DEVELOPMENT SERVICES DEPARTMENT
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

Memorandum

TO: Ken Cohen, Acting Town Administrator
Mayor and Town Council members

FROM: Christopher M. Gratz, Planner II

THROUGH: Mark A. Kuntey, AICP, Development Services Director
Marcie O. Nolan, AICP, Deputy Planning and Zoning Manager

SUBJECT: SP 8-4-03 DiBenedetto

DATE: November 29, 2005

The applicant has prepared (2) two conceptual plans for Town Council's consideration and comment. These are conceptual plans only and a new complete submittal is required for approval to build the proposal.

The proposals involve the demolition of the existing structure, and are designed based upon the same waivers for building location, setbacks, landscaping, and parking that have been requested in an effort to preserve the existing building.

Both proposals are designed in the Florida vernacular archtictural style and are intended to meet the intent of the Griffin Corridor Regulations by providing for a multi-story mixed use structure with office on the first floor and residential use on the second and third floors.

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: Site Plan, SP 8-4-03 Vito & Josh DiBenedetto/Scot DiStefano, 5490 Griffin Road/Generally located adjacent to Griffin Road, between SW 55 Avenue and SW 54 Terrace

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: SP 8-4-03 DiBenedetto, 5490 Griffin Road (East Gateway Zone)

REPORT IN BRIEF: The applicant requests site plan approval with four (4) waivers for the DiBenedetto multi-tenant building and parking lot, located adjacent to Griffin Road, between SW 55 Avenue and SW 54 Terrace. The proposal is to renovate the existing multi-tenant building, demolish the structure on the center parcel, and convert the center parcel and vacant western parcel to a parking lot with lighting and landscaping. The 0.53 acre (23,023 square feet) site consists of three (3) parcels with a Future Land Use Plan Map designation of Commercial, zoning classification of Griffin Corridor East Gateway Use Zone 3, and has approximately 325' of frontage on Griffin Road and is 86' deep at its greatest extents.

This request is for the approval of the reconstruction of an existing nonconforming multi-tenant building and a parking lot on the adjacent parcel. This request is being made because the land that was used for the parking lot for the multi-tenant building was taken by the Florida Department of Transportation (FDOT) for the widening of Griffin Road. The owner of the existing building purchased the two (2) separately held parcels to the east to allow viable use of the multi-tenant building.

The last Occupational License for the site was issued in 1999, and the VFW Post continues to operate in the center bay. However, the lease is on a month to month basis. At issue is the lack of adequate parking under the proposed plan for the existing VFW. A parking variance is to be applied for and approved by Town Council in order for the VFW to remain. Also, if the developer proposes any uses that would require more parking than provided a parking variance is to be applied for and approved.

The applicant is requesting four (4) waivers from the Griffin Corridor Regulations to make the site work. Without the requested waivers the property can not be redeveloped and all uses would be prohibited. The waiver provision is intended to allow flexibility when the strict application of development requirements would impose a severe hardship.

PREVIOUS ACTIONS: The item was tabled from the February 16, 2005, to the May 4, 2005, Town Council meeting at the request of the applicant, in order to allow for time to obtain approval from the Central Broward Water Control District (CBWCD).

The item was tabled from the May 4, 2005, to the June 15, 2005, Town Council meeting at the request of the applicant, in order to allow for time to obtain approval from the CBWCD.

The item was tabled from the June 15, 2005, to the July 20, 2005, Town Council meeting at the request of the applicant, in order to allow for time to obtain approval from the CBWCD. The drainage plan and associated variances were approved at the July 13, 2005, CBWCD meeting.

The item was tabled from the July 20, 2005, to the August 17, 2005, Town Council meeting at the request of the applicant, in order to allow for to time to coordinate with staff and the owner regarding the objections to the plan that were raised at the meeting.

The item was tabled from the August 17, 2005, to the September 21, 2005, Town Council meeting at the request of the applicant, in order to allow time to for the applicant to discuss the objections to the proposal with Town Council members.

CONCURRENCES: At the January 25, 2005, Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Engel, to approve based on the planning report and 1) that the engineering and landscape plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property *(the plans now match)*; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use. (Motion carried 5-0)

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 must be met for final staff approval:

1. Increase the size of the landscape material being used to screen the dumpster enclosure to 6′ in height.

Attachment(s): Staff Report, Site Plan

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owners:		**Petitioner:**	
Name:	Vito & Josh DiBenedetto	**Name:**	Scot DiStefano, Architect
Address:	4117 SW 52 Street	**Address:**	2410 SW 29 Way
City:	Fort Lauderdale, FL 33314	**City:**	Fort Lauderdale, FL 33312
Phone:	(954) 632-3254	**Phone:**	(954) 316-8800

Background Information

Date of Notification: February 9, 2005 **Number of Notifications:** 246

History: Five (5) deferrals have been granted.

Application Request: Site plan approval with four (4) waivers for the DiBenedetto multi-tenant building. The waivers are as follows:
1. Location of the existing building.
2. Reduce landscape buffer dimensions.
3. Location of the parking lot since it is not adjacent to a structure.
4. Location of the dumpster and loading zone.

Address/Location: 5490 Griffin Road/Generally located adjacent to Griffin Road, between SW 55 Avenue and SW 54 Terrace.

Future Land Use Plan Map Designation: Commercial

Zoning: Griffin Corridor District (East Gateway Use Zone 3)

Existing Use: Multi-tenant building with a single tenant (VFW Post), vacant structure, vacant parcel

Proposed Use: Multi-tenant building and parking lot

Gross Parcel Size: 0.56 acres (24,483.3 square feet)

Net Parcel Size: 0.53 acres (23,023 square feet)

Surrounding Uses:

North: Griffin Road, C-11 Canal
South: Single family dwelling, Poodle Parlor
East: Bob Roth's New River Groves
West: Office building (Associated Engineers of South Florida, Inc.)

Surrounding Future Land Use Plan Map Designations:

North: Recreation/Open Space
South: Residential (5 DU/AC), Commercial
East: Commercial
West: Commercial

Surrounding Zoning:

North: Recreation/Open Space
South: Griffin Corridor District (East Gateway Use Zone 3)
R-5, Low Medium Dwelling District
East: Griffin Corridor District (Florida Turnpike Node)
West: Griffin Corridor District (East Gateway Use Zone 3)

Zoning History

Related Zoning History: The property was rezoned to Griffin Corridor District (East Gateway Use Zone 3) on February 2, 2000.

Previous Requests on same property: None.

Applicable Codes and Ordinances

§12-32.300. Griffin Corridor District.

§12-32.301. Intent, applicability and boundaries.
(A) Intent. This district is intended to shape urban form and land use along the Griffin Road corridor. The regulations and intent statements contained herein together comprise a policy blueprint for corridor development. Specifically, the district is intended to accomplish the following:

(1) Result in improved living and working environments relative to typical highway commercial development patterns.
(2) Enhance the town's tax base by increasing property values through high-quality development, and assisting in the redevelopment of downtown.
(3) Promote planned developments rather than haphazard speculative development that compromises the integrity of the corridor and the economic health of the town.
(4) Promote land uses which attract people for specific purposes such as employment, entertainment, business needs, and shopping, as distinguished from land uses which depend largely upon pass-by traffic for business.
(5) Create a showcase corridor which serves as the prominent east-west thoroughfare providing a linkage between the State Road 7, Florida Turnpike, Davie

Road, and University Drive corridors; the major north-south urban thoroughfares within the town.

(6) Protect the integrity of adjacent residential neighborhoods.

(7) Permit a mix of residential and nonresidential development, including mixed uses within buildings or parcels.

(8) Compliment rather than compete with downtown or University Drive commercial corridor development.

(9) Encourage visual interest by ensuring the building and visual landscapes are accented rather than their parking facilities.

(10) Bring buildings to the roadway and ensure proper proportioning to "enclose" the corridor, and provide a sense of place.

(11) Provide for preservation of historical structures.

(12) Provide for public amenities and pedestrian conveniences.

(13) Maintain flexibility so as not to restrict creativity in development and design, while producing development that adheres to the intent of the District, contributing positively to the image of the town.

§12-32.310(A) (2). Street side building placement. The intent of these regulations is to require that buildings be placed forward within a parcel, close to the major thoroughfares in order to accomplish three goals: to de-emphasize the roadway and emphasize the streetscape along side it; to permit large rear setbacks adjacent to residential uses; and, to act as a noise barrier for adjacent residential uses.

(a) A minimum setback of thirty (30) feet and maximum setback of forty (40) feet from the edge of right-of-way with a 40-foot landscape buffer or 30-foot landscape buffer and 10-foot sidewalk adjacent to the structure;

(b) A build-to line of fifty (50) feet from the edge of right-of-way, incorporating a 20-foot landscape buffer abutting the Griffin Road Right-of-Way, a one-way front drive, parallel parking and a 10-foot sidewalk.

(B) (2) Minimum rear setbacks. East Gateway.

(b) Nonresidential structures abutting land zoned, land use plan designated or occupied for single-family residential use shall be set back at least fifty (50) feet from the rear property line for each fifteen (15) feet of building height, or fraction thereof.

(C) (1) Required side setbacks. East Gateway.

The minimum side setback shall be one (1) foot per one (1) foot of building height, provided that no side yard abutting a residential side street shall be less than 35 feet in depth.

§12-107(D) (3) Perimeter buffer areas for commercial and industrial districts adjacent to residential property. A landscape buffer of ten (10) feet shall be required adjacent to any residentially zoned or used property. An eight-foot masonry wall shall be installed along the property line. In addition, the landscape buffer shall contain one (1) fourteen- to sixteen-foot tree for each forty (40) linear feet or fraction thereof of property line, and a continuous row of hedges shall be installed.

§12-32.318. Dumpster location. Where possible, dumpster enclosures should be designed into the rear of the building. Dumpster enclosures shall be completely screened by landscaping on three (3) sides and shall be inconspicuous except when viewed from the front of the enclosure. Enclosures shall not be located within fifty (50) feet of a property that is zoned, land use plan designated or occupied for single-family residential use.

§12-32.319. Loading areas. Loading areas shall be screened from view along streets and other properties, and shall be set back at least one hundred (100) feet from a property that is zoned, land use plan designated or occupied for single-family residential use.

§12-32.314. Parking.
(B) It is the intent of these regulations that off-street parking areas not be visible from main thoroughfares, other than parallel parking permitted along a front drive within a parcel.

(1) All off-street parking, other than parallel parking permitted along a front drive, shall be located at least twenty-five (25) feet to the rear of the maximum setback or build-to-line, as appropriate.

(2) Parking on the side of a structure shall be screened from view along Griffin Road.

§12-32.320. Master planning incentives and waivers.
The Griffin Corridor District encompasses a wide variety of parcel sizes, locations, permitted uses and other existing conditions. Development standards may impose hardships in certain instances, or may not serve the intention of this district as well as an alternate standard. Recognizing this and intending to provide flexibility more commonly found in planned zoning districts, provisions governing signage, landscaping and the placement of buildings and open space can be modified by virtue of site plan or master plan approval, as appropriate, without the need to apply for a variance, but only when the Town Council finds that such deviations from the requirements of this District are consistent with the intent of these regulations and in the best interest of the residents of Davie. The Town Council may also offer incentives in exchange for public amenities not typically provided by a given type of development, provided Council finds that the amenities obtained and the incentives provided are consistent with the intent of these regulations and in the public interest.

§12-210. Shared parking.
Recognizing that certain combination of uses required less parking than traditional parking ratios based on off-peak hour parking, an applicant may submit a request to allow staff to analyze the validity of such request, based on the following two options:

(1) A petitioner shall submit a formal request, "Parking Study" to be reviewed by the development services director and indicate tenant uses, square footage, the required parking per code, and ratio used, and hours of operation. The total parking, uses utilizing shared parking, overlap hours of operation, and the requested reduced number of spaces are to be included. Upon approval, the shared parking study submitted to the town shall be in the form of a restrictive covenant and recorded by the town clerk. Recordation costs are to be reimbursed by the applicant. The covenant will

provide that the town may collect costs and attorney fees, if litigation is necessary to enforce them.

(2) A parking study may also provide alternative parking ratios for specific uses based on the unique characteristics of the site and/or use. Such alternative parking ratios shall be presented to the development services director, in the manner as stated above, and shall provide verifiable documentation of the appropriateness of the ratios.

Comprehensive Plan Considerations

Planning Area: The subject property falls 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. No buildings are being constructed, therefore platting of the property is not required.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 7-1*: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

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.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The applicant requests site plan approval with four (4) waivers for the DiBenedetto multi-tenant building and parking lot, located adjacent to Griffin Road, between SW 55 Avenue and SW 54 Terrace. The proposal is to renovate the existing multi-tenant building, demolish the structure on the center parcel, and convert the center parcel and vacant western parcel to a parking lot with lighting and landscaping. The 0.53 acre (23,023 square feet) site consists of three (3) parcels with a Future Land Use Plan Map designation of Commercial, zoning classification of Griffin Corridor East Gateway Use Zone 3, and has approximately 325' of frontage on Griffin Road and is 86' deep at its greatest extents.

2. *Trails:* There are no trails, existing or planned, adjacent to the property.

3. *Building:* The existing 4,017 square foot single story multi-tenant structure is constructed out of concrete block with wood joist framing, with smooth stucco finishes, siding, brick veneer, and a wood shingle mansard for accents. In order to provide more of a Florida vernacular look the proposal shows a new standing seam metal roof that has wood fascia and a galvanized metal drip edge with the mansard being raised, and

back lit channel letter signage. The brick veneer, siding, and chimney are being replaced with a smooth stucco finish, and new tapered slabs are provided at each doorway entry. The color scheme reflects a grey roof, white base, blue grey signage, and dark blue grey accents. As suggested by the Site Plan Committee, the front roof overhang has been increased as much as the building can structurally support (18").

Waivers for the location of the existing building, corresponding landscape buffer dimensions, and the width of the sidewalk adjacent to the structure are requested. The survey indicates that from the property lines of the structure at its nearest points is 22.45′ from the north (minimum 30′ & maximum 40′ setback, 30′ landscape buffer required), 12.9′ from the south (50′ setback, 20′ landscape buffer required), 27.87′ from the east (35′ setback & landscape buffer required), 6.36′ from the west (15′ setback & landscape buffer required), and the sidewalk adjacent to the structure is 7.59′ at its narrowest point (10′ required). The setbacks represent the existing location of the building. No modifications have been requested that would in any way enlarge the non-conformity.

4. *Access and Parking:* Access is via the existing 30′ opening to a dedicated alley. The parking lot has a 20′ landscape buffer adjacent to the Griffin Road right-of-way, adjacent parallel parking spaces, and one-way drive west to SW 55 Avenue to mirror the site design allowed by the Griffin Corridor Regulations for structures built 50′ from the right-of-way. The parking lot provides for seven (7) parallel, ten (10) standard and one (1) handicapped, for a total of eighteen (18) parking spaces. Thirty (30) parking spaces would be required if all three (3) tenant spaces were simultaneously used for the uses they can accommodate, therefore non-concurrent usage of the building is mandatory. Since the Veterans of Foreign Wars's (VFW) use requires twenty-five (25) parking spaces and only eighteen (18) are provided, a parking variance must be applied for and granted in order this tenant to remain. Additionally, if the developer proposes any uses that would require more parking than provided a parking variance is to be applied for and approved by Town Council.

   A waiver is requested for the parking lot since it is not adjacent to a structure. Parallel parking is only permitted adjacent to a front drive when it is adjacent to a structure, and the first angled parking stall is required to be setback at least 25′ from the maximum setback line which would be 75′ and 45′ is provided. Also requested is a waiver for the location of the dumpster (50′ from any single family use or designation required, 48′ provided) and loading zone (100′ from any single family use or designation required, 3′ provided).

5. *Lighting:* As required, decorative street lights along Griffin Road are being provided. All power lines along Griffin Road are required to be moved underground. The proposal indicates the approximate location for the underground utility line conduit. Upon site plan approval the applicant will begin the process of having detailed underground utility line plans prepared to Florida Power and Light specifications.

6. *Landscaping:* The site plan shows 8,692.7 square feet (0.199 acres) or 35 percent of open space (30 percent required). The landscape plan shows the Griffin Road buffer being planted with clusters of Bald Cypress, Fakahatchee Grass, Silver Saw Palmetto, with Evergreen Giant Liriope at the ends, and a continuous Silver Buttonwood hedge adjacent to the sidewalk and parallel parking spaces. Green Buttonwood is being used to screen the dumpster enclosure. Along the western boundary is a landscape island with the majority of it being within the right-of-way to buffer the loading zone; it is planted with Satin Leaf with a base of Wax Jasmine, surrounded by Nora Grant Ixora. The landscape buffer behind the structure and parking lot has a continuous Cocoplum hedge and Calophyllum trees, with Dahoon Holly accent trees being used in the parking lot buffer. A new 8' masonry wall is proposed along the southern property line behind the multi-tenant building. There is a ramped sidewalk at the west end of the building leading up to Griffin Road.

7. *Drainage:* The subject property lies within Central Broward Water Control District. (CBWCD). Approval from the CBWCD shall be obtained prior to issuance of any site development permit. The drainage plan and associated variances where approved at the July 13, 2005, CBWCD meeting. The conceptual drainage plan indicates catch basins in the parking lot and loading zone with dedicated drainage, retention, and flowage easements that have water tolerant native plants in the buffer along Griffin Road as well as in the southern boundary of the proposed parking lot.

8. *Compatibility:* The proposed site plan can be considered compatible with the surrounding uses. To the north is Griffin Road which will be buffered by planters in front of the multi-tenant structure and landscape material in front of the parking lot; to the south behind the multi-tenant structure is a single family home proposed to be buffered by a new masonry wall and landscaping; to the south behind the proposed parking lot is a commercial site proposed to be buffered by the existing masonry wall and landscaping; to the west adjacent to the parking lot exit on to SW 55 Avenue is a landscape buffer then the parking lot for Bob Roth's New River Groves, and to the east is a landscape island in the SW 54 Terrace right-of-way to buffer the loading zone.

Significant Development Review Agency 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: Provide a new survey of all three (3) parcels together, specify requested waivers, and provide correct parking ratios *(These have been provided.)*

Engineering: Underground primary conduits for FPL, telephone, and cable television must be provided and shown on final engineering plans and installed by the developer. *(Upon site plan approval the developer will begin the process of having detailed underground utility line plans prepared to Florida Power and Light specifications.)*

Staff Analysis

This request is for the approval of the reconstruction of an existing nonconforming multi-tenant building and a parking lot on the adjacent parcel. This request is being made because the land that was used for the parking lot for the multi-tenant building was taken by the Florida Department of Transportation (FDOT) for the widening of Griffin Road. The owner of the existing building purchased the two (2) separately held parcels to the east to allow viable use of the multi-tenant building.

The last Occupational License for the site was issued in 1999, and the VFW Post continues to operate in the center bay. However, the lease is on a month to month basis. At issue is the lack of adequate parking under the proposed plan for the existing VFW. A parking variance is to be applied for and approved by Town Council in order for the VFW to remain. Also, if the developer proposes any uses that would require more parking than provided a parking variance is to be applied for and approved.

Findings of Fact

The site plan provides for a modification to the multi-tenant building so that it will have a Florida Vernacular look, and a parking lot that can accommodate some use of the structure. While the extensive effort to salvage use of the multi-tenant building appears to be an applaudable effort, it is not what was intended by the Griffin Corridor Regulations. The Griffin Corridor Regulations were not written with the intention of having parking lots adjacent to Griffin Road, or accommodating existing buildings and fragmented parcels due to right-of-way taking.

The applicant is requesting four (4) waivers from the Griffin Corridor Regulations to make the site work. Without the requested waivers the property can not be redeveloped and all uses would be prohibited. The waiver provision is intended to allow flexibility when the strict application of development requirements would impose a severe hardship.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. In addition the following conditions must be met for final staff approval:

1. Increase the size of the landscape material being used to screen the dumpster enclosure to 6′ in height.

Site Plan Committee Recommendation

At the January 25, 2005, Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Engel, to approve based on the planning report and 1) that the engineering and landscape

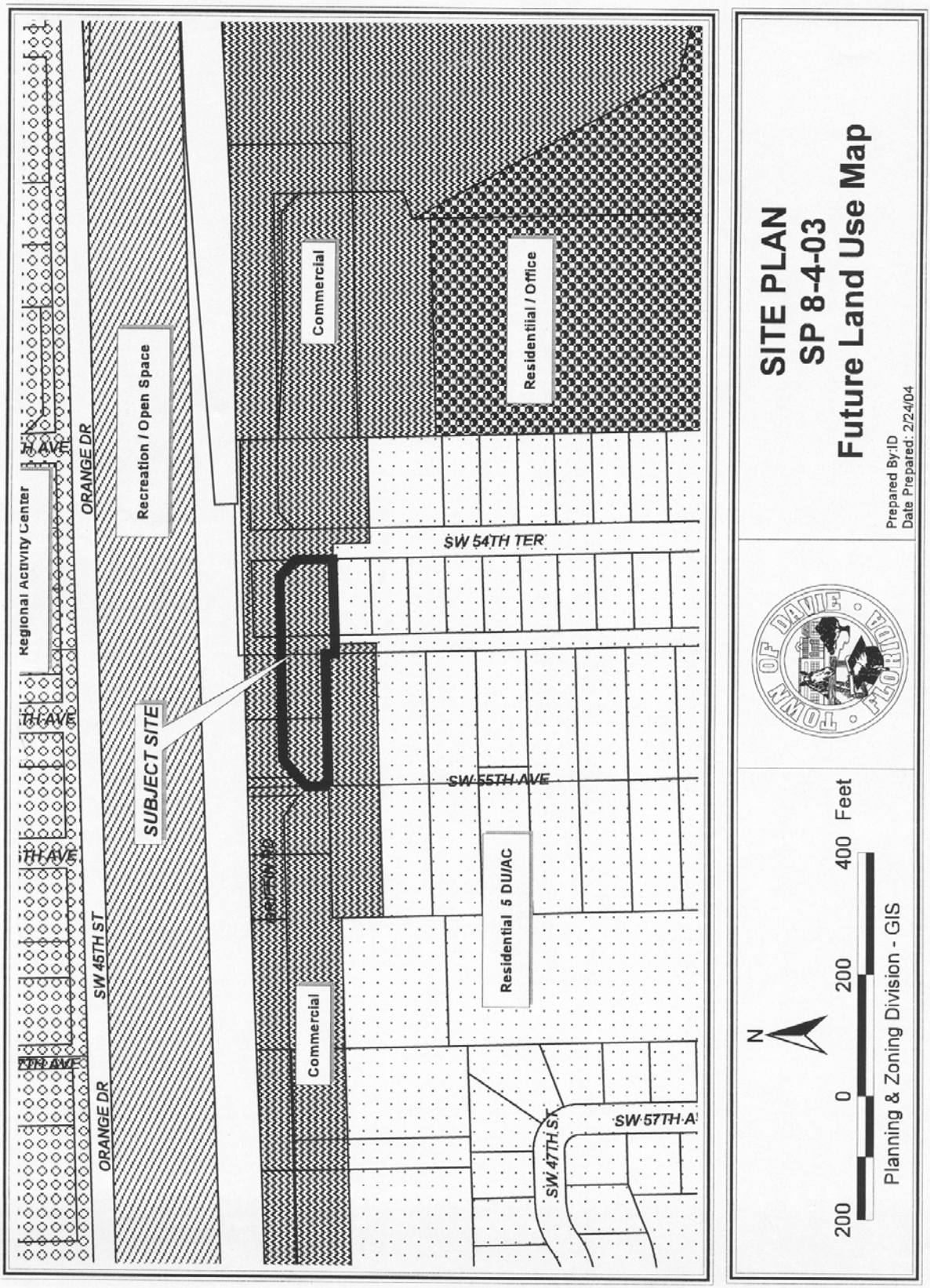
plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property *(the plans now match)*; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use. (Motion carried 5-0)

Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. FDOT Information
4. Site Plan

Prepared by: _____ Reviewed by: _____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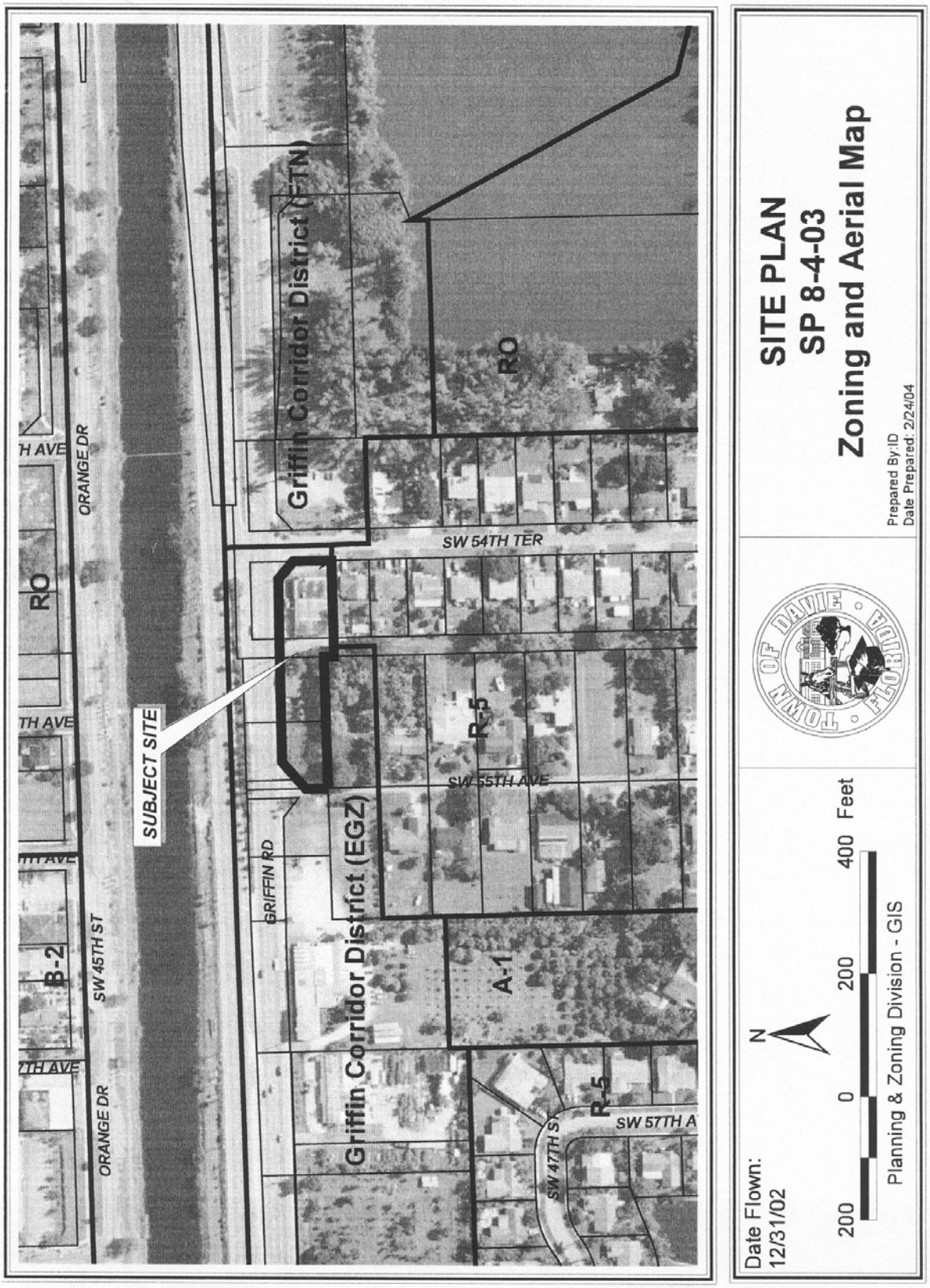
Planning & Zoning Division - GIS
TOWN OF DAVIE FLORIDA
SITE PLAN
SP 8-4-03
Future Land Use Map
Prepared By:ID
Date Prepared: 2/24/04


SITE PLAN
SP 8-4-03
Zoning and Aerial Map
Prepared By:ID
Date Prepared: 2/24/04
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Planning & Zoning Division - GIS
SUBJECT SITE
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A-1
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SW 54TH TER
SW 55TH AVE
GRIFFIN RD
SW 45TH ST
ORANGE DR
SW 47TH ST
SW 57TH A

Pedro.Imas@dot.state.fl.us
03/03/2005 08:54 AM

To Chris_Gratz@davie-fl.gov
cc
bcc
Subject Re: griffin road parcels

Chris,
Here are my findings:

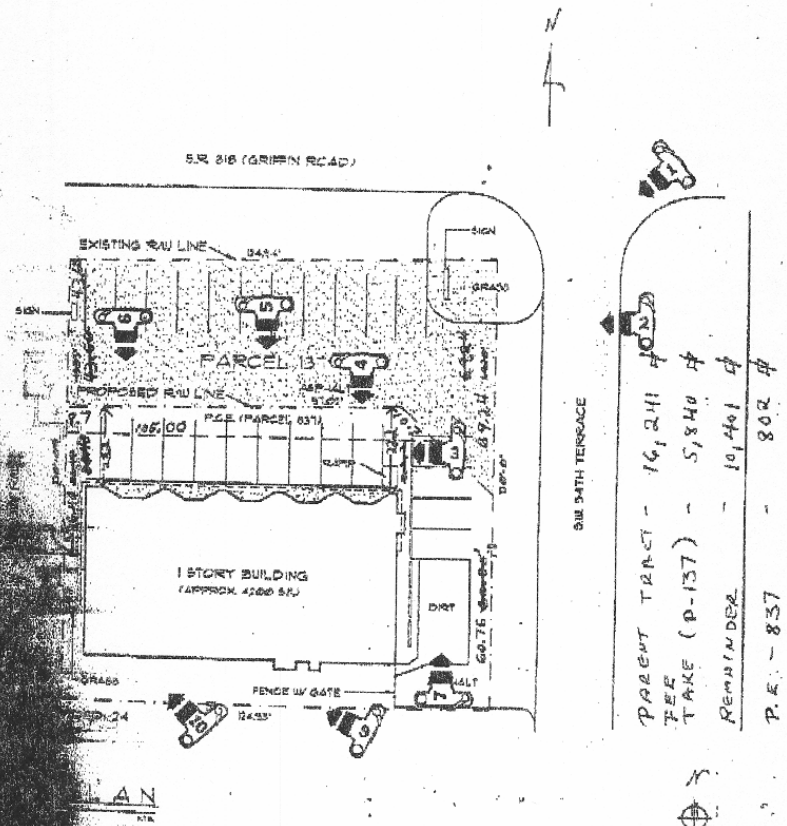
Parcel 135: Vacant Land. It was a Partial Take. No Damages. No Cure.
Original Owners: C. R. and M. T. Back sold the Remainder to Dibenedetto
Parcel 136 Improved. DOT acquired the Whole Property. DOT sold the Remainder as Surplus Property to DeTorres (11/2002).
Parcel 137 Improved. Partial Take. Damages and Cost to Cure ($278,300): Building to be cut and refaced-New parking lot to be built.
Original Owners: DeTorres sold to Dibenedetto (01/2003).

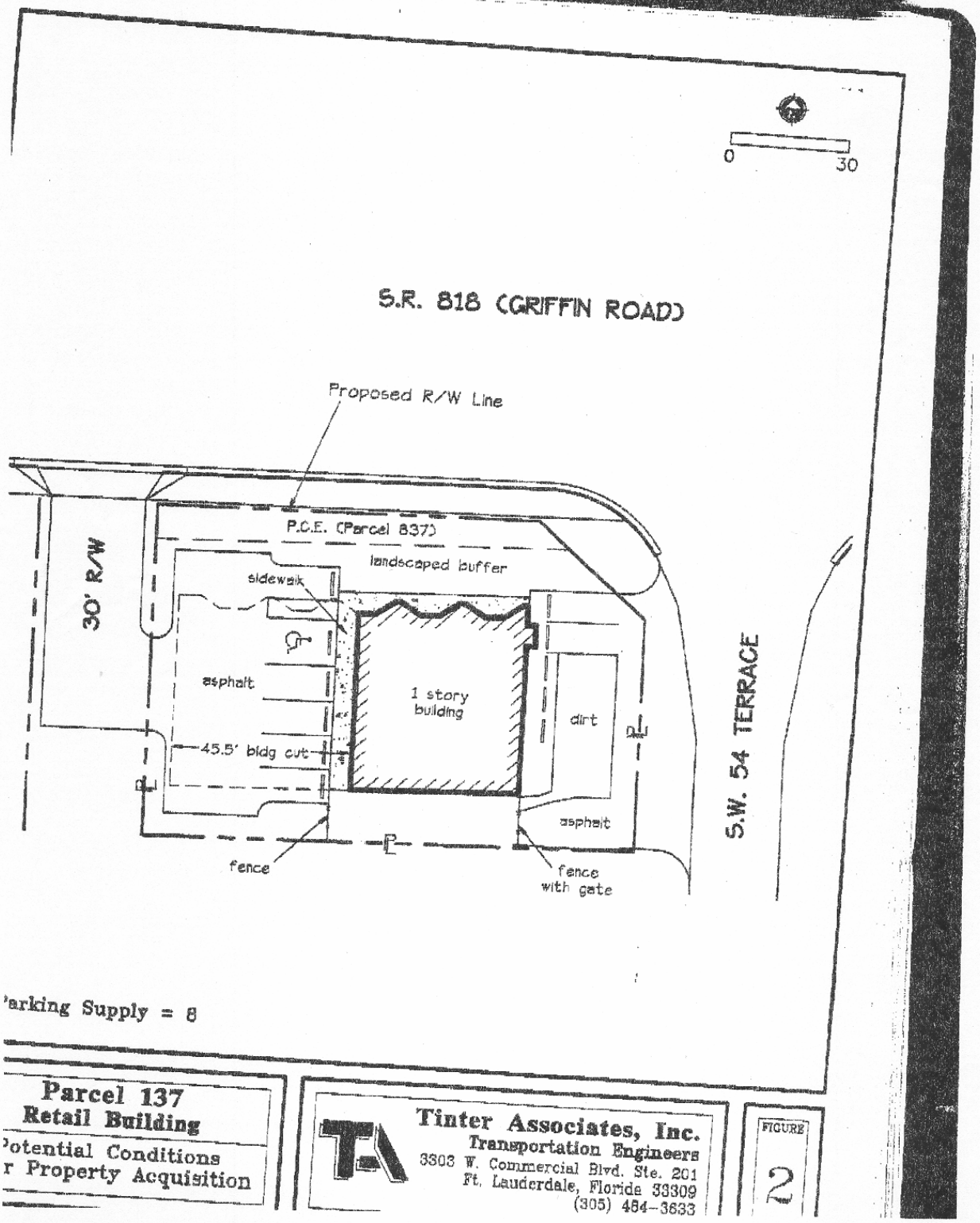
Please call if you'd like to discuss details.
Thanks.

Pedro J. Imas
FDOT-Senior Appraiser
Phone: (954) 777-4246 S/C 436-4246
Fax: (954) 777-4261 S/C 436-4261
E-mail: pedro.imas@dot.state.fl.us

Parcel 137, 5480 Griffin Road, Davie, Broward County, FL

PARCEL SKETCH





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Parcel 137
Retail Building
'otential Conditions
r Property Acquisition

Tinter Associates, Inc.
Transportation Engineers
3303 W. Commercial Blvd. Ste. 201
Ft. Lauderdale, Florida 33309
(305) 484-3633

FIGURE 2

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