

# 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:** Quasi Judicial Hearing: Ordinance 1st Reading, ZB 11-1-04 Farida Plat, Daniel A. Fee, P.E./CDI Engineering & Planning/ FMAOA, Inc./Dr. Mustafa Saleh, 950 South Flamingo Road/Generally located on the west side of SW 121 Avenue, north of SW 9 Manor.

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-04 FARIDA PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The request is to rezone the subject site from AG, Agricultural District to R-5, Low Medium Dwelling District. Eight (8) single family dwellings are proposed. The site is located south of State Road 84, north of SW 14 Street, between Flamingo Road and SW 121 Avenue. Access to the site is from SW 121 Avenue.

According to the Land Development Code, the parcel meets the minimum technical requirements for the R-5, Low Medium Dwelling District zoning classification, as the minimum lot size required is 7,000 square feet, and the subject site is 3.44 acres (150,038 square feet), minimum frontage required is 75', and the subject site has 176' of frontage and a depth of 852.5'.

An application reflecting the owner's intent to plat the parcel for a maximum of eight (8) single family dwellings has been submitted. Single family dwellings are allowed by the Future Land Use Plan Map classification of Residential (5 DU/AC), and the use meets the intent of the R-5, Low Medium Dwelling District since it provides for low-medium density single-family dwellings. The parcel's Future Land Use Plan Map designation permits a request to rezone the site for a maximum of seventeen (17) multi-family dwellings.

Access to the site is exclusively from SW 121 Avenue since the parcel to the west is developed with an animal hospital that is under separate ownership. While under single ownership, the approval of the animal hospital site plan eliminated the plausibility of providing an access to the rear of the property that meets development standards. In order for access to be provided to the subject site through the animal hospital parcel, a 50' right-of-way with a 10' landscape buffer to the property to the north is required, for a total of 60'. The AG, Agricultural District requires 35' side setbacks, and building is 80' from the property line. If the northern 60' of the

site is used for access the side setback of the building does not comply at only 15', and the distance from the building to the southern boundary of parcel is even less. Although there are access drives adjacent to both sides of the property that could be used accommodate full access, none of the adjoining property owners desire to share access.

Designating the parcel for the single family dwellings is a compatible use on this parcel. To the north are single family dwellings, to the south is single family dwelling and a plant nursery, to the east across SW 121 Avenue are townhomes, and to the west is an animal hospital.

**PREVIOUS ACTIONS:** At the August 17, 2005, Town Council meeting the request was tabled to September 7, 2005, because at the July 27, 2005, Planning and Zoning Board meeting there was no quorum and the item was automatically tabled to August 10, 2005. (Vice-Chair McLaughlin abstained due to a conflict in interest, Mr. Stevens was absent, and Mrs. Lee had resigned.)

**CONCURRENCES:** At the August 10, 2005, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve. (Motion carried 4-0, Mr. McLaughlin abstained.)

**FISCAL IMPACT:** N/A

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

**Attachment(s):** Ordinance, Planning Report

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-04 FARIDA PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from AG, Agricultural District; to R-5, Low Medium Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance;

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from AG, Agricultural District; to R-5, Low Medium Dwelling District:

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, R-5, Low Medium Dwelling District;

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed;

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance;

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

ATTEST:

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

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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

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**Applicant Information**

<b><u>Owner:</u></b>		<b><u>Petitioner:</u></b>	
<b>Name:</b>	FMAOA, Inc. Dr. Mustafa Saleh	<b>Name:</b>	Daniel A. Fee, P.E. CDI Engineering & Planning
<b>Address:</b>	681 NW 133 Way	<b>Address:</b>	320 West Davie Boulevard
<b>City:</b>	Plantation, FL 33325	<b>City:</b>	Fort Lauderdale, FL 33315
<b>Phone:</b>	(954) 845-0440	<b>Phone:</b>	(954) 524-9800

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**Background Information**

**Date of Notification:** July 20, 2005      **Number of Notifications:** 310

**Application History:** No deferrals have been requested by the applicant. The request has been tabled one (1) time Town Council due to lack of a quorum at the Planning and Zoning Board meeting of July 27, 2005.

**Application Request:** Rezone the 3.44 acre subject site **FROM:** AG, Agricultural District; **TO:** R-5, Low Medium Dwelling District.

**Address/Location:** 950 South Flamingo Road/Generally located on the west side of SW 121 Avenue, north of SW 9 Manor.

**Future Land Use**  
**Plan Map Designation:** Residential (5 DU/AC)

**Existing Zoning:** AG, Agricultural District

**Proposed Zoning:** R-5, Low Medium Dwelling District

**Existing Use:** Vacant (former plant nursery)

**Proposed Use:** Eight (8) Single family dwellings

**Gross Parcel Size:** 3.55 acres (154,440 square feet)

**Net Parcel Size:** 3.44 acres (150,038 square feet)

**Surrounding Uses:**

**North:** Single family dwellings  
**South:** Single family dwelling, Jane’s Plant Nursery  
**East:** Village at Lake Pines (townhomes)  
**West:** Extra Care Animal Hospital

**Surrounding Future Land Use Plan Map Designations:**

**North:** Residential (5 DU/AC)  
**South:** Residential (5 DU/AC)  
**East:** Residential (5 DU/AC)  
**West:** Residential (5 DU/AC)

**Surrounding Zoning:**

**North:** AG, Agricultural District  
**South:** AG, Agricultural District  
**East:** RM-5, Low Medium Dwelling District  
**West:** AG, Agricultural District

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**Zoning History**

**Plat:** The plat, P 12-1-04 Farida Plat, for eight (8) single family dwellings on the subject site, is pending due to the objections posed by neighboring residents during the Public Participation Process.

**Related Site Plan:** The site plan, SP 6-5-00 Extra Care Animal Hospital, was approved on August 2, 2000.

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**Applicable Codes and Ordinances**

§12-24 (I) (4) Low Medium Density Dwelling (R-4, R-5 and RM-5) Districts: The R-4, R-5 and RM-5 Districts are intended to implement the five (5) 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 a low-medium density single-family dwelling district.

§12-81 (A) Conventional Residential Development Standards, R-5, Low Medium Density Dwelling District requires the following minimums: lot area of 7,000 square feet, 75’ frontage, 25’ front, 10’ side, 15’ rear setbacks, 1,000 square foot dwelling unit floor area, and the following maximums: height 35’ & 40% building coverage.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an

irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West Ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 100.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, 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 Use 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.

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### **Public Participation**

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The applicant conducted two (2) meetings with the public on December 7, 2004 and December 8, 2004, at the Nob Hill Police Station. Attached is the applicant's Citizen Participation Report.

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### **Application Details**

The request is to rezone the subject site from AG, Agricultural District to R-5, Low Medium Dwelling District. Eight (8) single family dwellings are proposed. The site is located south of State Road 84, north of SW 14 Street, between Flamingo Road and SW 121 Avenue. Access to the site is from SW 121 Avenue.

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### **Staff Analysis**

According to the Land Development Code, the parcel meets the minimum technical requirements for the R-5, Low Medium Dwelling District zoning classification, as the minimum lot size required is 7,000 square feet, and the subject site is 3.44 acres (150,038 square feet), minimum frontage required is 75', and the subject site has 176' of frontage and a depth of 852.5'.

An application reflecting the owner's intent to plat the parcel for a maximum of eight (8) single family dwellings has been submitted. Single family dwellings are allowed by the Future Land

Use Plan Map classification of Residential (5 DU/AC), and the use meets the intent of the R-5, Low Medium Dwelling District since it provides for low-medium density single-family dwellings. The parcel's Future Land Use Plan Map designation permits a request to rezone the site for a maximum of seventeen (17) multi-family dwellings.

Access to the site is exclusively from SW 121 Avenue since the parcel to the west is developed with an animal hospital that is under separate ownership. While under single ownership, the approval of the animal hospital site plan eliminated the plausibility of providing an access to the rear of the property that meets development standards. In order for access to be provided to the subject site through the animal hospital parcel, a 50' right-of-way with a 10' landscape buffer to the property to the north is required, for a total of 60'. The AG, Agricultural District requires 35' side setbacks, and building is 80' from the property line. If the northern 60' of the site is used for access the side setback of the building does not comply at only 15', and the distance from the building to the southern boundary of parcel is even less. Although there are access drives adjacent to both sides of the property that could be used accommodate full access, none of the adjoining property owners desire to share access.

Designating the parcel for the single family dwellings is a compatible use on this parcel. To the north are single family dwellings, to the south is single family dwelling and a plant nursery, to the east across SW 121 Avenue are townhomes, and to the west is an animal hospital.

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## Findings of Fact

### Rezoning:

#### **Section 12-307(A) (1):**

#### **The following findings of facts apply to the rezoning request:**

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

*The Comprehensive plan allows parcels with the Residential 5 DU/AC Future Land Use Plan Map designation to be rezoned to R-5, Low Medium Dwelling District.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*Designating the site R-5, Low Medium Dwelling District is related to the adjacent AG, Agricultural District designations and RM-5, Low Medium Dwelling District zoning designation since both districts permit residential use and the development of the site will be made compatible through the application of the Land Development Code's setback and buffering requirements.*

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

*The AG, Agricultural District zoning is the site's original designation and the boundaries were logically drawn at that time. However, the requested change to this parcel is logical since it meets the minimum requirements to gain the zoning designation and is consistent with the underlying Future Land Use Plan Map designation of Residential 5 DU/AC.*

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

*Designating the site R-5, Low Medium Dwelling District in order to allow the parcel to be developed with eight (8) single family dwellings should not have a negative impact on the neighborhood. The Land Development Code requires that the site be designed to account for the adjacent uses by providing for minimum setbacks, limiting building height, and requiring landscape buffers.*

- (e) The proposed change should 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;

*A request to have a maximum of seventeen (17) multi-family dwellings on the site was anticipated by assigning the Residential (5 DU/AC) Future Land Use Plan Map designation to the property. The traffic generated by eight (8) single family dwellings will be considerably less. At the time of plat and site plan approval both regional and local road concurrency will be addressed.*

- (f) The proposed change is not expected to adversely affect other property values;

*Changing an agriculturally zoned site to develop it with single family dwellings should not have a negative impact on the value of the adjacent properties because when the property is subdivided and developed the value of the land should increase.*

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

*Designating the site R-5, Low Medium Dwelling District will not cause the adjoining property owners from continuing to utilize the property as it is now, or how it can be used.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*Approval of this rezoning request will not give the owner a unique benefit that harms the welfare of the general public. The request is consistent with the Future Land Use Plan Map designation of Residential (5 DU/AC).*

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

*The existing AG, Agricultural District zoning would allow that site to be developed at 1 DU/AC, however the site would not be developed at the density permitted and anticipated by the Future Land Use Plan Map designation.*

(j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*Designating the site R-5, Low Medium Dwelling District will allow the development of single family homes, and by subdividing and constructing homes the taxable value of the land will increase which will benefit the Town's tax base. When the Future Land Use Plan Map was adopted in 1989 developments in conformance with the Residential (5 DU/AC) designation were anticipated south of State Road 84 and north of SW 14 Street throughout the Town.*

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### **Staff Recommendation**

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

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### **Planning and Zoning Board Recommendation**

At the August 10, 2005, Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve. (Motion carried 4-0, Mr. McLaughlin abstained.)

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### **Town Council Action**

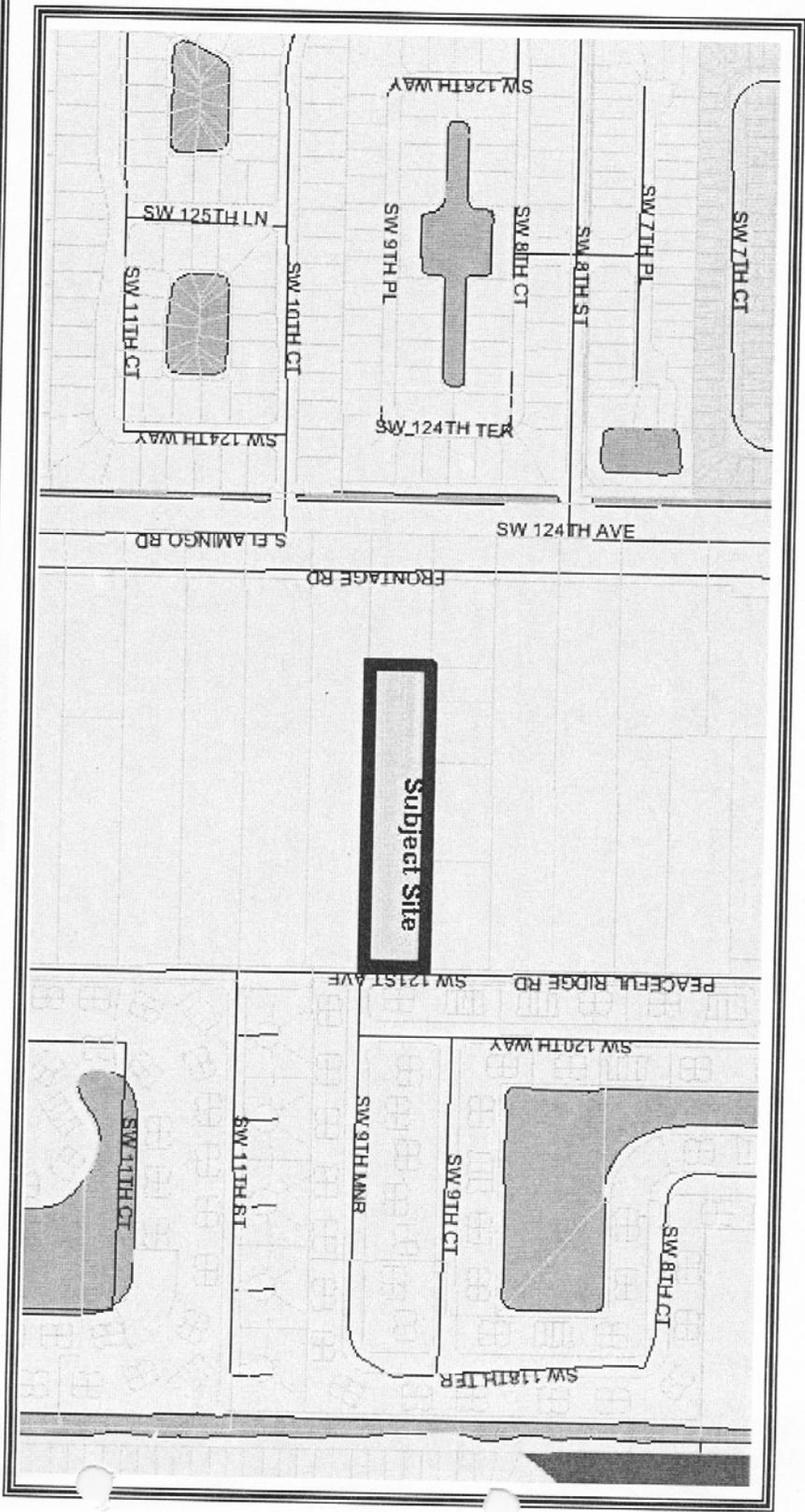
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### **Exhibits**

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Survey
4. Justification
5. Citizen Participation Report

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

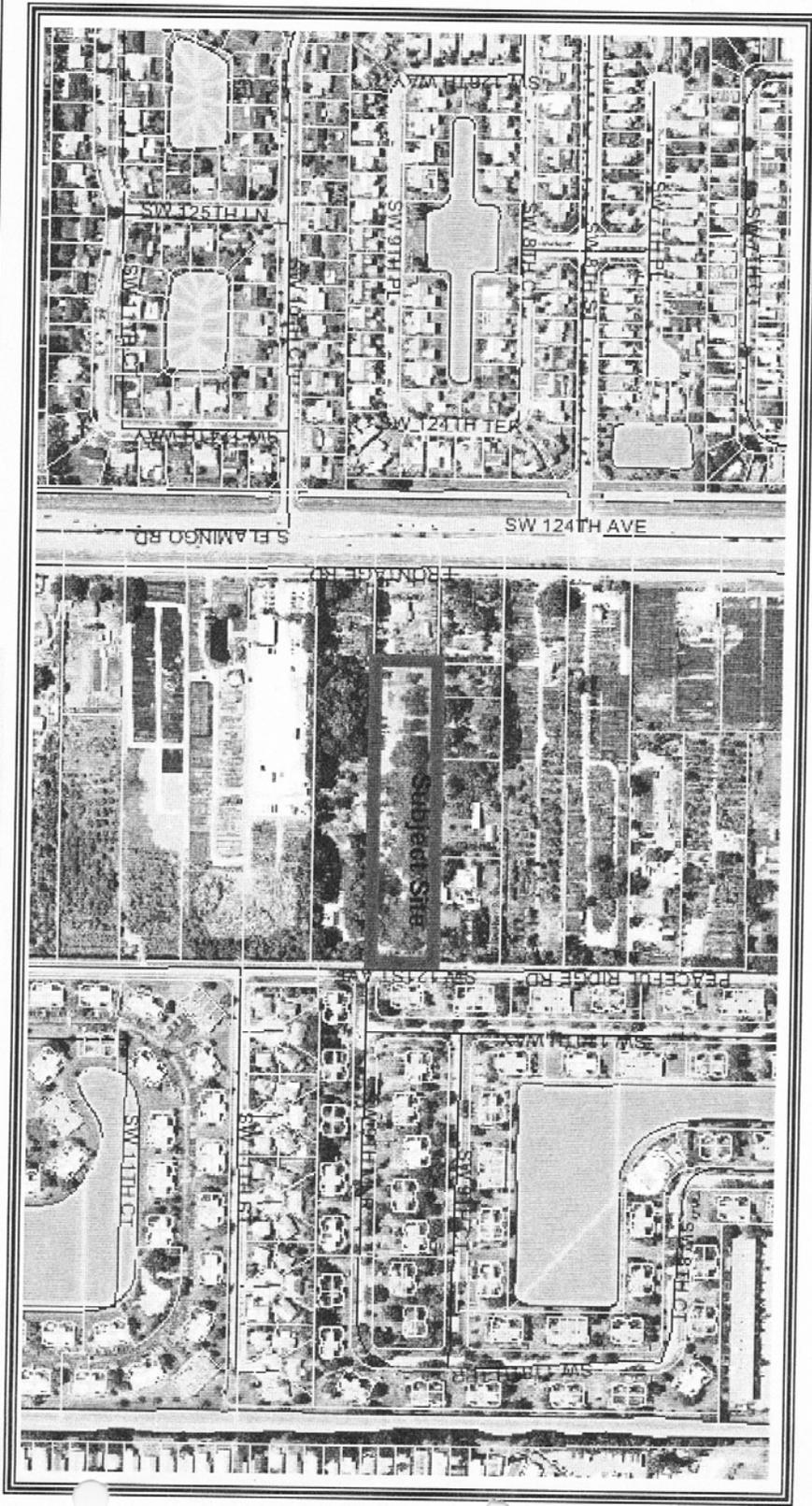


The Town of Davie  
 Development Services Department  
 Planning and Zoning Division

Scale: N.T.S.



Rezoning Application  
 ZB 11-1-04 Farida  
 Future Land Use Plan Map  
 Prepared By: C.M.G.  
 Date Prepared: 7/11/05



**The Town of Davie**  
 Development Services Department  
 Planning and Zoning Division

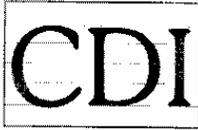
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**Rezoning Application**  
**ZB 11-1-04 Farida**  
**Zoning and Aerial Map**

Prepared By: C.M.G.  
 Date Prepared: 7/11/05





## ENGINEERING AND PLANNING

320 Davie Boulevard, Fort Lauderdale, Florida 33315  
P.O. Box 2147, Fort Lauderdale, Florida 33303  
(954) 524-9800, Fax (954) 522-6502, teamcdi@aol.com

October 28, 2004  
Revised May 16, 2005

Mr. Chris Gratz  
Town of Davie  
6901 Orange Drive  
Davie, FL 33314

### **Re: 950 S. Flamingo Road, Justification Letters For Rezoning**

Dear Chris:

The purpose of this letter is to address the rezoning criteria of Section 12-307 of the Land Development Code.

#### Reason For Request

The purpose of this rezoning request to R-5 Residential is to bring the zoning for the property into conformance with the land use (L-5 Residential) so that the property can be developed with residential uses to a maximum of five (5) dwelling units per acre.

- a. The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed rezoning to R-5 Residential is not contrary to the comprehensive plan and, in fact, the R-5 Zoning District per Section 12-24(l)(4) is intended to implement the 5-unit per acre residential classification of the Town of Davie future land plan providing for a low-medium density single-family dwelling district.

- b. The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The proposed zoning district does not create an isolated, unrelated or incompatible zoning district with respect to the adjacent zoning districts. The properties located east of the subject site are zoned RM-5. The properties located to the north, south and west still maintain their agricultural zoning designation, although these properties also have an L-5 Residential Land Use Designation.

- c. Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

The boundaries of the parcel to be rezoned are logically drawn based on the existing site condition, which is vacant land.

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- d. The proposed change will adversely affect living conditions in the neighborhood;

The rezoning will not adversely affect the living conditions in the neighborhood because the proposed uses permitted by the R-5 Zoning District are similar to the existing residential units in the neighborhood.

- e. The proposed change will 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;

The proposed R-5 Zoning District is in conformance with the land use designation and therefore will not create an increase in vehicular traffic above that which would be anticipated with the permitted intensities of the underlying land use plan designation.

- f. The proposed change will adversely affect other property values;

The proposed rezoning to R-5 Residential will have no impact on the property values of adjacent properties.

- g. The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed zoning change will not be a deterrent and, in fact, will be an enhancement to the improvements of future development of other properties in the vicinity which have the same L-5 Residential Land Use Designation.

- h. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The proposed zoning district does not constitute a special privilege to this property because the proposed R-5 district is consistent with and intended to implement the L-5 Land Use Designation.

- i. There are substantial reasons why the property cannot be used in accord with existing zoning;

The existing zoning designation is agricultural, which is effectively the same as estate residential with respect to lot size requirement. The proposed development is for a residential development with a maximum density of five (5) dwelling units per acre in accordance with the L-5 Residential land use designation, which cannot be achieved until the zoning district is modified to R-5 which will bring the zoning into conformance with the land use.

- j. The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The R-5 district is the appropriate zoning district for implementing the L-5 land use designation on the property, which will result in providing the Town's tax base with the maximum benefit as anticipated in the Town's comprehensive plan.

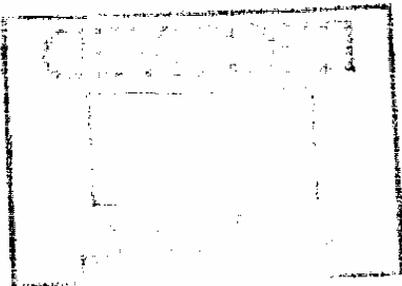
I trust this justification letter will satisfy the Town's requirement for the rezoning application.

Sincerely,

**CDI ENGINEERING AND PLANNING**



Daniel A. Fee, P.E.  
Principal/Vice President





## ENGINEERING AND PLANNING

320 Davie Boulevard, Fort Lauderdale, Florida 33315  
P.O. Box 2147, Fort Lauderdale, Florida 33303  
(954) 524-9800, Fax (954) 522-6502, teamcdi@aol.com

December 10, 2004

Mr. Chris Gratz  
Town of Davie  
6901 Orange Drive  
Davie, FL 33314

**Re: Rezoning Application No. ZB-11-1-04  
Citizen Participation Report**

Dear Chris:

In accordance with the Town of Davie's Citizen Participation Ordinance and the "Citizen Participation Plan" which was previously submitted to the Town, we have held two (2) meetings with the neighbors. The following is a summary of the process which was followed.

On November 24, 2004, a meeting notice was mailed to all property owners within 1,000 feet of the subject property, a copy of which is attached for reference. A total of 325 notices were mailed. The Citizen Participation meetings were held at the Nob Hill Police Station Community Room on December 7, 2004 and December 8, 2004 at 7:00 pm. A summary of the participants and the meeting discussion are attached, which include:

- Exhibit "A" - Sign-in sheet for December 7, 2004 meeting.
- Exhibit "B" - Summary of discussion at the December 7, 2004 meeting.
- Exhibit "C" - Sign-in sheet for December 8, 2004 meeting.
- Exhibit "D" - Summary of discussion at the December 8, 2004.
- Exhibit "E" - Letter submitted by Bill Pearlman.
- Exhibit "F" - Summary of phone calls.

I trust this information will comply with the Town's requirements and will allow the Town staff to proceed with the review of the rezoning application. Should you have any questions or need any additional information, please feel free to call.

Sincerely,

**CDI ENGINEERING AND PLANNING**

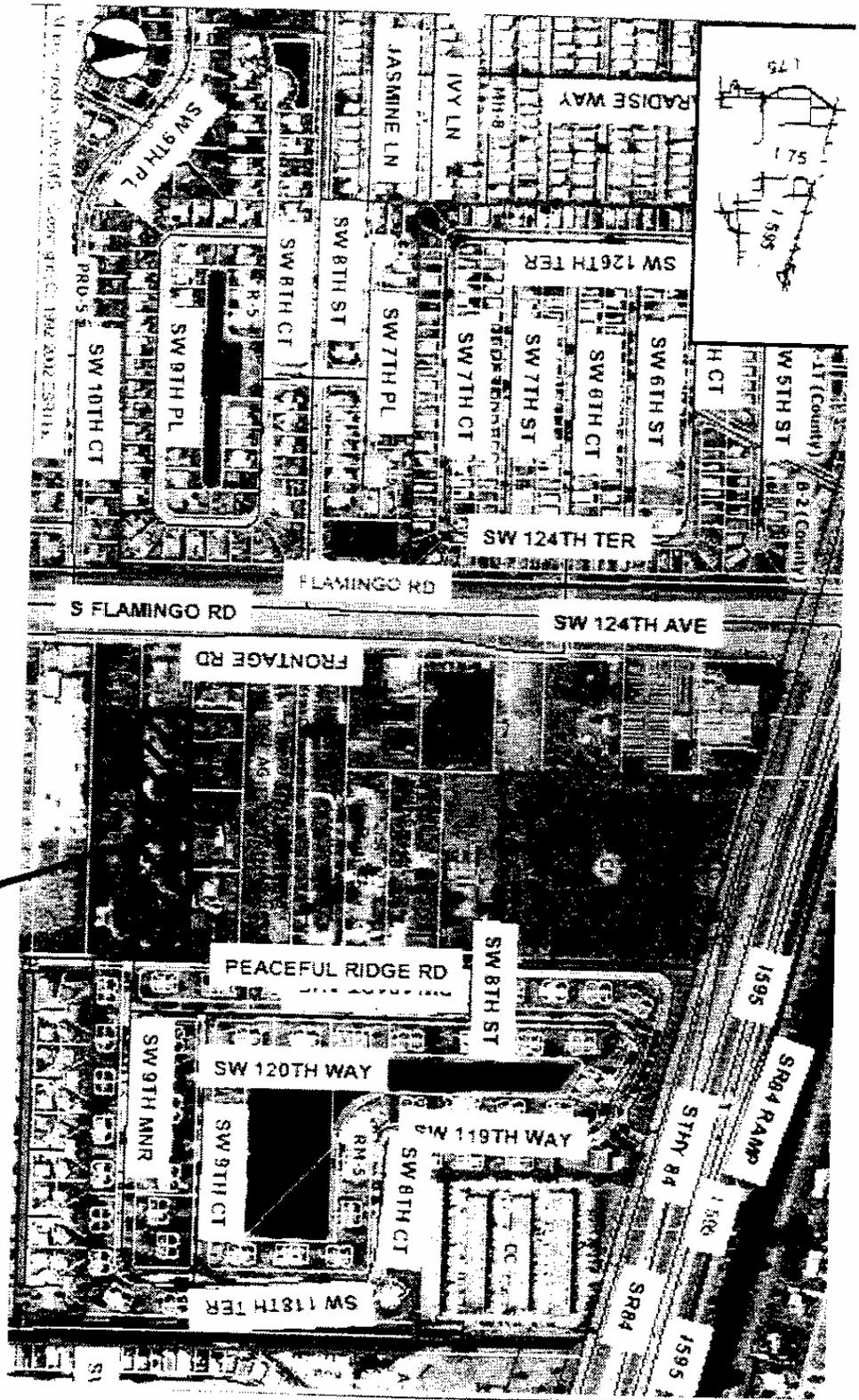
Daniel A. Fee, P.E.  
Principal/Vice President

cc: Dr. Mustafa Saleh

enc.

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LOCATION MAP

SUBJECT PROPERTY

NORTH

## EXHIBIT 'A'

SIGN-IN SHEET

12-7-04

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
GUSTAV HOSBACH	901 SW 121 <sup>st</sup> Ave DAIR	954-423-8921
LAURA HOSBACH	"	"
DARLENE FARRELL	11934 S.W. 9 <sup>th</sup> St	954-473-0964
TED FARRELL	11934 S.W. 9 <sup>th</sup> St	954-473-0961
CHIP POST	897 S.W. 120 WAY	954 474-1257
BILL PEARLMAN	1039 SW 120 WAY	954 476 1376
Jane Burgess	971 - SW 120 way	954 472-1677
Steve Burgess	971 - SW 220 way	"
Carrie Woodward	895 SW 120 Way	954-424-7720
Jodi Thammum	950 S. Flamingo	954-370-0203
Debbie Kelly	950 S Flamingo	954-370-0205
ROSA GUADARRAMA	891 SW 120 WAY	954 474-4299
Marc Friedman	11857 SW 8 <sup>th</sup> Ct	954 452 7825
Bryan + Luana Tozzie	910 S. Flamingo Rd	954-472-5039
Marcus Brooks	891 SW 120 <sup>th</sup> Way	954-474-4299
John Reed	990 South Flamingo Rd.	(954) 476-7888

## EXHIBIT "B"

### Summary of Discussion at December 7, 2004 Citizen Participation Meeting for The Farida Plat Rezoning

The first of two (2) Citizen Participation meetings was held at 7:00 pm in the Community Room of the Nob Hill Police Station, and was attended by 16 neighbors. The sign-in sheet is attached as Exhibit "A".

Daniel A. Fee, P.E., of CDI Engineering and Planning opened the meeting and explained the Town's new Citizen Participation Ordinance, which requires an applicant to hold two meetings with neighbors who live within 1,000 feet of the subject property. The results will be summarized in a "Citizen Participation Report" which will be submitted to the Town staff. He also explained to those in attendance that they will also have the opportunity to speak and raise their concerns at the Planning and Zoning Board and Town Council public hearings.

Mr. Fee then explained that a rezoning application and plat application have been filed with the Town of Davie for the 3.444 acre parcel located to the east of the Extra Care Animal Hospital. The property is land used L-5 (Low Density) Residential and the current zoning is Agricultural (AG). The rezoning request is to change the zoning district to R-5 Residential, in order to bring it into conformance with the land use, and allow the property to be developed with single-family homes. The plat depicts nine (9) single-family home sites with a cul-de-sac roadway (SW 9th Manor) to be constructed to provide access to the lots. SW 9th Manor is proposed to connect to SW 121st Avenue.

A discussion with the neighbors ensued. Chip Post stated that he believed he was speaking for most everyone in the room and that their major concern was that the proposed access to the site was from SW 121st Avenue. He asked why there wasn't an easement across the Extra Care Animal Hospital site in order to provide an access road to the rear lot. Dr. Saleh created a land-locked parcel when he sold the front one (1) acre of the property with the Animal Hospital and did not get an access easement for the residential portion in the back. Mr. Fee indicated the property is not land-locked because it has frontage on SW 121st Avenue, which is a public right-of-way.

Jodi Thannum indicated she had purchased the one (1) acre that fronts on Flamingo Road and the business from Dr. Saleh, and that she provided a 30' wide easement along the north property for access to the rear property. However, this easement is not wide enough for a public road. She also indicated that she attempted to buy the balance of the property from Dr. Saleh but they could not reach an agreement on price.

Chip Post stated that an engineering study done a few years ago showed that 2,200 cars per day go down SW 121st Avenue that people speed down the road up to 60 or 80 MPH and that they have been promised over the years that there would be no more traffic added to this roadway and that those promises hadn't been kept. We have no objection to single-family homes, in fact that is what we prefer, he said; but connecting a road to SW 121st Avenue and adding more traffic, nine (9) houses times three (3) cars per house or 27 extra cars on SW 121st Avenue will disrupt the fabric of the community.

Jane Burgess, the owner of the property to the south of the subject site, stated that she is getting his water on her property. She also stated that debris, mattresses and other trash were buried on the site. She also stated that people speed up and down SW 121st Avenue, and she objects to having a road (SW 9th Manor) built along the north side of her property line. She asked if a wall could be built to screen the road from her property. She also said that he (Dr. Saleh) should have thought about access to his remaining property when he sold the front parcel. She said over the years they have heard so many different pipe dreams about what he planned to do with this property.

Mr. Fee indicated that if there was any debris or trash buried on the site it would have to be removed when the site is developed because you cannot build a road or house on debris. Also, with respect to flooding on that lot, when the site is developed it will be required to obtain all of the necessary permits from Central Broward Water Control District (CBWCD), which will not allow any run-off from this site to flow onto neighboring properties.

Laura Hosbach, the property owner on the north side of the subject site, indicated that she too was experiencing flooding problems, which were not happening before, and which is creating a mosquito and frog problem. She also stated that she did not want nine (9) homes built next to her.

Jane Burgess asked, "what size are the lots?" Mr. Fee indicated that the lots are 9,450 square feet with a few being larger. They are 75' as required by the code. Bill Pearlman asked, "why can't you just reduce the number of lots to three (3), and we would be happy?" Mr. Fee explained that the Town of Davie has the most property land used for estate residential of any city in Broward County. The Town established their land use patterns when they prepared the Town's comprehensive plan. At that time they determined that this property and the surrounding properties should have a Low Density (L-5) Residential designation. The property owner is now asking the Town to rezone the property to conform to the land use so that it can be developed with single-family homes.

The meeting then dissolved into multiple small group discussions. Mr. Fee told everyone that he would be preparing a report summarizing tonight's discussion, which he would be submitting to the Town staff. He said that if anyone wanted to put their comments in writing that they would be included as attachments to the Citizen Participation Report.

12-8-04

EXHIBIT 'C'  
SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Louise Ceemotta	12526 SW. 9th PL.	(954) 474-4827
Orlando Ceemotta	12526 SW. 9th PL	SAME
BILL PEARLMAN	1039 SW 120 way	954 476 1376
GUS + Laura Hasbach	901 SW 121st Ave	954-423-8981
BRYAN + Luana TORRE		472-5039
STEVE + JANE Burgess		472-1677
MARCUS BROOKS	891 SW 120th way	(954) 474-4299

## EXHIBIT "D"

### Summary of Discussion at December 8, 2004 Citizen Participation Meeting for The Farida Plat Rezoning

The second of two (2) Citizen Participation meetings was held at 7:00 pm in the Community Room of the Nob Hill Police Station and was attended by ten (10) neighbors.

Daniel A. Fee, P.E., of CDI Engineering and Planning opened the meeting and asked if there were any people attending tonight's meeting that were not at the previous meeting. There was one couple, Mr. & Mrs. Cucinotta. Mr. Fee then provided them with an explanation of the Citizen Participation Ordinance, which the Town adopted in October. He also provided a summary of the rezoning and plat request which had been submitted to the Town of Davie. A discussion with the neighbors ensued.

Bill Pearlman submitted a letter, which is attached as Exhibit "E", which summarized his concerns with the rezoning project. Jane Burgess asked if Mr. Fee was involved in the development of the Mears property. She heard they were planning townhouses. Mr. Fee responded he was not involved with that proposed project and did not have any information. Marcus Brooks stated that he had thought about the proposed nine (9) lot single-family home project overnight and said that if the Town is going to approve it then it should be based on conditions such as:

1. Make sure each house will provide adequate parking to accommodate both the residents and all of their visitors. Visitors shouldn't park on the street because SW 121st Avenue already has too much traffic.
2. The developer should consider putting in a traffic signal at SW 121st Avenue and his new street (SW 9th Manor). If they won't permit a full signal, then at least flashing lights should be installed on both SW 121st Avenue and SW 9th Manor.
3. Because of the amount of traffic, speed bumps should be installed on SW 9th Manor. They would also like to see them on SW 121st Avenue, but that issue has been discussed before.
4. Some kind of concrete barrier should be installed on the east side of SW 9th Manor to screen the residence to the east and prevent someone who might run the stop from crashing into their yard or house.

There were no further issues to be discussed, and Mr. Fee explained that the issues would be summarized in a Citizen Participation Report, which will be submitted to the Town staff.

12-8-04

Daniel A. Fee, P.E.  
CDI Engineering & Planning  
320 West Davie Boulevard  
Fort Lauderdale, FL 33315

Dear Mr. Fee

Thank you for taking the time to explain the proposed plans for developing the property located at 950 South Flamingo Road, Davie, FL 33325; we, the homeowners in the surrounding communities appreciate the opportunity to become involved in this process. The future of our investments and of our ability to enjoy them is at stake.

As I stated to you last evening, my primary objection to the proposed development is the location/direction of the access easement that will need to be built for the future homeowners. I feel that adding additional traffic would adversely impact my neighborhood.

The current residents of Villages (I & II) at Lake Pines and Blasé Estates have only one means of access to our neighborhoods, SW 121<sup>st</sup> Ave.. This road is already as heavily burdened with traffic as it can be! There are mornings when it may take me 20 minutes to travel the mile to State Road 84 to leave the community. If we were to add 9 more families and their vehicles to our area, rush hour would become even more difficult and dangerous.

We welcome the addition of more single-family homes in our area. Unlike the recent Sheridan project, we believe that the addition of homes will enrich the community. We don't, however, believe that adding more vehicular traffic to our neighborhood is beneficial to anybody.

I propose 2 possible solutions: 1) Have the access road intersect the Flamingo Road frontage road, thereby making traffic a non-issue. 2) Build three 1-acre homes rather than nine crammed-together homes.

Thank you for your time and consideration; I look forward to discussing these matters further with you and with the Town of Davie elected officials.

Regards,



Bill Pearlman

1039 SW 120 Way, Blasé Estates

Davie, FL 33325 (954)476-1376

billpearlman@peoplepc.com

## EXHIBIT "F"

### Summary of Phone Calls

11-29-04 - 10:50 pm - Jerome Lewis called CDI Engineering and Planning and was concerned about the garbage pick-up. He said the City will not come down his gravel driveway to pick-up garbage. He wanted to make us aware of this potential problem. I explained that we would build a road to serve the lots, so this will not be a problem.

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