits of the parcel. Non-vehicular access lines (NVAL) are provided on the north side of the opening to delineate the sight visibility triangle. Internally, a 40' right-of-way leading to a cul-de-sac is provided. SW 145 Avenue consists of a 50' right-of-way, with 20' of asphalt pavement, 15' gravel parkway on the east side, and 15' grassed/landscaped swales on the west side.
4. *Trails:* There is an existing equestrian trail on the east side of SW 145 Avenue located within the 15' wide gravel parkway. A 5' recreational trail easement is being dedicated on the western boundary, adjacent to SW 145 Avenue. Internally, a 4' recreational trail easement is being provided on the north side of the road right-of-way, however staff believes that this should be changed to a sidewalk easement.

5. *Dedications and Easements:* A total of 51,662.91 square feet (1.2 acres) of the property has been dedicated towards right-of-way. Since there is a canal on the eastern boundary of the parcel, a 20' canal maintenance easement is provided. A 10' utility easement adjacent to the northern boundary, recreational trail easements, and canal maintenance easement is shown. Parcel "C" is the required 10' landscape buffer on the south side of the right-of-way.
6. *Drainage:* Drainage for the site is provided by a drainage and flowage easement that is 40' wide on the northern half of the parcel, and there is a 6' drainage easement around the cul-de-sac. The subject property lies within Central Broward Water Control District, and approval from this agency has been obtained.
7. *Road Concurrency:* To satisfy traffic concurrency a tri-party agreement for a \$30,000 payment towards the roundabout at SW 14 Street and SW 136 Avenue is required and has been submitted concurrently for Town Council's consideration.
8. *Compatibility:* This proposed plat for single family residential use can be considered compatible with both existing and allowable uses on the adjacent properties. The majority of the surrounding properties are also developed with single family dwellings.

Applicable Codes and Ordinances

§12-24(I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

§12-81(A) Conventional Residential Development Standards, R-1, Estate Dwelling District requires the following minimums: lot area of 35,000 square feet, 125' frontage, 30'- 40' front setbacks, 25' side setbacks, and 30' rear setbacks, 2,400 square foot dwelling unit area, 30% open space, and the following maximums: height 35' & 25% building coverage.

§12-292(A) (6) Street standards, Developments where there is no connecting access through adjacent communities or to adjacent streets and are less than twenty (20) dwelling units may utilize a public road right-of-way at a 40-foot minimum cross-section with sidewalks required on one side.

§12-287(8) Development Standards, Ensure that trails are provided and enhanced as identified on the Town's Master Trail Map.

§12-295(B) (1) Open Space Relationships, Existing recreation trails shall be designed for an ultimate thirty (30) foot trail width.

Article XII, Subdivisions and Site Plans.

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: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning: Obtain approval from the Central Broward Water Control District. *(Item provided.)*

Engineering: Provide topographic survey, provide 10' wide utility easement around the plat, align proposed road with the centerline of SW 18 Court *(not possible due to lack of ROW)*, design and construct a sidewalk on SW 145 Avenue. *(Provide contribution toward its future construction.)*

Public Works: An equestrian trail is located on the east side of SW 145 Avenue within the right-of-way.

Staff Analysis

The proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation. To satisfy traffic concurrency a tri-party agreement for a \$30,000 payment towards the roundabout at SW 14 Street and SW 136 Avenue is required and has been submitted concurrently for Town Council's consideration.

Findings of Fact

Staff finds that the plat is generally in conformance with the applicable Codes and Ordinances. This proposed plat for single family residential use can be considered compatible with both existing and allowable uses on the adjacent properties. The majority of the surrounding properties are also developed with single family dwellings.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Increase the recreational trail easement adjacent to SW 145 Avenue from 5' to 15', in order to provide an ultimate width of 30' that is required by §12-287(8) & §12-295(B) (1).
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Planning and Zoning Board Recommendation

At the May 25, 2005, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens to approve. (Motion carried 3-1, with Vice-Chair Turin absent, and Chair Bender opposed because he believed that 1 home too many is being proposed.)

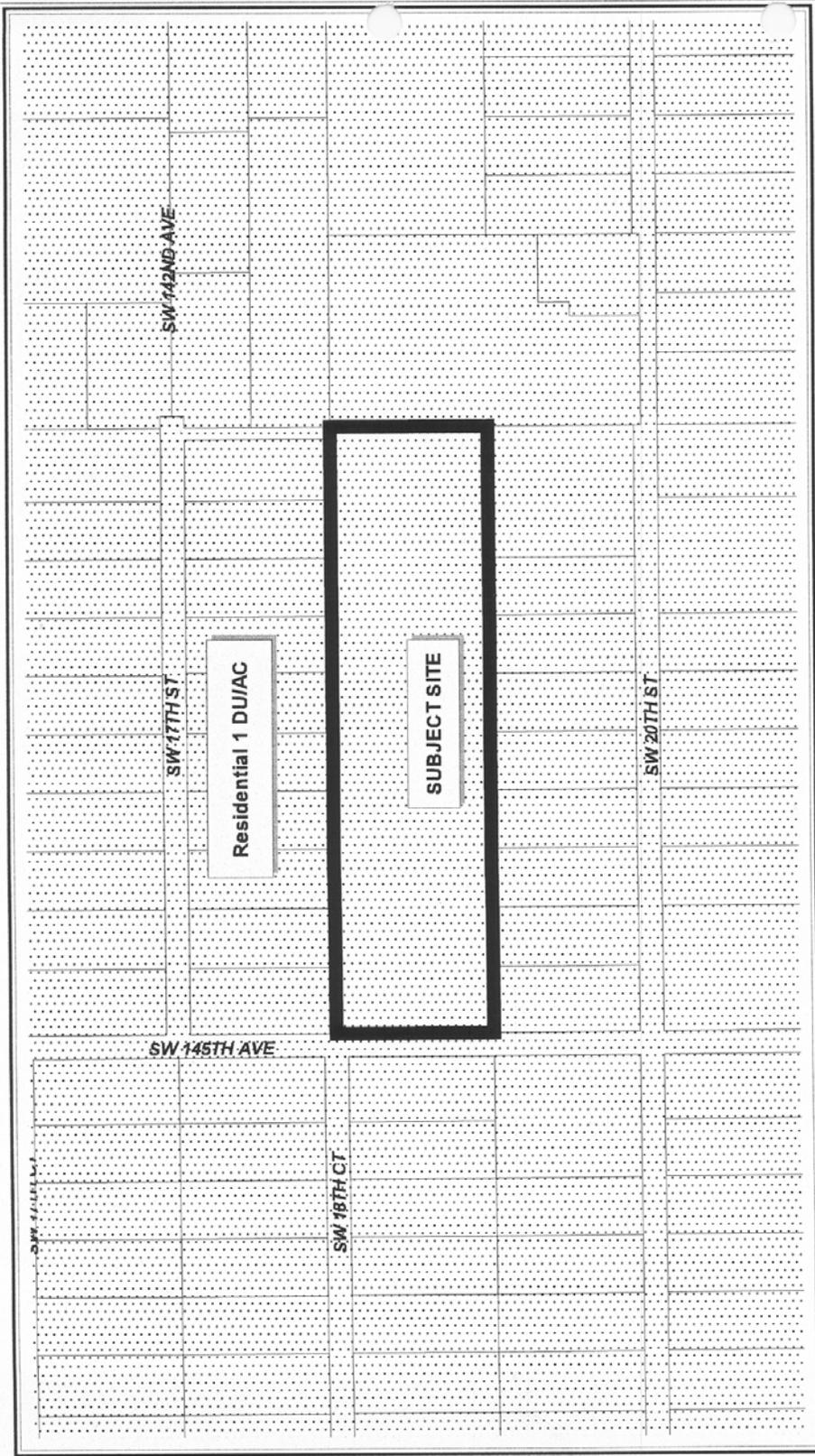
Town Council Action

Exhibits

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

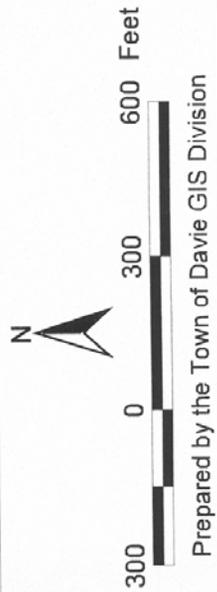
Prepared by: _____

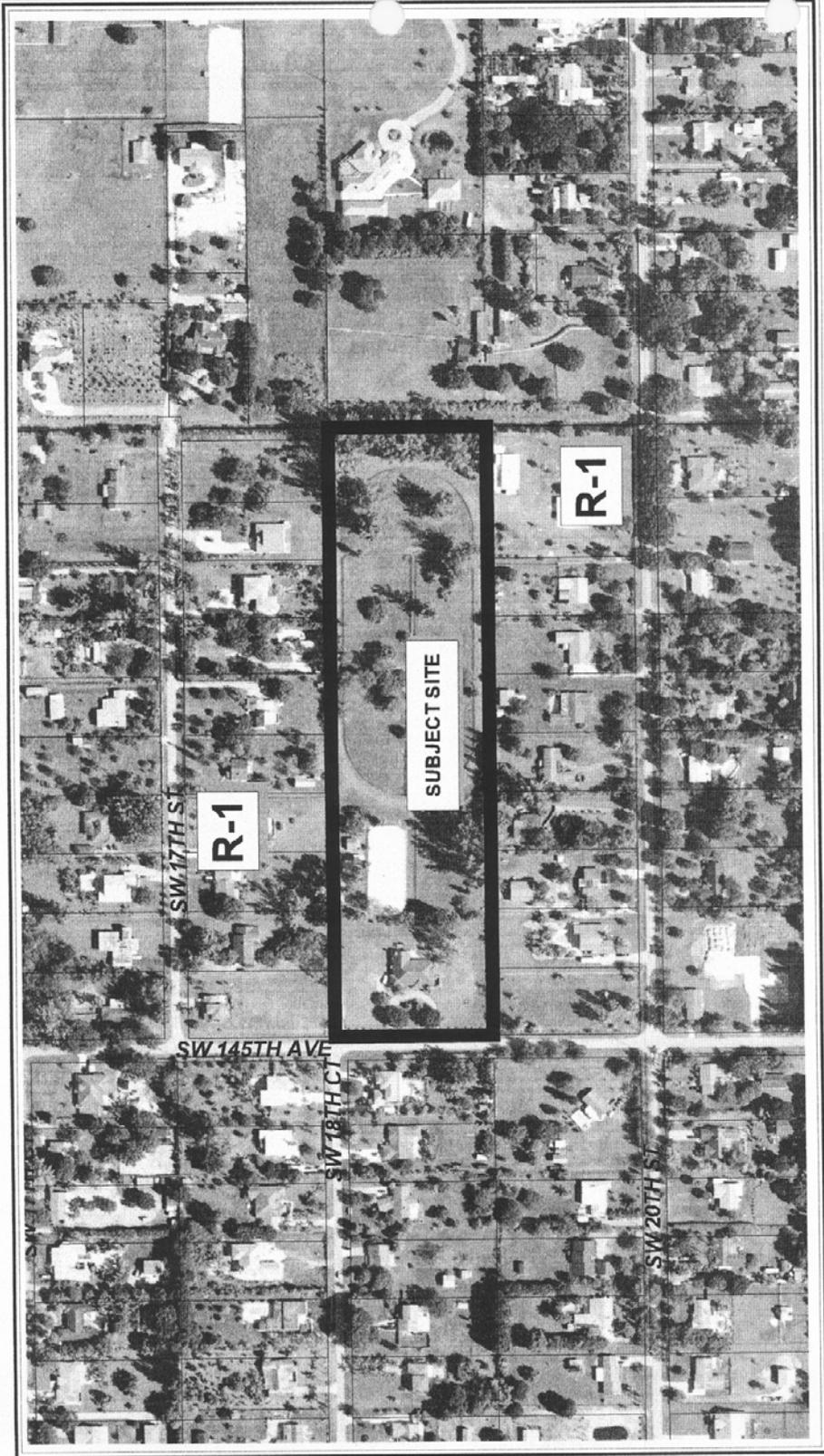
Reviewed by: _____



**PLAT
P 4-3-04
Future Land Use Map**

Prepared By: ID
Date Prepared: 5/5/04





Date Flown:
12/31/02



Prepared by the Town of Davie GIS Division



**PLAT
P 4-3-04
Zoning and Aerial Map**

Prepared By: ID
Date: Prepared: 5/5/04