

# 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: David M. Abramson, Planner II

**SUBJECT:** DG 3-1-06 / Pirtle Office Building / 5700 Griffin Road/ Generally located on the south side of Griffin Road, between Southwest 58<sup>th</sup> Avenue and Southwest 55<sup>th</sup> Avenue

**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 PLAT KNOWN AS THE "HULMES PLAT," AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The petitioner is requesting to amend the restrictive note on the "Hulmes Plat":

**From:** "This plat is restricted to 36,000 square feet of office use." **To:** "This plat is restricted to 36,000 square feet office use. Office use is only permitted on the Commercial Land Use designation of the property in accordance with the adopted Town of Davie Land Use Plan."

Commercial and office uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

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

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** N/A

**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 "HULMES PLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Hulmes Plat" was recorded in the public records of Broward County in Plat Book 169, Page 18; 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 "Hulmes Plat." 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 \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.



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

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**Applicant Information**

**Owner:**

**Name:** James B. Pirtle  
**Address:** 4749 Davie Road  
**City:** Davie, Florida 33314  
**Phone:** (954) 797-0410

**Petitioner:**

**Name:** James Kahn  
Keith and Schnars, P.A.  
**Address:** 6500 North Andrews Avenue  
**City:** Ft. Lauderdale, Florida 33309  
**Phone:** (954) 776-1616

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**Background Information**

**Application Request:** Delegation request approval to amend the restriction note on the "Hulmes Plat."

**Address/Location:** 5700 Griffin Road/ Generally located on the south side of Griffin Road, between Southwest 58<sup>th</sup> Avenue and Southwest 55<sup>th</sup> Avenue

**Future Land**

**Use Plan Map:** Commercial

**Zoning:** Griffin Road Corridor District, East Gateway Zone

**Existing/Proposed Use(s):** Vacant - Playground equipment sales / Office: 32,139 sq. ft.

**Parcel Size:** 2.57 acres (111,962 sq. ft.)

**Surrounding Uses:**

**North:** C-11 Canal  
**South:** Single-Family Residential Homes  
**East:** Retail Structure  
**West:** Retail Structure

**Surrounding Land**

**Use Plan Map Designations:**

Recreation / Open Space  
Residential 5 DU / Acre  
Commercial  
Commercial

**Surrounding Zoning:**

**North:** T, Transportation District  
**South:** R-5, Low Density Dwelling District  
**East:** Griffin Road Corridor District (East Gateway Zone)  
**West:** Griffin Road Corridor District (East Gateway Zone)

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## Zoning History

### **Related Zoning History:**

Ordinance No. 2000-007, approved by Town Council, rezoned this parcel to the Griffin Corridor District (West Gateway Use Zone 1) on February 2, 2000.

### **Previous Requests on same property:**

*Plat Application (P 1-2-98)*, on September 2, 1998, Town Council approved the Hulmes Plat were it was later recorded by the County in Book 169 of plats at page 18 of the public records of Broward County, Florida.

*Delegation Application (DG 5-2-05)*, on December 7, 2005, Town Council approved this application proposing to amend the non-vehicular access line (NVAL) on the Hulmes Plat.

*Delegation Application (DG 5-3-05)*, on December 7, 2005, Town Council approved this application proposing to amend the restriction note on the Hulmes Plat that limits the amount of development to a total of 6,761 sq. ft. of commercial, to 36,000 sq. ft. of office use.

*Delegation Application (DG 9-4-05)*, on December 7, 2005, Town Council approved this application proposing to vacate the ingress/egress easement on the Hulmes Plat.

*Site Plan Application (SP 4-7-05)*, on December 7, 2005, Town Council approved this application subject to site plan conditions and meeting with Councilmember Paul regarding the architecture.

*Site Plan Modification Application (SP 1-5-06)*, on February 15, 2006, Town Council approved this modification application proposing a two-story office building.

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## Applicable Codes and Ordinances

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

*Land Development Code Section 12-32.303, (C) East Gateway (Use Zone 1)*. This zone extends eastward from Southwest 61<sup>st</sup> Avenue to just east of Southwest 54<sup>th</sup> Terrace. Retail, office and complementary uses are encouraged her, although lesser intensity than within the Downtown Use Zone.

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

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## 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.

### Applicable Goals, Objectives & Policies:

*Future Land Use Element, Objective 4:* Pursuant to the adopted Davie Future Land Use Plan Map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

*Future Land Use Element, Policy 7-4:* Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways, and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as Commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential Commercial use.

*Future Land Use Element, Policy 17-1:* Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

*Future Land Use Element, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

The petitioner requests approval of this resolution to authorize the change in the restrictive note on the "Hulmes Plat":

**From:** "This plat is restricted to 36,000 square feet of office use." **To:** "This plat is restricted to 36,000 square feet office use. Office use is only permitted on the Commercial Land Use designation of the property in accordance with the adopted Town of Davie Land Use Plan."

Commercial and office uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

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## **Staff Analysis**

The Comprehensive Plan and Land Development Code permits parcels designated Griffin Road Corridor District, East Gateway Zone to be developed with office uses. 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. Any concurrency requirements for mitigation measures should be in the Town of Davie.

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## **Findings of Fact**

Staff finds that the proposal to develop approximately 32,139 square feet of office use on the commercial land use portion of the property is consistent with the Griffin Road Corridor District, East Gateway Zone, and is compatible with the surrounding area. Staff has no objection to the request.

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## **Staff Recommendation**

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

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## **Town Council Action**

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## **Exhibits**

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

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

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

**Delegation Request  
Note Amendment Justification  
Hulmes Plat**

Since the Hulmes Plat was approved and recorded in 2000 it was based on information at the time that indicated that the Land Use Designation was Commercial. The Commercial designation was on the plat review by the county and town at the time. The designation was never questioned since it made logical sense that the residential plats to the south were the dividing line between residential and commercial. The Broward County Planning Council letter on the recent delegation request to amend the note for office discovered that the dividing line was not on the property lines. We do not believe that it was the town's intent to place the line in the location currently being indicated.

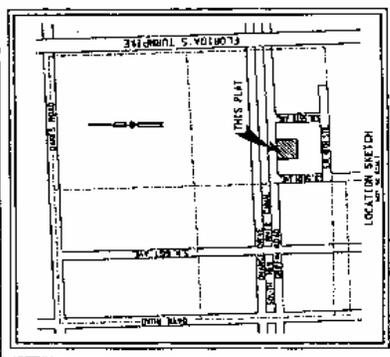
In an effort to resolve the issue the request is to amend the note to reflect the Planning Council recommendation that the office portion be restricted to the Commercial designation.



# '99 HULMES PLAT

A REPLAT OF THE NORTH 350 FEET, LESS THE SOUTH 638.52 FEET, LESS THE WEST 250, TRACT 29,  
OF THE PLAT OF NEWMANS SURVEY, SECTION 26, TOWNSHIP 50 SOUTH, RANGE 41 EAST (P.B., 2, PG. 39, D.C.R., 1)  
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

PREPARED BY:  
KEITH AKE SCHUBS, P.A.  
ENGINEERS - PLANNERS - SURVEYORS  
19 1317  
5608 NORTON AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
(954) 778-5114  
SEPTEMBER 1999  
FIDELITYBOND.COM/PLANNERS



**DEDICATION**  
SITE IS DEDICATED  
TO THE PUBLIC USE

THIS PLAT IS A REPLAT OF THE NORTH 350 FEET, LESS THE SOUTH 638.52 FEET, LESS THE WEST 250, TRACT 29, OF THE PLAT OF NEWMANS SURVEY, SECTION 26, TOWNSHIP 50 SOUTH, RANGE 41 EAST (P.B., 2, PG. 39, D.C.R., 1) TOWN OF DAVIE, BROWARD COUNTY, FLORIDA. THIS PLAT IS BEING REPLATED TO CORRECT THE MISTAKES AND OMISSIONS OF THE ORIGINAL PLAT AND TO BRING THE PLAT INTO CONFORMANCE WITH THE REQUIREMENTS OF THE FLORIDA PLAT ACT.

IN WITNESS WHEREOF, I, SAID SURVEYOR, HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE AT FORT LAUDERDALE, FLORIDA, THIS 15TH DAY OF SEPTEMBER, 1999.

*Keith Ake Schubs*  
Keith Ake Schubs  
Professional Engineer  
No. 12345  
State of Florida

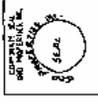
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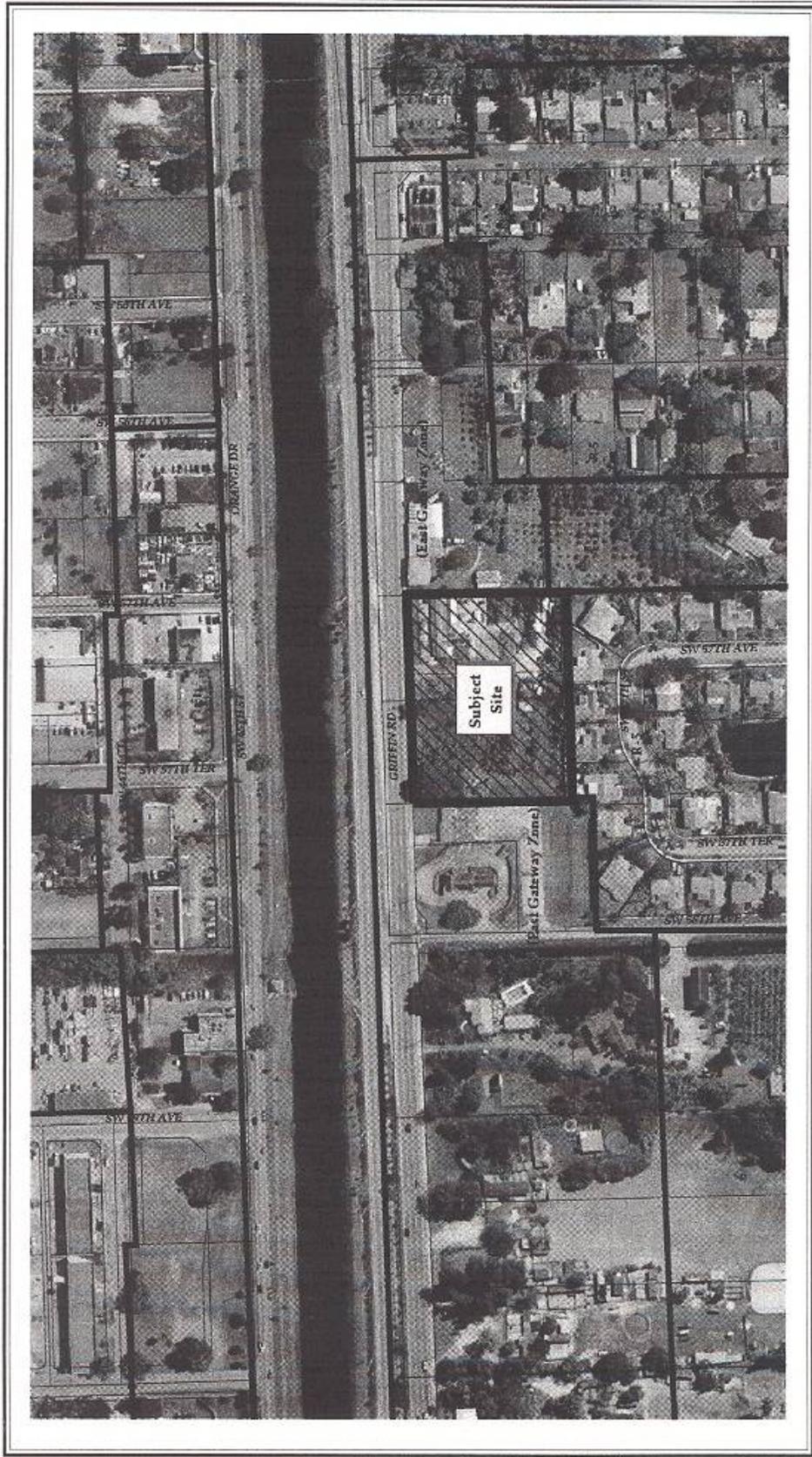
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**Exhibit 4 (Aerial, Zoning, and Subject Site Map)**



**Pirtle Office Building  
Aerial, Zoning, Subject Site Map**

Prepared By: D.M.A.  
Date Prepared: 10/17/05



**The Town of Davie**  
Development Service Department  
Planning & Zoning Division

0 500 Feet  
Scale