DEVELOPMENT SERVICES DEPARTMENT 797-1111
Administration 954-797-1101
Planning & Zoning 954-797-1103
Building & Occupational Licensing 954-797-1111
Code Enforcement 954-797-1121
Engineering 954-797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030

PZ 6-22-06

TO: Ken Cohen, Acting Town Administrator
Mayor and Town Councilmembers

THRU: Mark Kutney, AICP, Development Services Director
Bruce Dell, AICP, Planning and Zoning Manager

FROM: Marcie Nolan, AICP, Deputy Planning and Zoning Manager

DATE: June 28, 2006

RE: ***SP 10-2-04/Dunkin Donuts***

REQUEST: Staff is requesting that this item be withdrawn from the July 5, 2006 Town Council agenda. Upon further review by staff, it was determined that the site plan does not meet the land development code for parking. The use is classified as a "fast-food" use and requires 20 more parking spaces then indicated.

HISTORY: This item was tabled at the May 17, 2006 Town Council meeting so that the applicant and staff could meet an additional time to determine whether there was any possible resolution to this issue. Staff had met with the applicant, his architect, and the Dunkin Donuts lessee on May 25, 2006. Several suggestions were made by staff but there has been no response from the applicant since that meeting.

Previously, 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 for time to revise the concept of the proposal.

The item was tabled from September 21, 2005, to the November 2, 2005, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

The item was tabled from the November 2, 2005, to the January 18, 2006, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

The item was tabled from the January 18, 2006, to the February 15, 2006, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

The item was tabled from the February 15, 2006, to the April 5, 2006, Town Council meeting, at the direction of Town Council. The item was tabled from the April 5, 2006 meeting to the May 17, 2006 meeting so the item could be reviewed by the CRA.

This item is requested to be tabled by staff to the May 17, 2006 meeting in order for the applicant to present his plans for the one-story Dunkin Donuts to the CRA. This item was scheduled for the April 24, 2006 CRA meeting. However, the applicant did not attend this meeting.

TABLING REQUESTS: This item was scheduled for April 5, 2006 Town Council and was tabled to May 19, 2006. This is the seventh (7) request for a tabling. Four of these requests were by the applicant, with three (3) from Town Council.

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, Deputy Planning and Zoning Manager

SUBJECT: Site Plan, SP 10-2-04 Dunkin Donuts, S. George Deeb & Jacqueline Deeb/Robert McIntire, RAM Design, Inc., 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

SP 10-2-04 Dunkin Donuts, 3884 Davie Road (B-2 Western Theme)

REPORT IN BRIEF: Staff is requesting that this item be withdrawn due to the lack of parking as required by the land development code. Upon review of the site plan by the existing planning and zoning staff it was discovered that the parking calculation used to determine the number of required parking spaces for the Dunkin Donuts site plan (SP 10-2-04) was improperly applied. The Dunkin Donuts is classified as a fast food restaurant.

> *§ 12-503 Restaurant, fast food. A restaurant where service is through a drive-up window, or over a counter with no table service.*
>
> *§ 12-392(5) Required parking*
> *(b) restaurants (drive-in, take out, fast food) shall provide one space for each 50 square feet of gross floor area and shall be exclusive of required drainage and/or septic tank and septic drainage area.*

The floor plan for the restaurant is 2,336 square feet with an outside seating area of 30 square feet for a total of 2,366 square feet. Based upon the required parking per code, the site is to contain 47 parking spaces. The site plan as shown indicates 20 parking spaces, resulting in a deficit of 27 parking spaces.

While this plan has been reviewed for over one year, there is no information in the file to indicate how the required parking was calculated. While it is not typical that staff recommends moving a project forward as meeting code and then must inform all boards that this is not the case, here the code violation is of such a magnitude that the project cannot move forward without resolving the parking issue.

The Western Theme Development Manual provides for a reduction in off site parking if certain circumstances can be met, such as a lease with a site that has extra parking located within 900 feet. The applicant also has a Reciprocal Parking Agreement with the vacant parcel to the west and south. This agreement may provide the ability for off-site parking. These options remain unexplored at this time.

Approval of the site plan for Dunkin Donuts is being requested by the applicant. The 15,600 square foot (0.358 acres) site is located at the southeast corner of Davie Road and SW 38 Court. The proposal is for a 2,336 square foot single story restaurant. It is placed at the 10′ front build to line, has a 6′ covered walk on the front and wrapping the sides, and the mean height of the front wall is 22′ (18′ minimum required). The elevations illustrate the required Western Theme Architectural style. Access is provided by a 50′ opening to SW 38 Court and a 24′ cross-access easement is provided to the unplatted parcel to the south. The use on the site requires nineteen (19) parking spaces with twenty (20) being shown. An alternative cross-access plan depicting future access to the parcel to the south and showing the removal of the extra parking space has been provided.

<u>In addition to the site plan's inconsistency</u> with the Land Development Code the proposed use of the site does not exceed what was anticipated by the Comprehensive Plan and the Future Land Use Plan Map designation. This proposal does not take advantage of the opportunities envisioned by the Regional Activity Center and the Western Theme Overlay District with respect to intensity of development.

A single use, single story building is proposed on this corner parcel, when a three (3) to four (4) story mixed-use development is envisioned on the surrounding vacant site. This proposal does not efficiently use the land because it is being used to support a single user, rather than being used towards a multi-story mixed-use structure that promotes the policies of the Regional Activity Center and vision of the Western Theme Overlay District.

The use in and of itself is not objectionable and would be a welcomed occupant within a mixed-use development because it provides for a casual place for people to congregate. By placing this single use building here the goal of having pedestrian oriented development along Davie Road is not being met by having a parking lot on the land adjacent to the building; rather than a continuous pedestrian walkway that has been envisioned.

Despite numerous obstacles, including having to demolish the existing building, platting the property, and losing all access to Davie Road, the owner has pursued this endeavor.

PREVIOUS ACTIONS: 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 for time to revise the concept of the proposal.

The item was tabled from September 21, 2005, to the November 2, 2005, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

The item was tabled from the November 2, 2005, to the January 18, 2006, Town Council meeting, at the request of the applicant in order to allow time for approval by the Central Broward Water Control District.

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The item was tabled from the February 15, 2006, to the April 5, 2006, Town Council meeting, at the direction of Town Council. The item was tabled from the April 5, 2006 meeting to the May 17, 2006 meeting so the item could be reviewed by the CRA.

This item was scheduled for the April 24, 2006 CRA meeting. However, the applicant did not attend this meeting.

This item was tabled at the May 17, 2006 Town Council meeting so that the applicant and staff could meet an additional time to determine whether there was any possible resolution to this issue. Staff had met with the applicant, his architect, and the Dunkin Donuts lessee on May 25, 2006. Several suggestions were made by staff but there has been no response from the applicant since that meeting.

CONCURRENCES: At the July 26, 2005, Site Plan Committee meeting, Mr. Breslau made a motion, seconded by Mr. Evans, to deny because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. He agreed that the use was a good use; however, the Western Theme Code was in place when the property was purchased and the intent of the Code was clear. (Motion carried 4-0, with Mr. Aucamp absent).

The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's

recommendation to deny; 1) Address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) The pavers at the corner are to match the current pattern; 3) Look at the handicapped space location due to slope into the building; 4) Bike racks are missing; 5) The Committee did not like the signage colors; 6) Parking arrangement has a dead end, no outlet parking area which does not work.

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application does not meet the land development code and therefore is unable to be heard by Town Council. In addition, if Town Council selects to review this plan, the following conditions shall be met prior to final staff approval:

1. Revise the height of the light poles to a maximum of 15′.
2. Revise the site data table on the landscape plan to match the site plan.

Attachment(s): Planning Report, Site Plan

Application: SP 10-2-04 Dunkin Donuts
Exhibit "A"

Revisions: 2/21/06; 5/11/06, 6/28/06
Original Report Date: 7/22/05

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

Applicant Information

Owners:
Name: S. George Deeb & Jacqueline Deeb
Address: 721 North 11 Avenue
City: Hollywood, FL 33019
Phone: (954)394-0409

Petitioner:
Name: Robert McIntire
RAM Design, Inc.
Address: 10001 NW 50 Street, Suite 203G
City: Sunrise, FL 33351
Phone: (954) 748-5661

Background Information

Application History: Seven (7) deferrals have been granted. This request is to withdraw the application by staff due to the site not meeting the land development for parking. The floor plan for the restaurant is 2,336 square feet with an outside seating area of 30 square feet for a total of 2,366 square feet. Based upon the required parking per code, the site is to contain 47 parking spaces. The site plan as shown indicates 20 parking spaces, resulting in a deficit of 27 parking spaces.

Application Request: Approval of the Dunkin Donuts site plan.

Address/Location: 3884 SW 64 Avenue (Davie Road)/Generally located at the southeast corner of Davie Road and SW 38 Court.

Future Land Use Plan Map Designation: Regional Activity Center (RAC)

Zoning: B-2, Community Business District (Western Theme) within the Town of Davie Community Redevelopment Area (CRA)

Gross Parcel Size:	15,600 square feet (0.358 acres)
Net Parcel Size:	15,208 square feet (0.349 acres)
Existing Use:	1,345 square foot vacant restaurant (to be demolished)
Proposed Use:	2,336 square foot restaurant

	Surrounding Uses:	**Surrounding Land Use Plan Map Designations:**
North:	SW 38 Court, Vacant structure	Regional Activity Center
South:	Vacant (former Winn Dixie site)	Regional Activity Center
East:	Vacant (former Winn Dixie site)	Regional Activity Center
West:	Davie Road, Nova Elementary	Regional Activity Center

	Surrounding Zoning:
North:	B-2, Community Business District (Western Theme Overlay District)
South:	B-2, Community Business District (Western Theme Overlay District)
East:	B-2, Community Business District (Western Theme Overlay District)
West:	CF, Community Facilities District

Zoning History

Annexation: The property was incorporated into the Town in 1964. Historical accounts indicate that the site was developed at that time with restaurant use (Royal Castle Hamburgers).

Plat: The plat, P 9-1-04 Deeb Plat, was approved by Town Council on May 4, 2005, and is going through Broward County's approval process.

Zoning: The Western Theme Overlay District was adopted on August 15, 1990.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* Approval of the site plan for Dunkin Donuts is being requested. The 15,600 square foot (0.358 acres) site is located at the southeast corner of Davie Road and SW 38 Court.

2. *Building:* The proposal is for a 2,336 square foot single story restaurant. It is placed at the 10′ front build to line, has a 6′ covered walk on the front and wrapping the sides, and the mean height of the front wall is 22′ (18′ minimum required). The elevations illustrate the required Western Theme Architectural style. The building is proposed to have a stucco brick base with stucco banding, textured stucco walls, storefront doors and windows with mullion inserts, six (6) panel rear doors with raised stucco bands, galvanized metal downspouts, decorative goose neck lights to illuminate the carved wood letter signage, decorative wood finished columns, applied precast decorative trim, cap flashing, and a standing seam metal roof over the covered walkway.

   The color scheme reflects brown stucco brick; white textured stucco; subtle green/off-white stucco banding, doors, and windows; and green decorative columns, brackets, and roof. The orange and raspberry corporate colors of Dunkin Donuts; and pink and blue corporate colors of Baskin Robbins are proposed for the signage which has been designed with a Western Theme font.

3. *Access and Parking:* Access is provided by a 50′ opening to SW 38 Court and a 24′ cross-access easement is provided to the unplatted parcel to the south. At the rear of the building is the required loading zone. The use on the site requires <u>47 parking spaces</u> with twenty (20) being shown. An alternative cross-access plan depicting future access to the parcel to the south and showing the removal of the extra parking space has been provided.

4. *Trails:* There are no existing or proposed trails adjacent to the site.

5. *Lighting:* The lighting plan shows decorative Sternberg lights and light poles. The height must be revised to a maximum of 15′ as required.

6. *Drainage:* The subject property lies within Central Broward Water Control District, and approval from this agency shall be obtained prior to the issuance of a site development permit.

7. *Landscaping:* There is 21.8 percent open space (15% required) shown on the site plan. Along Davie Road the site has Live Oak and Satin Leaf with a Bush Allamanda base; a triple Florida Thatch Palm with a base of Pineland Lantana; and a landscape strip with Cocoplum hedge in front of Dune Sunflower. The planters have Nora Grant Ixora, and on the corner is Yaupon Holly. Along SW 38 Court are Eleanor Roosevelt Croton, Silver Buttonwood, and a continuous Cocoplum hedge. The landscape area south of the loading zone has a triple Florida Thatch Palm with a base of Pineland Lantana, and then there is a landscape island with a Live Oak and base of Wax Jasmine. The northeast corner has Bush Allamanda along the right-of-way, and an island with Cabbage Palms. Silverthorn under Gumbo Limbo are used along the eastern and southern landscape

buffers, which have been cutout to increase the planting area. Simpson Stopper is used around the grinder pump station and dumpster enclosure.

8. *Temporary Uses:* A temporary construction trailer is shown at the southeast corner of the site. Approval of the site plan shall be deemed as the approval for the Temporary Use Permit for this use for a period of time not to exceed one (1) year.

9. *Compatibility:* This proposed site plan for restaurant use can be considered compatible with both existing and allowable uses on the adjacent properties. To the north, south, and east are unplatted parcels awaiting redevelopment within the Western Theme District, and to the west is Davie Road.

Applicable Codes and Ordinances

Article XIII Special Planning Areas and Districts, Division 1, Western Theme District.

§12-388 (A) Setbacks, uses, and heights in commercial zoned. Front setback 10′ (build to line), 0′ side & rear setbacks, except 10′ when abutting residentially zoned, occupied, or Land Use Plan designated properties, 6′ boardwalk within the front setback, maximum building height shall not to exceed the lower of three (3) stories or 36′, with Town Council approval the maximum height shall not exceed the lessor of four (4) stories or 48′, 18′ minimum mean front wall height, and 15% minimum open space.

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

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-1: The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development redevelopment that facilitates a coordinated and balanced mix of land uses providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities, including the use of mixed residential/nonresidential land uses.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-6: Development activities within the RAC should stimulate quality redevelopment of businesses and dwellings, particularly development requests for increased density or intensity above that permitted by the existing zoning designations of the land.

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

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process.

Planning and Zoning: Provide a sheet for temporary uses, place building at the 10′ build-to line, provide outdoor seating area, provide decorative panel doors and stucco banding. ***(Items provided.)***

Engineering: Provide sidewalk connecting to the building, revise the northeast corner of the building because it is in the site visibility triangle, show location of nearest fire hydrant, and provide storm water management calculations to ensure adequate retention. ***(Items provided.)***

Staff Analysis

The site plan is in conflict with the Land Development Code as it relates to parking. In addition, the proposed use of the site does not exceed what was anticipated by the Comprehensive Plan and the Future Land Use Plan Map designation. This proposal does not take advantage of the opportunities envisioned by the Regional Activity Center and the Western Theme Overlay District with respect to intensity of development.

A single use, single story building is proposed on this corner parcel, when a three (3) to four (4) story mixed-use development is envisioned on the surrounding vacant site. This proposal does not efficiently use the land because it is being used to support a single user, rather than

being used towards a multi-story mixed-use structure that promotes the policies of the Regional Activity Center and vision of the Western Theme Overlay District.

The use in and of itself is not objectionable and would be a welcomed occupant within a mixed-use development because it provides for a casual place for people to congregate. By placing this single use building here the goal of having pedestrian oriented development along Davie Road is not being met by having a parking lot on the land adjacent to the building; rather than a continuous pedestrian walkway that has been envisioned.

Despite numerous obstacles, including having to demolish the existing building, platting the property, and losing all access to Davie Road, the owner has pursued this endeavor.

Findings of Fact

Staff finds that the site plan is in conflict with the applicable Codes and Ordinances; and the development, as proposed; in addition the proposal does not utilize the benefits of either the Regional Activity Center Future Land Use Plan Map category or the development standards of the Western Theme Overlay District.

Staff Recommendation

Staff finds the subject application does not meet the land development code for parking and is not complete and suitable for transmittal to Site Plan Committee, Community Redevelopment Agency, and Town Council further consideration. In addition, the following conditions shall be met prior to final staff approval:

1. Revise the height of the light poles to a maximum of 15'.
2. Revise the site data table on the landscape plan to match the site plan.

Community Redevelopment Agency Recommendation

The applicant was scheduled to attend the CRA meeting held on April 24, 2006. He did not attend this meeting, although his representative provided plans for the meeting.

At the August 15, 2005, meeting a revised proposal with a second floor that has two (2) affordable residential units was presented. Ms. Santini made a motion to approve the revised site plan and to incorporate as many of the suggestions mentioned at the meeting and that the plan is approved by the Site Plan Committee. The motion was seconded by Vice-Chair Kalis (Motion carried 5-0).

Site Plan Committee Recommendation

At the July 26, 2005, Site Plan Committee meeting, Mr. Breslau made a motion, seconded by Mr. Evans, to deny because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. He agreed that the use was a good use; however, the Western Theme Code was in place when the property was purchased and the intent of the Code was clear. (Motion carried 4-0, with Mr. Aucamp absent).

The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny; 1) Address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) The pavers at the corner are to match the current pattern; 3) Look at the handicapped space location due to slope into the building; 4) Bike racks are missing; 5) The Committee did not like the signage colors; 6) Parking arrangement has a dead end, no outlet parking area which does not work.

Town Council Action

This item was tabled at the May 17, 2006 Town Council meeting so that the applicant and staff could meet an additional time to determine whether there was any possible resolution to this issue. Staff had met with the applicant, his architect, and the Dunkin Donuts lessee on May 25, 2006. Several suggestions were made by staff but there has been no response from the applicant since that 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 for time to revise the concept of the proposal.

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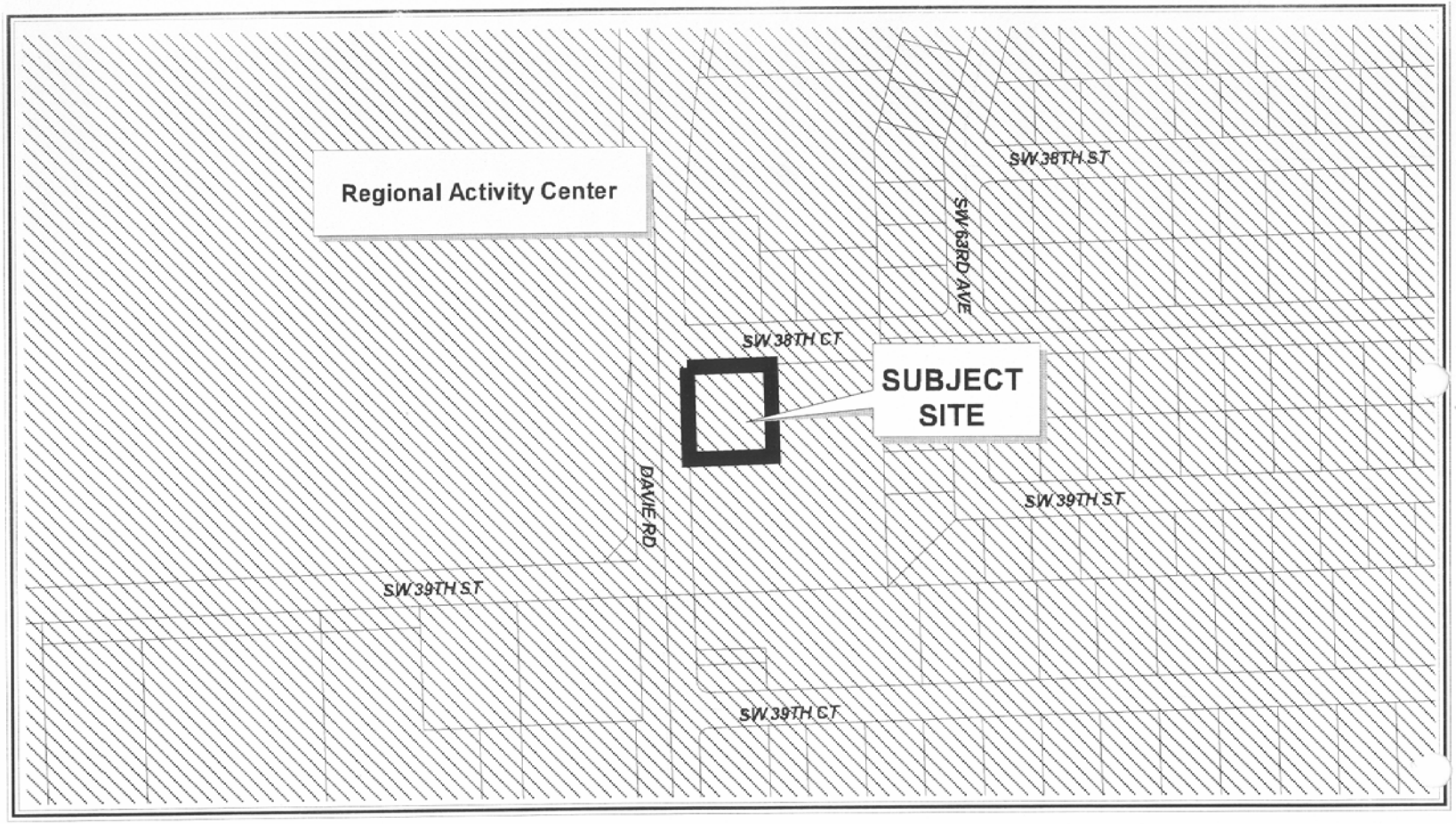
Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Citizen Participation Report
4. Redevelopment Administrator's Comments
5. Site Plan

Prepared by: _____ Reviewed by: _____



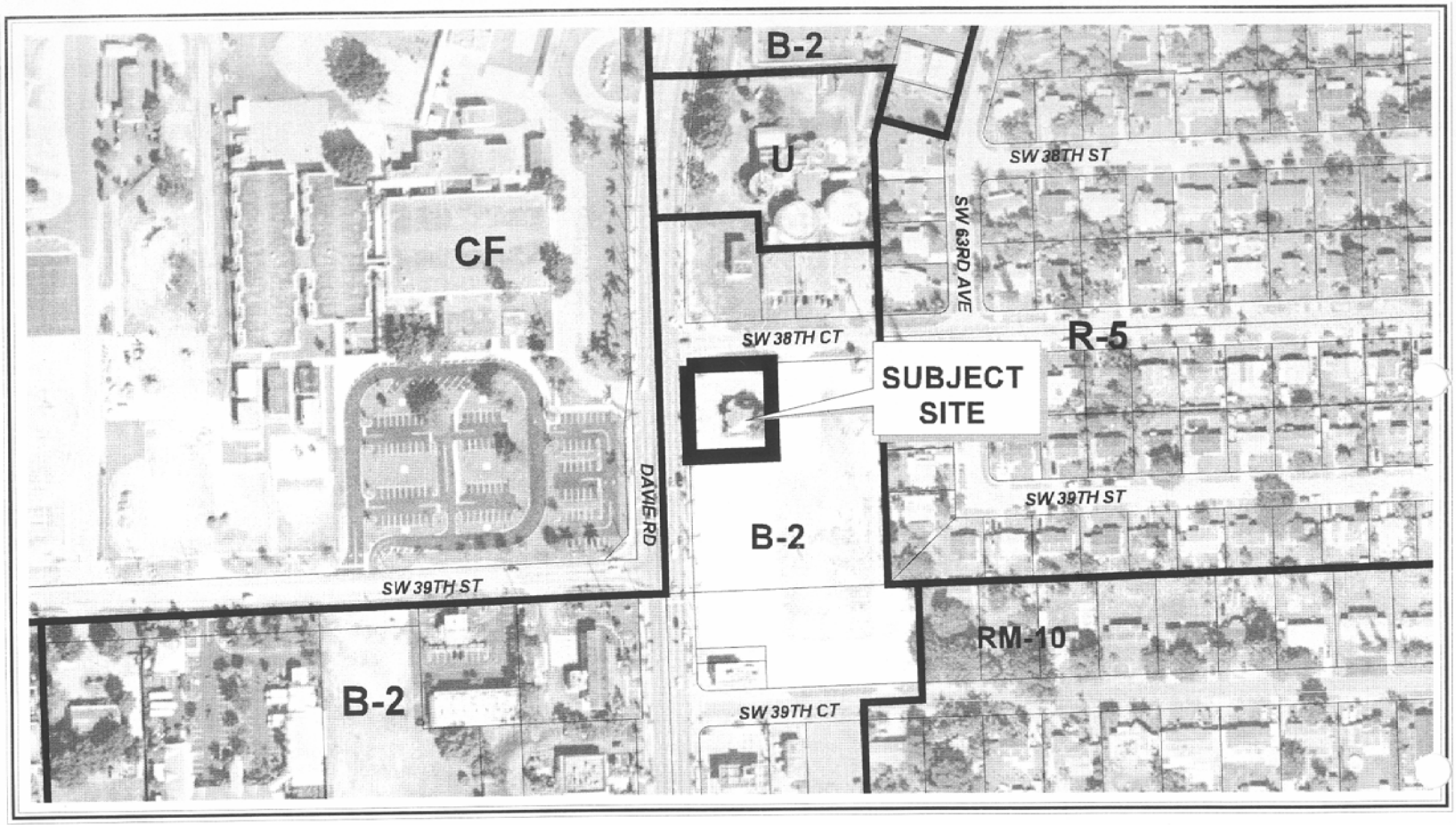
N

200 0 200 400 Feet

Prepared by the Town of Davie GIS Division

PLAT
P 9-1-04
Future Land Use Map

Prepared By: ID
Date Prepared: 10/13/04



Date Flown:
12/31/02

N

200 0 200 400 Feet

Prepared by the Town of Davie GIS Division

TOWN OF DAVIE FLORIDA

PLAT
P 9-1-04
Zoning and Aerial Map

Prepared By: ID
Date Prepared: 10/13/04

COMMUNITY REDEVELOPMENT AGENCY
4700 S.W. 64TH AVENUE, SUITE C • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.2093 • FAX: 954.797.1200 • WWW.DAVIE-FL.GOV

Memorandum

TO: Chris Gratz, Planner II

FROM: Will Allen, Redevelopment Administrator Will Allen

SUBJECT: Confusion Over Dunkin Donuts

DATE: February 14, 2006

The February 15, 2006 Town Council Agenda indicates that Item 4.27 is consideration of a site plan for a Dunkin Donuts Restaurant at 3884 SW 64 Avenue which is at the southeast corner of Davie Road and SW 38 Court. I have been on sick leave for the past three weeks but I was surprised to see this. This is particularly true because the listed comments from the Site Plan Committee on the agenda and in the backup refer to a plan for a one story building. The process of reviewing the site plan lead to improvements being made to the site plan including the addition of a second floor with two affordable housing units on that second floor.

The Site Plan Committee met on July 26, 2005 and a motion was made and approved (4-0) to deny the proposed site plan for a one story building for several reasons. In general, the Committee did not think the intent of the Code had been met and also listed some specific problems with the proposed site plan including that the parking arrangement was a dead end situation and does not work without a proper outlet. Earlier comments from CRA staff had indicated that there are problems meeting water retention requirements which needed to be addressed through the Central Broward Water Control District in addition to problems with the parking which would ultimately interrupt the pedestrian orientation of this lot.

As the planning report indicates the CRA was scheduled to consider the plan at their August 15, 2005 meeting which would be prior to a Town Council meeting of August 17, 2005. Minutes of the August 15, 2005 CRA meeting are attached showing that the property owner had agreed to revisions to the site plan and

building plans which dealt with the problems which had been brought to their attention. The revised site plan and building plans were presented to the CRA on August 15, 2005 and they were well received. There was a motion to approve the revised site plan along with the suggestions for changes made at the CRA meeting about details of the plan such as balconies and stairwell entries and the customer entrance on the first floor. It was emphasized that the plan would need to be reviewed once again by the Site Plan Committee. The discussion at the meeting included indicating there are incentives for affordable housing. I even am quoted as indicating this would be an excellent opportunity for a loan subsidy grant from the CRA.

Notes are also attached from an update given by the CRA to Town Council on August 17, 2005. It indicates the Dunkin Donuts is being revised by adding a second floor with two residential units.

My whole point is that the plans are now being presented as a one story building which seems to me is a "bait and switch" from the plans which were presented to the CRA. I just spoke to the architect, Mr. McIntire, and he indicates the plan being presented is for the one story building. It seems to me that the plans we reviewed are the same plans that Town Council should review. Site Plan Committee had legitimate concerns about the original plans. I don't think this is ready for review and approval by Town Council but that, of course, is only my opinion.

cc: Ken Cohen, Acting Town Administrator
Mayor and Town Councilmembers
Mark Kutney, Development Services Director
Bruce Dell, Planning and Zoning Manager
CRA Members

Aug. 15, 2005 CRA Agenda

Design Services For Town Hall, Rodeo Grounds And Surrounding Areas

The Redevelopment Administrator and CRA Attorney Delegal will give an update on the design services for the design services to be performed by Dover Kohl & Partners related to the Davie Town Hall area including the rodeo grounds and surrounding areas. The actual charrette is scheduled for Saturday, September 10, 2005. There is a significant amount of work prior to that date including site visits, interviews with stakeholders (such as Mr. Bergeron), and analysis including reviewing maps, development regulations, etc.

4.5 Review Of Site Plan And Building Plans For Dunkin Donuts, 3884 Davie Road

A report will be given at the meeting concerning a site plan and building plans for a new Dunkin Donuts Restaurant proposed for the southeast corner of Davie Road and SW 38 Court. This plan has been tracking through the system as a stand alone restaurant. It has been reviewed by Town Staff and the Site Plan Committee and was scheduled to be reviewed by the CRA on August 15 and by Town Council on August 17. Based on recent events, the property owner has agreed to revisions to the site plan and the building plans including constructing a second floor with two affordable housing units. A revised site plan and building plans are being prepared for consideration. A draft of that plan will be presented to the CRA at the August 15 meeting but is not in its final form. The architect and owner are cooperating to meet Western Theme regulations including architectural guidelines and all other appropriate regulations as well as attempting to coordinate with potential redevelopment of the adjoining site although this is a separate and independent parcel. More details will be supplied at the meeting including displaying the above mentioned revised plans. The architect for this development, Bob McIntire, will be at the meeting to discuss the plans.

4.6 Conceptual Plans Received For A Proposed Mixed-Use Development On the Former Winn-Dixie Site

A conceptual plan for redevelopment of the former Winn-Dixie site on the east side of Davie Road between SW 38 Court and SW 39 Court has been discussed with Mr. Ari Sklar in the last two months or so. Mr. Sklar is an architect based in Hollywood. A mixed-use project has been discussed including retail, office and residential uses. Some very preliminary drawings have been submitted which summarize the concepts being proposed. Copies of these conceptual drawings are attached. Additional and more detailed information and plans are required but it is noted that the proposed plans do conform in general with existing land use and zoning regulations. A total of 74 residential units are shown on this plan along with 12,577 sq. ft. of retail uses facing Davie Road and 5,390 sq. ft. of office fronting on SW 39 Court. There is no direct access on Davie Road. Parking is shown on the ground floor level. This is a conceptual plan and this is only to inform you that there are discussions taking place. The plan does show promise as it does conform to density requirements and looks at addressing issues such as drainage. Discussions are taking place about the building elevations, percentage of units which can be described as work force housing, drainage, coordination with adjoining property, loading areas, etc. but this appears to be a realistic plan.

Mr. Allen asked to take item 4.5 out of order. Everyone agreed.

REPORT ITEM

4.5 Review Of Site Plan And Building Plans For Dunkin Donuts, 3884 Davie Road

Mr. Allen reported that a site plan and building plans for a new Dunkin Donuts Restaurant proposed for the southeast corner of Davie Road and SW 38 Court has been received. Mr. Allen indicated this has not come before the CRA Board as the CRA has had a couple of special meeting in between their regularly scheduled meeting. The plan has been tracking through the system as a stand alone restaurant and it has been reviewed by Town Staff and the Site Plan Committee. Based on recent events, the property owner has agreed to revisions to the site plan and the building plans including constructing a second floor with two affordable housing units. A revised site plan and building plans have been prepared and they were trying to get some true affordable housing units on the second floor rather than having a single floor Duncan Donuts and while they would like to make it part of a larger project they did not know when and if that larger project might happen and the current property owner would like to move forward on this project.

Mr. Allen indicated he and Ms. Prakelt has worked very closely with the architect and owner to meet Western Theme regulations including architectural guidelines and all other appropriate regulations as well as attempting to coordinate with potential redevelopment of the adjoining site although this is a separate and independent parcel.

Bob McIntire the architect for Duncan Donuts gave a presentation of the revised plan. Mr. McIntire indicated he was aware of a couple of issues which still needed to be resolved such as parking and drainage and asked for the Board blessings. Chair Engel made a couple of suggestions and wondered if the balcony and crosswalk between the units in the back could be flipped so someone would enter the stairs from the covered entry up front and then someone could enter the living space from the units upstairs. Shirley Taylor-Prakelt indicated the Vice Mayor had originally hoped to get three units on the second floor but as a housing professional, she felt the two units made more sense as it would serve more people. Discussion ensued regarding the level of affordability. Ms. Praklet wanted the Board to understand that when additional architectural design is added, the cost goes up and she has to find additional subsidies to bring the rent down. Ms. Prakelt indicated the builder will be entitled to standard affordable housing incentives such as fee waivers for building permit fees, park and recreation impact fees but they might need to ask the Council for more waivers to bring down the level of affordability if they are going to achieve the 50% rent as desired by Vice Mayor Hubert. Ms. Prakelt commended Mr. McIntire for a remarkable job and hoped this was an example of many more projects to follow. Vice Chair Kalis indicated the building right now presents itself as a Davie Road building but it was a corner building and wondered if there was any possibility at making the entry at the corner with the stairwells entries for the two units on either side with a balcony on either side so the building could rap the corner. Mr. Allen indicated this would be an excellent opportunity for someone to ask for a Loan Subsidy Grant from the CRA.

Ms. Santini made a motion to add an action item to the agenda. The item was the review of a site plan and building plan for Dunkin Donuts located at 3884 Davie Road. The motion was seconded by Vice Chair Neal Kalis. Ms. Santini made a motion to approve the revised site plan and to incorporate as many of the suggestions mentioned and that the plan is approved by the Site Plan Committee. The motion was seconded by Vice Chair Kalis. In a voice vote, everyone voted in favor. Motion carried 5-0.

DRAFT
CRA UPDATE- MARK ENGEL, CHAIR
TOWN COUCIL MEETING
AUGUST 17, 2005
6:30 P.M.

- Introduce yourself as Chair of the Davie CRA and you are reporting on a few items on which the CRA has been involved with recently. I know your time is limited so I'll be brief.

DUNKIN DONUTS SITE PLAN

I understand this is being tabled this evening until Sept. 21 based on the request made August 11 by the petitioner. The CRA met with the architect at the August 15 meeting and the CRA is pleased with the cooperation of the petitioner. The plan is being revised by adding a second floor with two residential units (work force housing). The concerns of staff and the Site Plan Committee are being met but revisions to the plans are still being made. The additional parking spaces are being planned for on street parking but there is a concern which hasn't yet been addressed which is drainage. The agenda report indicates the plans have not yet been reviewed by Central Broward Water Control District. A consulting engineer indicated to the CRA that the plan does not conform to criteria so a variance would need to be approved in order to construct this project. Our next report item indicates how such a problem might be addressed in the future.
It should be noted that a contract purchaser has expressed interest and has discussed conceptual plans to develop the former Winn Dixie site.

From: Will Allen/Davie
To: Gay Moo Young/Davie@Davie

Date: Wednesday, November 02, 2005 09:10AM
Subject: Copy document

Please print the attached info as I can't print the information. Dunkin Donuts

3884 Davie Road

The Davie CRA considered a site plan and building plan for a proposed Dunkin Donuts at 3884 Davie Road at their meeting of August 15, 2005. At this meeting a revised site plan was presented which made the proposal a mixed use development by adding a second floor with two affordable housing units on the second floor. It was expressed by the CRA that it would be preferable to combine this site with the adjoining site but that site is in separate ownership and it is unknown when a development proposal might come forward and the Dunkin Donuts property owner is moving forward now.

The CRA made several suggestions on changing the configuration of the building such as the location of the Davie Road customer entrance and the stairways and adding balconies to the second floor. The site plan would need to be altered to address the addition of parking spaces. Drainage plans must be reviewed and approved by the Central Broward Water Control District. Since the site plan is being revised, it should be submitted for review by the Site Plan Committee as well as Town staff.

The CRA commends the owner and architect for working with the Town toward meeting the intent of the zoning district toward height, mixed use, and architecture. The revised plan does need to be submitted for review to address drainage, parking, and the building layout.

NOTICE OF MEETING
DAVIE COMMUNITY REDEVELOPMENT AGENCY
SEPTEMBER 26, 2005 - 12:00 P.M.
AGENDA
LOCATION: TOWN HALL COMMUNITY ROOM
MEMBERS OF THE TOWN COUNCIL MAY BE PRESENT

REPORT ITEMS

4.1 Town Council Approved The State Road 7/441 Corridor Master Plan Document

The Town Council adopted Resolution No. 2005-236 approving the SR7/441 Corridor Master Plan at their meeting of September 7, 2005. The resolution was adopted with one addition which is that residential components of developments have a target of 15 % affordable housing units. The resolution has not yet been signed as the amendment has not been added. The Redevelopment Administrator will be meeting with Town Staff and the South Florida Regional Planning Council Staff to discuss how to implement the land use changes, develop design guidelines, prepare a recommendation to FDOT concerning the road configuration, etc.

4.2 Regional Activity Center – Selection Of Consulting Team

Town Council approved a Resolution No. 2005-225 accepting the selection of EDSA as the best qualified firm to provide master planning services for the Davie Regional Activity Center. The Town Administrator or his designees are in the process of negotiating an agreement for these services.

4.3 Review Of Site Plan And Building Plans For Dunkin Donuts, 3884 Davie Road

The CRA Board reviewed a revised site plan for the proposed Dunkin Donuts at 3884 Davie Road at the August 15, 2005 meeting. A motion was made to approve the revised site plan which includes two affordable housing units incorporating a number of suggestions such as placing the entry at the southwest corner of the building, adding a balcony on each side on the front and changing the stairwell entries. The architect is still working on making the proposed changes and the plan is being taken to Central Broward Water Control District for review of a variance from their regulations. This item was requested to be tabled from the September 21, 2005 Town Council meeting until the November 2, 2005 meeting. The reason for the request was to attempt to resolve site drainage issues.

4.4 Purchase Of Phillips Property At 4263 Davie Road

A contract to purchase the property at 4263 Davie Road with a purchase price of $800,000 was sent to Mr. and Phillips on August 18, 2005 as was discussed at the August 15, 2005 CRA meeting. The offer of $800,000 was also discussed at the previous meeting held on July 15, 2005. It was indicated in a phone conversation on September 6 that the offer had been rejected. Mr. Phillips indicated prior to September 6 and repeated on September 6 that he would accept $880,000. A letter dated September 6 was sent indicating the offer from the CRA was

M E M O R A N D U M

TO: Mayor and Town Councilmembers
Ken Cohen, Acting Town Administrator

FROM: Will Allen, Redevelopment Administrator

DATE: May 11, 2006

RE: SP 10-2-04/Dunkin Donuts

The recommendation of the Development Services Department is to withdraw site plan request SP-2-04, Dunkin Donuts, from the Town Council Agenda as the proposed plan does not conform to the requirements of the Davie Land Development Code. Please be advised that the Board of the Davie Community Redevelopment Agency cannot make a recommendation on the site plan and is not supportive of the plan going forward at this point in time based upon the determination that the plan does not comply with requirements of the Code. This item can be referred back to the applicant to take the necessary steps to bring the plan into code compliance.

The CRA Board adopted a motion (7-0) at their meeting of April 24, 2006 indicating the position stated above. The CRA is not in a position to comment on a plan that the Board has been advised does not meet Town Code. The CRA does not determine if the Code is met but rather relies on the appropriate Town department which is Development Services. The attached memorandum from Planning and Zoning Manager, Marcie Nolan, dated April 18, 2006 indicated the parking calculation had been improperly applied in the past and the plan has a deficit of 27 parking spaces. The CRA would like to review the plan when it is resubmitted. It should be noted that the applicant was invited to the April 24, 2006 meeting but was not in attendance at the meeting. The applicant's architect delivered a plan which was copied for the agenda so they were certainly aware of the meeting.

It should be noted that the CRA had previously commented on a two story structure which was presented at the August 15, 2005 CRA meeting. A motion was made to approve a site plan which included two residential units on the second floor but the plan was reviewed based on advice that the parking requirement was lower. This plan was not submitted for additional review after August 15, 2005. That plan required additional parking as well.

The parking deficit is a substantial variance from the requirements of the Land Development Code. There are also other deficiencies which include the lighting standards being taller that allowed and the access to and from the lot being problematic. The Site Plan Committee reviewed the one story building on July 26, 2005 and the recommendation was 4-0 to deny the request. One of the comments was that the dead end parking arrangement does not work. The Site Plan Committee was of the opinion the intent of planning efforts for the downtown could not be accomplished by approving proposals on a parcel-by parcel basis.