

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: Marcie Nolan, AICP, Deputy Planning and Zoning Manager

SUBJECT: DG 2-1-06 / Davie Crossing / 6900 SW 39th Street/ Generally located on the south side of SW 39th Street and College Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE NON-VEHICULAR ACCESS LINE ON THE PLAT KNOWN AS "PARCEL A" OF THE "VILLAGE TOWNHOUSE DAVIE" PLAT AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner is requesting to amend the non-vehicular access line (NVAL) on Parcel A of the "Village Park townhouse Davie" Plat.

The plat for Village Townhouse-Davie was approved in 1979 and recorded in Plat Book 107, Page 48 of the public records of Broward County. The development known as Davie Crossings was recently purchased by Lennar homes and converted to condominiums. When reviewing the approved documents, a discrepancy between was discovered from where the platted access opening was approved and where it was built. The access was approved as a 40 foot opening and built within a 54 foot opening. This request is to approve the access opening, as built, at 54 foot.

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

PREVIOUS ACTIONS: N/A

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, Existing Survey, Proposed Survey, 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 "PARCEL A" OF THE "VILLAGE TOWNHOUSE DAVIE" PLAT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Village Townhouse Davie" was recorded in the public records of Broward County in Plat Book 107, Page 48; 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 "Village Townhouse Davie." 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. In addition, the applicant agrees to contribute \$9,250.00 to alleviate traffic congestion at the access to the elementary school on 39th Street.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

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

Applicant Information

Owner:

Name: Lennar Homes, Inc.
Address: 8190 State Road 84
City: Davie, Florida 33324
Phone: (954) 370-0003

Petitioner:

Name: Gerald L. Knight
Address: 888 Southeast 3rd Ave. Suite 301
City: Ft. Lauderdale, Florida 33316
Phone: (954) 764-7150

Background Information

Application Request: Delegation Request approval to amend the Non-Vehicular Access Line on the "Village Townhouse Davie."

Address/Location: 6900 Southwest 39th Street / generally located on the south side of SW 39th Street and College Avenue.

Future Land

Use Plan Map: Regional Activity Center (RAC)

Zoning: RM-16, Medium-High Density Dwelling District

Existing/Proposed Use(s): Multi-Family Residential Development

Parcel Size: 8.67 acres (378,020 sq. ft.)

Surrounding Uses:

North: Nova High School
South: Single-Family Residential Homes
Vacant, Public Works Facility
East: Multi-Family Residential Homes
West: Single and Multi-Family Residential Homes

Surrounding Land

Use Plan Map Designations:

Regional Activity Center
Residential 10 and 3 DU /
Acre, Community Facility
Regional Activity Center
Residential 10 and 3 DU / Acre

Surrounding Zoning:

- North:** CF, Community Facility District
South: CF, Community Facility District, A-1, Agricultural District, R-3, Low Density Dwelling District
East: PRD - 22, Planned Residential District, RM-16, Medium-High Density Dwelling District
West: PRD - 6.4, Planned Residential District
-

Zoning History

Related Zoning History:

Town Council approved the Regional Activity Center Land Use Plan Classification in 1998.

Previous Requests on same property:

Site Plan Application (SP 9-3-95) on February 21, 1996, Town Council approved Newport Apartments, which consisted of a 219 multi-family unit complex.

Delegation Request (DG 7-2-97) on August 20, 1997, Town Council approved Resolution 97-275 authorizing the Mayor and Town Administrator to enter into an agreement relating to the transfer of committed trips from the Village Townhouse - Davie plat.

Applicable Codes and Ordinances

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

Land Development Code Section 12-24 (I) (6), Medium-High Density Dwelling: The RM-16 District is intended to implement the sixteen (16) 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 medium-high density multiple-family dwelling districts in the Town of Davie.

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

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business

District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

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 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner is requesting to amend the Non-Vehicular Access Line (NVAL) on the “Village Townhouse - Davie” plat. This request directly affects the northern plat limit line by adjusting the legal access opening. This amendment is needed to ensure that the legal access opening is consistent with the existing constructed opening of the residential multi-family development “Davie Crossing.”

Staff Analysis

The Comprehensive Plan and Land Development Code permits parcels designated RM-16, Medium-High Density Dwelling District to be developed with residential multi-family uses. Approval of this request is subject to Broward County Development Management Division. Broward County is the lead agency in assessing the impact of development through the plat and/or delegation request process.

Findings of Fact

Staff finds the plat amendment consistent with the existing multi-family development and is compatible with the surrounding areas. Staff has no objection to the request.

Staff Recommendation

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

Town Council Action

Exhibits

1. Justification letter
2. Plat
3. Existing Survey
4. Proposed Survey
5. Future Land Use Map
6. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)

LAW OFFICES

BILLING, COCHRAN, HEATH, LYLES, MAURO & ANDERSON, P.A.

POST OFFICE BOX 21627

FORT LAUDERDALE, FLORIDA 33335-1627

888 S.E. 3RD AVENUE, SUITE 301
FORT LAUDERDALE, FLORIDA 33316
(954) 764-7150
FAX: (954) 764-7279

400 AUSTRALIAN AVENUE SOUTH, SUITE 500
WEST PALM BEACH, FLORIDA 33401
(561) 659-5970
FAX: (561) 659-6173

3001 N. ROCKY POINT DRIVE EAST, SUITE 200
TAMPA, FLORIDA 33607
(813) 281-4671
FAX: (813) 289-7748

HAL B. ANDERSON
MICHAEL V. BAXTER
ERIC P. CZELUSTA
VIVIAN H. FAZIO
CAROL J. HEALY GLASGOW
JUSTIN D. GROSZ
KERA E. HAGAN
JANIS BRUSTARES KEYSER
DANIEL L. LOSEY
ALINE O. MARCANTONIO
KRISTA K. MAYFIELD
SHAWN B. McKAMEY
MICHAEL J. PAWELCZYK
T. CHRISTINE PEREZ
ANDREW A. RIEF
PHILLIP W. THRON

GREGORY T. ANDERSON
CLARK J. COCHRAN, JR.
W. TUCKER CRAIG
SUSAN F. DELEGAL
HAYWARD D. GAY
THOMAS C. HEATH
GREGORY M. KEYSER
GERALD L. KNIGHT
DENNIS E. LYLES
JOHN W. MAURO
KENNETH W. MORGAN, JR.
BRUCE M. RAMSEY
KEVIN M. VANNATTA
STEVEN F. BILLING (1947-1988)



December 8, 2005

PLEASE REPLY TO:
FORT LAUDERDALE

Marcie Oppenheimer Nolan
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Application to Amend Non-Vehicular Access Line (Davie Crossing)

Dear Marcie:

Please find enclosed a copy of an Application to Broward County to amend the non-vehicular access line for the Village Townhouse-Davie Plat. The purpose of the amendment to the non-vehicular line is to conform the platted access opening in the non-vehicular line to the actual location of the project entrance.

If the enclosed application is acceptable to you, please forward a letter to David Danovitz of Broward County Development Management Division indicating that the Town of Davie has no objection to this Application. Please send a copy of the letter to me. If you have any questions give me a call.

Thank you for your cooperation.

Sincerely,

Gerald L. Knight
for the Firm

GLK/pm
Enclosure

{00003677.DOC v.1 12/8/2005 01:31 PM}

Exhibit 3 (Existing Survey)



CARNAHAN · PROCTOR · CROSS, INC.

CERTIFICATE OF AUTHORIZATION NO. LB 2936
 6101 WEST ATLANTIC BLVD., MARGATE, FL 33063
 PHONE (954)972-3959 FAX (954)972-4178 WEBSITE: www.carnahan-proctor.com

EXHIBIT "B"

DESCRIPTION AND SKETCH

**EXISTING NON-VEHICULAR ACCESS LINE
 VILLAGE TOWNHOUSE - DAVIE**

LEGAL DESCRIPTION

A NON-VEHICULAR ACCESS LINE ALONG PARCEL 'A', VILLAGE TOWNHOUSE - DAVIE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 107, AT PAGE 48 OF THE PUBLIC RECORDS OF BROWARD, COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID PARCEL 'A', A DISTANCE OF 280.00 FEET TO THE **POINT OF TERMINATION**; THENCE CONTINUE EASTERLY, ALONG SAID NORTH LINE, A DISTANCE OF 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE EASTERLY, ALONG SAID NORTH LINE, A DISTANCE OF 283.59 FEET TO THE NORTHEAST CORNER OF PARCEL 'A' AND THE **POINT OF TERMINATION**.

SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

NOTES

1. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
3. THE LANDS SHOWN HEREON ARE SUBJECT TO ALL EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.
4. ALL EASEMENTS SHOWN HEREON ARE PER THE RECORD PLAT UNLESS OTHERWISE NOTED.
5. THIS SKETCH WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH. FOR INFORMATION CONCERNING RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS OF PUBLIC RECORD, AN APPROPRIATE TITLE VERIFICATION NEED BE OBTAINED.
6. THIS IS NOT A SURVEY.

ABBREVIATIONS

A	= ARC LENGTH	N.T.S.	= NOT TO SCALE	P.O.C.	= POINT OF COMMENCEMENT
B.C.R.	= BROWARD COUNTY RECORDS	O.R.B.	= OFFICIAL RECORD BOOK	P.O.T.	= POINT OF TERMINATION
CH.	= CHORD	P.B.	= PLAT BOOK	R	= RADIUS
D	= DELTA (CENTRAL ANGLE)	P.O.B.	= POINT OF BEGINNING	R/W	= RIGHT-OF-WAY
				U.E.	= UTILITY EASEMENT

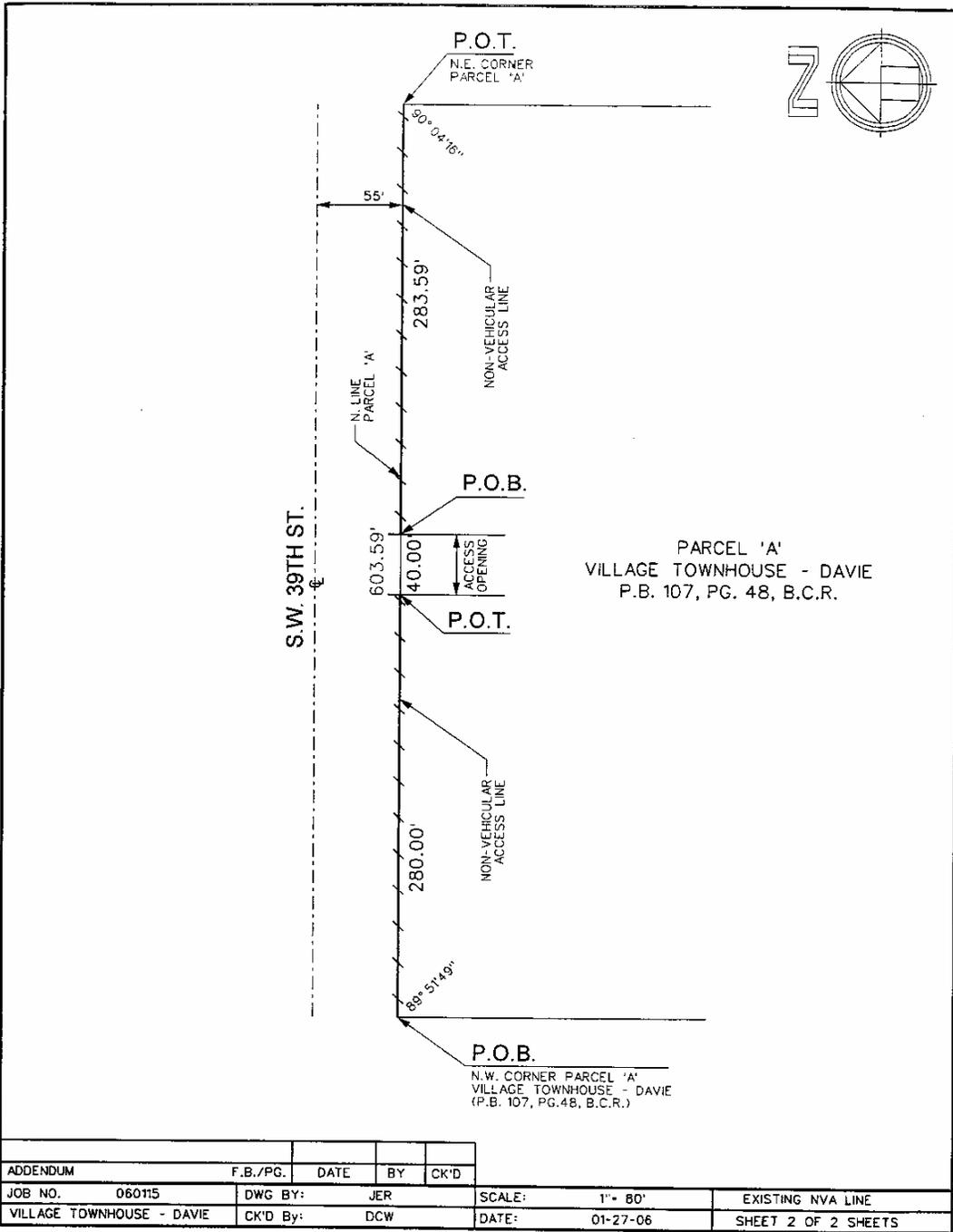
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID DESCRIPTION AND SKETCH IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DONNA C. WEST
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. LS4290

DATE OF LAST FIELD WORK: NOT A SURVEY

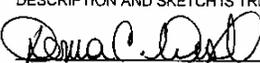
VILLAGE TOWNHOUSE - DAVIE	JOB NO.: 060115	DATE: 01-27-06	SHEET 1 OF 2 SHEETS
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ADDENDUM	F.B./PG.	DATE	BY	CK'D
JOB NO. 060115	DWG BY: JER	SCALE: 1" = 80'	EXISTING NVA LINE	
VILLAGE TOWNHOUSE - DAVIE	CK'D By: DCW	DATE: 01-27-06	SHEET 2 OF 2 SHEETS	

File: E:\projects\060115\cadd\060115sk.dwg

Exhibit 4 (Proposed Survey)

	<p>CARNAHAN · PROCTOR · CROSS, INC. CERTIFICATE OF AUTHORIZATION NO. LB 2936 8101 WEST ATLANTIC BLVD., MARGATE, FL 33063 PHONE (954)972-3959 FAX (954)972-4178 WEBSITE: www.carnahan-proctor.com</p>															
<p>EXHIBIT "C" DESCRIPTION AND SKETCH NEW NON-VEHICULAR ACCESS LINE VILLAGE TOWNHOUSE - DAVIE</p>																
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VILLAGE TOWNHOUSE - DAVIE	JOB NO.: 060115	DATE: 01-27-06	SHEET 1 OF 2 SHEETS													

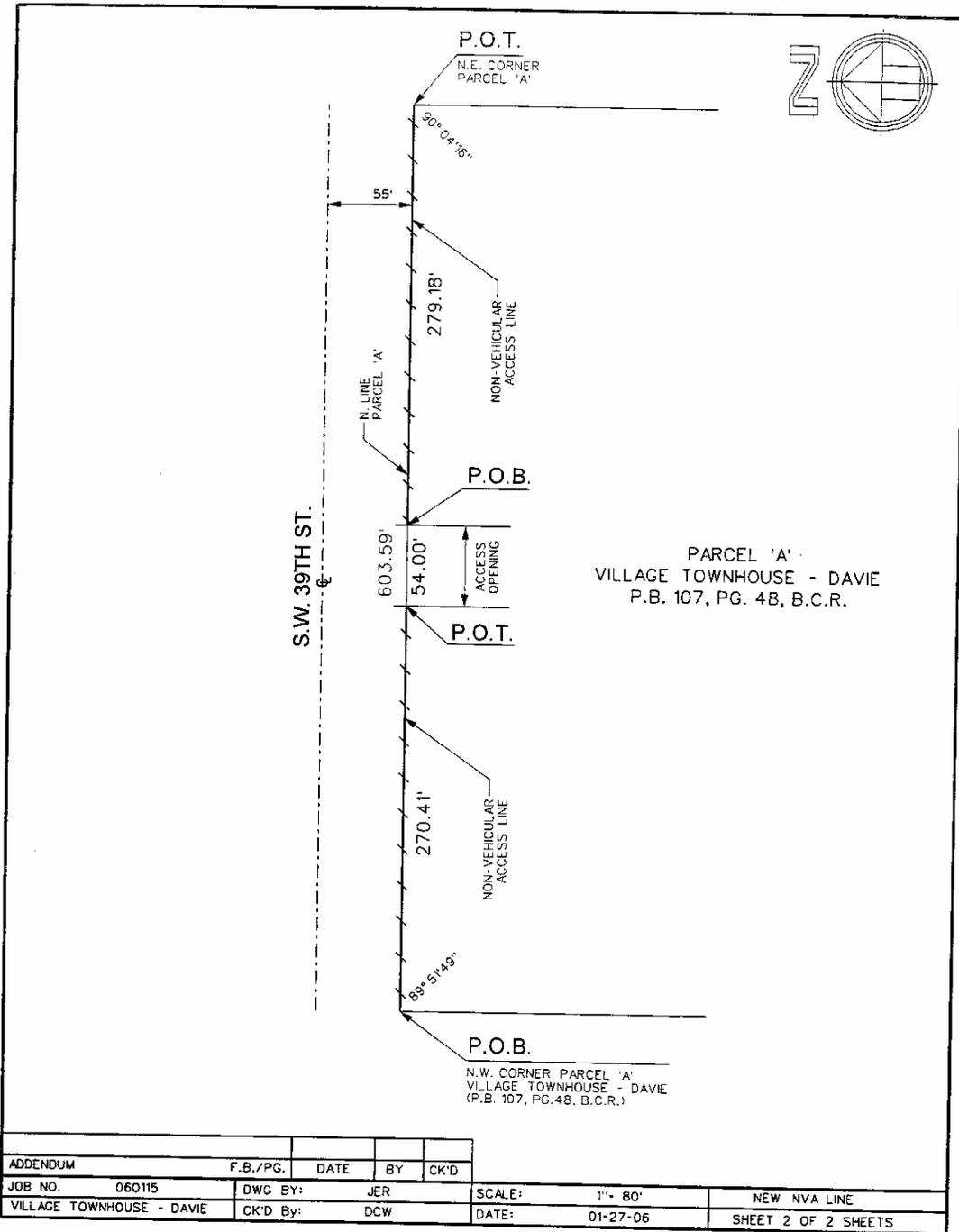
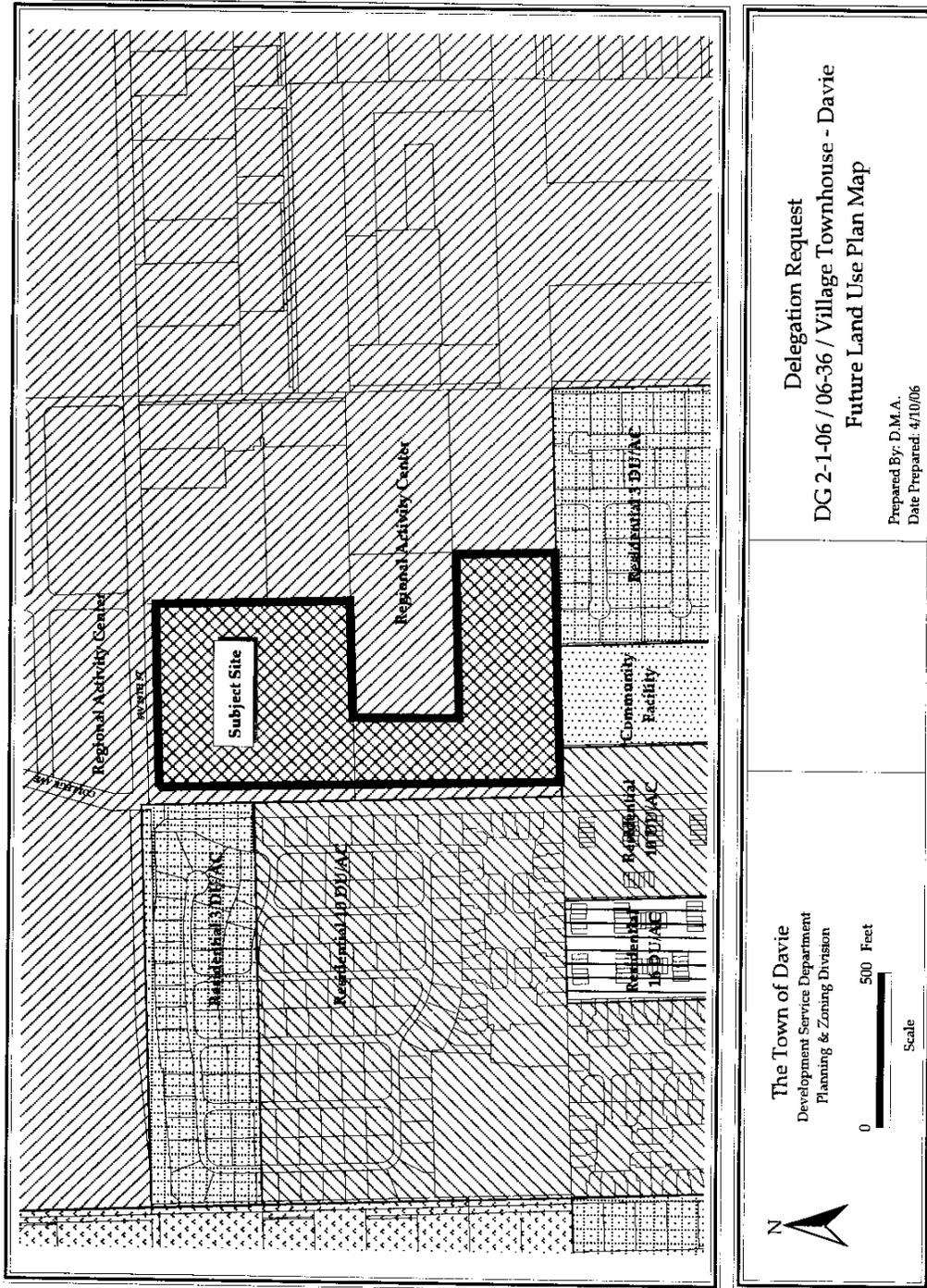


Exhibit 5 (Future Land Use Map)



Delegation Request
 DG 2-1-06 / 06-36 / Village Townhouse - Davie
 Future Land Use Plan Map

Prepared By: D.M.A.
 Date Prepared: 4/10/06

The Town of Davie
 Development Service Department
 Planning & Zoning Division

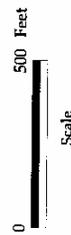
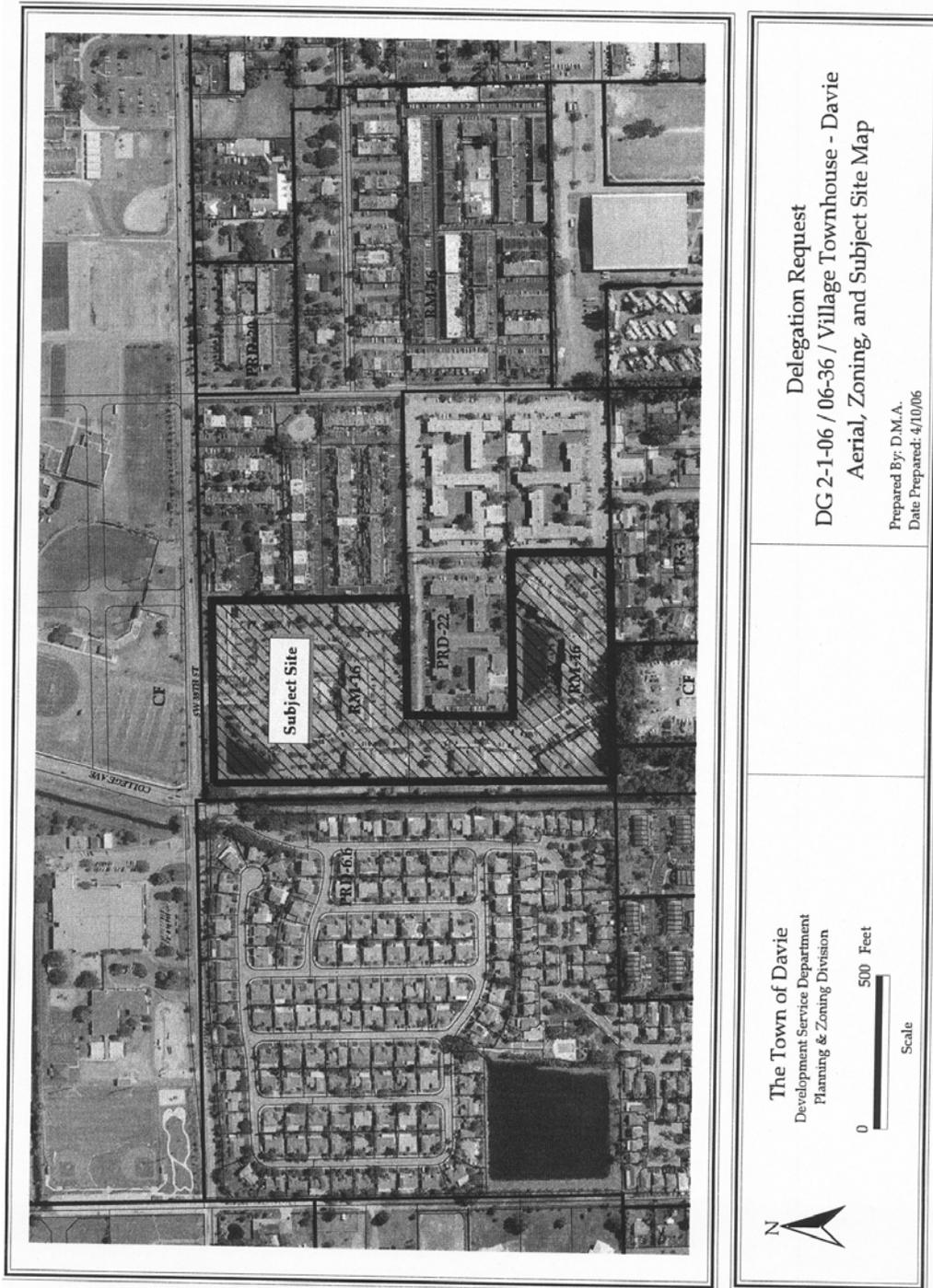


Exhibit 6 (Aerial, Zoning, and Subject Site Map)



The Town of Davie
Development Service Department
Planning & Zoning Division



Delegation Request

DG 2-1-06 / 06-36 / Village Townhouse - Davie
Aerial, Zoning, and Subject Site Map

Prepared By: D.M.A.
Date Prepared: 4/10/06