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 III

SUBJECT: Quasi Judicial Hearing: Rezoning, ZB 12-2-04/04-466/Wimberly Haven/4631 ~~&~~ ~~4701~~ Southwest 73rd Avenue/Generally located ~~1,140 feet~~ south of Griffin Road, and west of Southwest 73rd Avenue

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner requests to rezone ~~a portion (approximately 1.8 acres) of~~ the subject site located at ~~4701 Southwest 73rd Avenue FROM: MH-10, Mobile Home District TO: RM-10, Medium Dwelling District; and rezone a portion (approximately .92 acres) of subject site located at~~ 4631 Southwest 73rd Avenue FROM: MH-10, Mobile Home District TO: RM-10, Medium Dwelling District.

The subject site~~(s) are~~ is located ~~approximately 1,140 feet~~ south of Griffin Road, and west of Southwest 73rd Avenue. The petitioner is proposing a multi-family residential development consisting of ~~twenty-seven (27)~~ townhome units. In order to construct this development on lot~~s~~ 4, ~~9, & 10, totaling approximately 2.72 acres (118,483 square feet)~~, rezoning the above mention lot~~s~~ to a residential multi-family use district (RM-10, Medium Dwelling District) is required.

The subject site~~(s)~~ Future Land Use Plan Map designations are Residential 10 DU/AC. The Town of Davie's RM-10, Medium Dwelling District zoning designation is consistent with the underlying Land Use Plan Map designation. According to the existing Land Development Code, RM-10 zoning district allows ten (10) multi-family dwelling units per acre, while MH-10 zoning district allows ten (10) mobile homes per acre. Rezoning to the RM-10 zoning district would maintain the residential density and eliminate mobile home uses on the subject site.

This rezoning is consistent with the Comprehensive Plan and does not exceed what was anticipated by the Future Land Use Plan Map designation.

PREVIOUS ACTIONS:
At the December 6, 2006 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the December 20, 2006 Town Council meeting. **(Motion carried 5-0)**

At the December 20, 2006 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the January 17, 2007 meeting to provide staff with enough time to amend the rezoning application in taking out lots 9 and 10. **(Motion carried 5-0)**

CONCURRENCES:
At the November 8, 2006 Planning and Zoning Board Meeting, rezoning application ZB 12-2-04/Wimberly Haven was tabled to the November 22, 2006 Planning and Zoning Board Meeting. **(Motion carried 4-0, Mr. Bender was absent)**

At the November 22, 2006, Planning and Zoning Board Meeting, Mr. Busey made a motion, seconded by Mr. Stevens to deny ZB 12-2-04/Wimberly Haven. **(Motion carried 4-1, the board's reasons for denial was that the request did not meet the criteria for a rezoning noted in the Land Development Code, Section 12-307(A) (1): (b.) the proposed change will create an isolated zoning district unrelated and incompatible with adjacent and nearby districts; and (d.) the proposed change will adversely affect living conditions in the neighborhood, presenting an adverse or unfavorable impact)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

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

Attachment(s): Planning Report, Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain land~~(s)~~ within the Town be changed from: MH-10, Mobile Home District to: RM-10, Medium Dwelling District;

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

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from: MH-10, Mobile Home District to: RM-10, Medium Dwelling District:

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

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as RM-10, Medium Dwelling District.

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

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

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

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2007.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2007.

Exhibit "A"
Application: ZB 12-2-04/04-466/Wimberly Haven
Original Report Date: 10/31/06 **Revision(s):** 11/17/06, 11/29/06, 1/5/07

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:		**Petitioner:**	
Name:	Carlton Branker, Goshen Properties	**Name:**	Frank Costoya, Colonade Construction Group
Address:	3816 Hollywood Boulevard, 203	**Address:**	5400 South University Drive
City:	Hollywood, Florida 33021	**City:**	Davie, Florida 33328
Phone:	(954) 557-4016	**Phone:**	(954) 680-4441

Background Information

Date of Notification: November 1, 2006 **Number of Notifications:** 184

Application Request: ~~Rezone a portion (approximately 1.8 acres) of subject site located at 4701 Southwest 73rd Avenue~~
~~**FROM:** MH-10, Mobile Home District~~
~~**TO:** RM-10, Medium Dwelling District~~
~~*;and*~~
Rezone the ~~a portion~~ (approximately .92 acres) ~~of~~ subject site located at 4631 Southwest 73rd Avenue
FROM: MH-10, Mobile Home District
TO: RM-10, Medium Dwelling District

Address(s): ~~Lots 9 & 10, 4701 Southwest 73rd Avenue~~
Lot 4, 4631 Southwest 73rd Avenue

Location: Generally located ~~1,140 feet~~ south of Griffin Road, and west of Southwest 73rd Avenue

Future Land Use Plan Designation: Residential 10 DU/AC

Existing Use: Mobile-Home Residential Community

Proposed Use: Multi-Family Residential Development
~~Lots 9 & 10, Eighteen (18) Townhome Units~~
Lot 4, Nine (9) Townhome Units

Gross Parcel Size(s): ~~Lots 9 & 10, 1.8 Acres (approximately 78,408 Square Feet)~~
Lot 4, .92 Acres (approximately 40,075 Square Feet)

~~(Lots 9 & 10)~~

	~~**Surrounding Use(s):**~~	~~**Surrounding Future Land Use Plan Map Designation(s):**~~
~~**North:**~~	~~Mobile Home Residential Community~~	~~Residential – 10 DU/AC~~
~~**South:**~~	~~Vacant Parcel~~	~~Residential – 10 DU/AC~~
~~**East:**~~	~~Plant Nursery~~	~~Residential – 3 DU/AC~~
~~**West:**~~	~~Vacant Parcel~~	~~Residential – 5 DU/AC~~

	~~**Surrounding Zoning:**~~
~~**North:**~~	~~MH-10, Mobile Home District~~
~~**South:**~~	~~A-1, Agricultural District~~
~~**East:**~~	~~A-1, Agricultural District~~
~~**West:**~~	~~A-1, Agricultural District~~

(Lot 4)

	Surrounding Use(s):	**Surrounding Future Land Use Plan Map Designation(s):**
North:	Professional Office Building	Commercial
South:	Mobile-Home Residential Community	Residential – 10 DU/AC
East:	Plant Nursery	Commercial
West:	Vacant Parcel	Commercial

	Surrounding Zoning:
North:	Griffin Corridor District, East Gateway Zone
South:	AG, Agricultural District
East:	Griffin Corridor District, East Gateway Zone
West:	Griffin Corridor District, East Gateway Zone

Zoning History

Related Zoning History:
Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Concurrent application requests on same property:
Site Plan Application (SP 3-6-05), this site plan application is for the development of eighteen (18) townhome units.

Site Plan Application (SP 4-6-05), this site plan application is for the development of nine (9) townhome units.

Application Details

The subject site~~(s) are~~ is located approximately ~~1,140 feet~~ south of Griffin Road, and west of Southwest 73rd Avenue. The petitioner is proposing a multi-family residential development consisting of ~~twenty-seven (27)~~ townhome units. In order to construct this development on lot~~s~~ 4, ~~9, & 10, totaling approximately 2.72 acres (118,483 square feet),~~ rezoning the above mention lot~~s~~ to a residential multi-family use district (RM-10, Medium Dwelling District) is required.

The subject site~~(s)~~ Future Land Use Plan Map designation~~s~~ ~~are~~ is Residential 10 DU/AC. The Town of Davie's RM-10, Medium Dwelling District zoning designation is consistent with the underlying Land Use designation.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code: review for rezonings.

Section 12-24(D)(5) of the Land Development Code: Medium Density Dwelling (RM-10) Districts: The and RM-10 District is intended to implement the ten (10) 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 density multiple family dwelling districts in the Town of Davie.

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 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 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted meetings with the public on May 11, 2005 and May 13, 2005 at the Town of Davie, Eastside Community Hall. Attached is the petitioner's Citizen Participation Report.

Significant Development Review Committee 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.

Housing and Community Development:
The Town of Davie's Housing and Community Development Office requires that any owner/developer who plans to rezone an existing mobile home park to another use which would cause the existing residents to be permanently and involuntarily displaced, provide a written "Exit/Relocation Plan" which clearly delineates how each resident will be successfully relocated to comparable replacement housing that is affordable to them. This document is crucial, because the affordable housing crisis in Broward County was exacerbated by Hurricane Wilma; and, options for the relocation of involuntarily displaced mobile home residents into comparable replacement housing that is affordable to them, is extremely limited and may be nonexistent in Davie.

Florida Statute 723.083 "Governmental Action Affecting the Removal of Mobile Home Owners" stipulates that "No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park, without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners". The Town's Housing and Community Development Department has already determined that no such comparable housing exists.

Goshen Properties was required to submit written Exit/Relocation Plans for both the Lauderdale/Anchorage and Ponderosa Mobile Home Parks. The Exit/Relocation Plan for the Lauderdale/Anchorage Park was reviewed and approved by this Department. The proposed Exit/Relocation Plan for the Ponderosa Mobile Home Park was submitted, but has not yet been approved. However, the Department concurs that without the knowledge that the applicants rezoning request is granted, the displacement/relocation issue may be moot.

Therefore, I do not object to the processing of this applicants request for a rezoning, as long as it is predicated on the fact that the applicant must subsequently submit a Final Exit/Relocation Plan for the Ponderosa Mobile Home Park residents, which is satisfactory to the Town's Housing and Community Development Department.

I have been working with Mr. Carlton Branker representing Goshen Properties; and, when we met, he agreed to offer all of the residents of the Ponderosa a one-year written lease to remain a tenant at the same rental rates as effective April 1, 2006. Any tenant that did not wish to sign a one-year lease has the right to remain on a month-to-month basis, at the same rental rates.

Mr. Branker agreed not to seek any additional rental increases during the 15 month period effective April 1, 2006. (This affects all residents whether they accept the one year lease option or not). Should any of the current tenants move out voluntarily during the 15 month period, Goshen Properties may or may not choose to re-rent that mobile home. If they do, any prospective tenant must receive the same guaranteed rent for the balance of the 15 month period that commenced April 1, 2006. Goshen Properties must provide this office with Notarized Affidavits from any tenant who seeks to voluntarily relocate, evidencing that they have not been coerced to leave, and that they have located comparable replacement housing of their own choosing.

Mr. Branker agreed to submit the Final Relocation Exit/Plan to this Office three (3) months prior to the state-mandated 6 month notice period, in accordance with Florida Statute 723. He guaranteed that no displacement/relocation will be pursued during this period; and, from April 1, 2006 to June 30, 2007, all compliant residents will remain in occupancy at the current rental rates i.e., there can be no rent increase through June 30, 2007.

If the rezoning request is granted, and the decision is made to move forward with the development, Goshen Properties must submit their Final Exit/Relocation Plan to the Housing and Community Development Office within 90 days. During that time, all residents must be interviewed and an individual relocation plan must be formulated for each resident which is tailored to their specific needs. Each Individualized Exit/Relocation Plan will be presented to this Department for review and approval.

Each tenant must receive just compensation for their mobile home unit and sufficient financial assistance (relocation payments) to move into decent, safe, sanitary, comparable replacement housing that is affordable to them.

Please ensure that any rezoning is contingent on all items outlined herein. Thanks for your cooperation and assistance in this matter.

Staff Analysis

The purpose of this request is to rezone the subject site~~(s)~~ from MH-10, Mobile Home District to RM-10, Medium Dwelling District. According to the existing Land Development Code, RM-10 zoning district allow ten (10) multi-family dwelling units per acre, while MH-10 zoning district allows ten (10) mobile homes per acre. Rezoning to the RM-10 zoning district would maintain the residential density and eliminate mobile home uses on the subject site.

This rezoning is consistent with the Comprehensive Plan and Land Development Code. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

Staff Findings of Fact

Rezonings:
Section 12-307(A) (1):
The following findings of facts apply to the rezoning request:

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

The Future Land Use Plan Map designates the parcel as Residential (10 DU/AC), and the comprehensive plan allows townhome dwellings to be developed in this residential land use category.

(b) The proposed change will create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The requested RM-10, Medium Dwelling District is compatible with the future land use plan map, however, would create isolated zoning district~~s~~ for lot~~s~~ 4, ~~9 & 10 that are~~ is not contiguous and other parent parcels are not zoned RM-10, Medium Dwelling District.

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

The existing MH-10, Mobile Home District boundaries are logically drawn in accordance with the future land use plan map.

(d) The proposed change will not adversely affect living conditions in the neighborhood;

The development of ~~27~~ townhomes will not have adverse impacts on the surrounding areas. However, those residents presently residing at ~~those~~ the mobile home ~~communities~~ community could occur unfavorable impacts.

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated by ~~27~~ townhomes is what the land use plan anticipated. Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met.

(f) The proposed change will not adversely affect other property values;

Surrounding property values will not be adversely impacted by the development of townhomes on the subject sites. However, in general, townhome property values are higher then those of mobile homes, thus, possibly creating a townhome development trend in this area of unfavorable monetary impacts to residents living in neighboring mobile home communities.

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

Development of the subject sites will not deter development or improvement of adjacent parcels. However, no townhome developments have yet been approved in the neighboring area.

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

This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

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

The subject site can be developed according to the existing zoning district standards; however the requested designation is consistent with the land use plan.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning designation is consistent with the Future Land Use Plan Map and is therefore the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the November 8, 2006 Planning and Zoning Board Meeting, rezoning application ZB 12-2-04/Wimberly Haven was tabled to the November 22, 2006 Planning and Zoning Board Meeting. **(Motion carried 4-0, Mr. Bender was absent)**

At the November 22, 2006, Planning and Zoning Board Meeting, Mr. Busey made a motion, seconded by Mr. Stevens to deny ZB 12-2-04/Wimberly Haven. **(Motion carried 4-1, the board's reasons for denial was that the request did not meet the criteria for a rezoning noted in the Land Development Code, Section 12-307(A) (1): (b.) the proposed change will create an isolated zoning district unrelated and incompatible with adjacent and nearby districts; and (d.) the proposed change will adversely affect living conditions in the neighborhood, presenting an adverse or unfavorable impact)**

Town Council Motion

At the December 6, 2006 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the December 20, 2006 Town Council meeting. **(Motion carried 5-0)**

At the December 20, 2006 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the January 17, 2007 meeting to provide staff with enough time to amend the rezoning application in taking out lots 9 and 10. **(Motion carried 5-0)**

Exhibit(s)

1. Justification Letter
2. Amendment to Rezoning Letter
3. 1,000' Mail out Radius Map
4. Property Owners within 1,000' of the Subject Site
5. Public Participation Notice
6. Public Participation Sign-In Sheets
7. Public Participation Summaries
8. Public Participation Report
9. Conceptual Site Plan
10. Future Land Use Plan Map
11. Aerial, Zoning, and Subject Site Map

Prepared by: _____ Reviewed by: _____

File Location: P&Z\David Abramson\Applications\ZB_Rezoning\ZB_04\ZB 12-2-04 Wimberly Haven

Exhibit 1 ***(Justification Letter)***

PILLAR CONSULTANTS INC.

Lic. #QB-0015697

December 22, 2004

Ms. Marcie Oppenheimer Nolan, AICP
Development Services Department
Planning and Zoning Division
Town of Davie
6591 Orange Drive
Davie, Florida 33314

RE: **GOSHEN PROPERTIES**
Rezoning Application Justification Statement

The following is our justification for our rezoning request.

1. ***Criteria:*** *The proposed change is not contrary to the adopted comprehensive plans, as amended, or any element or portion thereof.*
Response: Both the Existing and Future Land Use Map for the Town of Davie Comprehensive Plan identifies the subject property as "Residential 10 units per acre". Therefore, The proposed rezoning change from the "MH-10" to "RM-10" district is not contrary to the adopted comprehensive plan.

2. ***Criteria:*** *The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.*
Response: The proposed change will not create an isolated zoning district unrelated or incompatible with nearby districts. These properties are currently within an area zoned and in use as MH-10. The land under consideration for rezoning is surrounded with a mix of zoning densities (R-5 to the west, R-3 to the East, MH-10 and A-1 to the South and West Gateway to the North).

3. ***Criteria:*** *Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
Response: The subject parcels of land are within a Land Use area designated "Residential 10 units per acre". Rezoning the parcels from MH-10 to RM-10 will maintain a uniform zoning district. The same density will be maintained.

4. ***Criteria:*** *The proposed change will not adversely affect living conditions in the neighborhood.*

Response: The proposed change from MH-10 to RM-10 and the development of townhouses as we propose will not adversely affect living conditions in the neighborhood, but on the contrary be a better condition for the community. The proposed development will be an upgrade from the existing trailer park. Pedestrian connectivity will be constructed where there is currently none. Dumpster facilities and emergency access will also be provided where there currently is none. Parking to meet the code will be provided where there is currently little or no parking provided now. Landscaping will be installed to beautify the area. Water distribution system will be upgraded to meet current demand thereby increasing fire protection and domestic service. Septic tanks will be replaced with city sewer service. All in all the neighborhood will be a safer and more desirable place to live.

5. ***Criteria:*** *The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.*
Response: The underlying land use designation is "Residential 10 units per acre". The proposed rezoning does not affect the vehicular traffic generated from this site because the existing zoning and the proposed zoning have the same density.

6. ***Criteria:*** *The proposed change will not adversely affect other property values.*
Response: The proposed change from MH-10 to RM-10 and the development of townhouses as we propose will not adversely affect living conditions in the neighborhood, but on the contrary be a better condition for the community. The anticipated value of the townhouses will be $280,000.00 to $325,000.00 which is substantially above the value of the existing mobile homes. This not only increases the tax base for the Town but also increases the values of the surrounding properties.

7. ***Criteria:*** *The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations.*
Response: The proposed change in zoning is in no way a determent to the improvement or development of other property. On the contrary, by leading the way we feel it will spur development within this area. Our development will bring water and sewer utilities to the adjacent property thereby enhancing the ability of those adjacent properties to develop.

8. ***Criteria:*** *The proposed change <u>will not</u> constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.*
Response: We are requesting a zoning district with an identical density to the existing zoning district. Therefore, it is not a grant of special privilege. The potentially increased property values of the adjacent properties will be a positive impact on the welfare of the general public.

9. ***Criteria:*** *There are substantial reasons why the property cannot be used in accord with the existing zoning.*
Response: The property is currently in use under the existing zoning as a mobile home development. The trailers are situated on rented land which has inadequate fire protection, insufficient parking, sewage is being handled via septic systems, and there is virtually no existing landscaping. We propose to change those conditions with our new development of townhouses.

10. ***Criteria:*** *The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location..*
Response: The proposed zoning designation is the most appropriate designation to enhance the Town's tax base. The proposed zoning conforms with the Future Land Use plan and is compatible with the surrounding zoning. This proposed zoning will not increase density and therefore will not affect traffic. The increased value of our proposed development over the current use will increase the Town's tax base.

In conclusion, it is our opinion that the use contemplated with this rezoning request is the most appropriate for the Town and the neighboring residence. We feel that this property is best suited to be developed as townhouses keeping the same density as the current use. This comprehensive and cohesive planned development which will benefit and serve the residents of the Town of Davie for years to come is overwhelmingly more desirable than the uses currently utilized under the existing zoning district.

We respectfully submit this application for rezoning for your consideration and ultimate approval. Should you have any questions or require further documentation, please do not hesitate to contact me.

Sincerely,
PILLAR CONSULTANTS, INC.

Jay C. Evans

Jay C. Evans, President

Exhibit 2 ***(Amendment to Rezoning Request Letter)***

LAW OFFICES
DOUMAR, ALLSWORTH, CROSS, LAYSTROM,
VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
KAREY L. BOSACK, P.A.
J. GARY BROWN, JR., P.A.
WILLIAM S. CROSS, P.A.**

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

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RAYMOND A. DOUMAR, P.A.*
C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
ANDRE PARKE, P.A.
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.†

JOHN W. PERLOFF, P.A.
OF COUNSEL

VIA FAX AND U.S. MAIL
(954) 797-1204

December 13, 2006

Mr. David M. Abramson
Planner II
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

Re: Rezoning Application ZB12-2-04/04-466/Wimberly Haven
Owner: Goshen Properties
Petitioner: Colonade Construction Group

Dear Dave:

Please be advised that Bill Laystrom and I have been asked to assist the owner and petitioner with regard to this rezoning application. It is our understanding that the matter is currently scheduled to go before the Town Council at their meeting of Wednesday, December 20, 2006. Please accept this letter on behalf of owner and petitioner as a request to table the item from the December 20, 2006 agenda. We would respectfully request this matter be placed on the Town Council agenda for the meeting of Wednesday, January 17, 2007, if that is possible.

As you know, the pending rezoning application addresses two separate properties. One consists of Lots 9 and 10 at 4701 S.W. 73rd Avenue, while the other consists of Lot 4 located at 4631 S.W. 73rd Avenue. By way of this letter we would also request to withdraw the rezoning request as to Lots 9 and 10, 4701 S.W. 73rd Avenue. We would like to proceed with the rezoning application as to Lot 4, 4631 S.W. 73rd Avenue, only. Please let me know if anything further is required to accomplish this.

Thank you for your assistance in this regard. Please contact Bill or me should you have any questions.

Sincerely,

JOHN D. VOIGT
For the Firm

JDV/kdr

cc: Carlton Branker, Goshen Properties
Frank Costoya, Colonade Construction Group
Jay Evans, Pillar Consultants, Inc.

Exhibit 3 ***(1,000' Mail out Radius Map)***

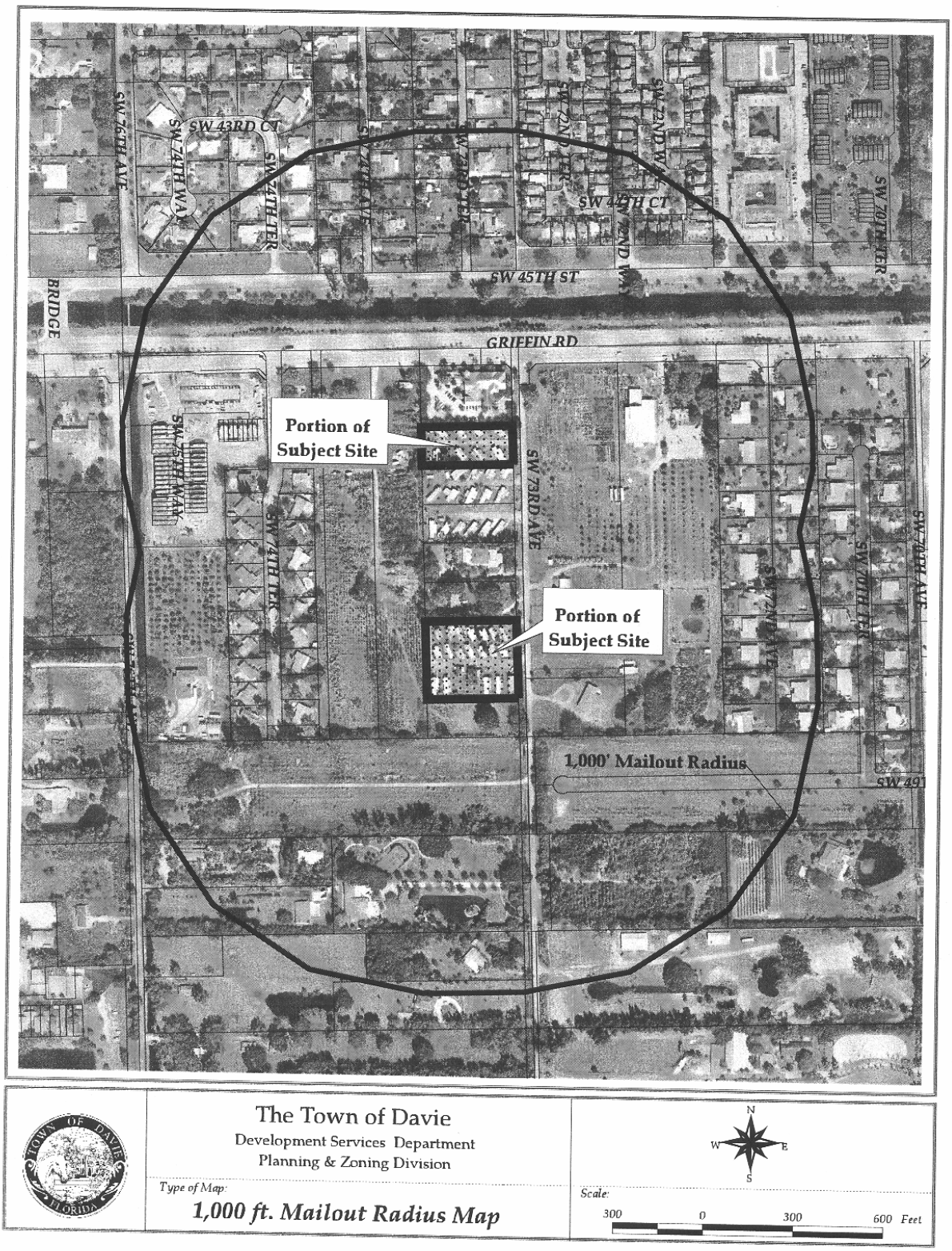


Exhibit 4 ***(Property Owners within 1,000' of the Subject Site)***

FOLIO	NAME_LINE_	ADDRESS_LI	ADDRESS__1
504127390310	ALFONSO,CARRIE ROSE	3040 SW 19 ST	MIAMI FL 33145
504127390140	ALLBRIGHT,ANITA L	4625 SW 75 WAY	DAVIE FL 33314
504127090060	AMBRIANO,JOSEPH &	901 PINECROFT CT	FRANKLIN LAKES NJ 07417-1711
504127280090	ANGULO,ALFREDO & JUDITH	7031 SW 40 CT	DAVIE FL 33314
504127390280	ANTIEAU,KATHY J &	4622 SW 75 WAY	DAVIE FL 33314
504127020500	ARMSTRONG,PATRICK B & JANIE E	4410 SW 73RD TER	DAVIE FL 33314-3033
504127390170	AYALA,SANDRA	4669 SW 75 WAY #103	DAVIE FL 33314
504127140070	BAMFORD,VALERIE R	4701 SW 74 TER	DAVIE FL 33314-4129
504127020490	BOLEN,VICKI	4400 SW 73RD TER	DAVIE FL 33314-3033
504127280710	BONHOMMETTE,SONIA	4441 SW 72 TER	DAVIE FL 33314
504127271520	BORENS,BRIANS S 1/2 INT EA	4415 SW 72 WAY	DAVIE FL 33314-3153
504134010911	BOVIE,DONALD	5095 SW 73RD AVE	DAVIE FL 33314-4801
504127020510	BROADBENT,ROBERT J	7301 ORANGE DR	DAVIE FL 33314-3015
504127280700	BROWN,DEBORAH LYNN	4435 SW 72 TER	DAVIE FL 33314-3133
504127320180	BUCCI,PATRICK J	4345 SW 74 TER	DAVIE FL 33314-3016
504127010735	BUGBEE,GLEN &	4710 SW 72ND AVE	DAVIE FL 33314-4116
504127280730	BURRINI,GERALDINE	4451 SW 72ND TER	DAVIE FL 33314-3133
504127010748	CALDWELL,RONALD C & BILLIE A	4785 SW 72 AVE	DAVIE FL 33314-4115
504127010731	CASS,C W & GLYNNETTE	4750 SW 72ND AVE	DAVIE FL 33314-4116
504127320130	CASSIDY,SHAWN M & CHERYL L	4420 SW 74 WAY	DAVIE FL 33314-3020
504127280770	CASTRO,NELSON &	4331 SW 72 TER	DAVIE FL 33314-3154
504127370020	CENTERLINE OFFICE AT DAVIE LLC	825 CORAL RIDGE DR	CORAL SPRINGS FL 33071
504127390080	CHIANG,WINNIE KOK-WEAY &	2828 POINCIANA CIR	COOPER CITY FL 33026
504127320190	CLOUGH,DIANE	4401 SW 74 TER	DAVIE FL 33314
504127140220	COHEN,BARRY	401 MEADOW RD	DURANGO CO 81301
504127320020	COHEN,JARRED S	4400 SW 74 TER	DAVIE FL 33314-3046
504127140100	COLLINS,JUDITH MADISON 1/2 INT	4761 SW 74TH TER	DAVIE FL 33314-4129
504127280011	COUNTRY CREEK CLUB HOMEOWNERS	2880 W OAKLAND PARK BLVD STE 203	FORT LAUDERDALE FL 33311-1350
504127280800	CZINKOTA,ZOLTAN	7260 SW 44 CT	DAVIE FL 33314-3154
504127320140	D'ANDREA,CHARLES N JR	4400 SW 74 WAY	DAVIE FL 33314-3020
504127390190	DANIELLE,CATHY DAVIS &	4241 HENDRICKS ISLE #11	FT LAUDERDALE FL 33301
504127390180	DANIELS,TRAVIS	4665 SW 75 WAY #104 BLDG 3	DAVIE FL 33314
504127020260	DANISI,ROSA MARIA	4490 SW 74 AVE	DAVIE FL 33314-3027
504127390230	DAVIS,TREVOR &	1590 SW 190 AVE	HOLLYWOOD FL 33029
504127090040	DELL TRAILER PARK INC	1669 MINORS BRANCH ROAD	STAMPING GROUND KY 40379-9660
504134010920	DELLUTRI,SALVATORE & MARIA ELENA	5075 SW 73 AVE	DAVIE FL 33314-4801
504127320010	DEMPSEY,SCOTT ANDREW	4420 SW 74 TER	DAVIE FL 33314-3046
504127390410	DENGLER,DOUGLAS J &	6030 SW 8 ST	PLANTATION FL 33317
504127020300	DETATA,STEPHEN 1/2 INT	4331 SW 73RD TER	DAVIE FL 33314-3030
504127140200	DEYBACH,JOEL	7124 CHESAPEAKE CIRCLE	BOYNTON BEACH FL 33436
504127270880	DIEDRICK,DIANE L	4450 SW 72ND WAY	DAVIE FL 33314-3150

504127390390	DINON,THOMAS SR &	7436 WILLOW GROVE PL	DAVIE FL 33314
504127020470	DOMES,EDWARD & SANDRA L	4001 SW 111 AVE	DAVIE FL 33328
504127390290	DURAND,JEAN AUGUSTIN &	4626 SW 75 WAY	DAVIE FL 33314
504127280760	EAMIELLO,STEVEN P & NANCY C	4461 SW 72 TER	DAVIE FL 33314-3133
504127271510	EDMISTON,JONATHAN	4411 SW 72 WAY	DAVIE FL 33314
504127140050	EDWARDS,PAULINE L	4671 SW 74TH TER	DAVIE FL 33314-4127
504127270890	ELEFANO,REVIE & EDWINA	4444 SW 72 WAY	DAVIE FL 33314-3150
504127390350	ELKMAN,RICHARD & CYNTHIA	16292 BRISTOL POINTE DR	DELRAY BEACH FL 33446
504127010741	ENGCULANON,SEDTASAK 1/2 INT	4710 SW 72 AVE	DAVIE FL 33314-4115
504127390300	ESCLASANS,SUSANA &	5286 SW 34 WAY	FORT LAUDERDALE FL 33312
504127020050	ESTES,KENNETH RAY TR	7443 HOPEFUL RD	FLORENCE KY 41042-9464
504127140190	ESTRADA,ROBERT M	4640 SW 74TH TER	DAVIE FL 33314-4128
504127390050	FAVEROLA,GABRIELA G &	8325 S LAKE FOREST DR	DAVIE FL 33328
504127390130	FLORENO,MICHAEL J	9010 SW 53 ST	COOPER CITY FL 33328
504127390370	GARAY,MARY A	11054 ROSE HILL DR	CLERMONT FL 34711
504127010751	GIOIA,ANNA C REV TR	4780 SW 72 AVE	DAVIE FL 33314-4116
504127140020	GLENN,RONALD E	4621 SW 74TH TER	DAVIE FL 33314-4127
504127020220	GONZALEZ,ARMANDO	4330 SW 74 AVE	DAVIE FL 33314-3025
504127280810	GOOSSEN,KEVIN RAY 1/2 INT	7256 SW 44TH CT	DAVIE FL 33314-3154
504127090080	GOSHEN PROPERTIES II LLC	2211 NW 94 AVE	DAVIE FL 33024
504127090020	GOSHEN PROPERTIES LLC	3816 HOLLYWOOD BLVD #203	DAVIE FL 33024
504127270840	GREEN,DANIEL & KIMBERLY	7216 SW 44 CT	DAVIE FL 33314
504127390160	GRIFFITH,VICKI	4673 SW 75 WAY	DAVIE FL 33314
504127010744	GRIFFON MANAGEMENT CO	2972 WENTWORTH	WESTON FL 33332-1841
504127390100	HARALA,MARY ALEXANDRA &	10605 OLD HAMMOCK WAY	WELLINGTON FL 33414
504127390270	HARRINGTON,SCOTT &	4618 SW 75 WAY	DAVIE FL 33314
504127270870	HINMAN,JON J & SHARI A	7200 SW 44 CT	DAVIE FL 33314-3161
504127010754	HOLLAND,JAMES E	4771 SW 72ND AVE	DAVIE FL 33314-4115
504127020230	INGMIRE,CHARLOTTE E	4340 SW 74TH AVE	DAVIE FL 33314-3025
504127010736	JAMES B PIRTLE CONSTR CO INC	4740 DAVIE ROAD	DAVIE FL 33314
504127140090	JAMES,FREDERICK	4741 SW 74 TER	DAVIE FL 33314-4129
504127390330	JENKINS,BRAD	4642 SW 75 WAY	DAVIE FL 33314
504127390420	K2 PROPERTIES LLC	5008 NW 119 TER	CORAL SPRINGS FL 33076
504127140140	KATZ,DANIEL &	4740 SW 74 TER	DAVIE FL 33314-4130
504127390020	KAUFMAN,GARY &	10707 SW 51 ST	DAVIE FL 33328
504127390060	KHOURY,HOWAYDA & SAMER A	4754 HIBBS GROVE TER	COOPER CITY FL 33330
504127390070	KNIES,TODD J & ADRIANA	11500 NW 8 ST	PLANTATION FL 33325
504127280690	KOSSAK,KATARZYNA	4431 SW 72 TER	DAVIE FL 33314-3133
504127010730	LACHOWICZ,SHARON L	4757 SW 72ND AVE	DAVIE FL 33314-4115
504127390400	LAING,CAROLYN &	7440 SW 75 WAY	DAVIE FL 33328
504127020290	LANDIS,STEVEN 1/2 INT	4341 SW 73 TER	DAVIE FL 33314
504127020240	LANG,INGO	4200 SW 102 AVE	DAVIE FL 33328

504127390150	LASTRIN INVESTMENTS INC	3778 BENEVA OAKS BLVD	SARASOTA FL 34238
504134010910	LAUDERDALE,VIRGINIA REV TR	5306 SW 76 AVE	DAVIE FL 33328-5404
504127020480	LAZAR,CORNEL & ALINA LUMINITA	4340 SW 73 TER	DAVIE FL 33314
504127271550	LEPAGE,MICHEL & CAROLE	4431 SW 72ND WAY	DAVIE FL 33314-3153
504127280720	LIU,YING FANG &	4445 SW 72 TER	DAVIE FL 33314
504127010734	LLOYD,RONALD & DANIELLE	4720 SW 72 AVE	DAVIE FL 33314-4116
504127020270	LUSARDO,ROGER &	4421 SW 73 TER	DAVIE FL 33314
504127140030	LYDEN,HELEN REV TR	4641 SW 74 TER	DAVIE FL 33314-4127
504127140170	MAAYA,RAMSEY E & MISTY L	4680 SW 74TH TER	DAVIE FL 33314-4128
504127010749	MADURO,ARMAND EUGENE	4781 SW 72ND AVE	DAVIE FL 33314-4115
504134010921	MARINO,KENNETH J	5070 SW 76TH AVE	DAVIE FL 33328-4602
504127010737	MARRIOTT,BETTY M LE 1/2 INT EA	4721 SW 72 AVE	DAVIE FL 33314-4115
504127390220	MARTINEZ,LUIS R	4654 SW 75 WAY	DAVIE FL 33314
504127390340	MASSRE,MORRIS &	2222 NW 129 AVE	PEMBROKE PINES FL 33028
504127280740	MC GUIRE,JAMES J	4455 SW 72ND TER	DAVIE FL 33314-3133
504127010810	MC HUGH,JOSEPH M	7550 GRIFFIN RD	DAVIE FL 33314-4138
504127390040	MCCARTHY,TIM	4609 SW 75 WAY	DAVIE FL 33314
504127390120	MEJIA,JUAN	4633 SW 75 WAY	DAVIE FL 33314
504127280060	METTS,LYNDSEY A 1/2 INT	4434 SW 72 TER	DAVIE FL 33314-3130
504127010745	MIONE,JAMES C & CHERIE D	4761 SW 72ND AVE	DAVIE FL 33314-4115
504127020040	MIZE,ROBIN	4341 SW 74 AVE	DAVIE FL 33314-3043
504127320200	MOORE,JOSEPH JAY III & KATHERINE	4425 SW 74TH TER	DAVIE FL 33314-3047
504127390011	MORGENSTEIN,VLADIMIR & IRINA	10885 LA SALINAS CIR	BOCA RATON FL 33314
504127270860	MOZLEY,ROBERT A JR & LATRICIA A	7206 SW 44TH CT	DAVIE FL 33314-3161
504127280080	MUSSER,STEPHEN B	4424 SW 72 TER	DAVIE FL 33324
504127280680	MYRICK,ALLEN	4425 SW 72ND TER	DAVIE FL 33314-3133
504127010770	NAPOLITANO,ANGELO TR	1521 N W 165 ST	MIAMI FL 33169-5642
504127010780	NAPOLITANO,ANGELO TR	1521 N W 165 ST	MIAMI FL 33169-5642
504127010800	NAPOLITANO,ANGELO TR	1521 N W 165 ST	MIAMI FL 33169-5642
504127390090	NELSON,GLADYS	4645 SW 75 WAY	DAVIE FL 33314
504127271540	NODARSE,ANTHONY J	4425 SW 72 WAY	DAVIE FL 33314-3153
504127270830	O'CONNELL,DENNIS 1/2 INT EA	7220 SW 44TH CT	DAVIE FL 33314-3161
504127140040	OLEARY-SPITZER,MARY 1/2 INT EA	4651 SW 74 TER	DAVIE FL 33314-4127
504127010752	OLSON,SHIRLEY J REV LIV TR LE	705 CAMBRIDGE AVE	MENLO CA 94025
504127390260	OWEN,LINDA	4670 SW 75 WAY	DAVIE FL 33314
504127320040	PAGLIARULO,JOSEPH J TR	4320 SW 74 TER	DAVIE FL 33314
504127140080	PALM,RONALD	4721 SW 74 TER	DAVIE FL 33314-4129
504127140180	PARMA,GANGA & DEORANIE	4660 SW 74 TER	DAVIE FL 33314-4128
504127010791	PEARSON,DELORIS LEE TR	7410 GRIFFIN RD	DAVIE FL 33314-4136
504127280660	PERNIA,JOSE LUIS	733 NW 104 AVE #201	COOPER CITY FL 33026
504127280790	PIRILLI,JOHANNA REV TR	7266 SW 44 CT	DAVIE FL 33314-3154
504127010742	PLUMMER,RICKARDO A & LISA R	4760 SW 72ND AVE	DAVIE FL 33314-4116

504127010811	PLYMOUTH PARK TAX SERV LLC	PO BOX 2288	MORRISTOWN NJ 07962-2288
504127140160	QUEVEDO,HECTOR JR &	4700 SW 74 TER	DAVIE FL 33314
504127010738	RADANOF,ROY M TR	4747 SW 72ND AVE	DAVIE FL 33314-4115
504127280670	RAY,HENRY	4421 SW 72 TER	DAVIE FL 33314
504127390030	REGAL,CATHERINE &	4613 SW 75 WAY	DAVIE FL 33314
504127270850	RIOS,HECTOR & LOURDES PEREZ	7210 SW 44 CT	DAVIE FL 33314-3161
504127020280	RITCHEY,RONNIE 1/2 INT EA	4415 SW 73 TER	DAVIE FL 33314-3032
504127020020	RODERMICK,WILLIAM P & GLENDA L	4491 SW 74TH AVE	DAVIE FL 33314-3026
504127140110	ROGERS,RALPH L & MICHELLE K	4781 SW 74 TER	DAVIE FL 33314-4129
504127010755	ROSS,JEANNE ANN & MICHAEL &	4775 SW 72 AVE	DAVIE FL 33314-4115
504127010814	SACCULLO,JAMES & LENORE	4611 S UNIVERSITY DR PMB 443	DAVIE FL 33328
504127390360	SANCHEZ,DOMINGO	7424 WILLOW GROVE PL	DAVIE FL 33314
504127280820	SANDOVAL,FEDERICO & JOSEFA	7250 SW 44TH CT	DAVIE FL 33314-3154
504134010912	SANTIAGO,RAPHAEL I	5101 SW 73 AVE	DAVIE FL 33314
504127010747	SCHAEFER,CYNTHIA	4786 SW 72 AVE	DAVIE FL 33314-4116
504134010930	SCHICK,MARIE PENELOPE REV LIV TR	4901 SW 73 AVE	DAVIE FL 33314
504127390380	SCHMIDT,CARLOS G &	19347 S WHITEWATER AVE	WESTON FL 33332
504127010746	SCHWARTZ,SUSAN	4770 SW 72ND AVE	DAVIE FL 33314-4116
504127090050	SELBY,DAVID L & KATHERINE	4755 SW 73 AVE	DAVIE FL 33314
504127280780	SHATA,MAHMOUD 1/2 INT	7270 SW 44 CT	DAVIE FL 33314
504127280050	SIMMS,LEONARD & ROSE MARIE	4440 SW 72ND TER	DAVIE FL 33314-3130
504127280040	SIMMS,LOTTIE J	4444 SW 72ND TER	DAVIE FL 33314-3130
504134010923	SKYDELL,JEFFREY &	5060 SW 76TH AVE	DAVIE FL 33328-4602
504127390110	SKYDELL,JEFFREY B &	5060 SW 76 AVE	DAVIE FL 33328
504127271530	SMITH,JAY A	4421 SW 72 WAY	DAVIE FL 33314-3153
504127140060	SMITH,PAUL & ZELMA LE	4691 SW 74TH TER	DAVIE FL 33314-4127
504127020250	SNYDER,BETH LYNN	4410 SW 74 AVE	DAVIE FL 33314-3027
504127140120	SORGE,JONATHAN I & SALVATRICE S	4780 SW 74 TER	DAVIE FL 33314-4130
504134010610	SPERLING,AMY	4200 SW 77 AVE	DAVIE FL 33314
504134010620	SPERLING,AMY	4200 SW 77 AVE	DAVIE FL 33328
504127140210	SPIECE,ROBERT R JR	4641 SW 74 TER	DAVIE FL 33314-4132
504127140010	SPIECE,ROBERT R JR	4641 SW 74 TER	DAVIE FL 33314
504127010761	SPYKE,MARIAN O REV TR	4990 SW 73 AVE	DAVIE FL 33314-4126
504127010750	SPYKE,PETER D TR,SPYKE,T A TR	3111 PEACHTREE CIRCLE	DAVIE FL 33328-6706
504127010760	SPYKE,PETER D TR,SPYKE,T A TR	3111 PEACHTREE CIRCLE	DAVIE FL 33328-6706
504127270900	STAHL,BRIAN M &	4440 SW 72 WAY	DAVIE FL 33314-3150
504127090013	STATE OF FLORIDA,DOT	3400 W COMMERCIAL BLVD	FT LAUDERDALE FL 33309-3421
504127120210	STRAIN,RICHARD E JR	5001 SW 70TH AVE	DAVIE FL 33314-4901
504127120211	STRAIN,RICHARD E JR	5001 SW 70TH AVE	DAVIE FL 33314-4901
504134010611	STRAIN,RICHARD E JR	5001 SW 70 AVE	DAVIE FL 33314-4901
504127390200	TAFUR,JAVIER M &	4657 SW 75 WAY	DAVIE FL 33314
504127010753	TELLO,CARLOS A & SILVIA T	4769 SW 72 AVE	DAVIE FL 33314-4115

504127390250	THE ASHLEY GROUP LLC	10051 NW 3 ST	DAVIE FL 33324
504127140130	THEODOSIOU,SUSAN	4760 SW 74 TER	DAVIE FL 33314-4130
504127010740	TOMSEY,JERRY M & CANDACE S	4776 SW 72 AVE	DAVIE FL 33314-4116
504127020021	TOWN OF DAVIE	6591 SW 45 ST	DAVIE FL 33314-3348
504127010733	TRUEX,THOMAS A & JANET L	4740 SW 72ND AVE	DAVIE FL 33314-4116
504127320030	VILARINO,NILDA &	4340 SW 74 TER	DAVIE FL 33314-3000
504127020012	VONGUNTEN,RICHARD & MALA	7415-7417 ORANGE DR	DAVIE FL 33314
504127020010	WALDFOGEL,SIDNEY	7401 ORANGE DR	DAVIE FL 33314-3017
504127140150	WALKE,WILLIAM & JENNIFER	4720 SW 74 TER	DAVIE FL 33314-4130
504127390320	WARREN,WILLIAM BRIAN LIV TR	2114 CLUB VISTA PLACE	LOUISVILLE KY 40245
504127390210	WAUNSCH,JOHN & ROBIN	4650 SW 75 WAY	DAVIE FL 33314
504127390010	WILLOW GROVE H O A	825 CORAL RIDGE DR	CORAL SPRINGS FL 33071
504127010732	WUNDERLICH,P H & SARA G	4741 SW 72ND AVE	DAVIE FL 33314-4115
504127020030	WYNN,ROBET E	4401 SW 74 AVE	DAVIE FL 33314
504127390240	YEE,LINDA CHIN	4662 SW 75 WAY	DAVIE FL 33314
504127280070	ZACHER,STEPHEN G & GAYLE	4430 SW 72ND TER	DAVIE FL 33314-3130
504127010739	ZARTOLAS,G & ADA H TR	4756 SW 72ND AVE	DAVIE FL 33314-4116

Exhibit 5 ***(Public Participation Notice)***

GP **Goshen Properties, LLC**

Residential and Commercial Development Services

April 28, 2005

Town of Davie Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314-3399

ATT: David Abramson

RE: .9243 acres (40,260 sq. ft) Residential Parcel of land.
South Side of Griffin Road on 76th Avenue
Lot 4, of WIMBERLY ADDITION TO DAVIE, according
To the Plat thereof, as recorded in Plat Book 14, at Page 18 of
The Public Records of Broward County, Florida

Dear Property Owner:

Please be advised that on Wednesday May 11, 2005 and Friday, May 13, 2005 at 6:00 p.m., we will be at the Town of Davie East Side Community Hall, located at 4300 S.W. 55th Avenue to discuss the proposed improvements to the subject parcel of land. We will have plans of the proposed rezoning of the above-mentioned parcel, as well as, site plan development which will consist of 19,795 square feet of town homes. We will be ready to answer any question you may have, and will listen to any suggestions.

Sincerely,

Goshen Properties LLC

Carlton R. Branker, Principal

Enclosure: Proposed Site Plan

GP **Goshen Properties, LLC**

Residential and Commercial Development Services

April 28, 2005

Town of Davie Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314-3399

ATT: David Abramson

RE: 1.8 acres (80,544 sq. ft) Residential Parcel of land.
South Side of Griffin Road on 76th Avenue
Lots 9 and 10, of WIMBERLY ADDITION TO DAVIE, according
To the Plat thereof, as recorded in Plat Book 14, at Page 18 of
The Public Records of Broward County, Florida

Dear Property Owner:

Please be advised that on Wednesday May 11, 2005 and Friday, May 13, 2005 at 6:00 p.m., we will be at the Town of Davie East Side Community Hall, located at 4300 S.W. 55th Avenue to discuss the proposed improvements to the subject parcel of land. We will have plans of the proposed rezoning of the above-mentioned parcel, as well as, site plan development which will consist of 39,590 square feet of town homes. We will be ready to answer any question you may have, and will listen to any suggestions.

Sincerely,

Goshen Properties LLC

Carlton R. Branker, Principal

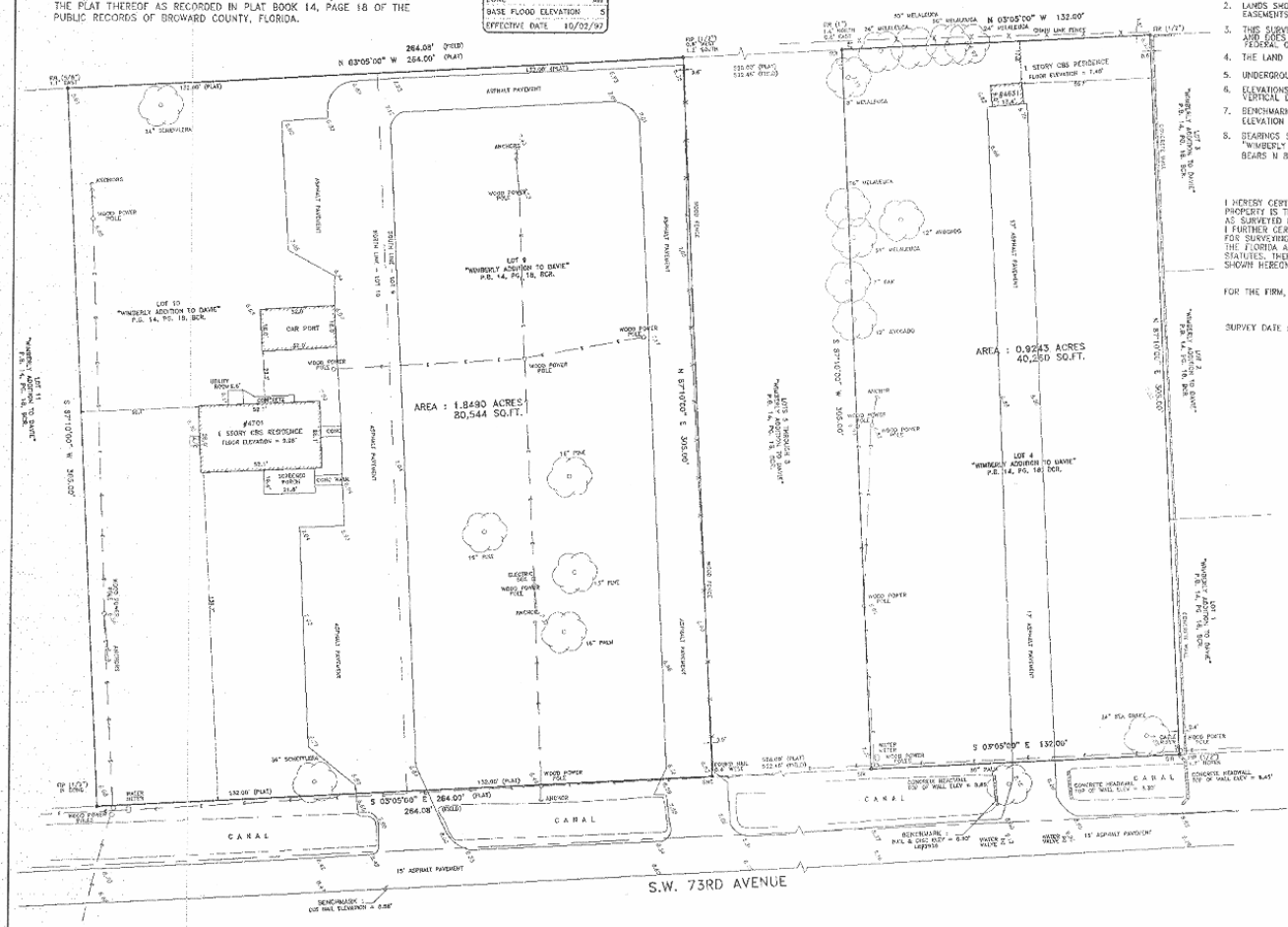
Enclosure: Proposed Site Plan

SKETCH OF SURVEY

LAND DESCRIPTION :

LOTS 4, 9 AND 10 OF "WIMBERLY ADDITION TO DAVIE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120035
PANEL NUMBER	0302 F
ZONE	AH
BASE FLOOD ELEVATION	5
EFFECTIVE DATE	10/02/92



NOTES :

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLEY TO SHOW BOUNDARY INFORMATION AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL, OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS ARE NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. BENCHMARK REFERENCE : BROWARD COUNTY BENCHMARK # 1488 ELEVATION = 9.21'
8. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF "WIMBERLY ADDITION TO DAVIE", (P.B. 14, PG. 18, BCR.), SAID LINE BEARS N 87°10' E.

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2004. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 61G17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: _____

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4183

SURVEY DATE : 12/10/04

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
WPP	WOOD POWER POLE
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
CBS	CONCRETE BLOCK STRUCTURE
-E-	OVERHEAD UTILITY WIRES
A/C	AIR CONDITIONER
4.08	ELEVATION
CLP	CONCRETE LIGHT POLE
CPP	CONCRETE POWER POLE
MLP	METAL LIGHT POLE
ES	ELECTRIC BOX

COUSINS SURVEYORS & ASSOCIATES, INC.
6501 ORANGE DRIVE
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9985 FAX (954) 680-0213

CLIENT : JEREMY MILLINGEN

LOTS 4, 9 AND 10
"WIMBERLY ADDITION TO DAVIE"
(P.B. 14, PG. 18, BCR.)

SKETCH OF SURVEY

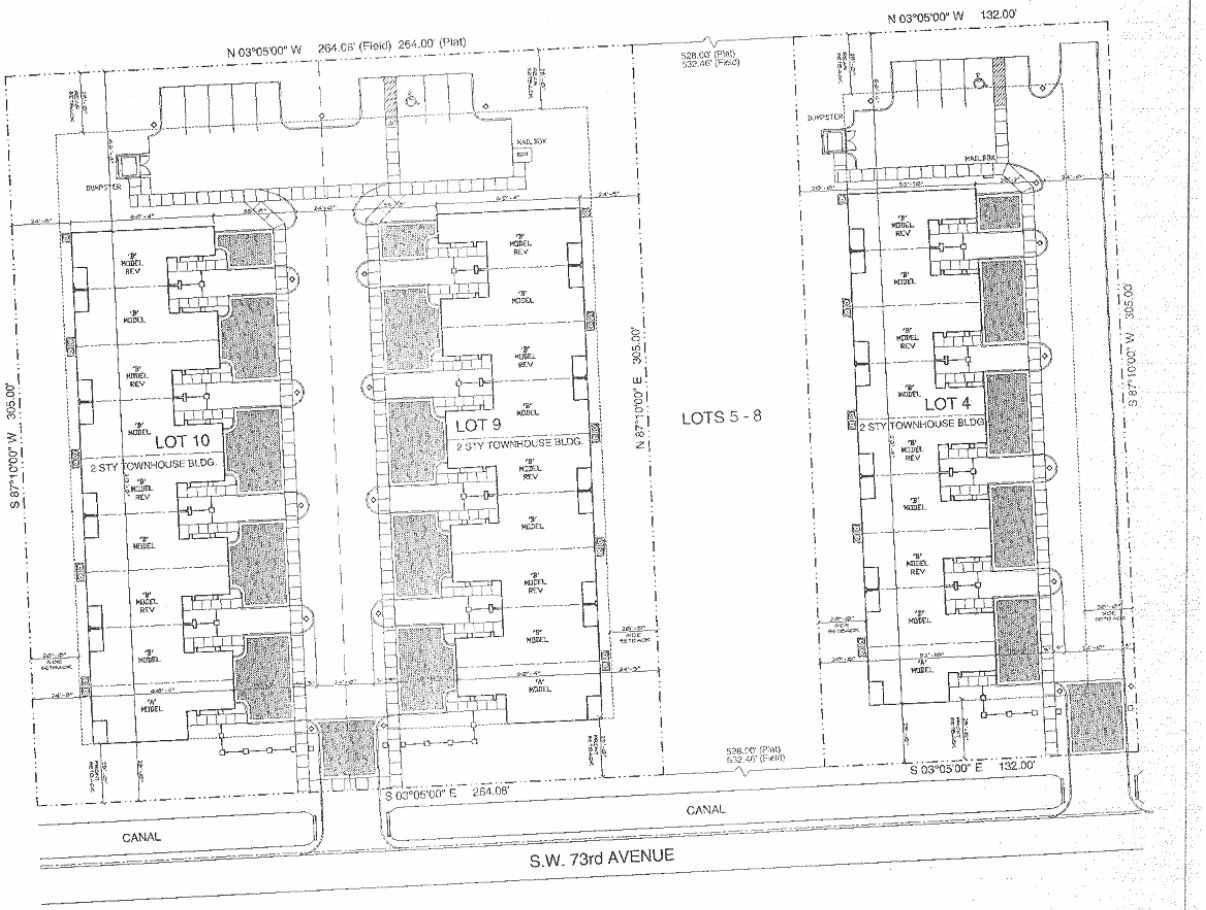
REVISIONS	DATE:	FB/PG	DWN:	CKD
BOUNDARY & TOPOGRAPHIC SURVEY	12/10/04	SKETCH	AV	MS

PROJECT NUMBER : 5111-04

SCALE : 1" = 20'

SHEET 1 OF 1 SHEET

LEGAL DESCRIPTION:
LOTS 4, 9 AND 10 OF "WIMBERLY ADDITION TO DAVIE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



SITE PLAN SC: 1" = 20.0'

revision type	date	by

AS THE BEST OF THE ARCHITECT OR ENGINEERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE BRIDGING CODES AND THE APPROVED FIRE SAFETY STANDARDS AS THE RISK OF THEIR PROPERTY AS DETERMINED BY THE LOCAL AUTHORITIES IN ACCORDANCE WITH SECTION 553.37 (1.C.) FLORIDA BUILDING CODE AND 633 FLORIDA STATUTES

NOTE: AUTHENTIC COPIES OF THIS DOCUMENT SHALL BEAR THE SIGNATURE AND ORIGINAL AND THE RAISED SEAL OF THE ACTIVISING ARCHITECT OR ENGINEER OF RECORDS.

ALL DESIGNS AND DETAILS INDICATED BY AND REPRESENTED BY THIS DRAWING ARE FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. ALL DRAWINGS CONTAINED HEREIN ARE THE PROPERTY OF FRANK COSTOYA ARCHITECT, P.A. AND NOT TO BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE AUTHORIZED WRITTEN PERMISSION AND CONSENT FROM THE FIRM WRITTEN PERMISSION SHALL PREVENTION OVER SCALED DIMENSIONS.

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Davie, Florida 33328
Tel: (954) 680-4440 / Fax: (954) 680-4441
Member American Institute of Architects
AA25000698 – AD0012195

project title:
SITE PLANS FOR:
GOSHEN PROPERTIES
S.W. 73rd AVENUE
LOTS 4, 9 AND 10 "WIMBERLY ADDITION TO DAVIE"
DAVIE, FLORIDA

NORTH

drawing date:	
DEC. 15, 2004	
drwn by: FC/CBK	chkd by: FC
drawing scale: 1" = 20.0'	
project number: FCAR0410	

sheet title: SITE PLAN

seal/signature: FRANK COSTOYA, JR. A.I.A. FL. REG. NO. AR0012195

date:

sheet number: SP-1

consecutive of sheets

Exhibit 6 ***(Public Participation Sign-In Sheets)***

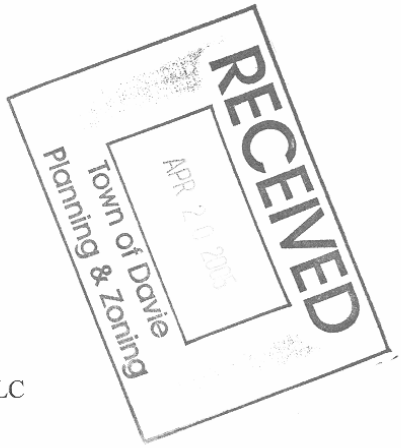
Not Provided

Exhibit 7 ***(Public Participation Plan)***

Goshen Properties, LLC

Residential and Commercial Development Services

April 18, 2005



Town of Davie Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314-3399

ATT: David Abramson

RE: Goshen Properties LLC and Goshen Properties II, LLC
Site Plan Application/Citizen Participation Plan

Dear David:

As required by Davie Ordinance No. 2204-31, we are enclosing herewith a copy of the proposed citizen participation plan related to the site plan approval for the referenced project. In addition to the outline of the plan we are enclosing the following material.

1) A list of affected parties as provided by your office

2) All affected parties are being notified via U.S. Postal Service

3) A copy of a notification letter which provides the total area of the residential parcels of land as being .92 acres for Lot 4 and 1.8 acres for Lots 9 and 10 are enclosed. The letter also indicates that the proposed residential developments consist of a total of 59,385 square feet.

4) The notification letter, which contains a brief description of the proposed projects, is being sent to all affected parties, inviting them to two public hearings to take place at 6:00 p.m. at the Davie East Side Community Hall. The affected parties are being invited to examine the plans for the proposed improvements and provide us with comments about the project.

5) The enclosed citizens participation plan describes the schedule of events planned by the applicant to complete the citizen's participation procedure.

6) We will maintain the development services department informed of the citizen's participation effort, by direct communication to your office.

7) Upon completion of the public hearings we will prepare a citizen participation report in accordance with Section 12-319.8 of the Davie code.

We hope that the above satisfies the requirement of public participation in the site plan review process. If you have any additional questions or concerns, we can be reached at 954-557-4016.

Sincerely,

Goshen Properties LLC

Carlton R. Branker, Principal

Exhibit 8 ***(Public Participation Report)***

GP **Goshen Properties, LLC**

Residential and Commercial Development Services

May 20, 2005

Town of Davie Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314-3399
ATT: David Abramson

Citizen Participation Report

RE: Wimberly Haven
Goshen Properties LLC
Goshen Properties II, LLC

1. **Summary of the Results:**
   We received constructive input from the residents and believe we have resolved or will resolve all concerns before final approvals. A list of concerns and resolutions are listed in Section Four.

2. **Dates and Locations of Meetings:**

   Initial Meeting:
   Wednesday, May 11, 2005 at 6:00 p.m
   Town of Davie East Side Community Hall located at
   4300 S.W. 55th Avenue

   Second Meeting:
   Friday, May 20, 2005 at 6:00 p.m
   Town of Davie Community Room located at
   6591 Orange Drive

3. **Names, Dates, Addresses and Number of Participation**

Initial Meeting:
No attendance

Second Meeting:
Susan Colley Theodosiol
4760 SW 74 Terrace
Davie, FL 33314

4. **Summary of Issues and/or Concerns Raised by Residents and Proposed Resolutions**:

The following are a list of concerns raised by the resident:

1. Density increases are not preferred.
2. The site should be adequately landscaped/buffered.
3. The height of the building(s) should remain as low as possible.
4. The site should contain adequate drainage.
5. The final design of the building should compliment the surrounding area.

The following are a list of corresponding resolutions:

1. The proposed project decreases the current density.
2. The proposed project will be adequately landscaped/buffered, as well as meet the Town of Davie's Code.
3. The proposed project was downsized from three stories to a two story building(s).
4. Final design of the drainage will ensure the site has proper drainage.
5. The proposed project compliments the surrounding area.

Exhibit 9 ***(Conceptual Site Plan)***

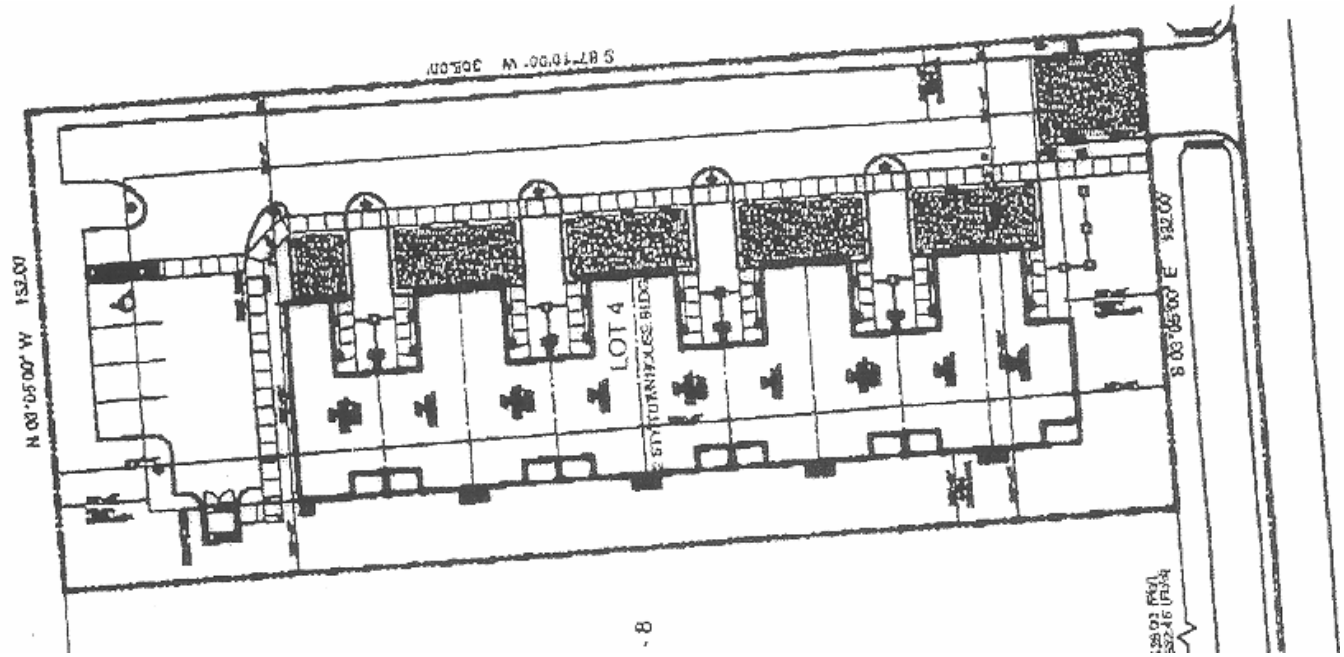


Exhibit 10 ***(Future Land Use Map)***

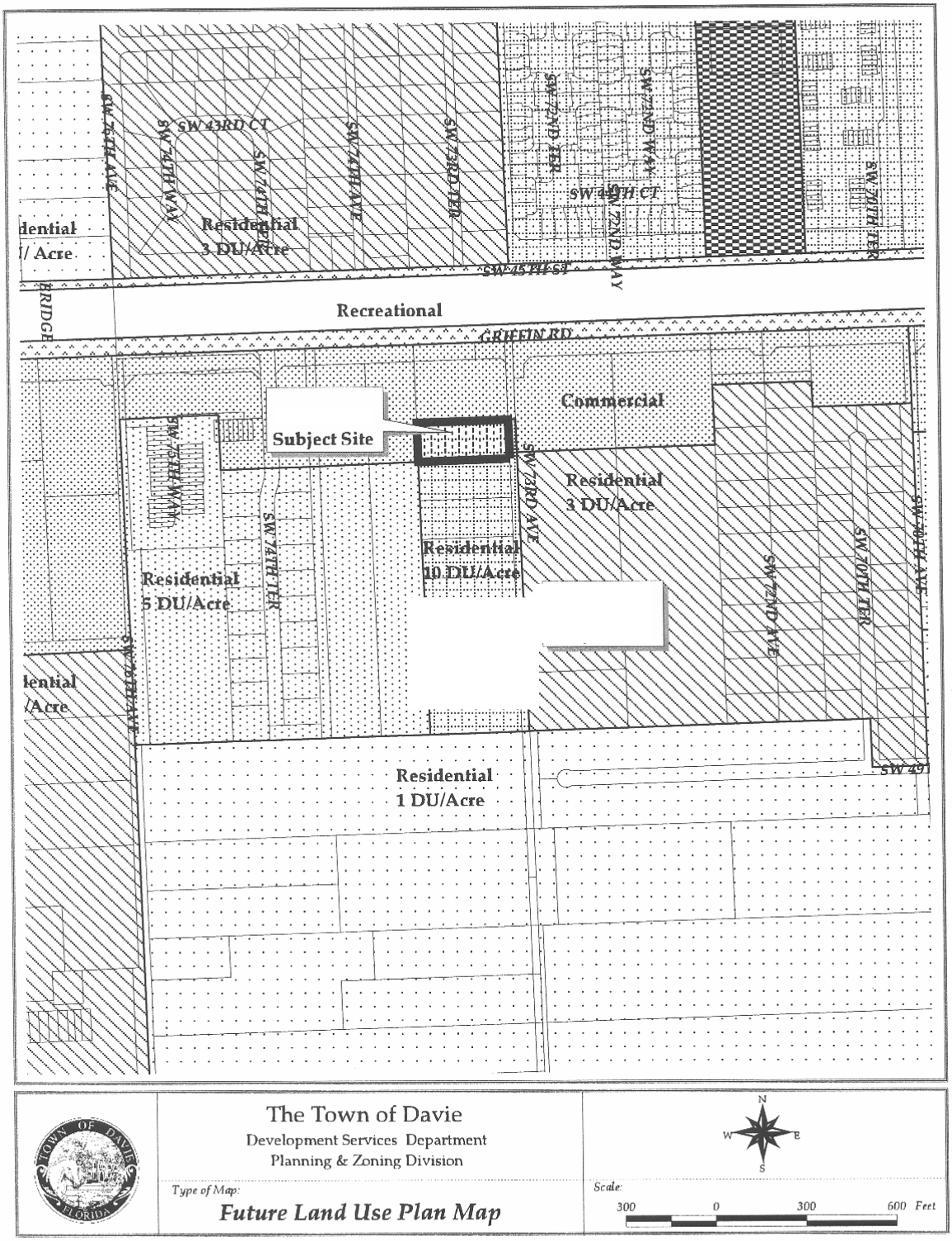


Exhibit 11 ***(Subject Site, Zoning, and Aerial Map)***

The Town of Davie

Development Services Department
Planning & Zoning Division

Type of Map:

Aerial, Zoning, and Subject Site Map

N
W
E
S

Scale:

300 0 300 600 *Feet*

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