

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: Resolution: Delegation Application, DG 1-1-07/07-36/4041 Southwest 47th Avenue/Generally located on the eastside of Hacienda Boulevard (Kean Road) approximately one third of a mile north of Orange Drive

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "NEW TOWN COMMERCE CENTER," AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

In accordance with Site Plan Application, SP 5-2-06/Orangemen Warehouse that was approved by Town Council on December 20, 2006, the petitioner is requesting to amend the restrictive note on the "New Town Commerce Center" plat:

From: "This plat is restricted to 685,000 square feet of warehouse use and 50,000 square feet of office use."

To: "This plat is restricted to 685,000 square feet of warehouse use and 50,000 square feet of office use on Parcel A-1 and 40,000 square feet of industrial use on Parcel A-2."

Due to the ownership complexity of the "New Town Commerce Center" plat, the petitioner was directed by Broward County to create two (2) sketch and legal description areas of the plat, Parcel A (that encapsulates all existing buildings within the plat) and Parcel B (the new proposed "Orangemen Warehouse" building) in order to maintain the existing development rights. Signatures of the current property owners and mortgagees of Parcel A-2 only would be required by the County.

Therefore, this petitioner's delegation application shall maintain existing uses on Parcel A-1, and increase the square footage of industrial use only on Parcel A-2 which is the location of the proposed Orangemen Warehouse industrial use building. (Refer to the Sketch and Description for the exact locations of Parcels A & B.)

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

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

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): Resolution, Justification letter, Sketch & Description, Plat, Future Land Use Map, Zoning, and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "NEW TOWN COMMERCE CENTER," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "New Town Commerce Center" was recorded in the public records of Broward County in Plat Book 128, Page 49; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "New Town Commerce Center" **From:** "This plat is restricted to 685,000 square feet of warehouse use and 50,000 square feet of office use" **To:** "This plat is restricted to 685,000 square feet of warehouse use and 50,000 square feet of office use on Parcel A-1 and 40,000 square feet of industrial use on Parcel A-2." The proposed revision being specifically described attached hereto Exhibit(s).

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie on the local road network.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit (Justification Letter)

**New Town Warehouse
Delegation Request For
Modifications to "New Town Commerce Center Plat"
PLAT NOTE AMENDMENT
JUSTIFICATION STATEMENT**

The petitioner is requesting to amend the plat restriction note on "New Town Commerce Center Plat" in association with the proposed office development known as New Town Warehouse. The current plat note restricts the site to 685,000 square feet of warehouse use and 50,000 square feet of office use. The proposed New Town Warehouse project consists of 40,504 square feet of warehouse use with up to 30% ancillary office use within the building.

The applicant has recently been informed by the County that due to the lack of specific records establishing the existing square footage constructed within this plat, a plat note amendment will be necessary to accommodate the proposed project. The only available records are the Property Appraiser's which suggest that the existing development exceeds the warehouse square footage but does not exceed the vested trips and impact fees because of the office component of the plat note.

Because the total building square footage would be exceeded, the applicant is being required to amend the note. In order to avoid impacting the vested rights of the other owners within the plat, the applicant is creating a separate parcel within the plat for the subject site and requesting an amended plat note that will allocate the square footage needed for the New Town Warehouse project to this parcel and allocate the rights vested by the plat to the rest of the plat. This process will require the applicant to pay the County's new transit impact fees at the time of building permit application. The specific plat note requested is : "This plat is restricted to 685,000 square feet of warehouse use and 50,000 square feet of office use on Parcel A-1 (see attached legal description) and 41,000 square feet of industrial use on Parcel A-2 (see attached legal description.)" The proposed parcels are attached to this request.

This change will increase the intensity of development permitted within the plat boundaries to accommodate only the approved New Town Warehouse project. Since the balance of the plat is fully built, the actual intensity would only be increased should an existing development be expanded or redeveloped. The applicant's impact fees will be charged at the current rate which is approximately triple the vested rate. The new development rights will be vested for only five years.

DESCRIPTION

PARCEL A-1
NEW TOWN COMMERCE CENTER

A portion of Parcel "A" of "NEW TOWN COMMERCE CENTER", according to the plat, thereof, as recorded in Plat Book 128, Page 49, of the Public Records of Broward County, Florida. TOGETHER WITH the East 10.00 feet of that certain 25.00 foot Right-of-Way dedication for Kean Road as shown on the said plat "NEW TOWN COMMERCE CENTER". All being more particularly described as follows:

BEGINNING at the Southwest Corner of said Parcel "A",

THENCE S 88°26'14" W along the Southerly boundary of said Parcel "A" a distance of 10.00 feet;

THENCE N 01°33'45" W along a line 10.00 feet West of and parallel to the West line of said Parcel "A" a distance of 363.98 feet;

THENCE N 88°26'15" E a distance of 197.98 feet;

THENCE N 01°33'45" W a distance of 619.05 feet;

THENCE S 88°26'15" W a distance of 197.98 feet to a point on a line 10.00 feet West of and parallel to the said West line of Parcel "A";

THENCE N 01°33'45" W along said parallel line a distance of 351.97 feet to the Northerly plat limits of said "NEW TOWN COMMERCE CENTER";

THENCE N 88°33'44" E along said plat limits a distance of 629.44 feet;

THENCE N 01°35'32" W continuing along said plat limits a distance of 671.44 feet;

THENCE N 88°41'59" E continuing along said plat limits a distance of 619.16 feet to the East line of said Parcel "A";

THENCE S 01°36'46" E along said East line a distance of 2002.23 feet to the Southerly plat limits of said Parcel "A";

THENCE S 88°26'14" W along said plat limits a distance of 620.00 feet;

THENCE S 01°35'12" E continuing along said plat limits a distance of 275.00 feet;

THENCE S 88°26'14" W continuing along said plat limits a distance of 156.00 feet;

THENCE N 01°35'12" W continuing along said plat limits a distance of 275.00 feet;

THENCE S 88°26'14" W continuing along said plat limits a distance of 464.00 feet to the Point of Beginning.

Said lands situate within the City of Davie, Broward County, Florida, containing 45.96 Acres, more or less.

AWN DESIGN & CONSULTING GROUP, INC.
AWN SURVEYORS - MAPPERS - DESIGNERS
2611 N.E. 50TH STREET
LIGHTHOUSE POINT, FLORIDA 33064
LB: 7260 PHONE: (954) 481-8882 FAX: (954) 571-2474

Sheet 2 of 2

DATE	PREPARED BY:	DOCUMENT NAME:
01/23/07	SMW	PARCEL A-1.DOC

**SKETCH & DESCRIPTION
PARCEL A-2
NEW TOWN COMMERCE CENTER**



PARCEL "A"
"DAKES ROAD INDUSTRIAL PARK"
P.B. 104, PG. 5, B.C.R.

PARCEL "A"
SADISCO OF FLORIDA
P.B. 105, PG. 41, B.C.R.

PARCEL "A"
"NEW TOWN COMMERCE CENTER"
P.B. 128, PG. 49, B.C.R.

PARCEL "A"
"NEW TOWN COMMERCE CENTER"
P.B. 128, PG. 49, B.C.R.

PARCEL "A"
"NEW TOWN COMMERCE CENTER"
P.B. 128, PG. 49, B.C.R.

- LEGEND**
- B.C.R. = BROWARD COUNTY RECORDS
 - D.C.R. = DADE COUNTY RECORDS
 - P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - O.R.B. = OFFICIAL RECORDS BOOK
 - CL = CENTERLINE
 - E = PROPERTY LINE
 - R/W = RIGHT-OF-WAY
 - = NON-VEHICULAR ACCESS LINE (NVAL)

NOTES

1) BEARINGS SHOWN HEREON ARE REFERENCED TO THE PLAT OF "NEW TOWN COMMERCE CENTER" AS RECORDED IN PLAT BOOK 128, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA HAVING A REFERENCED BEARING OF N01°33'45"W ALONG THE WEST LINE OF PARCEL "A".

THIS IS NOT A SURVEY

CERTIFICATE

THIS IS TO CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY. I FURTHER STATE THAT THIS SKETCH AND DESCRIPTION WAS COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING AND MAPPING AS STATED IN RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

AWN DESIGN & CONSULTING GROUP, INC.

AWN
SURVEYORS - MAPPERS - DESIGNERS
2611 N.E. 50TH STREET
LIGHTHOUSE POINT, FLORIDA 33064
PHONE: (954) 481-8882 FAX: (954) 571-2474

PROFESSIONAL SURVEYOR AND MAPPER #LS 4588, STATE OF FLORIDA
STEVEN M. WATTS
AWN DESIGN & CONSULTING GROUP, INC.
DATE OF SKETCH: 01/23/07
DRAWN BY: SMW
CHECKED BY: SMW

SHEET 1 OF 2

SEAL

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER STEVEN M. WATTS PSM #4588

DRAWING NAME: NEW TOWN COMMERCE CENTER

DESCRIPTION

PARCEL A-2
NEW TOWN COMMERCE CENTER

A portion of Parcel "A" of "NEW TOWN COMMERCE CENTER", according to the plat, thereof, as recorded in Plat Book 128, Page 49, of the Public Records of Broward County, Florida. TOGETHER WITH the East 10.00 feet of that certain 25.00 foot Right-of-Way dedication for Kean Road as shown on the said plat "NEW TOWN COMMERCE CENTER". All being more particularly described as follows:

COMMENCING at the Southwest Corner of said Parcel "A",

THENCE S 88°26'14" W along the Southerly boundary of said Parcel "A" a distance of 10.00 feet;

THENCE N 01°33'45" W along a line 10.00 feet West of and parallel to the West line of said Parcel "A" a distance of 363.98 feet to the Point of Beginning of this description;

THENCE continue N 01°33'45" W along the last described course a distance of 619.05 feet;

THENCE N 88°26'15" E a distance of 197.98 feet;

THENCE S 01°33'45" E a distance of 619.05 feet;

THENCE S 88°26'15" W a distance of 197.98 feet to the Point of Beginning.

Said lands situate within the City of Davie, Broward County, Florida, containing 2.81 Acres, more or less.

AWN DESIGN & CONSULTING GROUP, INC.



SURVEYORS - MAPPERS - DESIGNERS

2811 N.E. 50TH STREET

LIGHTHOUSE POINT, FLORIDA 33064

LB: 7260 PHONE: (954) 481-8682 FAX: (954) 571-2474

Sheet 2 of 2

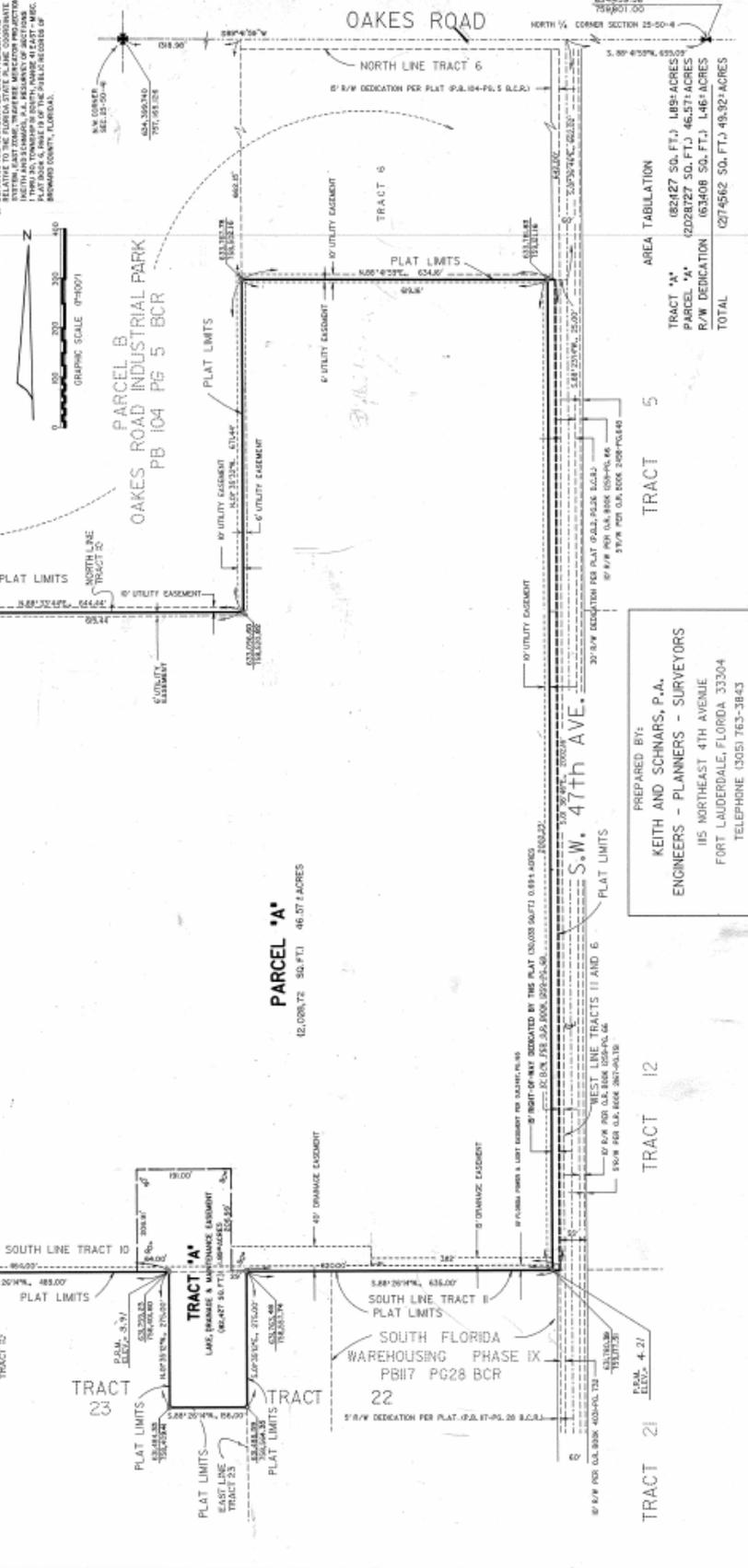
DATE	PREPARED BY:	DOCUMENT NAME:
01/23/07	SMW	PARCEL A-2.DOC

"NEW TOWN COMMERCE CENTER"

A REPLAT OF ALL OF TRACTS 10 AND 11, AND A PORTION OF TRACTS 6 AND 23, "NEWMAN'S SURVEY" OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 41 EAST (P.B. 2, PAGE, 26 DADE COUNTY RECORDS) TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

- SURVEY NOTES**
1. THIS PLAT IS RESTRICTED TO 480,000 SQUARE FEET OF THE ORIGINAL SURVEY. THE ORIGINAL SURVEY IS DESCRIBED IN THE ORIGINAL PLAT OF THE COUNTY OF DADE, FLORIDA, AND THE ORIGINAL SURVEY IS DESCRIBED IN THE ORIGINAL PLAT OF THE COUNTY OF DADE, FLORIDA, AND THE ORIGINAL SURVEY IS DESCRIBED IN THE ORIGINAL PLAT OF THE COUNTY OF DADE, FLORIDA.
 2. THE REDESCRIPTION HEREIN IS IN ACCORDANCE WITH THE INSTRUMENT OF RECORD.
 3. THE REDESCRIPTION HEREIN IS IN ACCORDANCE WITH THE INSTRUMENT OF RECORD.
 4. SURVEY DATA IS FROM A BENCH MARK IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, AND THE BENCH MARK IS DESCRIBED IN THE INSTRUMENT OF RECORD.
 5. THE REDESCRIPTION HEREIN IS IN ACCORDANCE WITH THE INSTRUMENT OF RECORD.
 6. THE REDESCRIPTION HEREIN IS IN ACCORDANCE WITH THE INSTRUMENT OF RECORD.

TRACT	AREA (SQ. FT.)	AREA (ACRES)
TRACT 23	1,000,000	23.00
TRACT 10	1,000,000	23.00
TRACT 11	1,000,000	23.00
TRACT 6	1,000,000	23.00
TRACT 22	1,000,000	23.00
TRACT 21	1,000,000	23.00
TRACT 20	1,000,000	23.00
TRACT 19	1,000,000	23.00
TRACT 18	1,000,000	23.00
TRACT 17	1,000,000	23.00
TRACT 16	1,000,000	23.00
TRACT 15	1,000,000	23.00
TRACT 14	1,000,000	23.00
TRACT 13	1,000,000	23.00
TRACT 12	1,000,000	23.00
TRACT 11	1,000,000	23.00
TRACT 10	1,000,000	23.00
TRACT 9	1,000,000	23.00
TRACT 8	1,000,000	23.00
TRACT 7	1,000,000	23.00
TRACT 6	1,000,000	23.00
TRACT 5	1,000,000	23.00
TRACT 4	1,000,000	23.00
TRACT 3	1,000,000	23.00
TRACT 2	1,000,000	23.00
TRACT 1	1,000,000	23.00
TOTAL	480,000	11.00



PREPARED BY:
KEITH AND SCHNARS, P.A.
 ENGINEERS - PLANNERS - SURVEYORS
 115 NORTHEAST 4TH AVENUE
 FORT LAUDERDALE, FLORIDA 33304
 TELEPHONE (305) 763-3843

AREA TABULATION

TRACT "A"	(82427 SQ. FT.) 1.89 ACRES
PARCEL "A"	(202827 SQ. FT.) 46.37 ACRES
R/W DEDICATION	(63408 SQ. FT.) 1.46 ACRES
TOTAL	(274562 SQ. FT.) 62.72 ACRES

Exhibit (Future Land Use Map)

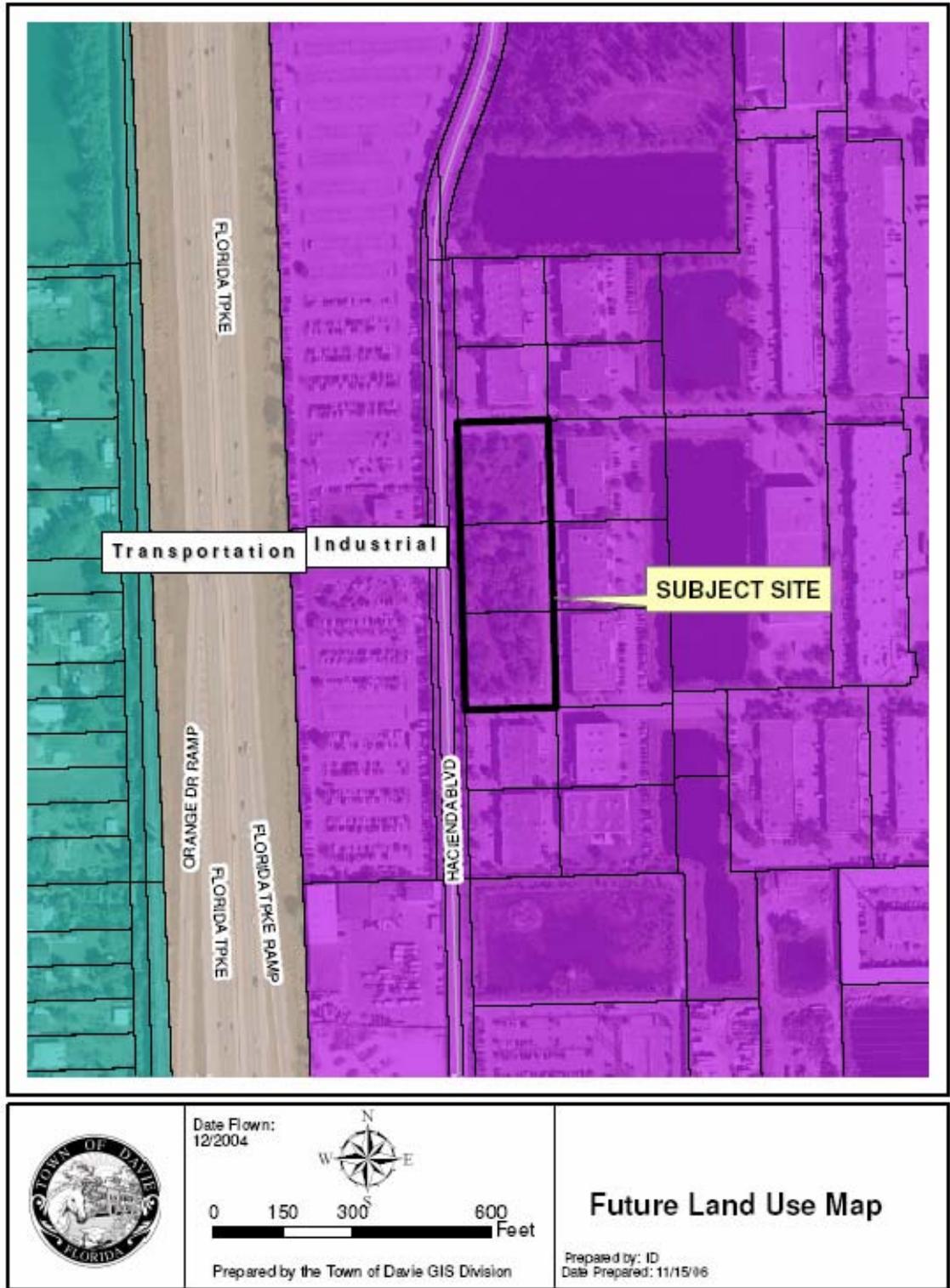


Exhibit (Aerial, Zoning, and Subject Site Map)

