TOWN OF DAVIE
Davie Town Hall: 6591 Orange Drive, Davie, Florida 33314 *Phone*: (954) 797-1000

REGULAR MEETING
MARCH 7, 2007
7:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN PUBLIC MEETING

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 October 18, 2006 (Regular Meeting) (tabled from January 17, 2007)
4.2 December 6, 2006 (Regular Meeting
4.3 December 11, 2006 (Special Meeting)
4.4 December 20, 2006 (Regular Meeting)

Resolutions

4.5 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled fro February 21, 2007)

4.6 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD , INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR AN ANNUAL DOG SHOW. (arena rental fee - $2,250)

4.7 **FIREM SELECTION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GEOGRAPHIC TECHNOLOGIES GROUP, INC. TO PROVIDE GIS SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

4.8 **WAIVER OF BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING FOR PURCHASES EXCEEDING $25,000 AS REQUIRED IN SECTION 2-317 OF THE TOWN CODE OF ORDINANCES FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE BUILDING AT 6501 ORANGE DRIVE AND ALLOWING THE SUBSTITUION OF INFORMAL BIDS IN ITS PLACE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Orangemen Development and Construction Corporation.- $64,220)

4.9 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA , AUTHORIZING THE MAYOR TO ACCEPT THE BASE BID RECOMMENDATION FOR A SEGMENT OF ORANGE DRIVE ROADWAY IMPROVEMENT. (Williams Paving - $325,000)

4.10 **DEVELOPMENT AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND UNIVERSITY ASSOCIATES LIMITED TO PROMOTE THE DEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

4.11 **INFRASTRUCTURE AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN INFRASTRUCTURE AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY TO PROMOTE THE CONTINUING CAMPUS DEVELOPMENT LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

4.12 **DELEGATION REQUEST -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE NOTE ON THE PLAT KNOWN AS “YOUNG WORLD”; AND PROVIDING AN EFFECTIVE DATE. (DG 3-3-06, Nova Southeastern University, 3301 College Avenue)

4.13 **PLAT REVISION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE BOUNDARY LINE OF THE PLAT KNOWN AS "FLAMINGO VILLAGE” AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-07, Flamingo Village, 800 South Flamingo Road)

4.14 **PLAT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “DAVIE ESTATES” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-2-04, Davie Estates, generally located between SW 58 Avenue (Wilson Road) and SW 61 Avenue (Aries Road), south of Griffin Road) *Planning and Zoning Board recommended approval with the stipulation that on SW 58 Avenue, there be an emergency access only)*

Quasi-Judicial Consent Agenda

4.15 MSP 6-9-04, Davie Estates, generally located between SW 58 Avenue (Wilson Road) and SW 61 Avenue (Aries Road), south of Griffin Road (R-1) *Site Plan Committee recommended approval subject to the staff report except the part about the entrance on 58th Avenue; that there be one vehicular access on 61st Avenue and that there be an emergency access point on 58th Avenue to be composed of stabilized grass to replace the vehicular access and to be used for emergency vehicles only; the road right-of-way has to be reduced to 40-feet and maintain a buffer at ten-feet with no overlap; the developer will be required to have a continuous retaining wall as per the detail drawings, however, it will be required that they obtain a waiver of the rural lifestyle from Town Council to enable them to have a continuous wall; do a written summary report of their public participation meetings with backup including questions and responses before this goes to Council*

5. DISCUSSION OF CONSENT AGENDA ITEMS

6. PUBLIC HEARING

Ordinance - Second and Final Reading

6.1 **REZONING -** 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. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from February 7, 2007) *Planning and Zoning Board recommended denial* **{Approved on First Reading on January 17, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes}**

Ordinances - First Reading (Second and Final Reading to be held March 22, 2007)

6.2 **RELEASE -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 21, 2007)

6.3 **CODE AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Planning and Zoning Board recommended approval*

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held March 22, 2007)

6.4 **REZONING -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-06, CHANGING THE

CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DICTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, MacDonald, 5410 SW 41 Street) *Planning and Zoning Board recommended denial*

Items to be tabled

6.5 **STAFF REQUESTING A TABLING TO APRIL 4, 2007**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, Rhon Ernest-Jones Consulting Engineers/Nichols Associates, Ltd., southwest corner of Flamingo Road and SW 26 Street) *Planning and Zoning Board recommended approval*

6.6 **STAFF REQUESTING A TABLING TO APRIL 4, 2007**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1. Mobile Home Task Force (one exclusive appointment - one representing a mobile home park owner/manager)

7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

7.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

7.1.4. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

7.2 Councilmember Paul

7.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

7.3 Councilmember Starkey

7.3.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

7.3.2 Mobile Home Task Force (one exclusive appointment - one representing a mobile home park owner/manager)

7.3.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

7.4 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

8. OLD BUSINESS

8.1 SW 8 Street Park Site Fencing

8.2 Recovery Negotiations Report (Forensic Audit) [deferred from February 21, 2007]

8.3 Sound Walls on I-75 - Councilmember Paul

9. NEW BUSINESS

9.1 Young At Art's 18th Annual Children's Festival of the Arts

9.2 Tax Proposals - Mayor Truex

10. MAYOR/COUNCILMEMBER'S COMMENTS

11. TOWN ADMINISTRATOR'S COMMENTS

12. TOWN ATTORNEY'S COMMENTS

13. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: October 18, 2006 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the October 18, 2006 Council meeting

PREVIOUS ACTIONS: On December 20, 2006, Council tabled this item to January 3, 2007. On January 3, 2007, Council tabled this item to January 17, 2007. On January 17, 2007, Council tabled this item to March 7, 2007.

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

TOWN OF DAVIE
REGULAR MEETING
OCTOBER 18, 2006

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Paul, Starkey, and Caletka. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Affordable Housing - Jim Dale

Mr. Dale explained an affordable housing program using manufactured homes he had designed for Town employees.

Mayor Truex asked Mr. Dale about the costs. Mr. Dale explained that the cost of the home was $80,000, which would break down to a $590 per month mortgage payment, and the rent would be another $530 per month for a total of $1,120.

Councilmember Starkey commended Mr. Dale on his communities. She liked the concept and felt Council should also look at a down payment assistance program for Town employees.

Councilmember Caletka thanked Mr. Dale for identifying one solution to the housing problem and asked staff to look at the program. Mr. Dale explained to Councilmember Caletka that they were forming their own subsidiary within the home insurance industry.

Vice-Mayor Crowley felt Council should determine if any employees would be interested in the program.

Councilmember Paul had questions regarding the Town's participation, and thought this could be discussed at a future meeting.

Mr. Cohen said he would put together a team to study this program. Regarding the budget, Mr. Cohen explained that how the program was categorized would determine where it would be included in the budget.

3.2. Toys for Tots - Mayor Truex

John Pisula introduced Marine Sergeant Tim Forti, who provided a presentation on the Toys for Tots program. Sergeant Forti explained the evolution of Toys for Tots and reminded everyone that this program benefited local families.

Mayor Truex thanked Sergeant Forti and his group for their service and his involvement in the program.

Mayor Truex suggested that Council decide which items to pull from the Consent Agenda and then turn their attention to the selection of the Town Administrator, prior to discussion of Consent Agenda items. Council had no objections.

Mayor Truex stated that staff wanted to do some additional work on item 4.6, so it should be pulled. Councilmember Starkey asked what the status was of the survey the Council had requested. Mr. Cohen said the survey was complete, but staff wanted to continue working on the language. He agreed to send Council a complete package on this item prior to its inclusion on an agenda. Vice-Mayor Crowley asked how long Mr. Cohen felt the revisions would take, noting that he had reservations about the item in its current form. Mr. Cohen anticipated it would take two to three weeks.

Mayor Truex advised that that item 4.20 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. August 11, 2006 - Emergency Meeting (tabled from October 4, 2006)
4.2. August 16, 2006 - Regular Meeting (tabled from October 4, 2006)
4.3. August 21, 2006 - Workshop Meeting (tabled from October 4, 2006)
4.4. September 6, 2006 - Special Executive Session

Proclamation

4.5. Make a Difference Day (October 28, 2006)

Resolutions

4.6. **WITHDRAWN BY STAFF**
PERSONNEL RULES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FLORIDA AMENDING THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS, RULE IV, ENTITLED "COMPENSATION PLAN", SECTION 9, ENTITLED "OVERTIME" AND SECTION 11, ENTITLED "COMPENSATION FOR SALARIED, EXEMPT EMPLOYEES DURING EMERGENCY MANAGEMENT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 6, 2006)

4.7. **CONTRACT AMENDMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES. (tabled from October 4, 2006)

4.8. **CONTRACT AMENDMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH SALTZ MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES. (tabled from October 4, 2006)

4.9. **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-273 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE FRIENDS OF CLAY SHAW FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A COMMUNITY POLITICAL EVENT. ($1,500)

4.10. **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-274 RATIFYING THE ACTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN NOB HILL PARTNERS, LLC AND THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE.

4.11. **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-275 RATIFYING AN AGREEMENT BETWEEN THE INSTITUTE FOR COMMUNITY COLLABORATION, INC. AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO APPROVE THE PROPOSAL FOR PLANNING SERVICES TO PREPARE AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR AN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT (DRI) FOR THE STATE ROAD 7 MASTER PLAN AREA; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

4.12. **DELEGATION REQUEST -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE AND REMOVE THE 6 FOOT WIDE UTILITY EASEMENT ALONG THE SOUTH ON THE PLAT KNOWN AS "PLESS-WEBB PLAT"; AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-03, Innovative Concept Croup, 6415 SW 41 Street)

4.13. **DELEGATION REQUEST -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE "W.A.B. II INVESTMENTS," AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-06, Eddie's Collision Experts, 4375 SW 60 Avenue)

4.14. **PLAT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "SADDLE BRIDGE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76th Avenue and SW 78 Avenue) *Planning and Zoning recommended denial*

4.15. **PLAT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2006-276 PLAT KNOWN AS THE "DOYON" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-2-06, Doyon Plat, 5399 SW 42 Avenue) *Planning and Zoning recommended approval as long as the Town had a survey of the entire property*

4.16. **CONTRACT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MAYER HOFFMAN MCCANN, P.C. TO ASSIST THE TOWN IN NEGOTIATIONS WITH CERTAIN VENDORS TO RECOVER OVERPAYMENTS IDENTIFIED IN MAYER HOFFMAN MCCANN'S AUGUST 31, 2006 REPORT. ($10,000)

Quasi-Judicial Consent Agenda

4.17. SP 3-4-05, Innovative Concept Group-Pless Webb, 6415 SW 41 Street (B-2) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) on plans drawing A-1, the corner columns feature show Hardy board on the tower, however, on the rendering it shows all brick; therefore, the plans should be changed to match the rendering; 2) there is no signage approval at this hearing; 3) relocate the dumpster enclosure six-feet to the north; 4) increase the lighting wattage to 1.5 foot-candles at the front entrance; 5) create a band made of brick in the upper portion of the tower; 6) change color swatch #6270 to a lighter tone in the red family; 6) in relocating the eight-inch caliber Live Oak trees to the western property line – they need to be moved just one time and make every effort to insure their survivability; 7) work with staff to redesign the parking lot in order to accommodate the existing 18-inch caliber Live Oak's preservation; 8) round off the curbing at the parallel parking space; 9) provide shielding from the lighting at the entrance for the residences across the street; and 10) on the north side of the building, the element that projects on the north face, instead of it being a flat roof, have a metal sloped roof in a hip configuration just over that portion that extends outward on the north face*

4.18. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) *Site Plan Committee recommended approval subject to the planning report*

4.19. MSP 9-2-05, Saddle Bridge, Griffin Road, east of University Drive (Griffin Road Corridor) *Site Plan Committee recommended approval subject to staff comments and the following additional comments: 1) regarding the bridge over the lake, the applicant will provide a detail of the bridge to add to the plans, that four column posts will be added, one in each corner of the bridge with post lighting to add lighting to the bridge, and the detail will include the stone as described at this meeting; 2) add lighting details to the plans as far as lighting fixtures for the community which had not been provided at this meeting; 3) on the office/retail/commercial building, revise the openings and roof design to increase the enclosure of both stairways and add additional Bahamas shutters for closures; 4) on the office/retail/commercial building the decorative roof brackets need to be coordinated in order to be consistent with the rendering; 5) on the residential units, correct the rendering to reflect that the doors on the street side near the garages are to match the plans which show the door in front and not on the side; 6) add a crosswalk between buildings five and eight; 7) on the commercial building, create a "sign band" area for all the retail spaces which will be accomplished by raising the canopy and addressing the scoring designs to provide for that; and 8) the developer would work with staff to come up with a development agreement similar to Willow Grove as to the timing and completion of the commercial structure*

Councilmember Paul pulled items 4.14, 4.16 and 4.19. Councilmember Starkey pulled item 4.20. Vice-Mayor Crowley pulled items 4.7, 4.8, 4.12, 4.13, 4.15, 4.17 and 4.18.

Motion made by Councilmember Starkey, seconded by Vice-Mayor Crowley, to approve the consent agenda minus items 4.7, 4.8, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20. In a voice vote, all voted in favor (motion carried 5-0).

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.7 Vice-Mayor Crowley wanted items 4.6 and 4.7 to be rebid. Councilmember Caletka agreed. Mr. Cohen assured Council that the delay to complete the bidding process would not present a hardship.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to re-bid item 4.7. In a voice vote, all voted in favor. (Motion passed 5-0)

4.8. Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to re-bid item 4.8. In a voice vote, all voted in favor. (Motion passed 5-0)

4.13 and 4.18 Vice-Mayor Crowley requested that these items be tabled until the Water Control District had approved them.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table items 4.13 and 4.18 until November 15, 2006. In a voice vote, all voted in favor. (Motion approved 5-0)

4.15 Councilmember Caletka made a, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion approved 5-0)

4.16 Councilmember Paul requested that this item be tabled until she better understood the methodology and could not remember if this had been discussed at the last meeting. She indicated that she would like to meet with the auditor with a staff member. Councilmember Starkey indicated that this was discussed and the reason this was moving forward was because the forensic auditor had a knowledge of the background information to obtain reimbursement. Councilmember Paul indicated that she would like to review this item further. She asked that this item be tabled to the next meeting.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table the item to November 1, 2006. In a voice vote, all voted in favor. (Motion approved 5-0)

4.20 Councilmember Starkey advised that this was an increase of $2,000. Mr. Cohen advised that last year's contract was $38,000 per month and this was not an increase.

Mayor Truex asked why this item was added on and recommended that be discussed at the next meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table this item to November 1, 2006. In a voice vote, all voted in favor. (Motion passed 5-0)

4.12 and 4.17 Vice-Mayor Crowley requested that items 4.12 and 4.17 be tabled until the Water Control District had approved them. He advised that it appeared that there was not adequate storage for the site which would negatively affect the neighboring properties. Vice-Mayor Crowley stated that staff needed to advise applicants to obtain approval from the Water Control District.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table to November 15, 2006. In a voice vote, all voted in favor. (Motion passed 5-0)

4.14, 4.19, and 6.2 These items were heard together with the consent of Dennis Mele who represented the applicant.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report.

Councilmember Caletka asked how many flex units remained. Mr. Dell advised that there were a total of 115, including the reserves, and the applicant wished to utilize 99 of these. Mr. Mele, also representing the applicant, clarified that in Flex Zone 102, there were 101 Flex units, plus 115 reserve units and the applicant was requesting 99.

Mr. Mele provided the following exhibits: A) a site plan and renderings of the site; B) an amended site plan, and C) a letter from the Davie Economic Development Council indicating their support of the project. He described the access points and pointed out project components. Mr. Mele

explained that they could alter the current site plan to eliminate the 76th Avenue access. The Town had requested that this access be included, but neighborhood groups had responded strongly in opposition to it. If 76th Avenue was not used, there would be three remaining access points.

Julian Bryant, designer for Centerline Homes, pointed out the equestrian trails, additional right-of-way, pedestrian sidewalks, and the gazebo/seating area. Councilmember Starkey asked if a bus turnout area had been considered. Mr. Mele advised that the plat must be examined by Broward County and they would determine whether a bus pullout or shelter should be included. He acknowledged that there could be a problem with the nearby bridge being located too close for a bus pullout and agreed to request this from the Department of Transportation (DOT) to determine if it was possible.

Councilmember Paul noted the complications DOT often caused for development. Mr. Mele admitted that this project was on a particularly difficult site to access because it was located on a State road and there were bridges in the area. He felt combining the sites allowed their shared access points to work better than the access either would have separately.

Councilmember Caletka asked Mr. Mele if he would be willing to make a $1,000 donation to the Davie Police Athletic League not contingent upon approval. Mr. Mele agreed. Mr. Kiar stated that "no one's vote is contingent upon this voluntary contribution."

Mr. Kiar opened the public hearing portion of the meeting.

Dennis Lincoln, 4690 SW 78 Avenue, was concerned about there being no barrier around the new road, and about drainage issues. He was worried that the one-way road "makes a great drag strip." Mr. Kiar asked if staff would direct Mr. Mele to address the issues Mr. Lincoln had raised. Town Engineer Larry Peters advised that the drainage issue would be addressed, but he felt that a barrier did not make any sense.

Scott Spages, 3144 Peachtree Circle, asked if it was legal for a Councilmember to ask for a donation from an applicant. Mr. Kiar advised that he would strongly suggest that this not be a requirement. Councilmember Caletka stated that it was not a requirement and indicated that he said that it was not contingent upon approval. He explained that the reason for the request was that the applicant was asking for certain things out of the ordinary that would require approval.

Valerie Bamford, 4701 SW 74 Terrace, said the applicant was neglecting the single-family residences just behind Willow Grove where she lived, directly to the east of this property. She was opposed to any more "three-story monsters" overlooking her home. Ms. Bamford also objected to the ingress/egress onto SW 76th Avenue because she felt the residents could no longer use this for walking, skating and biking. Ms. Bamford conceded that something had to be built on the property but the request was too much.

Susan Theodosiou, 4760 SW 74 Terrace, agreed with Ms. Bamford and wondered why the developer wanted to build a "sister project" next to Willow Grove, which seemed to still be vacant after one year. She did not understand why the density must be so great and why it must be three-stories, as this invaded the current resident's privacy. Ms. Theodosiou felt that the quality of life in this area had definitely been degraded.

Joseph Cosner, 4451 SW 77 Avenue, said this was originally intended to be a commercial node, and he did not think the Town's intention was to increase residential density on commercial property. Mr. Cosner noted that the project did not look good from all sides and the parking was not concealed. He was concerned with traffic issues at the access points because of the number of residents. Mr. Cosner felt that flex areas should be spread throughout the Town, not concentrated in one area.

Mr. Kiar closed the public hearing. Councilmembers disclosed communications they had regarding this matter.

In response to Mr. Lincoln's drainage and barrier concerns, Mr. Mele said that the applicant had already agreed to provide a drainage outfall from Mr. Lincoln's property to the project's lake. He added that the applicant would also move the existing fence from the right-of-way onto Mr. Lincoln's property line. Mr. Mele stated that 14 of the 16 units in their existing commercial building to which Ms. Theodosiou referred had already been sold.

Mr. Mele conceded that 99 units sounded like a lot, but noted that this was a very large site. He added that residential development caused much less traffic than did commercial.

Mayor Truex complimented the developer on the concessions made, but thought the request was too much. He hoped that nobody on the Council would remotely consider approving the request without taking off the access to 76th Avenue. Mayor Truex said that the Town needed an urban development line separating areas where growth would be encouraged or discouraged.

Mayor Truex remembered the Griffin Road corridor mixed-use discussions, and the presentation of mixed use had described projects with ground level commercial and upstairs residential. He felt the project would be improved by far less residential density and more of a commercial component, for true mixed-use. Mayor Truex was bothered by the fact that all of the driveways lined up, and remarked that this was something that the Town discouraged in other parts of Town. He felt Council owed it to the current area residents to not approve the project.

At a request from Councilmember Paul, Robert Stieglitz advised that the units were 16 and 18 feet wide. Councilmember Paul was also concerned that so many flex units would be used in one project. She was reluctant to approve any more townhomes with single-car garages, as she felt there would not be enough parking for the average household. Councilmember Paul was in favor of closing both access points on 76th Avenue and making sure that 48 Street remained one-way. She felt if the applicant decreased the density, they could address the single-car garage issue.

Councilmember Starkey liked the overall use of the land and design, but was concerned with the height of the three-story units and agreed that 76th Avenue should be closed to access. She also agreed with Councilmember Paul that the density was too high, especially along 76th Avenue next to existing residences.

Councilmember Caletka was concerned with using commercial platted land for residential development. He objected to the single-car garage and the use of so many flex units as well.

Vice-Mayor Crowley's concerns included the density, the placement of the lake, and the traffic on 76th Avenue. He said that this project was "not even close" to the type of development he desired for this site.

Mr. Mele asked the Council to defer the request so he could rework the plan and re-present it.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to defer items 4.14, 4.19 and 6.2. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6. PUBLIC HEARING

Resolutions

6.1. **CAPITAL PROJECTS -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from September 6, 2006)

Councilmember Paul indicated that the Budget Advisory Committee had requested this item be tabled.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table to November 15, 2006. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - out of room; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.2. **RESERVE UNITS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL RESERVE UNITS TO THE "SADDLE BRIDGE" PLAT; AND PROVIDING AN EFFECTIVE DATE. (FX 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76th Avenue and SW 78 Avenue) *Planning and Zoning recommended denial*

This item was deferred earlier in the meeting.

Ordinance - First Reading/Quasi Judicial Item (Second and final reading to be held November 4, 2006

6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) *Planning and Zoning recommended approval subject to not having to contribute to the "traffic calming phantom fund," however, they had to improve the roadway*

Town Clerk Muniz read the ordinance by title. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Peters summarized the planning report.

Upon questioning by Councilmember Paul, John Ufheil, representing the applicant, explained that all traffic currently came in off 22nd Street and the applicant had agreed to provide a paved road approximately 600 feet of road from the south property line to the existing road.

Mayor Truex remarked that only two residents had attended the citizen participation on this item. Mr. Ufheil advised that he had heard from an adjacent neighbor concerned about drainage issues and flooding of his access road if a berm was installed on the south side. He had sent this neighbor a letter explaining that they would furnish a roadway for the neighbor's access to his property and construct swales so the water would drain 127th Avenue. Mr. Ufheil advised that another concern came from Mr. Mele who would like to see the road go to the north, which was considerably farther away than the nearest road to the south.

Mr. Ufheil stated that there were now 48 in the congregation, and the Center did anticipate some future growth.

Mr. Kiar opened the public hearing portion of the meeting.

Sylvia Clements stated that she had researched the church and found that a different corporation was registered to the church's address. She wondered if there would be a monastery, monks, or a school on the premises. Tina Franetic, the former property owner, explained that the corporate information the Town had was correct and it was an active nonprofit registered corporation. She did not know what corporate information Ms. Clements had researched and informed Council that she had sold the church the property in October 2003. Tang Fam, president of the Cultural Center, said they were anticipating an increase in membership which they projected a total membership in 10 years to 250 members. He advised that there would be no school on the property, and only he resided at the property.

Ms. Clements referred to a 2005 letter from Ms. Franetic that she said she took offense to. The letter stated that the Mayor "gave them permission in 2004," and Ms. Clements knew the Mayor would not do that. She also took offense to Ms. Franetic's claim that the zoning change would not affect the

nearby resident's living conditions because members did not meet daily. Mr. Fam had explained in a subsequent letter that children's tutoring sessions would be held daily and on weekends. She wondered where these children would come from and if they came on busses, there would be a daily school. Ms. Clements felt that because of road conditions, the Center would not be safe for the community or the children. She was also concerned that the Center kept moving around and had owned two other properties in the area. Ms. Clements admitted she did not live near this property.

Regarding the road issues raised by Ms. Clements, Mr. Peters assured Council that any paving would be strictly held to the Town's standards.

Mr. Kiar closed the public hearing and asked Council for their disclosures.

Mayor Truex explained the reference Ms. Clements had made to his involvement in this matter. Mayor Truex indicated that the property was being used as a private residence, and staff, not he, had written a letter stating that use of the property as a private residence, with guests occasionally visiting to meditate together, was allowed.

Mayor Truex said it seemed the facility was needed, and concurred with Planning and Zoning that they should approve it. Councilmember Paul was concerned that the increased membership, and the presence of a school, would lead to increased traffic. Ms. Franetic explained that there would not be a school, and there would be two services on Sunday. The children mentioned were immigrant children for whom the center offered English classes.

Mayor Truex said they could change the zoning to CF for the Cultural Center, but make this non-transferable. Mr. Ufheil agreed.

Councilmember Caletka advised that he would vote against the variance because the backup stated that "the proposed zoning designation may not be the most appropriate designation to enhance the Town's tax base, given the site's location relative to the pattern of land use."

Councilmember Starkey was concerned about the distance separation between the church and residential area. She wanted to use restrict the site to 100 people and require a temporary use permit for special events. Mr. Dell confirmed that these could be conditions of Council's approval, and the property could be deed restricted as well. Ms. Franetic said the Center would agree to apply for a temporary use permit for special events.

Regarding the variance request, Vice-Mayor Crowley noted that the Calvary Chapel had been granted a variance to be located 1,600 feet from an existing church.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the rezoning with the following conditions: 1) no more than eight persons would live on the property; 2) the property would be deed restricted to the Cultural Center only; on subsequent sale, the zoning would revert back to AG; 3) special events would require a temporary use permit and would be limited to four per year; and 4) events where attendance was expected to exceed 100 would require an alternative location. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

Quasi Judicial Item

6.4. **VARIANCE -** V 9-1-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue (to reduce the distance between freestanding houses of worship from 2,500 fee to 1,609.64 feet from the Hanmi Baptist Church and 2,310.54 feet from the Calvery Chapel Sawgrass) (A-1) *Planning and Zoning recommended approval*

As this item was discussed with item 6.3, Mr. Peters summarized the planning report.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the variance request, subject to the same conditions as the rezoning request. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

7. APPOINTMENTS

7.1. Mayor Truex

7.1.5. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.6. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.7. Water and Environmental Advisory Board (one exclusive appointment; term expire April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.2. Councilmember Caletka

7.2.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.3. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointment was made.

8. OLD BUSINESS

8.1. Selection of Town Administrator

Earlier in the meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Horace McHugh. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion denied 2-3)

Councilmember Starkey felt that of all the candidates, Mr. McHugh had "glowingly…come forward." She appreciated his banking, assistant city manager experience, and his longevity in Fort Lauderdale. Councilmember Starkey noted his membership in Leadership Broward and the ICMA, and his degree in Public Administration. She thought Mr. McHugh had done very well in the interview process.

Mayor Truex felt that any of their five applicants would be a good choice, and he would ultimately be happy with any of them. He thought Council should have moved to approve the candidate who had scored best when they were ranked.

Vice-Mayor Crowley appreciated waiting a few days after their ranking to make the selection to analyze the situation. He felt Mr. Shimun had a slight edge because he had experience as a manager.

Councilmember Caletka agreed with Mayor Truex that Council should have moved to approve one of the top two candidates as soon as they ranked them. He agreed that all of the candidates were qualified, and would recommend Mr. Shimun.

Councilmember Paul thought Council would re-rank the candidates this evening.

Councilmember Starkey felt that Council should name two candidates, in the event that negotiations failed with the first candidate.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to begin contract negotiations with Mr. Shimun for the position of Town Administrator. If negotiations with Mr. Shimun

failed, they would proceed with negotiations with Mr. McHugh. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion passed 3-2)

Mr. Shimun said that he looked forward to working with Council and felt sure they would arrive at an amicable agreement.

Councilmember Caletka suggested that a Councilmember begin negotiations with Mr. Shimun. Councilmember Starkey recommended that Mayor Truex, Mr. Kiar and Mr. Slavin conduct the negotiations.

8.2. Selection of Town Representative for Metropolitan Planning Organization

Motion made by Councilmember Paul, seconded by Vice-Mayor Crowley, to appoint Councilmember Caletka as the Town's representative to the Metropolitan Planning Organization. In a voice vote, all voted in favor (Motion carried 5-0)

9. NEW BUSINESS

9.1. Fire Station 68 Workshop - Councilmember Starkey

Councilmember Starkey reported that she had visited the Fire Station several times over the past five years, and noticed that several improvements were needed. Councilmember Paul suggested that Council allow the new Town Administrator to be in charge of this project. She stated that Council knew there were issues that needed to be addressed but the new Town Administrator should take the lead to provide an opportunity to relate to the firefighters. Councilmember Starkey wanted to take the lead on this issue and staff could assist her.

Vice-Mayor Crowley said that staff had already agreed to find out if they could acquire additional property. The architect had also indicated he could not make the project work on this parcel and Vice-Mayor Crowley felt perhaps the Town needed a different architect.

Councilmember Caletka said he had visited the site recently, and noted that the union members he spoke to stated that the problems at the station were intermittent, and only a bowed ceiling tile from a previous roof leak was in evidence when he visited. He agreed with Councilmember Paul that the new Town Administrator should take on this project.

Mayor Truex felt this station should be a priority, and the station in Councilmember Paul's district was a priority as well. He thought they should have separate workshops for the two, but felt they could hold the workshop before the new Town Administrator came on board. Councilmember Starkey agreed.

Fire Chief Don DiPetrillo explained that some of the most serious issues had been resolved, but some issues remained. He was reluctant to put a lot of money into the station at this point. Councilmember Starkey said this would be discussed at the workshop. Council agreed to put this on the November 1, 2006 agenda for further discussion.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

KEN COHEN. Councilmember Caletka commended and thanked Mr. Cohen for the work he had done as Acting Town Administrator.

VICE-MAYOR CROWLEY

IRENE DEGROOT. Vice-Mayor Crowley commended Irene DeGroot for the ceremony honoring Micki McKenzie.

WAL-MART. Vice-Mayor Crowley submitted a resolution from the Davie Country Estates Homeowner Association expressing opposition to the Wal-Mart project.

EVERGLADES WORKING GROUP MEETING. Vice-Mayor Crowley asked Mr. Cohen if a staff member could be present at the October 27th Everglades Working Group meeting.

CONGRATULATIONS. Vice-Mayor Crowley advised that he and Councilmember Starkey had attended the Broward County Sports Hall of Fame where Ronnie Bergeron was honored. He thanked Mr. Bergeron for all he had done for the rodeo arena.

THE COMMONS. Vice-Mayor Crowley said a massive mail out had been sent regarding the November 8th Planning and Zoning Board hearing of The Commons project. He worried that Town Hall could not accommodate the numbers of people he felt would attend. Mr. Dell said staff would set up closed circuit television in the Community Room for additional attendee. Mayor Truex recommended that the Town ask the applicant to erect a tent outside for the overflow crowd. A representative for the applicant agreed to this recommendation.

Councilmember Caletka said he had received a call that a Turnberry representative had informed a resident that Councilmember Caletka was in favor of the project when he was, in fact, still neither in favor of nor opposed to the project. A Turnberry representative requested the name of the resident so she could determine the agent who claimed this.

HEALTH INSURANCE. Vice-Mayor Crowley asked what the status was on putting the insurance out to bid. Mr. Cohen advised that staff was addressing the issue through multiple tiers that staff expected would reduce the costs to most employees. For employees that would experience an increase, reserves would be used to keep their costs at an even level. Staff also intended to consider other ways to reduce the overall costs and would re-bid next year. Vice-Mayor Crowley objected to the use of the broker of record for this and felt this broker was costing the Town too much. Mr. Cohen stated that there was no additional cost for the tiers. Staff was also in the process of creating specifications to bid for a consultant. Mr. Muniz hoped this bid would go before the Bid Specification Committee and then would go out in early November.

COUNCILMEMBER STARKEY

BROWARD COUNTY SPORTS HALL OF FAME. Councilmember Starkey advised that three Davie residents were inducted into the 2006 Broward County Sports Hall of Fame: jockey Jerry Bailey, Dolphin Stadium Board Chair Tim Robbie and rodeo organizer Ron Bergeron.

WATER QUALITY INITIATIVES. Councilmember Starkey informed Council that grant monies were available through the South Florida Water Management District for various projects to enhance the Broward County water quality initiatives. She felt staff should apply for some of this grant funding.

LANDSCAPE ISSUES. Councilmember Starkey said she and staff were working with the Long Lake Ranches Association to resolve some landscape issues. She asked for help from staff to coordinate the site plan maps and report.

POLICE/FIRE MEMORIAL DEDICATION. Councilmember Starkey wanted Council to set a date for dedication of the Police/Fire memorials.

COUNCILMEMBER PAUL

STATE FARM BUREAU CONFERENCE. Councilmember Paul announced that she had attended the State Farm Bureau Conference and presented the conference resolutions to the Council.

OAK SCHOLAR. Councilmember Paul advised that the Oak Scholar property had been sold and would be another area of open space. She stated that this area would compliment the Farm Park and the Riverview residents would be pleased.

ROUNDABOUT SIGN. Councilmember Paul advised that the sign in the roundabout near Western High School for the Oak Hill community had been destroyed and she wanted to determine how this could be replaced. She stated that she had been told that the driver's insurance company should cover the replacement of the sign. Mr. Cohen and Mr. Kiar agreed to look into this.

FIRE STATION WORKSHOP. Before calling for a workshop on Fire Station 68, Councilmember Paul wanted a written report from Chief DiPetrillo with a timeline on the Shenandoah Fire Station.

UNDERGROUND POWER LINES. Councilmember Paul wanted to invite a representative from FPL to discuss the feasibility and costs of underground power lines. Councilmember Starkey thought there was legislation that provided incentive monies and Ben Wesley was willing to work with any community.

MAYOR TRUEX

PARK SHELTERS. Mayor Truex wanted to know what legal remedy the Town had regarding people sleeping in park shelters. Mr. Cohen said that he would address this issue with Police Chief John George.

ROUNDABOUT SIGN. Regarding the sign in the roundabout near Western High School, Mayor Truex felt that this sign should not be specific to Oak Hill as the sign was in the intersection, since there were several developments in that area. He wanted to be sure Council discussed this before the sign was replaced.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided

12. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSIONS. Mr. Kiar said Counsel Michael Burke had requested an executive session regarding YYBC Inc. d/b/a Eden versus the Town. Mr. Burke felt that a half hour meeting was needed and those persons in attendance would be Mr. Burke, Council, the Town Administrator and himself. Mr. Kiar added that Mr. and Mrs. Yapp had filed a lawsuit against the Town, and the court had ordered mediation. He advised that he would need approximately 15 minutes and those in attendance would be Martin Hynes, the Town Administrator, Council and himself. Council agreed to discuss these items at 6:00 p.m. prior to the next Council meeting held on November 1, 2006.

NEW PLANNER. Mr. Dell introduced the Lize Bazinet, Town's new planner.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:54 p.m.

Approved_____ _____

Mayor/Councilmember

_____

Town Clerk

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: December 6, 2006 (Regular Meeting

REPORT IN BRIEF: Council minutes from the December 6, 2006 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

14. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

15. ROLL CALL

Present at the meeting were Mayor Truex, and Councilmembers Caletka, Paula and Starkey. Also present were Town Administrator Shimun, Town Attorney Kiar, and Town Administrator Clerk recording the meeting. Vice-Mayor Crowley was absent.

Councilmember Paul spoke of Bob Amchir, founder of the "Toys in the Sun" toy run, who had passed away recently, and asked residents to honor his memory by making a donation to the Davie Police Department's toy fund. Councilmember Paul read a poem in Mr. Amchir's memory.

16. OPEN PUBLIC MEETING

Dan Pignato asked Council to name an equestrian trail or park for Councilmember Paul and previous Councilmember Kathy Cox for all of their efforts to keep Davie an equestrian town. Mr. Pignato urged Council to give the firefighters a contract. He endorsed Vice-Mayor Crowley for re-election.

Lisa Hubert announced that the District 1 Humanitarian Program was still in effect, in partnership with Hollywood Hills High School Cheerleaders, and Davie United Methodist. She invited Councilmember Caletka to meet the steering committees and help create and deliver the food packages on December 16th.

Joe Piccolo, Davie firefighter, reminded Council of his request for action on the firefighters' contract four months ago, and said he felt let down by their inaction. He said the lack of respect he had received caused him to seek employment elsewhere.

Robert Belizaire spoke on behalf of the Davie firefighters as well. He echoed Mr. Piccolo's remarks and said 40 of their firefighters had sought employment with other departments.

Councilmember Starkey asked Mr. Shimun to explain the status of the contract negotiations. Mayor Truex assured Mr. Belizaire that Council wanted this matter resolved.

Philip Busey, 837 SW 20 Way, delivered a holiday greeting from State Representative Martin Kiar. He also invited residents to contact Mr. Kiar.

Marlon Luis announced his candidacy for Town Council representing District 4 when Councilmember Paul retired.

Lloyd Phillips, 14220 SW 29 Court, was angry because of problems with a neighbor and claimed that his dogs had been poisoned. He berated Council for not acting to remedy this problem. Mr. Cohen said he had asked staff members to investigate this situation but could not report on the status right now. Mayor Truex said he had been informed that these allegations had been investigated thoroughly.

John LaDue asked Council to reconsider his request for a variance. Mayor Truex reminded Mr. LaDue that this was not the proper forum for a dialog, but said he understood Mr. LaDue's position but did not agree with it. Councilmember Starkey remembered that Mr. LaDue had requested five variances, four of which had been granted. She encouraged Mr. LaDue to work with the Central Broward Drainage District on the easement issue, and reminded him that there were alternatives to installing the high fence on the scenic corridor. Councilmember Starkey advised Mr. LaDue to resolve his issues in an amicable way, in compliance with the Town's Code.

Councilmember Paul remembered that staff had erroneously issued Mr. LaDue a permit, and he had actually purchased materials and then been told that he could not erect the fence. Councilmember Paul felt they were not being consistent in their handling of cases in which Town staff made a mistake.

Doris Monier, 5305 SW 48 Street, was proud of helping to preserve Sunny Lake, but was concerned that once their bonds were paid, the property would not be protected from development. She asked Council to convert the development rights into a conservation easement in perpetuity.

John Pisula, 2933 SW 136 Avenue, thanked Council for their efforts in the Toys for Tots program. He announced that the toy giveaway would be held on December 17th and the holiday tree lighting on December 10th.

Mayor Truex welcomed Mr. Shimun to his first Town Council meeting.

Mayor Truex noted that staff had indicated item 4.18 would be withdrawn, and asked the applicant if he wished to say something. He asked Planning and Zoning Manager Bruce Dell to explain the status of the item.

Mr. Dell advised that the applicant had indicated he was reworking the plans to address the issues brought up at meetings with staff, but had not subsequently contacted staff or submitted the revised drawings. Mr. Dell said that staff had contacted the architect, who indicated he was no longer working with the applicant on this project. Mayor Truex asked the applicant why the item should not be withdrawn.

George Deeb, applicant, said he and his architect had tried to work with staff, but "every time we come up with something, they come up with something else." Councilmember Caletka remarked that the item had been tabled ten times and Mr. Deeb had plenty of times to meet staff's suggestions. He felt the item should be withdrawn.

Councilmember Caletka made a motion, seconded by Mayor Truex, to withdraw. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-1)

Mayor Truex announced that the applicant for item 4.20 had requested it be tabled to January 17, 2007.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table item 4.20 to January 17, 2007. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that the petitioner for item 6.5 had requested that it be tabled to December 20, 2006.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table item 6.5 to December 20, 2006. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that the petitioner for item 6.6 had requested that it be tabled to February 7, 2007.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table.

Councilmember Paul wondered if there might be another motive to that request, because, "I know we are anxious to go to the Water District prior to site plan, but going before a land use amendment is very unusual."

In a voice vote, with Vice-Mayor Crowley being absent, and Councilmember Paul dissenting, all voted in favor. (Motion carried 3-1)

17. APPROVAL OF CONSENT AGENDA

Minutes

17.1. October 14, 2006 (Special Meeting)

Proclamation

17.2. Rick Case Bikes for Kids Day (December 6, 2006)

Resolutions

17.3. R-2006-300 **GRANT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT GRANT AGREEMENT WITH THE HOPE OUTREACH CENTER, INC., TO PROVIDE SOCIAL SERVICES/EMERGENCY ASSISTANCE TO DAVIE'S LOWER-INCOME FAMILIES AND INDIVIDUALS. ($33,957)

17.4. R-2006-301 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE ESTABLISHMENT OF A MUNICIPAL NOW ACCOUNT AT SUNTRUST, AUTHORIZING EXECUTION OF THE REQUIRED ACCOUNT AGREEMENT AND RELATED SIGNATURE FORMS, AND PROVIDING AN EFFECTIVE DATE

17.5. R-2006-302 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SERVICE AGREEMENT WITH THE FIRM OF DOVER KOHL & PARTNERS FOR PROFESSIONAL SERVICES TO REFINE AND IMPLEMENT THE TOWN OF DAVIE, FLORIDA DOWNTOWN MASTER PLAN; AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. ($17,650)

17.6. R-2006-303 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN REBUILDING TOGETHER BROWARD COUNTY, INC. AND THE TOWN OF DAVIE FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A BUILDERS DECATHLON EVENT. ($1,000 arena rental)

17.7. R-2006-304 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FLORIDA GAY RODEO ASSOCIATION AND THE TOWN OF DAVIE TO LEASE THE BERGERON RODEO GROUNDS FOR A RODEO. ($2,250 arena rental)

17.8. R-2006-305 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE OBEDIENCE TRAINING CLUB OF PALM BEACH COUNTY FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR DOG OBEDIENCE COMPETITION. ($2,200 arena rental)

17.9. R-2006-306 **SELECTION OF FIRM -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF TOBY'S CONCESSION SERVICES, INC. TO PROVIDE CONCESSIONAIRE SERVICES AT PINE ISLAND PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

17.10. R-2006-307 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR TWO FOUR INCH (4") TRAILER MOUNTED SEWAGE PUMPS FROM POWER AND PUMPS, INC. (Power and Pumps, Inc. - $56,718)

17.11. R2-006-308 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FROM LENOVO, INC. FOR THE PURCHASE OF LAPTOP COMPUTERS AND PROTECTION PLAN, PORT REPLICATORS, AND MONITOR STANDS. (not to exceed $118,000)

17.12. R-3006-309 **PURCHASE -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS NOT TO EXCEED $14,000.00 FOR THE PURCHASE OF DIGITAL RECORDERS AND TRANSCRIPTION SOFTWARE TO ENHANCE TECHNOLOGY IN THE CRIMINAL INVESTIGATIONS UNIT OF THE TOWN OF DAVIE POLICE DEPARTMENT.

17.13. R-2006-310 **SETTLEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT CONTAINED IN THE ACKNOWLEDGMENT AND HOLD HARMLESS AGREEMENT THAT WAS REACHED AS A RESULT OF COURT ORDERED MEDIATION IN THE DECLARATORY JUDGMENT ACTION FILED BY CHRISTOPHER AND SUZAYN YAP AGAINST THE TOWN OF DAVIE.

17.14. R-2006-311 **CONTRACT EXTENSION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND COLMEX USA GROUP INC., D/B/A ONE PRICE DRY CLEANING FOR CLEANING AND LAUNDERING SERVICES FOR THE POLICE AND FIRE-RESCUE DEPARTMENT UNIFORMS. ($52,000/police; $26,109.20/fire)

17.15. R-2006-312 **CONTRACT EXTENSION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ALLOWING A TIME EXTENSION TO LEIGH ROBINSON KERR, MILLER LEGG AND CALVIN GIORDANO OF THE COST RECOVERY CONSULTANTS FOR A PERIOD NOT TO EXCEED NINETY DAYS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO EXTEND THE CURRENT AGREEMENTS FOR SUCH SERVICES.

17.16. **PLAT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "LIVE OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-1-05, Live Oak Estates, 15250 SW 20 Street) *Planning and Zoning Board recommended approval*

17.17. **PLAT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "GRIFFIN LANDMARK" AND AUTHORIZING THE

MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-2-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval subject to the planning report*

Quasi-Judicial Consent Agenda

17.18. **STAFF REQUESTING ITEM TO BE WITHDRAWN**

SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from September 20, 2006) *Site Plan Committee recommended denial 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. 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 do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*

17.19. SP 12-5-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road (Griffin Corridor District - Griffin Commerce Zone 4) *Site Plan Committee recommended approval based on the planning report along with the five wavers and subject to 23 comments: 1) try to get DOT to allow pavers along Griffin Road verses the concrete walk; 2) that the crosswalks across the main entry be done in pavers; 3) that there be paver sidewalks for the interior of the site; 4) that the lift station have a five-foot fence and landscaping around it; 5) move the loading space and increase the size for moving vans adjacent to the ramp to the parking in back at the northeast corner of the building subject to Engineering's approval; 6) at the north parking lot, at the angular turning radius, move the trees to allow a "visibility area" for that tight turn; 7) add two stop signs at the south entry to the parking garage and at the adjacent parking field intersection; 8) increase the exit area outside the elevator lobbies and parking, and add bollards; 9) readdress the photometric plan because several areas are too low, it should not be less than one-foot candles and should be two-foot candles against the building; 10) look at the AD access to the building from the street; 11) on sheet A-101, show the projection of the retail above; 12) on the building fenestrations, add some sort of a build out on the ends that replicate the color changes in the building as well as – pull the elevator lobby out to create a separate element and try to duplicate something similar to that on the opposite side (the Griffin Road side) of the building above the retail space; 13) look at the end stair tower which is facing the turn at Griffin Road, to try to make some sort of an element which is less utilitarian; 14) note that there is no useable area under the raised roof elements; 15) the landscaping plans go back to staff for review and to review the areas around the base of the building to determine if there is sufficient area for the landscaping as shown; 16) pay particular attention to the tightness of the area as shown and see that the appropriate materials are placed in that area; 17) the Committee questions the use of Italian Cypress along the lake side and Griffin Road as to whether this counted towards canopy trees; 18) look at adding building lights at the entrance and some decorative lighting to accent the building; 19) look at possibly adding concrete tree rings around the Royal Palms on Griffin Road; 20) see if DOT allows pushing the sidewalk towards the building and having the landscaping*

near the curb along Griffin Road; 21) add a toilet at the retail area; 22) add windows to the retail space plan on the floor plan to replicate what was done on the elevation; and 23) provide a color board

17.20. SP 6-1-06, Hidden Hollow - II, corner of SW 49 Street and SW 66 Terrace (RM-10) *Site Plan Committee recommended approval*

Mayor Truex pulled item 4.2 from the Consent Agenda. Councilmember Caletka pulled items 4.1, 4.13, 4.17 and 4.19. Councilmember Paul pulled items 4.10 and 4.16.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.1, 4.2, 4.10, 4.13, 4.16, 417, & 4.19. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

18. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Caletka explained that at the October 14th special meeting, he had actually asked Mr. Kelly about his firing process [not his hiring process, as indicated.]

Councilmember Starkey indicated that on page four, the phrase "obtaining an MBA" should be "obtaining a doctorate."

Councilmember Caletka made a motion, seconded by Councilmember Paul, to approve the minutes as amended. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

4.2 Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the proclamation. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey read the proclamation. Mayor Truex thanked Mr. and Ms. Case for their work. Rick Case thanked Council for their help over the years on this project.

4.10 Councilmember Paul asked if this would fall under the category of a project they could recommend for possible state funding, and if they should discuss it at the Monday workshop.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to pass this. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

4.13 Councilmember Caletka said he had pulled this item because he wished to vote against it.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Vice-Mayor Crowley being absent, and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-1)

4.16 Councilmember Paul said she had pulled this item because she wished to vote against it. She said the boundary plat indicated water retention easements, which she opposed.

Gus Aguirre, representing the applicant, said they had done exactly what the Town wanted. He explained that the dry retention area drainage easement was not included as part of the lots, but that parcel "B" would handle the dry retention area. Councilmember Paul was opposed to dry retention, with Mr. Aguirre responding that dry retention was required.

Councilmember Starkey said Council was concerned that the dry retention was on the lot. Mr. Aguirre reiterated that parcel "B" was separate. Town Engineer Larry Peters confirmed that this complied with the Town's Code.

Councilmember Paul had questions regarding the width of the access point. Mr. Aguirre explained that there was the driveway width, plus a Code-required sight triangle. Councilmember Paul asked why a sidewalk was needed when there was already a sidewalk on the other side of 20th Street. Mr. Aguirre said this was a Town requirement and was included internally, in front of lots one and two.

Mayor Truex stated that when the site plan came in for approval, they could ask that the sidewalk be removed.

Councilmember Paul said staff had not done as she had requested and notified her of this project in her district. Councilmember Starkey confirmed with staff that this item had been included on the "blue sheets" Council members received for review. Regarding the dry retention, Councilmember Paul said that as long as it was to be a separate area, it should be a pond. She confirmed for Councilmember Starkey that she was concerned it would eventually be filled in. Councilmember Paul said she had hoped that staff would have taken the initiative to make Code changes to resolve these drainage issues. She was disturbed by the history of property owners filling in the drainage areas, resulting in flooding of nearby streets and neighboring properties. Mayor Truex felt it was not so much a Code issue as an enforcement issue.

Mr. Aguirre said he would gladly change this to a water retention area with a small lake. He thought the site plan would come before Council within 60 days. Councilmember Starkey noted that percolation over a broader area was a better way to ensure water quality than a deep pit that might allow water to stagnate. She wanted to be sure that the drainage met Central Broward Water Drainage District's water quality standards before it came back, and to have Vice-Mayor Crowley's district examine this.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve with the condition that it goes to Central Broward prior to coming back to Council to ensure that it met water quality standards and drainage. In a voice vote, Councilmember Paul and Councilmember Caletka dissented and Mayor Truex and Councilmember Starkey approved with Councilmember Crowley absent. (Motion tied 2-2)

Mayor Truex stated per Town Charter, the item was automatically tabled to December 20, 2006.

Mr. Aguirre said he would now need to go through Broward County with a completely new plat process and this could take six months.

<u>4.17, 4.19, 6.3 and 6.4</u> Councilmember Caletka said he had pulled item 4.17 and item 4.19 so they could be heard with 6.3 and 6.4.

Dennis Mele, representative of the applicant, agreed to have all four items heard together.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Dell summarized the planning reports.

Councilmember Caletka asked Mr. Dell if the adjacent property owner was notified of the public meetings on this item. Mr. Dell said the adjacent multiple-unit senior living facility had been notified, but not the properties across the turnpike.

Mr. Mele reported that this issue had already been approved by the Central Broward Water Control District, the Site Plan Committee and the Planning and Zoning Board. He confirmed that no members of the public had attended the citizen participation meetings.

Mr. Mele referred to an aerial photo and described nearby properties. He noted that the wet retention area would have an easement to the Central Broward Water Control District to prevent it from ever being filled in. He described the project and mentioned they had entered into an agreement with the housing authority regarding the landscaping adjacent to a shared wall.

Mr. Mele said the design met the requirements of the 441 charette and transit-oriented corridor land use. He explained that the use of flex units was permitted due to the project's inclusion of both residential and non-residential units in the same building. Mr. Mele presented a rendering of the building that reflected the changes requested by the Site Plan Committee except the walkway features on Griffin Road, for which they must first meet with the Department of Transportation (DOT) to request permission. He reminded Council that once the transit-oriented corridor went into effect, the 24 flex units would then be a permitted residential use.

Councilmember Caletka asked the price of the condominium units. Mr. Mele explained that there were 4 one-bedroom units priced in the low $200,000 range and 20 two-bedroom units priced in the upper $200,000 range. Councilmember Caletka said that the senior center had requested a pedestrian crossing

area and Mr. Mele stated that this would be discussed when the applicant met with DOT. He thought that without a signal, DOT did not want to encourage pedestrian crossings on a six-lane road. Mr. Mele said they had been working with their neighbors on this and other matters, and would agree to install a crosswalk if DOT approved it.

Mr. Dell asked Mr. Mele if they would commit to dedicating 15% of the units to affordable housing. Mr. Mele said he thought the "prices that we're at, I think, are in the range that would be in those numbers." He felt the prices were "below the level that would qualify as workforce housing." Mr. Dell said the price for affordable/workforce housing set by the Housing Department was $196,000.

Director of Housing and Community Development Shirley Taylor-Prakelt said she had reviewed the project and provided the Development Review Committee with comments strongly encouraging that the project meet the 15% affordability requirement, the price range of which was $196,000 to $229,000. Mayor Truex calculated that based on 24 units, 4 units should be designated affordable. Ms. Taylor-Prakelt agreed to work with Mr. Mele to determine which units could be designated affordable. Mr. Mele agreed to provide a total of four units, without specifying one-bedroom or two-bedroom.

Councilmember Starkey asked about sound mitigation in anticipation of the airport's possible runway extension. Mr. Mele said they had sound attenuation materials incorporated into the building design. Councilmember Starkey asked if Mr. Mele had investigated the possibility of accessing the canal via a gate. Mr. Mele replied that because the canal was bounded by the Turnpike and 441, the canal right-of-way could be accessed through the parking lot.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Council disclosed communications they had regarding this item.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve item 4.17: the plat. Mayor Truex remarked that this was an excellent design. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve item 6.3 - the Code amendment. Councilmember Paul asked if the petitioner had written the Code change and Mr. Dell informed her that he had. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve item 6.4 - the flex zone use. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

19. PUBLIC HEARING

Ordinance - Second and Final Reading

19.1. **CODE AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73 BY CREATING A PRESERVATION BOARD WITHIN THE UNITED RANCHES AREA FOR WHICH ALL APPLICATIONS FOR ZONING CHANGES WITHIN THE UNITED RANCHES SHALL COME BEFORE FOR RECOMMENDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading November 15, 2006 - all voted in favor}**

2006-27

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Toby Perkins, 5220 SW 109 Avenue, said she was in favor of the amendment.

Mayor Truex closed the public hearing.

Mr. Kiar said he had sent Council a memo clarifying the wording regarding the appointments.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held December 20, 2006)

19.2. **PENSION PLAN AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE TO ADMIT AS MEMBERS OF THE PLAN GENERAL EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING SECTION IN PRIOR ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance on December 20, 2006.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Budget and Finance Director William Underwood reported that this was a housekeeping item, updating new group members and clarifying some language. Councilmember Caletka said he was not comfortable voting on this item and requested that it be tabled. Councilmember Starkey clarified that the union had already agreed to this in their contract. Mr. Cohen confirmed that this was a condition of their contract.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

19.3. **CODE AMENDMENT -** AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Resolution

19.4. **FLEX ALLOCATION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL FLEXIBILITY UNITS TO THE "GRIFFIN LANDMARK" PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 5-1-06, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Items to be tabled

19.5. **PETITIONER REQUESTING A TABLING TO DECEMBER 20, 2006**

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. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue)

This item was tabled earlier in the meeting.

19.6. **PETITIONER REQUESTING A TABLING TO FEBRUARY 7, 2007**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL ONE DWELLING UNIT PER ACRE", TO "COMMERCIAL"; AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY"; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (LA 05-02, Laystrom/Carroll, SW 26 Street and Shotgun Road)

This item was tabled earlier in the meeting.

20. APPOINTMENTS

20.1. Mayor Truex

7.1.8. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.9. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.10. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Mayor Truex appointed Caroline Gill.

7.1.11. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.1.12. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

20.2. Vice-Mayor Crowley

20.2.1. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

No appointment was made.

20.3. Councilmember Caletka

20.3.1. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

No appointment was made.

20.4. Councilmember Paul

20.4.1. Open Space Advisory Committee (one exclusive appointment; term expires April 2008)

Councilmember Paul appointed Alan Mersack.

20.4.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Councilmember Paul appointed Toby Perkins.

20.5. Councilmember Starkey

20.5.1. Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Stu Weinstein.

20.5.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Councilmember Starkey appointed Ben Wesley.

20.6. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

21. OLD BUSINESS

No old business was discussed.

22. NEW BUSINESS

22.1. B & R Development

Mr. Dell explained that the project was approved on October 19, 2005 for a two-story, 19,000 square foot professional building, and the Planning and Zoning Division had finalized the plans on February 6, 2006. The applicant was requesting that their extension date of six months be counted from the Planning and Zoning Division's plan finalization date, instead of Council's approval date. Mr. Kiar confirmed that this would be at Council's discretion, since it was a policy decision. Mayor Truex noted that the applicant had met with him a number of times and had acted in good faith.

Councilmember Starkey asked if there was any substantial change between Council's approval and Planning and Zoning approval. If so, she wanted the opportunity to review and approve it, and the extension date could then be calculated from the date Council re-affirmed it.

Mayor Truex said they had originally requested some cosmetic changes to make the project design more "Florida vernacular" and the applicant had done this. Councilmember Starkey thought the changes should be brought back to Council to confirm that the proper changes had been made.

Ron Barr, the project architect, explained that they had met with Mayor Truex to address his design suggestions after receiving Council approval, and then submitted the design to staff for their final approval. Councilmember Starkey reiterated that she wanted to make it a practice to reaffirm projects that were revised at Council's request, and to start counting the project deadline from that date.

Mayor Truex asked that the item be put on their next meeting's Consent Agenda and asked Mr. Barr to bring his renderings.

22.2. Rescheduling of July 4, 2007 Town Council Meeting

Mayor Truex reminded Council that they must select a different date for the meeting. Council discussed options and decided to meet on July 18th and 26th.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to move the July 4, 2007 meeting to July 26, 2007. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

23. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

VICE-MAYOR CROWLEY. Councilmember Caletka made a motion, seconded by Councilmember Starkey, to excuse Vice-Mayor Crowley. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

HAPPY HOLIDAYS. Councilmember Caletka wished the residents a happy holiday season.

PHILLIPS PROPERTY. Councilmember Caletka was sure staff would provide him with any existing reports, and wanted to help Mr. Phillips, if possible. Councilmember Starkey advised Councilmember Caletka to obtain police reports and Mr. Cohen's reports to better understand the situation.

COUNCILMEMBER STARKEY

FOREST RIDGE HOLLY DAY PARADE. Councilmember Starkey reported that the event had been very successful. She thanked the parade committee and Chair Kitty Presiosi for their efforts.

POLICE ANNUAL CHAPLAIN'S BREAKFAST. Councilmember Starkey reported she had attended this event, and thanked the Police Department.

BROWARD DAYS LEGISLATIVE ISSUES. Councilmember Starkey distributed a copy of last year's legislative program.

WASTE MAP. Councilmember Starkey stated that the map distributed by Waste Management describing the bulk pickup schedule had not included part of United Ranches and asked that these addresses be sent a special mailing.

HAPPY HOLIDAYS. Councilmember Starkey wished everyone happy holidays.

COUNCILMEMBER PAUL

HORSE CROSSING ORDINANCE. Councilmember Paul said that the Open Space Advisory Committee had been working on a recommendation and asked for an update on this issue.

DRIFTWOOD MIDDLE SCHOOL. Councilmember Paul congratulated the School for receiving an "Ag in the Classroom" grant. She noted that this would tie them into the Farm Park. She added that Cindy Griffin had worked very hard with this program.

RETIREMENT. Councilmember Paul said she realized it was time to do some things for herself she had neglected and enjoy life. She offered her continuing service to help with the Farm Park. Councilmember Paul thanked everyone who had called to thank her for her service.

HAPPY HOLIDAYS. Councilmember Paul wished everyone happy holidays.

RUN IN THE SUN TOY RUN. Councilmember Paul reminded everyone of the "Run in the Sun" toy run on Sunday. She thanked David Amchir, who had taken over as organizer of the event.

MAYOR TRUEX

REDISTRICTING. At the next Council meeting, Mayor Truex asked that someone address the impact redistricting would have on the open space bond.

CONSERVATION EASEMENT. Mayor Truex asked for more information on conservation easement for the Town's park properties and asked that the Land Trust present information on this matter.

RESIDENT COMMENT. Mayor Truex agreed to yield the rest of his time to a resident who had arrived too late to speak during the Open Public Meeting portion of the meeting.

Deborah Adder, resident of Black Hawk Reserve, stated, "It appears that Regency Homes, under the direction of the City of Sunrise, was forced to raise my water meter. Unbeknownst to me…they raised my water meter. In the process, they broke a pipe. There was no plumber on site, and they contaminated my water with PVC cement and something else." Ms. Adder said she had used the water for quite some time and she and two other family members were sickened by it. She described her medical ordeal and said she had been forced to move into a motor home parked on her property, which violated Town Code. Ms. Adder said that a Regency Homes builder and boardmember had reported her to the Town and had appeared before the Special Magistrate. She now needed a special permit for the motor home costing approximately $1,000, which she could not afford. Under ADA rules, Ms. Adder asked Council to approve waiving the special permit fee until the problem was resolved.

Mr. Kiar felt he needed to research this regarding the proper federal statutes. Mr. Cohen agreed to present information and options to Council at their next meeting, and said Ms. Adder's Special Magistrate appearance could be delayed to allow Council to make their determination.

24. TOWN ADMINISTRATOR'S COMMENTS

Mr. Shimun thanked Council for giving him the opportunity to serve as Town Administrator

25. TOWN ATTORNEY'S COMMENTS

WELCOME. Mr. Kiar welcomed Mr. Shimun as Town Administrator.

HAPPY HOLIDAYS. Mr. Kiar wished everyone happy holidays.

18TH STREET MEDIAN LITIGATION. Mayor Truex asked Mr. Kiar for an update on the 18th Street median litigation. Mr. Kiar explained that management had moved to file an amended complaint. Mr. Kiar had filed opposition to that motion.

26. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:07 p.m.

Approved_____ _____

Mayor/Councilmember

_____

Town Clerk

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: December 11, 2006 minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: December 11, 2006 (Special Meeting)

REPORT IN BRIEF: Council minutes from the December 11, 2006 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

TOWN OF DAVIE
SPECIAL MEETING
DECEMBER 11, 2006

The meeting was called to order at 6:00 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Paul, Starkey, and Caletka. Also present were Town Administrator Gary Shimun, Town Attorney Kiar, and Town Clerk Muniz.

Representative Martin Kiar provided community budget request forms and asked that these be completed and returned as soon as possible, as the deadline for submission was January 12, 2007. He suggested that other Town representatives and Senators be contacted to sponsor their requests.

Representative Kiar confirmed that there would be a special session in January regarding the insurance rates and he felt there would be a bipartisan effort to resolve this problem. He noted that Governor-elect Crist felt this issue was very important as well.

Councilmember Starkey thought Homestead Exemption portability was another important issue at the State level. She was also interested in police academy time credit. Representative Kiar stated that he had spoken with Broward County Property Appraiser Lori Parrish regarding Homestead Exemption portability, and advised that Representative Carl Domino from Juno Beach had filed a portability bill. Representative Kiar supported Councilmember Starkey regarding the police academy time credit. Councilmember Starkey was concerned about the portability issue because of its financial impact on municipalities. She felt they should follow the League of Cities initiatives and keep themselves informed on the issue.

Vice-Mayor Crowley asked to meet with Representative Kiar to discuss some issues. Councilmember Caletka said he would call Representative Kiar to discuss some issues in which he was interested.

David Sigerson said he had not been able to meet with Senators last week and the House had confined itself to discussing the property and casualty issue in preparation for the special session on January 16th. He had spoken with members of the League of Cities and developed an outline of issues which he distributed to Council.

Mr. Sigerson said the first two items were “general philosophical positions:” the Town supported Home Rule for municipalities, and the Town was opposed to unfounded mandates.

Regarding the Community Redevelopment Agency (CRA), Mr. Sigerson said there was a piece of legislation last year and he had not anticipated any new legislation this year; however, he now felt this might change, due to the influx of new members. Regarding increasing State record keeping and reporting requirements, Mr. Sigerson said they would take the position that the Town did not need to do any more reporting. Because most CRA offices did not have large staffs, Mr. Sigerson felt that any additional reporting or record keeping would be burdensome.

Mr. Sigerson said the “California Concept,” which required that a specified percentage of TIF should go toward affordable or workforce housing, would probably be coming along. He advised that Council might want to discuss this issue and decide on a position. Councilmember Starkey felt this might be something municipalities could work on individually, as this might be an unfunded mandate or Home Rule issue. She did not believe Council could support a “one size fits all” solution.

Regarding the annexation of Broadview Park, Mr. Sigerson felt it would probably not appear this year as it had missed the deadline. He and County staff had encouraged “them” to wait until negotiations between the Town and County were completed before going forward with legislation and he thought this was happening. Mr. Sigerson said he had heard that “some County people and some city people” wanted to look at annexation as an issue and he felt this needed to be watched carefully.

Mayor Truex thought he was alone in opposing the Broadview Park annexation. Councilmember Caletka said he was waiting for the County to come up with a deal. Vice-Mayor Crowley felt the longer the Town held off, the better off it would be. Councilmember Paul felt that the Broadview Park annexation should occur at some point. She thought the numbers they received from staff were not solid and should be investigated. Councilmember Paul added that the County also thought the numbers were inflated. Councilmember Starkey agreed with Vice-Mayor Crowley and thought the Town should take its time. She hoped nothing would happen in the legislature that might impede future discussions with the County. Mr. Sigerson said a few counties were "pushing the envelope" and including annexation powers in their own charters.

Regarding mobile home park redevelopment, Mr. Sigerson advised that there was bill that would make municipal governments responsible for relocation costs when they granted rezoning to developers. Mr. Sigerson noted that mobile home parks were the last large developable land in Broward County and developers were paying whatever they must to obtain them, then demanding rezonings to allow them to build high-density, high-profit housing. The bill requiring relocation compensation was based on the theory that the municipality would recover the costs from the increased property taxes. Councilmember Starkey felt the Town should not have this burden and asked if they could develop their own ordinance requiring a developer in this circumstance to be responsible for the relocation costs. They could also set the compensation amounts. Mr. Sigerson noted that in Broward County, it would be very difficult to find an appropriate relocation site for a mobile home, making it particularly onerous for municipalities. He said the State had tried to preserve mobile home ownership somewhat because it was affordable housing, but at the same time, other State policies disfavored mobile homes.

Councilmember Caletka was aware that the Florida mobile home group intended to file a bill adding specificity to the exit plan. He also wanted some form of financial penalties included for not complying with the terms of the exit plan.

Mr. Shimun was concerned that this amounted to subsidizing developers with local tax dollars. Mayor Truex said a loophole might be that some developers would claim a right to rezoning and the Town could be faced with a developer's lawsuit or the relocation fee. Mr. Sigerson said they had argued that point.

Mr. Sigerson stated that the ad valorem property tax was a big issue and was affecting not only residences, but also small businesses and apartment buildings. Mr. Sigerson recognized that elected officials sought to keep taxes low, but agreed that they must also maintain sufficient revenue streams. Councilmember Starkey felt the problem was that the recent re-assessment came when property values were at their highest, and thought perhaps Council should re-assess next year as values had decreased a bit. She thought they might consider averaging as well and indicated that someone at the State level had indicated that Broward's assessment formula might not be accurate. Mr. Sigerson said methodology was one of the issues being considered, particularly for commercial properties, as appraisers used different methods in different counties.

David Ericks explained that Ms. Parrish was assessing based on the value of the property, not highest, best use. Mr. Ericks advised that Palm Beach County had introduced a bill to settle the commercial assessment methodology issue. He agreed that the Save Our Homes program was a problem and would require a lot of discussion. Governor Bush had already appointed a property tax committee to come up with ideas to submit to the legislature. Mr. Ericks said agricultural taxes would affect Davie as well.

Mayor Truex asked Mr. Sigerson if the proposed federal disaster insurance would provide relief to homeowners. Mr. Ericks said this was being discussed, but added that nothing would happen quickly.

Councilmember Caletka reminded Mr. Sigerson and Mr. Ericks that they were also responsible for bringing "home" appropriations, and in particular, wastewater and water. He asked that they lobby for community center and disaster preparedness appropriations and not just formula dollars. Mr. Ericks said they had no luck with water issues appropriations, as Governor Bush had vetoed them. They would determine if Governor-elect Crist would do the same.

Councilmember Caletka wanted a dollar-amount commitment from Mr. Sigerson and Mr. Ericks. Mr. Ericks said they did not yet know who the committee chairs were, but agreed to provide a wish list. He also agreed to lobby the committees when they were formed. Councilmember Starkey said Colleen Ryan, the Town's grant writer, had a list of grants she could provide for the upcoming year.

Councilmember Paul hoped that now that the Town had a local legislator, perhaps he would sponsor a bill for the water surcharge issue. She still wanted the sound walls on I-75 and thought this issue might require a different approach. Councilmember Paul asked if the portable sewerage item from their last agenda could go into the capital budget.

Mr. Sigerson recommended that Council establish their priorities and he would return with a list of projects he felt had a good chance of not being vetoed.

Vice-Mayor Crowley remembered submitting an appropriation request last year for canal guardrails and asked if this would be resubmitted. Mr. Sigerson said these had not qualified because they were not located on State roads. He recommended these be included in the local budget process. Candice Ericks said they could investigate whether County funds were available to install the guardrails on County roads.

Mr. Shimun wondered if there was a way to get an assessment on university students' credit hours to be used for public safety. Councilmember Starkey said there were prior funding programs with the universities. The Town had also provided training for the campus police.

Councilmember Starkey asked about the possibility of getting a grant for the "Greening Foot Print" discussed at the Open Space Advisory Committee. Councilmember Paul advised that the foot print would cost approximately $35,000 and there should be some grant opportunities.

There being no further business to discuss and no objections, the meeting was adjourned at 7:17 p.m.

Approved_____ _____

Mayor/Councilmember

_____

Town Clerk

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: December 20, 2006 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the December 20, 2006 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

27. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

28. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, and Councilmembers Caletka, Paul and Starkey. Also present were Town Administrator Shimun, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

29. PRESENTATIONS

29.1. Take A Kid Fishing - Everglades Bass Anglers

Special Projects Director Bonnie Stafiej explained the program and thanked those involved. Mayor Truex named those involved in the program and presented certificates of appreciation to Bob McDaniel, John Niedam, and Barbara McDaniel. Mr. McDaniel thanked Council for their encouragement of this and other kids' sports programs in Town.

29.2. Rodeo Arena Recognition - Ron Bergeron, Troy Weekley, Tindall Growers and Davie Rodeo Association

Ms. Stafiej thanked Ronnie Bergeron for his work, and for his family's donation for capital improvements. Mr. Bergeron said his family was delighted to be involved and thanked Council for preserving the Town's culture. Mayor Truex remarked that this rodeo was a large part of the Town's identity. He presented Mr. Bergeron with a certificate of appreciation.

Ms. Stafiej thanked Tindall Groves for the donated trees and Troy Weekley, and Leann Sullivan from the Davie Rodeo Association.

29.3. Bike Rally - Scott Spages

Ms. Stafiej thanked Mr. Spages for his work with the rally.

29.4. Relay for Life

A volunteer from the American Cancer Society thanked the Town for their help with the event. Council agreed to view the Relay for Life video at a future Council meeting.

29.5. Open Space Advisory Committee -Chair Joyce Steward

Chair Joyce Steward explained the Committee's work for the past few months and showed a PowerPoint presentation depicting the properties they were recommending for acquisition.

Mr. Shimun agreed to put a resolution regarding the acquisition sites on Council's next agenda.

Vice-Mayor Crowley asked if the resolution would include all of the sites in the presentation and Mr. Shimun confirmed that it would. Councilmember Starkey also wanted to contact the Trust for Public Lands to help with the acquisitions.

Councilmember Caletka asked if the proposed dog park at Betty Booth Roberts Park would interfere with human use of the oval track. Ms. Steward explained that the dog park would be located inside that track area and would not hinder human use of the track.

Councilmember Paul asked if the Losee property would be ranked and indicated that the Town had received a "willing seller" letter. Ms. Steward said they would gladly rank any property that was presented to the Committee.

Mayor Truex advised that staff was requesting that items 6.5 and 6.6 be tabled to January 3, 2007.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said the petitioner had requested that item 4.30 be tabled.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table item 4.30 to January 17, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said staff had requested tabling items 4.4 and 4.31 to January 17, 2007.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table items 4.4 and 4.31 to January 17, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex explained that item 6.1 concerned one or two of the individual mobile homes south of Griffin Road. He added that the petitioner had requested this item be tabled.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table item 6.1 to January 17, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex explained that item 9.1, regarding a high school in west Davie, needed to be added.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 9.1 to their agenda. Councilmember Caletka advised that he would be abstaining as he worked for the Broward County School. Councilmember Starkey objected to the abstention. Mayor Truex stated that the abstention would stand and if someone wanted to "do some parliamentary stuff and overrule me, that was up to them." In a voice vote, with Councilmember Caletka abstaining, all voted in favor. (Motion carried 4-0)

30. APPROVAL OF CONSENT AGENDA

Minutes

30.1. October 18, 2006 (Special Executive Session - Part I)

30.2. October 18, 2006 (Special Executive Session - Part II)

30.3. October 18, 2006 (Regular Meeting)

Resolutions

30.4. DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE "W.A.B. II INVESTMENTS," AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-06, Eddie's Collision Experts, 4375 SW 60 Avenue) (tabled from November 15, 2006)

30.5. PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT

R-2006-313 KNOWN AS THE "LIVE OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-1-05, Live Oak Estates, 15250 SW 20 Street) (tabled from December 6, 2006) Planning and Zoning Board recommended approval

30.6. BOARD EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-2006-314 EXTENDING THE AIRPORT/TRANSPORTATION ADVISORY BOARD FOR ONE YEAR.

30.7. CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #6 WITH SELDIN

CONSTRUCTION, INC. TO REVISE THE 2ND FLOOR OFFICE LAYOUT WITH ADDITIONAL CABINETRY AS DESCRIBED IN THE CHANGE ORDER. (increase of $15,820)

30.8. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-315 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COMMUNITY COLLEGE FOR COMMUNITY ORIENTED POLICE OFFICERS. (payment of $60,000 for two officers / year)

30.9. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-316 APPROVING AN AGREEMENT BETWEEN THE BROWARD COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF DAVIE FOR THE PURPOSE OF ENGAGING POLL WORKERS FOR MUNICIPAL ELECTIONS.

30.10. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN
R-2006-317 AGREEMENT WITH THE GOLD COAST DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR WEEKLY DOG CLASSES. ($4,250 arena rental)

30.11. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-318 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE PRO RODEO INC AND THE TOWN OF DAVIE FOR MONTHLY PROFESSIONAL RODEO. ($1,000 arena rental fee per event)

30.12. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-319 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, FOR A HIGH SCHOOL RODEO. ($1,585 arena rental waiver request)

30.13. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-320 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, FOR WEEKLY RODEOS. ($3,000 arena rental)

30.14. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-321 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE GOLD COAST DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR UKC DOG CONFORMATION AND OBEDIENCE TRIALS. ($1,200 arena rental)

30.15. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-322 ACCEPTING THE BID FOR SPORTS PHOTOGRAPHY SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SAID SERVICE WITH TSS SPORTS PHOTOGRAPHY. ($6,700 revenue to the Town)

30.16. AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-2006-323 AUTHORIZING THE MAYOR TO EXECUTE A TENANT LEASE AGREEMENT WITH EDWARD SUAREZ FOR THE CONTINUATION OF THE RESIDENTIAL SECURITY PROGRAM AT WOLF LAKE PARK.

30.17. CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2006-324 AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND JOSEPH KELLJCHIAN FOR KARATE INSTRUCTOR SERVICE. ($15,000 revenue to the Town)

30.18. CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-325 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TOBY'S CONCESSION SERVICES, INC. FOR CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK. ($15,000 revenue to the Town/plus $150 per event for program playoffs and tournaments)

30.19. CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-326 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ADVANCED ROOFING, INC. TO REPAIR, RE-ROOF, OR PROVIDE NEW ROOF SYSTEMS FOR SHINGLE, TILE, FLAT OR METAL ROOFS.

30.20. CONSOLIDATED PLAN AMENDMENTS - A RESOLUTION OF THE TOWN OF
R-2006-327 DAVIE, FLORIDA, AUTHORIZING THE AMENDMENTS TO THE TOWN OF DAVIE'S CONSOLIDATED PLAN FOR FEDERAL FUNDS 2002-2007 WHICH CONTAINS THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGETS; EXPANDING THE SOUTHERN BOUNDARY OF THE EASTERN CDBG TARGET AREA TO COINCIDE WITH THE DAVIE REDEVELOPMENT AREA (CRA) AND ENCOMPASS THE NEW NEIGHBORHOOD SERVICE CENTER/ONE-STOP-SHOP; AUTHORIZING AND PROVIDING AN EFFECTIVE DATE.

30.21. REAFFIRMATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-328 REAFFIRMING THE TOWN'S POLICY REGARDING THE REDEVELOPMENT OF MOBILE HOME PARKS FOR ANY USE WHICH WOULD REQUIRE THE PERMANENT AND INVOLUNTARY DISPLACEMENT OF DAVIE RESIDENTS; AND REQUIRING SUBMISSION OF AN EXIT/RELOCATION PLAN SATISFACTORY TO THE TOWN; AND, REAFFIRMING THE LACK OF AFFORDABLE HOUSING AVAILABLE IN SOUTH FLORIDA AND IT'S DETRIMENTAL IMPACT ON SENIOR CITIZENS ON FIXED-INCOMES AND LOW AND MODERATE INCOME FAMILIES AND INDIVIDUALS.

30.22. GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-329 THE APPLICATION FOR A $50,000 GRANT FROM THE HISTORICAL RESOURCES GRANTS-IN-AID SMALL MATCHING GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT IF AWARDED (WITH $50,000 CASH MATCH). (not budgeted)

30.23. SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-2006-330 SELECTING THE FIRM OF ILER PLANNING GROUP TO UPDATE THE TOWN'S COMPREHENSIVE PLAN AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.

30.24. SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-331 SELECTING THE FIRMS OF CALVIN, GIORDANO & ASSOCIATES, INC., MILLER LEGG, LEIGH ROBINSON KERR & ASSOCIATES, INC. AND LAND DESIGN INNOVATIONS INCORPORATED TO PROVIDE COST RECOVERY CONSULTANT SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.

30.25. BUYOUT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-332 THE BUYOUT OF THE GE CAPITAL TERM LEASE MATTER AGREEMENT AND TERM LEASE SUPPLEMENT FOR LEASE AGREEMENT ASSOCIATES WITH LEASE NUMBERS 7248117-001, 7248117-002, AND 7248117-003. ($98,716.17)

30.26. DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FOR THE AMENDING OF THE PLAT NOTE RESTRICTION OF THE "PINE ISLAND COMMERCIAL," AND PROVIDING AN EFFECTIVE DATE. (DG 2-3-06, Pine Island Office Centre, 8501 Orange Drive)

30.27. DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-333 APPROVING A DELEGATION REQUEST TO CHANGE THE FINDING OF ADEQUACY DATE ON THE PLAT KNOWN AS THE "GRIFFIN 78," AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-06, Griffin 78/B & R Development, 7780 Griffin Road)

30.28. PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2006-334 PLAT KNOWN AS THE "EXTRA CARE ANIMAL HOSPITAL" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-1-06, Extra Care Animal Hospital, 950 South Flamingo Road) Planning and Zoning Board recommended approval contingent upon that on the Survey of Record, changing the face of the plat that states "FND PRM" at the southwest corner "McLaughlin Associates." There is no such company as that, it should be McLaughlin Engineering Company; and subject to the staff's comments

30.29. REGIONAL ACTIVITY CENTER - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-335 FLORIDA, APPROVING PHASES I AND II OF THE REGIONAL ACTIVITY CENTER (RAC) MASTER PLAN AS DETAILED IN THE SCOPE OF SERVICE AGREEMENT AND AUTHORIZING PAYMENT FOR PHASES II AND III TO EDWARD D. STONE AND ASSOCIATES (EDSA); AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

30.30. MEMORANDUM OF AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

Quasi-Judicial Consent Agenda

30.31. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) (tabled from November 15, 2006) Site Plan Committee recommended approval subject to the planning report

30.32. SP 7-4-04, B & R Development, 7780 Griffin Road (C) (tabled from September 7, 2005)

R-2006-336 07/26/05 - Site Plan Committee recommended approval based on the planning report except for item number three and that regarding item number one - to allow parking space "#70" to be a "staff only" space unless it eventually works out to become available due to the development of the property site to the east - 1) correct the tabulations showing all the spaces and how they relate to parking, in other words, on each floor plan, label each area; 2) indicate the crosswalks on the west and north with concrete pavers; 3) the light posts on the site are not to be FPL post-top fixtures as shown on the plans; they are all to be the three decorative posts also shown on the plans; 4) on the colors, revisit awning, window and door colors and review selection with staff; and 5) the sign band on the front of the building is to be made a consistent height for flexibility of the signs in the future; 10/19/05 - Town Council approved subject to 1) adding pavers on the entrance to 78th Avenue crosswalk, 2) to the applicant meeting with staff, Mayor and Council on the architectural design of the building itself; and 3) to the Site Plan Committee's comments

30.33. SP 10-3-05, Boy Scout Camp Seminole, 3301 SW 142 Avenue (CR) Site Plan Committee recommended approval subject to the staff's report and the following 1) check the radius in the parking areas for trucks and trailers; 2) install speed control devices on the roadways; and 3) coordinate the equestrian and recreational trail system on SW 142 Avenue

30.34. SP 2-5-06, Pine Island Commercial, 8501 Orange Drive (B-2) Site Plan Committee recommended approval based on the planning report and the following comments: 1) that there be crosswalks at both entries; 2) increase the Royal Palm trees to ten-foot of grey wood, 35-feet overall height; 3) screen as best as possible the "backflow preventers;" 4) provide some sort of speed control device coming off Pine Island; and 5) relocate the tree at the first parking space off the Pine Island entrance to somewhere at the front of the site

30.35. SP 5-2-06, Orangemen Warehouse, 4041 SW 47 Avenue (M-3) Site Plan Committee recommended approval based on the planning report and the following changes: 1) that the rear, overhead doors go from 10-feet to 12-feet; 2) that on the front of the building, there be four panels that bump out eight inches and are raised two feet; 3) that the two center panels be raised four feet (thereby involving six panels); and 4) that the landscaping plan needs to be corrected by removing the trees from the walkway

Mayor Truex advised that item 4.21 would be pulled from the Consent Agenda. Councilmember Starkey pulled item 4.3. Councilmember Paul pulled items 4.5, 4.7, 4.26, 4.28, 4.33 and 4.34.

Mayor Truex advised that he had to abstain from voting on item 4.23 because it involved his brother's employer. He questioned if he had to pull the item or if he could abstain. Mr. Kiar responded that he could abstain.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.3, 4.5, 4.7, 4.21, 4.26, 4.28, 4.33 and 4.34. In a voice vote, with Mayor Truex abstaining from voting on item 4.23, all voted in favor. (Motion carried 5-0; item 4.23 4-0)

31. DISCUSSION OF CONSENT AGENDA ITEMS

4.21 Community and Housing Director Shirley Taylor-Prakelt said this item was added in response to the outcry from mobile home park residents. She explained that this resolution would reaffirm a policy and practice that had been in place for 18 months regarding the redevelopment of mobile home parks. Ms. Taylor-Prakelt assured residents that the item was written specifically to protect the homes of mobile home park dwellers, not to encourage redevelopment. Ms. Taylor-Prakelt continued that the Town's 31 mobile home parks had approximately 7,000 mobile homes, housing approximately 22,000 residents.

Ms. Taylor-Prakelt noted the actions the Town had already taken to encourage affordable housing. She explained that the recent swift increase in new housing prices, the condominium conversion craze and Hurricane Wilma had all worked to sharply reduce the amount of affordable housing and had created a crisis. Ms. Taylor-Prakelt continued that increases in land prices had resulted in developers and mobile home park owners focusing on redeveloping mobile home park property for a different use, which would result in displacement of mobile home park residents. She read a section of State Statue preventing municipal, local, county or state government bodies from approving rezoning of mobile home parks unless and until adequate mobile home or other facilities were identified for residents' relocation. Ms. Taylor-Prakelt explained that the Seminole Tribe of Florida had purchased the Stirling Road Mobile Home Park and despite the Town's attempts to get the Tribe to comply with this policy, several residents had become homeless due to the total lack of comparable affordable housing for those displaced. She explained that the reasonableness of asking for the relocation plan was as follows: "The price of doing business is the cost of the lives of the people who live there, that Davie respects the people who live here and that we want to make sure that there are plans in place to do so."

Ms. Taylor-Prakelt stated that when the Statutes were revised in 1987, they included the provision that if a mobile home was taken away, a resident was entitled to $3,000 for a single-wide, or $6,000 for a double-wide. This did not make sense in the current economy, so Ms. Taylor-Prakelt had requested Council re-examine the Town's policy and send a message to the developers and park owners that they must consider the residents. Because of the refusal of the Seminole tribe to comply with the Town's requests to create an exit plan, and the adverse consequences of this on the residents, and since two mobile home parks had recently sent notices to their residents of possible redevelopment, Ms. Taylor-Prakelt felt compelled to bring this item forward now.

Mayor Truex asked if anyone wished to speak on this issue.

Frank Serra, 12591 SW 6 Street, stated his support and asked Council to amend the resolution with the following: 1) a one-year minimum moratorium for any new or current redevelopment applications submitted as of October 2006 for zoning changes on mobile home parks; and 2) creation of a committee comprising mobile home residents to study the exit/relocation plan and create a solution.

Henry Wiggins, 472 SW 125 Terrace, said the resolution needed all the support they could muster. He said his neighbors had asked him to speak for them, and described their situations and his own. Mr. Wiggins asked Council to develop an exit/relocation plan that "has some teeth."

Jeff Englander, 12421 SW 6 Court, asked for Council's help, stating, "This should stop immediately."

Brandy Caradonna, formerly of 5841 SW 53 Avenue, thanked Council for their efforts to help the park residents. She warned that without an exit plan, "more families and communities will be destroyed as ours was." Ms. Caradonna said they had been offered $1,375 for their homes.

Dee Myers, King's Manor resident, compared this to an eminent domain situation and noted that in that case, the homeowners were compensated for the market value of their properties.

Scott Cristle, 4633 SW 73 Avenue, explained that most residents of his mobile home park were living on very limited incomes. He said it had taken him a year to find the least expensive housing available in his park and noted that some park owners had drastically increased the lot rents to try to force residents out.

Francisco Bueno, resident of King's Manor, asked Council's help to keep their park as it was.

Frank Sowder, 4701 SW 73 Avenue, said he was against the rezoning, stating he would lose his livelihood if he was forced to move. He also felt $3,000 compensation was not adequate.

Mitzi Clark, 13281 SW 8 Street, said residents of the mobile home community were devastated because it cost an average of $12,000 to move a mobile home, if it was possible to move it, and if there were sites available. She wanted the rezoning to be stopped completely while they determined proper compensation.

Christina Isgid said she had moved into a mobile home park when she had been told she did not have long to live. She had paid $55,000 for her home two months ago and received notice that the park would be sold and she would only be compensated a couple of thousand dollars.

Maryanne Deaton, King's Manor resident, said the park management had informed her that after the 2006 hurricane season, there were plans to renovate the park, and now they had sent the notices of rezoning. She asked that the residents be given more money to move.

A resident of Orange Blossom, who was also the manager, said people lived in mobile homes because they had no other choice, including herself, and asked the Council's help.

Ursula Nicolas said she was living on Social Security and could not work. She was angry that the park's management had tried to sell her a home when they knew the park would close.

Ecstasy Mooty said she had paid off her mobile home just this year. She explained that she was a single parent and the mobile home park was the only place she could afford to live. Ms. Mooty asked Council to act to ensure that mobile home park residents would not be displaced.

Lisa Arbello asked for Council's help and said the residents would take this issue wherever necessary seeking resolution.

Carlos Tejeda stated that "The voice of the people is the voice of the Gods." He felt the Town could not afford to "dispose of 20,000 residents." Mr. Tejeda asked Council to think about the people that work, and not about the people that exploit the workers to fill their pockets at the cost of 20,000 Davie residents. He stated that the residents demanded that Council take action."

Ray Newburgh, 4633 SW 73 Avenue, said the loss of his mobile home was forcing him to leave the state because the cost of living was too high.

Vincent Cicio said many people would be homeless "just so someone can make a big profit."

Mary Pena, 4488 SW 66 Terrace, said she was surviving on Social Security and disability due to mental illness, and had recently been diagnosed with a brain tumor. She had hoped to sell her mobile home for $12,000 so she could afford to go back to Pennsylvania to die. Ms. Pena knew no one would buy her mobile home now, nor would she sell it in all good conscience, with all that was happening with mobile home park redevelopment.

Bridgette Martinez said she had been in an apartment that had been converted to a condo so she had moved to the mobile home park. She feared that if nothing was done, she would be forced to leave.

Isabel Fugatt explained that she and her children lived on Social Security because they were disabled and she was unable to work. She thought it was "unfair for people wanting to make money to throw us out."

Catherine Thomas, 12633 SW 4 Court, felt this was a moral issue, not a financial one. She asked Council to listen to the residents who spoke and do something to help.

Ray Diaz described his family, and said mobile park redevelopment would effectively prevent him from making choices, and asked Council not to allow developers to "destroy these communities."

Annan Ramjattan said he had recently moved in from a mobile park in Margate that had closed. He indicated that he had put down a deposit on a mobile home in King's Manor, but when he realized it was owned by UniProp, he spoke with Milton Rand, UniProp manager, and informed him he did not want to be forced from another home. Mr. Rand had assured him there were no plans to sell King's Manor and he should purchase the mobile home. One month after moving in, Mr. Ramjattan received notice that the park was being closed. Mr. Ramjattan had no money and nowhere to go and they were offering him $1,375 for his home. He asked for Council's help.

Ann Rosario, 13301 SW 5 Court, asked Council to help her and the other mobile park residents, because "I can't afford to lose the only thing that I have in this world right now, for my kids and my grandkids."

Elizabeth Snyder, 13411 SW 6 Place, wanted Council to approve item 4.21 and deny item 6.1. She noted that many people living in the mobile home parks were on disability, Social Security, or could not afford any other residence. Ms. Snyder noted that the mobile home parks provided affordable housing, and residents had invested in their homes and deserved a return on their investments.

Donna Bolton explained that her daughter had just paid $15,000 for a trailer and received notice that they must leave the park within four months. She had been promised $5,000 for the double-wide trailer, but had never received any money. Ms. Snyder's daughter had ultimately been forced to move to Leesburg with her four children.

April Gabriel, 13351 SW 12 Court, explained that she had moved to Alabama when her apartment was converted to a condo, but that had been destroyed by a tornado, so she had returned and moved into Sunshine Village. Three months later, her trailer was damaged in a hurricane and she was only recently able to move back in. Ms. Gabriel explained that she had muscular dystrophy and had recently undergone heart surgery, and had two special needs children. Ms. Gabriel said she did not have money for apartment security payments. She said she would do whatever was necessary to be able to stay in her home.

Dwight, an Orange Blossom Mobile Home Park resident, said saving money by living in a mobile home had enabled him to put money aside for his kids. He asked Council how they would feel if they were offered only ten percent of their homes' value and were forced to leave. Dwight asked Council not to approve the rezoning.

A Davie resident feared that all of the comments voiced by mobile home residents were "probably falling on deaf ears because we all know money rules this world, and these people that are trying to do what they do have the money."

Debbie Padilla, 650 SW 24 Terrace, explained that she had bought her mobile home for herself and her grandchildren and wanted them to be able to stay in their A-1 rated school. She did not know where she would go or what she would do if they were forced to leave. Ms. Padilla asked Council not to allow the rezoning.

Stephanie Destin, 13351 SW 5 Court, explained that she was a single mother living on disability. She was paying off a loan on her mobile home and asked that her home not be taken from her.

Paul Figg felt that the resolution was unconstitutional and referred to the State Statue regarding mobile home parks, noting that a prior version was held unconstitutional. He thought that the costs for relocation must be shared by the entire community, not just mobile home park owners and urged Council to find viable solutions. Mr. Figg believed the version on the agenda would cost the Town more, since the Town would end up paying the costs it was trying to make the park owners pay, as well as attorney's fees. He informed Mayor Truex that he represented Austin Forman. Councilmember Caletka asked if Mr. Figg was objecting to the language in section 1 only. Mr. Figg confirmed that he was.

Another mobile home park resident said she had been homeless in New York and moved to Florida. She had found a mobile home she could afford in Sunshine Village and asked Council to help.

Terry Hahn said his son lived in King's Manor and pointed out that most were not mobile homes but prefabricated homes, which were not meant to be disassembled. He felt the Council should "stick up for" all of the residents who had appealed to them for help this evening. Mr. Hahn said the Town could avoid drawn out lawsuits by simply denying the rezoning. He noted that people had mortgages of $150,000 for triple-wide homes, for which they were being offered almost nothing. Mr. Hahn felt the developer should reimburse the residents for the value of their homes and what it cost to move.

A Sunshine Village resident said he and his neighbors had received paperwork stating that the land use had already been changed, which he felt was fraudulent.

Mr. Serra begged Council that the residents' concerns they had heard did not "fall on deaf ears."

Howard Barnet, 741 SW 126 Terrace, stated that he had purchased his prefabricated home for cash two months ago and then received the notice. He thought this was fraud as well.

Henry Whidden, 472 SW 125 Terrace, reminded Council that the rezoning was not a right, and they should enlist the support of state and federal agencies to participate in the solution. Mr. Whidden thought emergency measures were needed, including a moratorium of at least one year to study this issue and create a lasting solution.

Mayor Truex closed the hearing.

Mayor Truex felt Ms. Taylor-Prakelt's memo outlined the problem well and thanked residents for putting a human face on the issue. While the problem was well-defined, Mayor Truex thought the solution was not clear. He thought the Town had made a mistake with Stirling Road by coming on too strong. Mayor Truex acknowledged that the weak point of the resolution was trying to transfer the burden entirely to the park owner, and thought Mr. Kiar would confirm this.

Mayor Truex felt this was an emergency affecting many residents. He asked Mr. Kiar's opinion on the possibility of a moratorium, which he preferred to the resolution. Mayor Truex believed that some park owners would work with the Town if given the opportunity.

Councilmember Starkey agreed that the resolution would not solve the problem and requested a workshop to address workforce/affordable/attainable/low income housing. She agreed that a moratorium or zoning in progress was needed while the Town tailored strategies for an exit plan. Councilmember Starkey also wanted to form a mobile home task force comprising of mobile home dwellers and owners to work on the exit strategies.

Councilmember Paul stated that the lives of the residents took precedence over the dollar profits of developers and agreed a moratorium was in order, for a minimum of one year. She also agreed that a committee should be formed, and that a workshop should be held to discuss options. Councilmember Paul thought it only fair that the park owners, who stood to make money from the redevelopment, should carry some of the burden of compensating the mobile park residents.

Vice-Mayor Crowley agreed with Mayor Truex, Councilmember Starkey and Councilmember Paul and noted that a developer could be more destructive than a hurricane. Vice-Mayor Crowley was behind the residents and recommended that the residents write their state representatives as well, as he thought the state statutes were seriously outdated.

Mayor Truex suggested that a workshop be held and that Representatives Kiar and Jenne be invited.

Councilmember Caletka said he had been in touch with mobile park owners, some of whom were acting on their own to protect the residents. One park owner had hired a lobbyist to help a bill through the State legislature. Councilmember Caletka favored a moratorium and the formation of a committee to deal with the issue.

Ms. Taylor-Prakelt explained that two bills regarding mobile home parks had not passed last year and agreed that action at the State level was required. She advised that Mr. Kiar had already offered to work with her to draft legislation and put it forward. Ms. Taylor-Prakelt was very glad the Council had discussed this item this evening, and encouraged them to enact a moratorium. She warned that some mobile park owners would empty the parks, wait an interval of time, and then request a rezoning to evade the statutory provisions.

Mayor Truex asked Mr. Kiar to provide an immediate opinion regarding the moratorium. Mr. Kiar said the case Mr. Figg had provided did comport with the existing statutes, which Mr. Kiar felt were "antiquated."

Councilmember Starkey made a motion, seconded by Mayor Truex, to have a zoning in progress, or a moratorium, whichever was appropriate according to the Town Attorney's Office in review, to look at the issues that surround the number of mobile home conversions, and to formulize a mobile home task force that would comprise mobile communities and property owners of the mobile home to look at options and other issues, and to have a legal opinion to review this, and have a workshop on the issues and options for the Town. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka made a motion, seconded by Mayor Truex, to support resolution 4.21 less the language in Section 1 starting on page eight and ending on the top of page nine, which was the specific language that was objected to. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Kiar clarified that he was to research the moratorium or zoning in progress regarding the rezoning of mobile home parks, and the ordinance for the creation of the mobile home committee.

4.3 Councilmember Starkey made a motion, seconded by Mayor Truex, to table this item to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Councilmember Paul felt that a 75-foot access point for three homes was excessive. Also, she felt the area set aside for dry retention should instead be a pond.

Someone representing the applicant explained that Gus Aguirre, project engineer, had been called out of town and could not appear. Planning and Zoning Manager Bruce Dell agreed that the changes Councilmember Paul requested could be accommodated, provided they complied with engineering requirements. The applicant's representative could not answer Mr. Dell's questions about future developing at the location. The applicant's representative thought that the area was too small to accommodate the pond suggested by Councilmember Paul. Vice-Mayor Crowley said Central Broward had already approved the plat. He noted that the proposed plat moved the retention areas out of the yards into a larger common area, something for which she had expressed a preference in the past.

Mr. Dell said the opening was actually only 50 feet. The 75 feet was only where it met 20th Street. He added that the street pavement was only 40 feet wide, and it was to engineering standards.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve.

Vice-Mayor Crowley said he would not object to adding to the motion that the access would be reduced per Councilmember Paul's wishes. Councilmember Paul felt this was imposing a new engineering standard in an area where it was not necessary.

In a voice vote, with Councilmembers Caletka and Paul dissenting, all voted in favor. (Motion carried 3-2)

4.7 Councilmember Paul was concerned about another change order on this site for something that should have been foreseen. Keith Pursell, Capital Projects Projects Manager, said the Fire Marshall had suggested a change to the layout, which led to the cabinet change.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to deny.

Deputy Fire Chief Steve Eggnatz described the requested change and did not know why this had not been included in the original drawings. Councilmember Paul suggested the Eagle Scouts be consulted regarding the creation of some cabinets.

Mayor Truex felt that denial would force them into a "makeshift arrangement" that would force them to eventually spend the money anyway.

Vice-Mayor Crowley felt the $15,000 could be better spent in restoration of the firefighter/paramedic areas.

In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.26 and 4.34 Mr. Dell indicated that this item should be tabled to the second meeting in January because an inconsistency was discovered in the resolution and a Councilmember had asked about issues related to deed restrictions and representation. The applicant had agreed to the tabling.

Councilmember Paul made a motion to table items 4.26 and 4.34 until the second meeting in January [January 21, 2007].

Councilmember Starkey said that the Cimarron area was also not notified and a tabling would give the developer the opportunity to notice this community.

Frank LeSoy, representing the applicant, explained that no one from the community had shown up to the outreach meeting that was held. Councilmember Starkey said residents of Cimarron had asked her about this. Mr. Dell confirmed that Blaze Court was on the list. Councilmember Starkey said Blaze Court was not on Council's backup.

Councilmember Starkey made a motion to table the items to the January meeting for the developer to have another public workshop and to notice the community in Cimarron. Councilmember Starkey then offered this as a friendly amendment to Councilmember Paul's motion, which Councilmember Paul accepted. Vice-Mayor Crowley seconded the motion.

In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked that a Councilmember move to reconsider 4.29 and 4.32. Mr. Dell reminded that Council had requested the applicant for 4.32 bring the boards back for them to consider.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to reconsider items 4.29 and 4.32. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Dell confirmed that the applicant had left, but he had wanted to give Council the opportunity to look at the boards.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to reapprove item 4.32. In a voice vote, all voted in favor. (Motion carried 5-0)

4.29 Later in the meeting, Mayor Truex asked if 7 to 10 dwelling units per acre, 15,000 to 22,000, were being used. Kona Gray, representing EDSA, said this was the recommendation, but it would be phased in for a 50-year plan. Mayor Truex asked if the urban development line they had discussed would be in the final report, and Mr. Gray agreed to look into this. Mayor Truex said he did not want developers given 100% of the development rights, but wanted to require them to purchase some development rights from outside the urban development line. He felt this would protect the western areas of Town from too much density. Council agreed.

Ms. Nolan explained that the land development regulations they were developing as part of the next phase could include urban growth boundary language as had been done for the Traffic Oriented Corridor. The requirement for developers to purchase development right was more complex and would require further analysis. Ms. Nolan said there must be a reason and a financial incentive for a Transfer of Development Rights program. She explained that the transfer of development rights would involve more parties other than staff. Ms. Nolan suggested this be added to the Comprehensive Plan Amendment.

Mayor Truex felt the "up to three stories" heights for detached, single-family dwellings was too tall and wanted each of the recommended heights lowered from 3, 5, 8 and 12 stories to 2, 4, 5 and 7 stories. Mr. Gray said the idea was to create a wedding cake effect. Mayor Truex agreed, but wanted a "shorter cake." Mr. Gray said they could also specify the heights of new construction relative to existing adjacent buildings.

Councilmember Starkey wanted to allow more height and density as buildings neared I-595, and around the universities, but noted other areas they had discussed in workshop where she disagreed with the height maximums.

Councilmember Caletka acknowledged that a resident had arrived late and wished to speak on this item. Council believed that the public hearing had already been opened and closed.

Councilmember Caletka made a motion, seconded by Mayor Truex, to reopen the public hearing. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex reopened the public hearing.

Paula Twiggy-Bushman, 4020 SW 54 Avenue, felt that this information should be available on the Town's web. She questioned why residents had not been consulted regarding the rezoning. Ms. Twiggy-Bushman said, "In the RAC area… downtown Davie, fine, build your offices… but when you do what's 'affordable housing' you scare people." She asked Council to carefully consider approving the package, and consult residents.

Mayor Truex closed the public hearing. He informed Ms. Twiggy-Bushman that there had been a fairly extensive public participation program on this issue.

Vice-Mayor Crowley agreed with Councilmember Starkey that the height should be concentrated toward I-595, and pointed out specific heights he preferred in specific areas. Councilmember Paul expressed concern that a developer would invariably try to build to the maximum heights and felt Council must explicitly state that the heights must vary.

Mr. Gray explained that EDSA intended to write a form-based Code in the next phase of the project, prescribing exactly what heights they wanted. This would provide both developers and Council with flexibility.

Vice-Mayor Crowley asked Mr. Gray about the affordable housing study. Mr. Gray explained that this would be included in the next phase.

Mayor Truex passed the gavel and made a motion, seconded by Councilmember Starkey, to approve with the following changes: inclusion of "urban growth line" language, and heights changed on the chart to 2, 4, 5 and 7 except within the CRA, where it would be consistent with whatever the CRA area was. In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion denied 3-2)

Councilmember Paul made a motion to approve with the urban growth line as discussed. Vice-Mayor Crowley asked to add the restriction that South of Oaks Road and 39th, that heights be no taller than five stories as Council approved with the CRA and in the "white" area, no higher than two. Councilmember Paul agreed to this addition. Vice-Mayor Crowley seconded the motion. In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - no. (Motion denied 3-2)

Councilmember Caletka made a motion to approve with the amendment that heights not exceed three stories. Motion died due to the lack of a second.

Councilmember Starkey suggested specific areas to Mr. Gray where heights should be reduced: the residential area from 39th where single-family homes were located should be limited to two stories to 61st. From 61st east to Oakes Road, it should be less than two. Mr. Gray reminded Councilmember Starkey that controls would be built into the ordinance to limit height and make ensure "it" steps back.

Councilmember Starkey made a motion to approve, with the condition that the area from 61st Avenue east and north to Oaks Road, east on 61st Avenue, should be no more than two stories. The area in the CRA would stay the same. The area that was east of Davie Road and north of Oaks Road would be no higher than five stories, and the area from Davie Road east and then north of Nova would be no more than seven. West of Davie Road would remain the same as what was proposed. Motion died due to the lack of a second.

Mayor Truex made a motion to approve with the same color code, but go 2, 4, 6 and 8; no change on the blue and also no change on what the CRA had approved. Councilmember Paul suggested going 2, 4, 6 and 10 and Vice-Mayor Crowley agreed to second if 10 was included. Mayor Truex suggested 2, 4, 6, 8 and only 10 north of Nova Drive. Vice-Mayor Crowley seconded the motion. Mayor Truex added the language regarding the urban growth line with the keeping the CRA plan as approved by Council. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.33 Mr. Kiar advised that the applicant was entitled to a quasi judicial hearing and asked if the applicant wanted the hearing waived. Chris Zimmerman, representing the applicant, waived the quasi-judicial hearing.

Councilmember Paul complimented Mr. Zimmerman on the plans. She pointed out that on the landscape plans, Boy Scout Road was indicated as SW 46th Avenue and needed to be corrected. Councilmember Paul was concerned with the 7-foot sidewalk on 142nd Avenue and asked Mr. Zimmerman to reduce it. Mr. Zimmerman agreed to leave the 5-foot sidewalk in place.

Councilmember Paul asked if the 8-foot berm behind the archery and BB range was adequate. Mr. Zimmerman said it was adequate per the Boy Scout operations' insurance guidelines and programs. He agreed to consider landscaping for this area. Mr. Zimmerman agreed that the re-growing Australian Pines would be removed.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve with the sidewalk reduction to 5 feet and the landscape additions to the archery and BB gun ranges.

Deputy Planning and Zoning Manager Marcie Nolan reminded Council that they had approved an 8-foot cross section for a recreational trail, not a sidewalk. For consistency, they would need to amend the cross section they had adopted.

In a voice vote, all voted in favor. (Motion carried 5-0)

Council disclosed communications they had regarding this item.

4.28 Mr. Dell explained that this resolution was required to allow the animal hospital in a residential area. He noted that the site plan would be reviewed later.

Mayor Truex asked if the use could be restricted to a veterinary hospital. Mr. Kiar said this was possible. Paul Brewer, representing the applicant, felt the owner would not object to this. Mr. Dell said it was already deed-restricted to use as an animal hospital and agreed to put this in the plat as well.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve, with the addition made to the plat. Vice-Mayor Crowley asked that the motion be amended to include the provision that the owner not

return to request any variances for setbacks. Councilmember Paul agreed to this amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

32. PUBLIC HEARING

Ordinance - First Reading (Second and Final Reading to be held January 7, 2007)

32.1. REZONING - 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. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from December 6, 2006) Planning and Zoning Board recommended denial

This item was tabled earlier in the meeting.

Resolution

R-2006-337 32.2. FLEX ALLOCATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL TO COMMERCIAL FLEXIBILITY TO THE "EXTRA CARE ANIMAL HOSPITAL" PLAT UNDER THE FIVE (5) PERCENT RESIDENTIAL TO COMMERCIAL FLEXIBILITY RULE IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 2-1-06, Thannum, 950 Flamingo Road) (AG) Planning and Zoning Board recommended approval

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul wondered if Council should restrict the use here as well. She wanted to be sure that any dog runs on the property were constructed per Code.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve with the addition of the exclusive use as an animal hospital. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi Judicial Items

32.3. VARIANCE - V 7-2-06, Davis/Davis and Davis, Trustees, 6070 Griffin Road (Griffin Corridor District, Eastern Gateway Zone #3) (to reduce the minimum lot area for "other" use groups from 65,000 square feet to 27,220 square feet) (tabled from November 15, 2006) Planning and Zoning recommended approval

Mr. Kiar read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Mr. Davis, representing the applicant, said requiring his client to provide a set of plans, when the variance was needed to develop the property, was "putting the cart before the horse." He suggested that site plan review would take place at the appropriate time. If Council approved the variance, it would allow the few approved uses provided in the ordinance, and his client would create appropriate plans.

Mr. Davis explained that his client had no specific use in mind as yet because they did not know the use permitted there. Mr. Kutney advised that there was a section in the Griffin Road

Corridor called 12-32.320: Master Planning Incentives and waivers, which he read. He pointed out that this section did not discuss variance from lot size.

Vice-Mayor Crowley was concerned that if Council granted the variance, the owner would return with a proposal requiring additional variances. He offered Mr. Davis the options of either having this variance approved with the agreement that no other variance would be granted, or to go through the process Mr. Kutney described.

Mr. Kutney advised that he could not recall Council ever approving a variance without a plan. Councilmember Paul asked what type of use they might consider for the property. Mr. Kutney referred her to a list of possible uses. Councilmember Starkey pointed out that according to what Mr. Kutney had read, the approval of the site plan could obviate the need for a variance.

Mr. Davis was frustrated because staff had indicated to him that his client must obtain a minimum lot variance in order to build anything other than a bed and breakfast. He reiterated that the minimum lot variance must be granted before a plan was developed.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Council disclosed communications they had regarding this item.

Mayor Truex related a history of the property, remarking on the problems of developing it. Mr. Davis was frustrated by the Catch-22 nature of the situation. Mayor Truex replied that Council did not like to grant variances without knowing what project they owner had in mind.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. Vice-Mayor Crowley advised that Mr. Davis also had the opportunity to withdraw the request. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - no. (Motion denied 3-2)

Councilmember Starkey made a motion to table the item. Council indicated that the request was denied. Motion died due to the lack of a second.

Mayor Truex advised that Council could reconsider this issue at the next meeting and recommended that Mr. Davis speak with his client. Mr. Kutney reminded Mr. Davis that the denial required him to wait one year and explained that tabling would allow him to return with a new plan.

Councilmember Starkey made a motion to reconsider her vote. Motion died due to the lack of a second.

32.4. VARIANCE - V 7-3-06, Calvin, Giordano & Associates, Inc./Murck, 4910 SW 61 Avenue (A-1) (to reduce the front property setback from 40 feet to 25 feet on the northeast elevation; 30 feet on the northwest elevation; 30 feet on the south elevation - 2 instances; and 29.9 feet on the east elevation) (tabled from November 15, 2006) Planning and Zoning recommended approval subject to a 25-foot setback in the rear (to the north); a 30-foot setback to the east; and a 30-foot setback to the south, all being to the edge of the ingress, egress easements

Mr. Kiar read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the planning report.

Edward Murck, the applicant, described the property, and said he was "trying to go back to an old Code that you had adopted before." He presented renderings of the house and the interior layout, as well as signatures from his neighbors indicating their support.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Council members disclosed communications they had regarding this item.

Councilmember Paul confirmed the hardship was that the unusual lot shape significantly restricted the reasonable use of the land.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey -yes. (Motion carried 5-0)

Items to be tabled

32.5. STAFF REQUESTING A TABLING TO JANUARY 3, 2007
PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE TO ADMIT AS MEMBERS OF THE PLAN GENERAL EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING SECTION IN PRIOR ORDINANCES; PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

32.6. STAFF REQUESTING A TABLING TO JANUARY 3, 2007
CODE AMENDMENT - AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) Planning and Zoning Board recommended approval

This item was tabled earlier in the meeting.

33. APPOINTMENTS

33.1. Mayor Truex

7.1.13. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

Mayor Truex appointed George Egues and Ellis Traub.

7.1.14. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.15. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.16. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.1.17. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise

in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

33.2. Vice-Mayor Crowley

33.2.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

Vice-Mayor Crowley appointed Hertz Halpern and Scott McLaughlin.

33.2.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Vice-Mayor Crowley appointed Pat Mason.

33.3. Councilmember Caletka

33.3.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

Councilmember Caletka appointed Ernest Siegrist.

33.3.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

No appointment was made.

33.4. Councilmember Paul

33.4.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

33.5. Councilmember Starkey

33.5.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

33.6. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

34. OLD BUSINESS

34.1. Fire Station 68

Councilmember Starkey wanted to schedule a workshop on this item. Councilmember Paul questioned what was holding the project up. Councilmember Starkey said decisions must be made to determine how to replace the station. Councilmember Caletka agreed they must make some decisions, as did Mayor Truex. Mayor Truex explained to Councilmember Caletka that a former administrator and Council had disagreed on some issues. Mayor Truex, Councilmember Starkey and Vice-Mayor Crowley agreed to attend a workshop.

Councilmember Paul wanted to reconsider a vote from Council's last meeting regarding the Spears property plat and site plan. The rezoning had been tabled due to advertising issues and the County had postponed the TOC for six months.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to reconsider the vote on the Spears property plat and site plan.

Councilmember Caletka noted that some neighbors had not been notified, even though Mr. Mele and Mr. Dell had stated that they were. Mr. Dell explained that renters were never notified, only the building owners.

Mayor Truex did not agree they should reconsider the item. He felt this proposal was excellent in that location. He believed that the notice was as the Code required.

Councilmember Caletka was concerned about getting the developer to help cover the cost of a crosswalk near the project and thought the attorney used language at the hearing that would exempt them from this. Mr. Dell explained that he had met with the applicant and FDOT last week, and FDOT had opposed another light in the area, which would have been required for a crosswalk.

Vice-Mayor Crowley said that since he had not been present at that meeting and two Councilmembers were concerned, he would like to hear about the project.

In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

Councilmember Paul made a motion, seconded by Councilmember Caletka, to table all of the Spears items to January 17, 2007. In a voice vote all voted in favor. (Motion carried 5-0)

35. NEW BUSINESS

35.1. High School MMM

Councilmember Caletka stated that Mr. Kiar had advised him he must vote on this item, despite his objections. Mr. Kiar advised that Councilmember Caletka worked for the Broward County School Board as a teacher and his connection to the project was too distant to present a conflict.

Councilmember Paul discussed the problems with selecting a location for the school. She and the residents on Shotgun Road were concerned about locating a school there because of traffic issues and wanted Council to object to this location. Councilmember Paul had invited School Board members to meet with her regarding this, and to tour the site. She asked Town Clerk Muniz to create a resolution for their next meeting.

Councilmember Starkey said she "took offense to [Weston] Mayor Hersch and his approach continually to go on the attack on Davie all the time." She felt that Weston had not planned properly for their own schools and there was available property in Weston for a school site. Councilmember Starkey agreed that Shotgun Road was not an appropriate site for the school.

Council agreed that the resolution to oppose the school at the proposed location should be on the next agenda.

36. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

ROSE PARCEL. Councilmember Caletka agreed that staff should move forward on this item.

LEGAL OPINION. Councilmember Caletka asked Mr. Shimun to consider Ms. Delegal's legal opinion and make a recommendation to Council.

TURNPIKE SOUND WALLS. Councilmember Caletka said he had a "run-in" with FDOT regarding these, and FDOT was not interested.

DEVELOPERS' COMPLAINT. Councilmember Caletka thanked staff for scrutinizing projects, even though this led to developers' complaints.

CHARTER VIOLATION. Councilmember Caletka reminded Council to follow the Town's Charter and "not harass police officers on the side of the road and tell them that they need to get back to work."

VICE-MAYOR CROWLEY

CHURCH CODE ISSUES. Vice-Mayor Crowley stated that he had received e-mail complaints from Davie Estates regarding ongoing Code violations at a church for the past year. He asked staff to meet him at the location to help resolve the issue.

An unidentified woman said the homeowner's association had made repeated attempts to contact the church to resolve the issue. She said that the residents had filed several complaints with the Town and would appreciate getting this issue resolved.

EMERALD ISLES WEST. Vice-Mayor Crowley said he had spoken with some new constituents at Emerald Isles regarding their complaints that the developer had closed the complex's main ingress/egress road. He had determined that a proposed alternate road was not yet open, and the contractor had informed him that "Administration" had directed him to do this. Vice-Mayor Crowley had spoken with Administration to complain and felt the developer and Emerald Isles must work together to ensure this did not happen again.

Ms. Schindler, a resident, explained that this was an inconvenience to residents, and they were not informed about how long the work would take.

Mayor Truex felt there was a failure to communicate and suggested that Vice-Mayor Crowley schedule a meeting with staff and the homeowner's association leaders and the developer.

HAPPY HOLIDAYS. Vice-Mayor Crowley wished everyone happy holidays.

COUNCILMEMBER STARKEY

MATH IGLER. Councilmember Starkey requested an update on Math Igler Groves and the roundabout. She advised that the residents had approached her with concerns that these issues were not progressing.

HAPPY HOLIDAYS. Councilmember Starkey wished everyone happy holidays.

COUNCILMEMBER PAUL

EQUINE VIRUS. Councilmember Paul assured everyone that the Town was on top of the situation and she had organized three municipalities to meet with the head of the Broward County Disaster team and Mark Siegel from the Farm Bureau to prepare an action plan. She described steps taken to try to keep the danger of the virus spreading to a minimum.

MARIE KAPLAN. Councilmember Paul advised that she had sent the good wishes of the entire Council to Ms. Kaplan when she spoke to her recently.

POLICE AND FIRE HUMAN RESOURCES POSITION. Councilmember Paul felt the hiring of the position for the Police and Fire Departments was being dragged out. She requested a progress report.

HAPPY HOLIDAYS. Councilmember Paul wished everyone happy holidays.

ANNUITY REPORT. Councilmember Paul had concerns about this and asked Mr. Shimun to review it and "come back with a strong position." She felt Council must take responsibility for their own actions.

37. TOWN ADMINISTRATOR'S COMMENTS

MEMORANDUMS. Mr. Shimun distributed memorandums regarding Club Eden and the Lloyd Phillips/Scott Bagwell situation.

38. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Kiar stated that special counsel Michael Burke had requested a special executive session regarding the DePaola case to discuss a new settlement proposal. He advised that those in attendance would be Mr. Burke, Mr. Shimun, Council and himself. Council decided holding the meeting on January 3, 2007 at 6:00 p.m.

39. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 1:09 a.m.

Approved_____ _____

Mayor/Councilmember

_____

Town Clerk

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen, Assistant Town Administrator - 797 1030

PREPARED BY: Maria Mackie, Administrative Aide

SUBJECT: Ferncrest Utilities Bulk Water & Sewer Agreement

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Recently, Ferncrest Utilities, Inc. received notification from the Broward County Health Department stating they are "in violation of Rule 62-550.310 (3), Florida Administrative Code which establishes the maximum contaminant levels (MCL's) for total trihalomethanes (TTHM's) and haloacetic acids (five) (HAA5's) as 0.080 milligrams per liter (mg/L) and 0.060 mg/L, respectively." In order for Ferncrcest Utilities to correct the problem, a significant amount of new equipment will have to be purchased and installed. It will take a considerable amount of time to complete the project and correct the problem. During the time period that this will take place, Ferncrest is requesting that the Town of Davie enter into a "Memorandum of Agreement" (Exhibit A) to provide water service to the entire Ferncrest service area. We currently have an agreement with Ferncrest (Exhibit B) to provide up to 200,000 gallons per day, but would have to increase this to 742,000 gallons per day. The Town of Davie Utilities does not currently have the excess capacity to provide this service to Ferncrest. The agreement will be contingent on the South Florida Water Management District temporarily transferring Ferncrest's wellfield withdrawal allocation to Davie for the length of the agreement, (30 months).

The major changes to the original agreement are:

1) Removal of the $0.25 discount. Ferncrest Utility will pay the same rate charged to Town of Davie customers. Continuation of this discount would result in a $169,375 discount over the 30 month life of the amendment.
2) The maximum daily water consumption will increase from 200,000 gallons to 742,000 gallons.

PREVIOUS ACTIONS: At the December 20, 2006 Council meeting, Council tabled the item to January 17, 2007. At the January 17, 2007 Council meeting, Council tabled the item to February 7, 2007. At the February 7, 2007 Council meeting, Council tabled the item to February 21, 2007. At the February 21, 2007 Council meeting, Council tabled the item to March 7, 2007.

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution, memorandum of agreement (Exhibit A), R-99-220 (Exhibit B0

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie owns and operates a water producing and distribution facility and a sewage collection and treatment facility located within Town; and

WHEREAS, Ferncrest Utilities, Inc. is a private utility company with its service area located within and adjacent to the corporate limits of the Town; and

WHEREAS, to better service the customers of Ferncrest Utilities, Inc., Ferncrest has requested that the Town to modify the existing a Bulk Water and Sewage User Agreement; and

WHEREAS, the Town is agreeable to providing said service and wishes to authorize the Mayor to enter an agreement providing for same, a copy of which is attached hereto as Exhibit "A".

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 hereby authorizes the Mayor to execute the Memorandum of Agreement to modify Bulk Water and Sewage User Agreement between the Town of Davie and Ferncrest Utilities, Inc., a copy of which is attached hereto as Exhibit "A".

SECTION 2. The appropriate Town officials are authorized to take all necessary actions to implement the Agreement.

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 A

MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWER AGREEMENT

This Memorandum of Agreement ("Modification Agreement") between the Town of Davie, a municipal corporation of the State of Florida, ("Davie") and Ferncrest Utilities, Inc., a Florida Corporation, ("Ferncrest") dated this _____ day of February 2007 establishes a 30-month modification of the Bulk Water and Sewage User Agreement between Davie and Ferncrest (the "Bulk Agreement"), a copy of which is attached hereto and incorporated herein by reference, for the purpose of temporarily increasing the average potable water flow to Ferncrest from 200,000 gallons per day per month to 730,000 gallons per day average per month.

This Modification Agreement is entered into because Davie and Ferncrest have been discussing the possible purchase of Ferncrest by Davie. In order to comply with new State water quality standards, Ferncrest must install a costly new treatment system, an expense that is contrary to the best interest of Davie and Ferncrest if Davie purchases Ferncrest.

As an alternative to adding new water treatment technology while the purchase and sale negotiations continue, Ferncrest can meet the new water quality standards by supplying all of its customers with water purchased from Davie. In order to meet the needs of all of Ferncrest's customers as well as Davie's current and anticipated new customers during the 30-month period, Davie will need to increase withdrawals from the North Wellfield above the current Consumptive Use Permit ("CUP") limit.

In order to allow the purchase and sale negotiations between Davie and Ferncrest to proceed without placing Davie, Ferncrest, or their respective customers at a disadvantage, Davie and Ferncrest hereby agree to the following:

1. Davie will apply to the South Florida Water Management District ("SFWMD") to temporarily increase by 271 million gallons per year which is 742,000 gallons per day ("gpd") average the North Wellfield withdrawals under the current CUP for a period of 30 months;

2. Ferncrest will apply to the SFWMD to temporarily reduce withdrawals under its CUP by 742,000 gpd average for a period of 30 months;

3. The rate Ferncrest shall pay Davie shall be the same rate charged Town of Davie customers;

4. This Modification Agreement amends for 30 months the Service Area defined in the Bulk Agreement to include Ferncrest's entire service area;

5. This Modification Agreement increases for 30 months the maximum average monthly flow to Ferncrest under the Bulk Agreement from 200,000 gpd to 730,000 gpd average, and Ferncrest can not exceed this amount; and,

6. For the proposed 30-month period, this Modification Agreement establishes for customers of Ferncrest a service priority equal to direct customers of Davie.

This Agreement shall inure to and be binding upon the successors of each of the parties hereto.

All notices required pursuant to this Agreement shall be properly given if mailed by the United States registered or certified mail addressed to the party to which notice is to be given at the following respective addresses:

Town of Davie
Attn: Town Administrator
6591 Orange Drive
Davie, Florida 33314

with a copy to:
Kenneth S. Cohen

Ferncrest Utilities, Inc.
3015 SW 54th Avenue
Fort Lauderdale, FL 33314

with a copy to:
H. Collins Forman, Jr., Esq.
H. Collins Forman, Jr., P.A.
1323 S.E. Third Avenue
Fort Lauderdale, FL 33316

This Agreement may be amended, changed, voided or annulled any time by joint consent of the parties in writing.

This Agreement shall not become effective until:

1. A resolution has been adopted by each of the parties hereto approving this Agreement and authorizing its execution; and,
2. The South Florida Water Management District Governing Board approves a temporary 30-month increase in the permitted withdrawal of water from Davie's North Wellfield by 271 million gallons per year which is 742,000 gallons per day ("gpd") average and a 30-month decrease in the permitted withdrawal of water from the Ferncrest wellfield by 742,000 gpd.

IN WITNESS WHEREOF, Seller has caused this Agreement to be signed by its Mayor and attested by its Town Clerk and its Corporate Seal to be affixed, and approved by the Town Attorney, and Consumer has caused this Agreement to be signed by its _____ and _____, and attested by the _____, and its Corporate Seal to be affixed, and approved by its Attorney, in duplicate, the day and year above written.

TOWN OF DAVIE

By: _____
Mayor:

(Corporate Seal)

Attest:

_____
Town Clerk:

FERNCREST UTILITIES, INC.

By: _____
By: Robert V. Salerno

(Corporate Seal)

Attest:

_____
Title:

Exhibit B

RESOLUTION NO. R-99- 220

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie owns and operates a water producing and distribution facility and a sewage collection and treatment facility located within the Town; and

WHEREAS, Ferncrest Utilities, Inc. is a private utility company with its service area located within and adjacent to the corporate limits of the Town; and

WHEREAS, to better service the customers of Ferncrest Utilities, Inc., Ferncrest has requested that the Town provide water and sewage service pursuant to a Bulk Water and Sewage User Agreement; and

WHEREAS, the Town is agreeable to providing said service and wishes to authorize the Mayor to enter an agreement providing for same, a copy of which is attached hereto as Exhibit "A".

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

SECTION 1. That the above recitations are true and correct.

SECTION 2. The Town Council of the Town of Davie hereby authorizes the Mayor to execute the Bulk Water and Sewage User Agreement between the Town of Davie and Ferncrest Utilities, Inc., a copy of which is attached hereto as Exhibit "A".

SECTION 3. The appropriate Town officials are authorized to take all necessary actions to implement the Agreement.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 7th DAY OF July, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 7th DAY OF July, 1999.

R-99-/Ferncrest Bulk Wtr Agmt

BULK WATER AND SEWAGE
USER AGREEMENT

THIS AGREEMENT, made and entered into this 7 day of July, 1999, by and between:

Town of Davie, a municipal corporation of the State of Florida, herein called the "Seller",

and

Ferncrest Utilities, Inc., a Florida Corporation, hereinafter called the "Consumer",

WITNESSETH

WHEREAS, the Seller in its proprietary capacity, owns and operates a water producing and distribution facility and a sewage collection and treatment facility, collectively referred to as "Utility", and is in a position to service the Consumer; and

WHEREAS, the Consumer in its proprietary capacity, desires to purchase from Seller water to be used in Consumer's distribution system and to return sewage to Seller to be treated for servicing Consumer's customers, upon terms mutually agreeable;

NOW THEREFORE, for and in consideration of the premises and the sum of One Dollar ($1.00) cash in hand paid by the Consumer to the Seller, receipt whereof is hereby acknowledged, and other good and valuable consideration, IT IS HEREBY COVENANTED AND AGREED by and between the parties hereto as follows:

(1) The Seller agrees to sell to the Consumer and the Consumer agrees to buy from the Seller water for resale to the customers of the Consumer, and the Seller agrees to accept untreated sewage and the Consumer agrees to pay for the treatment of the sewage from the same citizens and customers of the Consumer, under the terms and conditions set forth herein.

(2) All water delivered by the Seller shall be clean, potable water, meeting all current Federal, State and Local regulations in effect for the Utility at the time of transmission, relating to the quality of water as such Regulations may apply during the life of this Agreement. Failure of the Seller to provide water of the quality required by this paragraph shall be deemed a breach of this agreement, however, an allegation of failure to meet any such Regulations which is challenged by the Seller, shall not be deemed a breach of the Agreement unless there is a final finding after exhaustion of any appeals that there has, in fact, been non-compliance with said Regulations.

(3) During the term of this Agreement, the Seller will undertake to deliver water to the Consumer in such quantities as are required by the Consumer for resale by the Consumer to its customers in the areas hereinafter described, and subject to the conditions herein contained, but only after proper water meter or master water meters are installed. The maximum average flow shall be 200,000 gallons per day per month. However the Seller does not bind itself during periods of water shortage resulting from an emergency condition to do more than deliver water to said metering station in such quantities and pressure as are available throughout the Town. In the event it should become necessary for the Seller to adopt regulations for conservation of water during such time of emergency, the Consumer agrees that it will adopt and use reasonable efforts to enforce in the areas covered by this Agreement the same regulations for conservation of water during such time of emergency.

(4) The areas to be serviced by Consumer are situated in Broward County, Florida, and shall be referred to as "Service Area" for the purpose of this Agreement. The Service Area is described as follows:

> Areas in the corporate limits of the Town of Davie east of the Florida Turnpike and north of Oakes Road.

(5) There shall be water meters installed at points mutually agreeable, through which all water provided to Consumer shall be supplied, and all water furnished by

Seller shall be metered through such meters. The Consumer shall, at its own expense, procure and install a water meter or water meters, the type of such meters to be approved by, and the installation thereof to be approved by the Seller or its authorized agents. The sewage connection point shall be at a mutually agreeable location and its installation shall be at the sole expense of the Consumer and approved by the Seller or its authorized agents. After installation, the Consumer will, at its own expense, operate and maintain the water meters and downstream distribution lines and the sewage collection lines.

(6) The Consumer shall own the water meters. The meters shall be of standard make and type, pursuant to AWWA standards, installed in a readily accessible location with checking or calibration devices, and the installation shall indicate flow with an error not to exceed plus or minus three percent of full scale reading. If found to be in error exceeding three percent of true accuracy, the meter shall be recalibrated to the satisfaction of the parties hereto. If such error of more than three percent is discovered, bills for the next period following the prior meter accuracy check shall be adjusted to reflect the quantity of over-read or under-read exceeding three percent. In calculating such billing adjustment it will be assumed that the meter inaccuracy existed for one-half of the entire time interval between meter accuracy checks, not to exceed twelve (12) months. The billing adjustment shall be made at the same rate established in accordance with Section (9) hereinafter, but the volume used in the billing calculations shall be adjusted as described above.

The Seller may request and the Consumer agrees to perform a meter accuracy check at any reasonable time acceptable to both parties. The meter accuracy test will be required at least once every two years. If the meter is found to be in error exceeding three percent true accuracy, it shall be recalibrated as described above and the entire cost for such checking and recalibration shall be paid for by the Consumer.

(7) The water furnished by the Seller hereunder shall be delivered to the Consumer at the points of delivery (meter locations) at a minimum head of one hundred (100) feet (+44PSI) except during fire demand. The Seller shall not be responsible for water hammer in any of the pipe lines of the Consumer nor shall

the Seller be responsible for meeting any demands for water other than that required by the terms of this Agreement. It shall be the obligation and duty of the Consumer to carry the water at its own expense from each point of delivery to the place or places of ultimate use and, in so doing, to supply and impart to the water adequate pressure as may be necessary to provide adequate pressure at all points beyond such point of delivery, in consequence whereof the Seller shall not be responsible for insufficient pressure, nor be required to correct any fluctuation in pressure, occurring beyond any such point of delivery.

(8) The sewage to be delivered by the Consumer to the Seller shall be untreated wastes only from the Consumer's customers who are recipients of the Sellers water. It shall be the Consumer's responsibility to collect and transmit the sewage to the agreed point of sewage connection.

(9) The water rates to be charged by the Seller to the Consumer herein shall be a user rate of $1.12 per 1,000 gallons. The rates may be adjusted to the Consumer as Seller adjusts its rate structure for all customers of Sellers service. At the time of execution of this agreement, the differential of rates between retail customers and Consumer is $0.25 per 1,000 gallons. It is the intention of the parties that any future rate adjustments will result in the same differential of rates so that the Consumer's rates are $0.25 less per 1,000 gallons than the rate to retail customers. The sewage rates to be charged by the Seller to the Consumer herein shall be a user rate of 100% of the water rate @ $1.46 per 1,000 gallons. The rates may be adjusted to the Consumer as Seller adjusts its rate structure for all customers of Sellers service. It is the intention of the parties that any future rate adjustments will result in the same differential of rates so that Consumer's rates are $0.25 less per 1,000 gallons than the rate to retail customers.

(10) Readings of each water meter at all points of delivery shall be taken by the Consumer on or about the fifteenth day of each month and shall be used for monthly billing purposes under the provision of this section.

The Seller shall render monthly statements for water furnished to each meter and the Consumer shall pay promptly all statements furnished by Seller.

(11) Seller shall obtain from the State Board of Health and the Broward County Department of Natural Resource Protection such construction and operation permits or other data as may be required for any addition or extension of seller's system within the Service Area.

(12) Water sold to Consumer hereunder will be supplied from Seller's water producing facilities and will be of substantially the same quality and at the same pressure at the point of connection as the water furnished by Seller to its consumers within the Town limits of Seller, and said pressure shall not be below the minimum provided in Section (7).

(13) Sewage treatment service purchased by Consumer shall include full responsibility of Seller for compliance with all applicable Federal, State, Town of Davie and County regulations regarding treatment criteria and operation.

(14) Any temporary or continuing cessation of the service by the Seller caused by an Act of God, fire, strike, casualty, necessary maintenance work, breakdown of or injuries to machinery, pumps or pipelines, civil or military authority, insurrection, riot, or any other causes, whether or not of the same kind as enumerated herein, shall not constitute a breach of the Agreement on the part of the Seller, and the Seller shall not be liable to the Consumer for any damage resulting from such cessation of service. The Seller shall use due diligence in the operation and maintenance of its water supply and transmission facilities; however, the Seller shall not be responsible to the Consumer for any interruption of service due to causes beyond the Seller's control not due to the negligence of the Seller. All of the provisions of this Section shall apply equally to obligations of the Seller and the Consumer under this Agreement.

(15) Any controversy or claim arising out of this Agreement which cannot be amicably resolved by the parties shall be voluntarily submitted to arbitration by

agreement of both parties. If both parties do not agree to arbitration, then either party can proceed with litigation without having to first obtain an Order of Arbitration.

(16) The purchase and sale of water and sewer treatment services pursuant to this Agreement shall commence thirty (30) days after the Consumer notifies the Seller in writing that it is able to accept water at the point of connection, and shall continue until terminated in the following manner. The terminating party, either the Seller or the Consumer, shall give the other party hereto twelve (12) months notice of its intention to terminate this Agreement. At the expiration of the 12 month notice period the agreement shall be deemed terminated. Such notices shall be in writing and shall be sent by registered or certified mail, return receipt requested, to the party entitled to such notice at the address specified in paragraph numbered (18) of this Agreement.

(17) This Agreement shall inure to and be binding upon the successors of each of the parties hereto.

(18) All notices required pursuant to this Agreement shall be properly given if mailed by United States registered or certified mail addressed to the party to which notice is to be given at the following respective addresses:

Town of Davie
Attn: Town Administrator
6591 Orange Drive
Davie, Florida 33314

with a copy to:

Barry Webber

Ferncrest Utilities, Inc. 3015 SW 54th Ave.
Ft. Lauderdale, FL 33314

with a copy to: H. Collins Forman, Jr., Esq.
H. Collins Forman, Jr., P.A.
1323 SE Third Ave
Ft. Lauderdale, FL 33316

(19) This Agreement may be amended, changed, voided or annulled any time by joint consent of the parties in writing.

(20) This Agreement shall not become effective until a resolution has been adopted by such of the parties hereto approving this Agreement and authorizing its execution.

IN WITNESS WHEREOF, Seller has caused this Agreement to be signed by its Mayor and attested by its Town Clerk and its Corporate Seal to be affixed, and approved by the Town Attorney, and Consumer has caused this Agreement to be signed by its and , and attested by the , and its Corporate Seal to be affixed, and approved by its Attorney, in duplicate, the day and year above written.

TOWN OF DAVIE

By_____
Mayor

(Corporate Seal)

Attest:
_____
Town Clerk

FERNCREST UTILITIES, INC.

By_____
Robert V. Salerno, President

(Corporate Seal)

By_____

Attest:
_____
Attorney for Ferncrest Utilities, Inc.

7

Approved as to form:

Town Attorney

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bonnie Stafiej, Special Projects Director, 797-1163

PREPARED BY: Bonnie Stafiej, Special Projects Director, 797-1163

SUBJECT: Resolution

AFFECTED DISTRICT: All

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD , INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR AN ANNUAL DOG SHOW

REPORT IN BRIEF: The Hollywood Dog Club wishes to conduct A Dog Handling and AKC Show on March 30, March 31, and April 1, 2007

PREVIOUS ACTIONS: Hollywood Dog Club has been hosting for AKC sanctioned shows and dog handling for the past 12 years at the arena. The promoter has continually proven to sponsor professional family orientated events.

CONCURRENCES: N/A

FISCAL IMPACT: No

Has request been budgeted? n/a

Additional Comments: Additional Comments: The rental cost to the Hollywood Dog Club is $2,250.00 for the three (3) days of use. This cost includes ground preparation, clean-up, and utilities.

RECOMMENDATION(S): Motion to Approve Resolution

Attachment(s): 1) Resolution,

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD , INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR AN ANNUAL DOG SHOW

WHEREAS, the Town of Davie is desirous of renting Bergeron Rodeo Grounds of Davie, Florida to present cultural and recreational events to the residents; and

WHEREAS, The Hollywood Dog Club wishes to host dog handling and AKC competition for the community at the Bergeron Rodeo Grounds of Davie, Florida, for a period of three (3) days beginning March 30, March 31, and April 1, 2007. The rental fee is $2,250.00.

WHEREAS, Hollywood Dog Club requests that the Town Council approve the rental agreement and fee of two thousand two hundred and fifty dollars ($2,250.00).

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

Section 1. The Town of Davie does hereby authorize the Mayor to enter into a lease agreement which is attached as “Exhibit A” .

Section 2. That this resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

TOWN OF DAVIE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA
FACILITY LEASE

THIS AGREEMENT, made and entered into this **5**___day of _**February**__20**07**_, by and between the TOWN OF DAVIE, a municipal corporation of the State of Florida, hereinafter called the Town, and the herein called Lessee,whose address is: **Dog Obedience Club of Hollywood**
PO Box 290505
Davie Road FL 33329
Harryette Roth President

WITNESSETH: That in consideration of the covenants and conditions herein expressed and of the faithful performance of the Lessee of all such covenants and conditions, the Town does hereby demise and lease unto the Lessee and the Lessee does hereby rent and take as Lessee the following facilities:**Bergeron Rodeo Grounds** __of the Town of Davie located at 4201 SW 65th Way, Davie, Florida. Said facilities are to be used for the purpose of:_**Dog Handling and AKC Competition** and for no other purpose whatsoever without the written consent of the Town endorsed on this lease, for a period of **three days** commencing at **8:00 a.m** on the **30** day of **March,** 2007 and ending at **10:00 p.m** __on the **1** of **April, 2007.** **The rental fee is $750.00 per day.**

The lessee is restricted and must keep all give a-way food and drink items (judges food included) in the area specified by the facility director. This area is located on the Northwest end of the arena, under the promoters picnic pavilion. Food must be located and consumed by all in this area only. Food is not to extend past arena entrance gates or beyond posted signs. (See section 9 C and 10).

Hollywood Dog Club must state in all contestant hand outs/ applications the house rule that applies to no food or drink items can be carried into the facility by contestants or guest. No coolers or food bags are permitted past any of the entrance gates as posted. Hollywood Dog club must staff the contestant gates and enforce the house rules or Hollywood will have to pay for a police officer /security to enforce contracted rules. (see section 6, 9C,20A,&20B)

A copy of your "Show Application" with the above mentioned rules included must be attached to the application and sent back to the Town of Davie before contract will be approved.

Move-in Understanding: Hollywood Dog Club will pay a move-in fee or light fee as directed by the facility. Only event set-up and logistics will take place at this time. No pre-dog competition, practice or dogs will be permitted in the facility during move-in times.

The Lessee agrees to pay to the Lessor a non-refundable rental commitment deposit of $150.00 in order to secure requested date(s). If the event that is the subject matter of this lease does not occur on the scheduled date, the $150.00 deposit becomes the property of the Town of Davie to be applied toward any damages suffered by the Town as a result of the breach of the lease. If the event proceeds as planned, the $150.00 will be applied to the rent. The Lessee agrees to pay to the Lessor the rental of ____**two thousand two hundred and fifty dollars ($2,250.00)** minimum, which is due two weeks prior to the scheduled event.

1. Rent is to be paid by cash, certified check or bank draft only at the Town of Davie Special Projects Office located at, 6591 Orange Drive , Davie, FL 33314; /attention Special Projects Director. Lessee shall pay to Town on demand any sum which may be due to the Town for additional service, accommodations or materials furnished or loaned by said Town, and permit said Town, in case of Lessee's failure to pay such sum, or to comply with this agreement, payment will be secured by a Lessee's Service Bond as outlined in paragraph 6 and to secure said Town against loss.

2. The Town shall furnish light for ordinary use only, accidents and unavoidable delays excepted; furnish water by means of the appliances installed for ordinary toilet purposes and furnish minimum house staff, as determined by the Town of Davie.

3. Lessee agrees to quit and surrender said demised premises to the Town at the end of said term in the same condition as at the date of the commencement of this lease, ordinary use and wear thereof only excepted, and to abide by and conform to all rules and regulations from time to time adopted or prescribed by the Town for the government and management of said facilities.

GROUND PREPARATION The preparation of the clay surface or the floor, in the Bergeron arena is the responsibility of
The Lessee. The town will roll or rotar till the surface to house specification. It will be the responsibility of the Lessee to
provide equipment to prepare grounds to their specific needs through out the lease duration.

INSURANCE

4. The Lessee is required to furnish the Lessor fourteen (14) days prior to the date of the performance, a Landlord's and Tenant's Public Liability Policy to the extent of not less than one million dollars ($1,000,000.00) to cover claim damage for any single or specific cause for any one person, and no less than one million dollars ($1,000,000.00) to cover any particular accident or occurrence, together with coverage of property damage in an amount no less than one million dollars ($1,000,000.00). The Town of Davie, a municipal corporation of Florida, shall be named in the policy as additional insured, along with yourself as lessee. This requirement shall also apply to all rehearsals. Lessee agrees to indemnify and hold harmless the Lessor for all costs and expenses arising out of any claims for personal injuries, including death, and any claims for property damage, sustained by any person including but not limited to, employees of the Lessee arising out of the use of the subject premises pursuant to this contract.
The Lessee shall file with the Town of Davie evidence of the required insurance by way of a Certificate of Insurance which shall be subject to approval by the Town.

6. SECURITY/EMS BOND

In addition to the minimum rent, lessee must put in place a Police Security and Fire/EMS Bond with the Special Projects Director to pay for Davie Police and Fire/EMS personnel. Lessee agrees to have on hand at all times, at its own expense, such level of police services deemed necessary by the Chief of Police or his designee, and the Town of Davie, to maintain order and to protect persons and property. Lessee agrees to have on hand at all times, at its own expense, such level of Fire/EMS services deemed necessary by the Fire Chief or his designee, and the Town of Davie, to maintain safety, property and to aide and protect persons. This bond must be in place before this contract can be signed and entered into with the Town of Davie. This Bond must be made by certified check or cash. Once the Bond is used for personnel, any remainder of the Bond will be returned to promoter within 10 working days after the event.
Lessee will comply with all laws of the United States and of the State of Florida, all ordinances of the Town of Davie, and all rules and requirements of the police and fire departments or other municipal authorities of the Town of Davie. Lessee shall obtain all necessary permits and licenses, including union or trade organization clearances, and will not do or suffer to be done anything on said premises during the term of this lease in violation of any such laws, ordinances, rules or requirements, and if the attention of said Lessee is called to any such violation on the part of said Lessee, such Lessee will immediately desist from and correct or cause to be corrected such violation.

7. If said premises or any portion of said building, during the term of this lease, shall be damaged by the act, default or negligence of the Lessee, or of Lessee's agents, employees, patrons, contractors, guests, or any person admitted to said premises by Lessee, Lessee will pay to the Town upon demand such sum as shall be necessary to restore said damaged premises to their present condition. The Lessee hereby assumes full responsibility for the character, acts and conduct of all persons admitted to said premises or to any portion of said building by the consent of the said Lessee or by or with the consent of any person acting for or on behalf of said Lessee, and said Lessee agrees to have on hand at all times, at its own expense, such level of police services deemed necessary by the Chief of Police or his designee, and the Town of Davie, to maintain order and to protect persons and property. Lessee agrees to have on hand at all times, at its own expense, such level of Fire/EMS services deemed necessary by the Fire Chief or his designee, and the Town of Davie, to maintain safety, property and to aide and protect persons.

8. Lessee shall not injure, nor mar, nor in any manner deface said premises, and shall not cause or permit anything to be done whereby the said premises shall be in any manner injured, marred or defaced; and will not drive or permit to be driven nails, hooks, tacks or screws into any part of said building and will not make nor allow to be made any alterations of any kind therein. Lessee will not post or exhibit or allow to be posted or exhibited signs, advertisements, show-bills, lithographs, posters or cards of any description inside or in front or on any part of said building except upon the regular billboards provided by the Town therefore, and will use, post or exhibit only such signs, advertisements, show bills, lithographs, posters or cards upon said billboards as related to the performance or exhibition to be given in the demised premises, and for such period of time as designated by the Town of Davie.

ADVERTISING 9A. Lessee shall not admit to said premises a larger number of persons than the seating capacity thereof will accommodate, or can safely or freely move about in said rented areas, and the decision of the Town of Davie in this respect shall be final. 9 B. Lessee is responsible for payment and distribution of all advertisement and promotional materials. The designated advertised name for the facility is the Bergeron Rodeo Grounds of Davie, Florida and that shall be the sole name by which the Arena and the Property is designated, advertised or promoted

and the lessee shall use no other name to identify, advertise or promote the Arena and the Property**.** All promotional material must be submitted to the Town of Davie Special Projects Director for approval before material is printed.

9C. Lessee must support in their advertisements, registration information for their contestants, and on their presale tickets Town of Davie house rules : No alcoholic beverages, open or closed soft drinks, food items, containers, coolers, or firearms are permitted on the premises during or before contracted event.

CONCESSIONS AND GIVE AWAYS

10. The Town reserves, and at all times shall have the sole right to sell or give away librettos, flowers, refreshments, beverages, cigars, cigarettes, candies, sandwiches, periodicals and other merchandise, and to rent and sell opera glasses, umbrellas and other articles. Lessee will not allow alcoholic beverages, open or closed soft drinks, food items, containers, coolers, or firearms on the leased premises during or before event. This house rule applies to contestants, ticket holders, volunteers, and working staff. The lessee is restricted and must keep all give a-way food and drink items (judges food included) in the area specified by the facility. This area is located on the Northwest end of the arena, under the promoters picnic pavilion area. Food must be located and consumed in this area only. Food is not to extend past gate beyond posted
signs.

11. The Town shall have the sole right to collect and have the custody of articles left, lost or checked in the building by persons attending any performance, exhibition or entertainment given or held in the demised premises, and the Lessee or any person in Lessee's employ shall not collect nor interfere with the collection or custody of such articles. The Town may conduct checkrooms, to control programs and to supervise the contents thereof, to take photographs, to control or supervise radio and/or television broadcasting or recording and transcription rights and equipment, and other privileges, and the Lessee shall not engage in or undertake the sale of any of the aforesaid articles or privileges without the written consent of the Town.

12. The Town reserves the right through its representatives to enter any portion of the demised premises and to eject any objectionable person or persons from said building, and upon the exercise of this authority through its staff, agents, or police. The Lessee hereby waives any right and all claim for damages against the Town of Davie.

13. The Town reserves the right to remove from the building all effects remaining in building after the time specified at the sole expense of Lessee and to store the same at the sole expense of the Lessee, and without any liability therefore on the part of the Town.

14. Lessee shall not, without the written consent of the Town, put up or operate any engine or motor or machinery on the demised premises or use oils, burning fluids, camphene, kerosene, naptha, or gasoline for either mechanical or other purposes, or any other agent than electricity for illuminating the demised premises.

15. Lessee shall not permit the demised premises to be used for lodging rooms, or for any improper, immoral or objectionable purpose, and the decision of the Town of Davie in these matters shall be final. Lessee shall not assign this lease without the written consent of the Town nor suffer any use of said premises other than herein specified, nor shall Lessee sublease the premises in whole or in part.

16. Lessee agrees to deliver to the Town, free of charge, thirty admission tickets for each day and thirty admission tickets for each evening the premises are open to the public or trade during the term of this lease.

17. The auditorium employees and concessionaires shall at all times have free access to said premises.

PARKING

18A. The Town of Davie has complete and sole control of all surrounding parking lots and fields. The Town of Davie has the sole right to charge a fee for parking in or on these properties. The Town of Davie will charge all vehicles before, during or after each event for parking. Parking fees will be charged to all event ticket holders,vendors, contestants, volunteers, and staff using these properties.

18B. Parking for vendors, contestants, volunteers, and staff or any other vehicles is limited to the North East vendors parking area only. A parking pass must be issued by the Lessee to these vehicles for free access to this lot.

18C. No vehicles will be permitted to remain in or on any other areas of the premises once the gates are unlocked. No vehicles may move on to the premises from the North East vendors parking area or any other gate until all ticket holders or non-ticket holders have safely left the facilities.

19A. If the Lessee, being entitled to possession hereunder, shall fail for any reason to take possession of or to use the premises, no rent refund shall be made, and the full rent called for by this lease, including any disbursements or expenses incurred by the Town in connection there with, shall be payable by the Lessee to the Town as liquidated damages, and not by way of penalty.

19B. Lessee further states that it has inspected the leased premises and its equipment and that same are adequate and in proper condition for the uses contemplated, and that Lessee accepts same as is with all defects, latent and patent, if any.

20A. Lessee agrees that the Town shall have complete and sole supervision of the sale of all tickets at the Town's box offices and/or agencies in accordance with established rates and policies unless otherwise provided in the following space.
20B. The Lessee will be in control of the pre-sale and gate admissions. Lessee will not allow alcoholic beverages, open or closed soft drinks, food items, containers, coolers, or firearms on the leased premises during or before event. This house rule applies to contestants, ticket holders, volunteers, and working staff. The Town of Davie will have the right to inspect the ticket booth operation and admission procedures.

21. Lessee shall arrange and pay for the printing of all tickets, the form and content of which shall be in accord with accepted procedures for good accounting and conform with arena seating diagrams. The Lessee will have printed on the bottom of tickets that NO alcoholic beverages, open or closed soft drinks, food items, containers, coolers, or firearms are permitted on the leased premises during or before event.

22. Lessee hereby expressly waives any and all claims for compensation for any and all loss or damage sustained by reason of the failure or impairment of the water supply system, drainage system, heating and cooling systems and electric systems, leading to or on the demised premises.

23. In case the said facility or any part thereof shall be destroyed or damaged by fire, water or any other cause, or if any other casualty or unforeseen occurrence shall render the fulfillment of this lease by the Town impossible, including, without limitation there to, the requisitioning of the leased premises by the United States Government or any arm or instrumentality thereof, then and thereupon this lease shall terminate and the Lessee shall pay rental for said premises only up to the time of such termination, at the rate herein specified, and the said Lessee hereby waives any claim for damages or compensation should this lease be so terminated.

25. Lessee hereby waives all right under the Constitution and Laws of the State of Florida or any other source to claim personal property exempt as against any liability, debt or obligation arising under this contract.

26. In the handling, control, custody and keeping of receipts and funds, whether the same are received through the box office or otherwise, the Town is acting for the accommodation and sole benefit of the Lessee and as to such receipts and funds the Town shall be responsible only for gross neglect or bad faith.

27. Any matters not herein expressly provided for shall be left to the sole discretion of the Town of Davie.

28. That all terms and conditions of this written lease shall be binding upon the parties, their heirs, successors, representatives, and assigns, and cannot be varied or waived by any oral representations or promise of any agent of the parties hereto unless the same be in writing and mutually signed by the duly authorized agent or agents who executed this lease.

29. Whenever in this lease it shall be required or permitted that notice be given by either party to this lease to the other, such notice must be in writing and must be given personally or forwarded by certified mail, addressed as follows:

To Lessor: **Town of Davie**
6591 Orange Drive
Davie, Florida 33314

To Lessee: **Dog Obedience Club of Hollywood**
PO Box 290505
Davie Road FL 33329
Harryette Roth President

30. The waiver by Town of any breach of any term, covenant, or condition contained herein shall not be deemed a waiver of any subsequent breach of the same or any other term, covenant or condition hereof.

31. Time is of the essence of this Lease and all of its provisions.

32. Should the Town be required to enforce the terms of this agreement, then Lessee hereby agrees to pay to Town all the costs in connection therewith including, but not limited to, reasonable attorneys' fees whether or not the action or actions proceed to judgment.

33. Lessee agrees that for all programs lasting one and one-half (1 1/2) hours or more, an intermission of no less than twenty (20) minutes shall be held, subject to modification by the Town of Davie when necessary to meet unusual conditions.

34. Lessee shall post a surety bond upon the request of the Town to cover repairs. The amount of surety bond will be determined by the Town at the time the Lease Agreement is executed by the Town.

35. Lessee understands and hereby specifically agrees that the Town does not furnish any house staff or technicians nor provide any services, seating setups, equipment or materials unless otherwise provided for in this lease or ordered in writing by Lessee in accordance with the Town's rate sheet for rental equipment and services.

36. Lessee agrees to be responsible for all necessary license fees for the presentation of live music, including but not limited to required licenses and fees from the American Society of Composers, Authors and Publishers.

IN WITNESS WHEREOF, Town by its Mayor or Town Administrator and Lessee by its undersigned authorized representative, or for sole owner in person, have caused this instrument to be executed by affixing their respective signatures on the date first above written.

TOWN OF DAVIE

Witnessed by:

_____

Attested:

_____

Witnessed by:

_____

Corporate Seal/Notary Seal

_____
Date

By:_____
Mayor/Town Administrator

_____
Name(Print)

_____
Address

_____
City, State, Zip Code

_____
Social Security Number

_____
Date of Birth

_____
Signature

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TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Herb Hyman/797-1016

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GEOGRAPHIC TECHNOLOGIES GROUP, INC. TO PROVIDE GIS SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

REPORT IN BRIEF: The Town solicited competitive sealed proposals for GIS services. RFP documents were sent to forty-five (45) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received eight (8) proposals. The selection committee short listed the top three proposers to make an oral presentation. Following oral presentations, the selection committee ranked the firms. The recommendation is for Geographic Technologies Group, Inc. as the top ranked firm in accordance with the ranking totals attached hereto.

PREVIOUS ACTIONS:

CONCURRENCES: The firm of was Geographic Technologies Group, Inc.chosen by the selection committee.

FISCAL IMPACT: not applicable

Has request been budgeted? Yes

If yes, expected cost: To be negotiated. The resulting contract will be presented to Council at a future meeting date.

Account Name: Capital Improvements-GIS System

Additional Comments: n/a

RECOMMENDATION(S):

Attachment(s): Procurement Authorization
Selection Committee Rankings
Incorporation documentation

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GEOGRAPHIC TECHNOLOGIES GROUP, INC. TO PROVIDE GIS SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

WHEREAS, the Town solicited proposals to provide GIS services; and

WHEREAS, the selection committee has selected Geographic Technologies Group, Inc. as the firm best qualified to provide the required services; and

WHEREAS, it is in the Town's best interest to execute a contract for such services.

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 accept the selection of Geographic Technologies Group, Inc. as the firm best qualified to provide the required services and authorizes the Town Administrator or his designee to negotiate an agreement for such services and present that contract for approval at a future meeting date. Should no agreement be reached with the highest ranking firm, then the Town Administrator or his designee shall negotiate with the next ranked firm and present that agreement for approval.

SECTION 2. 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

	A	B	C	D
1				
2				
3		GIS SERVICES		
4				
5				
6	COMMITTEE MEMBER	CALVIN	GTG	PBS & J
7		GIORDANO		
8				
9	C. MENKE	2	1	3
10	R. MUNIZ	1	2	3
11	M. KUTNEY	3	1	2
12	L. PETERS	2	1	3
13	P. HOLSTE	1	3	2
14	I. DEGROOT	2	1	3
15	H. HYMAN	2	1	3
16				
17	TOTAL	13	10	19
18				
19	RANKING	2nd	1st	3rd
20				

TOWN OF DAVIE
PROCUREMENT AUTHORIZATION

ACCOUNT NUMBER.	BUDGET ITEM & DESCRIPTION	APPROXIMATE COST
030-3604-512.68-68 GIS SYSTEM	GIS Continuing Services	$195K - FY2007 $110K - FY2008

METHOD OF PROCUREMENT (check the one that applies)

X Open Competitive Bidding
___ Piggyback on Contract Number_____
___ Sole Source
___ Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed _____
Department Head

Have Funds been Reserved N/A - CANNOT ENCUMBER FUTURE YEAR BUDGETS

Date 11/30/06 Signed _____

Signed _____
Town Administrator

BIDS SUBMITTED

VENDOR	COST
GEOGRAPHIC TECHNOLOGY GROUP	RANKED 1ST
CALVIN GIORDANO	RANKED 2ND
PBS + J	RANKED 3RD
F.R. ALEMAN	NOT RANKED
MCMAHON + ASSOC.	NOT RANKED
MILLER LEGG	NOT RANKED
LATITUDE GEOGRAPHICS	NOT RANKED
METRIC ENGINEERING	NOT RANKED

Signed _____
Procurement Manager

BID SPECIFICATION COMMITTEE'S RECOMMENDATION

Vendor	Cost
GEOGRAPHIC TECHNOLOGY GROUP	TO BE NEGOTIATED.

Form **W-9**
(Rev. November 2005)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)
Geographic Technologies Group, Inc

Business name, if different from above
GTG

Check appropriate box: ☐ Individual/ Sole proprietor ☑ Corporation ☐ Partnership ☐ Other ▶ ☐ Exempt from backup withholding

Address (number, street, and apt. or suite no.)
648 N Spence Ave PO Box 10135

Requester's name and address (optional)
Town of Davie
6591 Orange Drive
Davie, FL 33314

City, state, and ZIP code
Goldsboro, NC 27534

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
| | | | | | | | | |

or

Employer identification number
5 6 – 2 0 3 8 1 7 3

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 12/15/06

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Town of Davie
Vendor/Bidder Disclosure

I, David Holdstock, being first duly sworn state that:
The full legal name and business address of the person(s) or entity contracting with the Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: Geographic Technologies Group

Address: 648 North Spence Avenue
Goldsboro, NC 27534

FEIN 56-2038173

State and date of incorporation North Carolina 1997

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership	
Curtis Alvin Hinton	648 N. Spence Ave., Goldsboro, NC 27534	Co-Owner	50 %
David Andrew Holdstock	648 N. Spence Ave., Goldsboro, NC 27534	Co-Owner	50 %
			%
			%

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address

By: _____ Date: 12-21-06

Signature of Affiant

David Holdstock

Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 21st day of December 2006, by David A. Holdstock, he/she is personally known to me or has presented _____ as identification.

Andrea S. Herring

Notary Public, ~~State of Florida at Large~~

ANDREA S. HERRING

Print or Stamp of Notary

_____

Serial Number

My Commission Expires : 8-26-2009

Florida Department of State, Division of Corporations
Corporations Online
www.sunbiz.org Public Inquiry

Foreign Profit

GEOGRAPHIC TECHNOLOGIES GROUP, INC.

PRINCIPAL ADDRESS
648 N. SPENCE AVE
GOLDSBORO NC 27534
Changed 03/03/2005

MAILING ADDRESS
648 N. SPENCE AVE
GOLDSBORO NC 27534
Changed 04/28/2006

Document Number	FEI Number	Date Filed
F01000000906	562038173	02/15/2001
State	**Status**	**Effective Date**
NC	ACTIVE	NONE

Registered Agent

Name & Address
JAMILLA, SONJA 101 UNIVERSITY PL STE 362 ORLANDO FL 32817
Name Changed: 03/03/2005
Address Changed: 03/03/2005

Officer/Director Detail

Name & Address	Title
HINTON, CURTIS 648 N. SPENCE AVE GOLDSBORO NC 27534	P
HOLDSTOCK, DAVID 648 N. SPENCE AVE GOLDSBORO NC 27534	V

Annual Reports

Report Year	Filed Date
2005	03/03/2005
2006	04/28/2006
2007	01/23/2007

Previous Filing | Return to List | Next Filing

No Events

No Name History Information

Document Images

Listed below are the images available for this filing.

01/23/2007 -- ANNUAL REPORT
04/28/2006 -- ANNUAL REPORT
03/03/2005 -- ANN REP/UNIFORM BUS REP
01/06/2004 -- ANNUAL REPORT
07/25/2003 -- ANN REP/UNIFORM BUS REP
04/01/2002 -- COR - ANN REP/UNIFORM BUS REP
02/15/2001 -- Foreign Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

Corporations Inquiry | Corporations Help

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Town Council

FROM/PHONE: Will Allen, Redevelopment Administrator/ 954-797-2093

PREPARED BY: Will Allen

SUBJECT: Renovation Of Building At 6501 Orange Drive

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING FOR PURCHASES EXCEEDING $25,000 AS REQUIRED IN SECTION 2-317 OF THE TOWN CODE OF ORDINANCES FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE BUILDING AT 6501 ORANGE DRIVE AND ALLOWING THE SUBSTITUION OF INFORMAL BIDS IN ITS PLACE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: There are several circumstances which create a problem which needs to be addressed regarding the Davie Community Redevelopment Agency. The first circumstance is that the Housing and Community Development Department is purchasing the building in which the CRA and Town offices are located, 4700 Davie Road. This purchase will enable a “one-stop shop” to be set up within the building at 4700 Davie Road for housing type issues. A second circumstance is that both the CRA lease for Suite C and the Town lease for Suite B expire on March 15, 2007. This can be extended beyond that date but a third circumstance is that the EASE Foundation is being forced to relocate as part of the building plans for the new Fire Administration and Public Works building. The EASE Foundation is slated to be relocated into the space now occupied by the CRA. A fourth circumstance is that the CRA and Town are paying rent for the space which is occupied at 4700 Davie Road.

A solution that has been reached is that both the CRA and the three employees of the Town can be relocated into a facility owned by the CRA. The CRA Board authorized the use of the building at 6501 Orange Drive, formerly Cousins Surveyors, to be used for the offices of the CRA and the three Town employees at their meeting of January 22, 2007. Since that time a number of events have taken place. Plans for renovating the structure at 6501 Orange Drive have been prepared by the CRA Chair Mark Engel. The building has been gutted by Public Works in preparation for renovations. The building is now ready to be renovated.

Permission is requested to waive the formal bidding requirement in order to allow the building renovations to begin. The bidding process takes a substantial period of time in the neighborhood of twelve weeks by the time all of the procedures are followed. Bids have been solicited from general contractors using the plans prepared by Mark Engel as a basis. The bids are reasonable and it is requested that the low bid or quote as submitted by Orangemen Construction be approved in the amount of $64,220.00 to complete this work. The work includes the oversight of the other trades which are

necessary to complete the renovations namely electrical, mechanical, plumbing, and carpeting. All of these trades can be done as part of continuing service contracts or state bids.

If this can be done, the move can be expedited. This will enable the facilities to be renovated at 4700 Davie Road in a quicker fashion and will enable the facilities at 6501 Orange Drive to be used in a quicker fashion. The move also results in the saving of money paid for rent at 4700 Davie Road to both the CRA and the Town. The CRA will not charge the Town rent for use of the space at 6501 Orange Drive. The saving of rent over time will more than pay for the cost of the renovations.

CONCURRENCES: The CRA Board approved the building renovations at their meeting of January 22, 2007.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: $64,220.00

Account Name: Special Projects 010-0405-515-0502

RECOMMENDATION(S): Approve the Resolution

Attachment(s): Resolution
Three bids from contractors.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING FOR PURCHASES EXCEEDING $25,000 AS REQUIRED IN SECTION 2-317 OF THE TOWN CODE OF ORDINANCES FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE BUILDING AT 6501 ORANGE DRIVE AND ALLOWING THE SUBSTITUION OF INFORMAL BIDS IN ITS PLACE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Davie Community Redevelopment Agency has its offices located at 4700 Davie Road along with offices of the Town of Davie; and

WHEREAS, the term of the lease at 4700 Davie Road is expiring on March 15, 2007 and the building is being renovated to provide a “one-stop shop” for the Housing and Community Development Department; and

WHEREAS, there are tenants such as the EASE Foundation who will be replacing the CRA offices with their own offices and pantries and the EASE Foundation is being forced to relocate as part of the building plans for the new Fire Administration and Public Works building; and

WHEREAS, both the CRA and Town of Davie are paying rent at 4700 Davie Road which can cease upon the occupancy of 6501 Orange Drive; and

WHEREAS, there is significant time required to initiate and accomplish the formal bidding process which can take upwards of twelve weeks due to the requirements for advertising, leaving time to bid, opening bids and awarding of bids; and

WHEREAS, the Community Redevelopment Agency has solicited and received three bids to undertake the renovations at 6501 Orange Drive and the bids are from responsible general contractors and the low bid was received in the amount of $64,220 from Orangemen Development and Construction Corporation.

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

SECTION 1. The Town of Davie does hereby waive the requirement for formal bidding for a purchase exceeding $25,000.00 as required by Section 2-317 of the Town Code of Ordinances.

SECTION 2. The Town of Davie does herby ratify the Proposal between Orangemen Development and Construction Corporation in the amount of $64,220.00 to perform the work at 6501 Orange Drive.

SECTION 3. The Mayor is authorized to acknowledge such approval by affixing his signature to said resolution.

SECTION 4. 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.

Orangemen Development and Construction Corporation
Certified General Contractors
CGC 1508462

February 20, 2007

Mr. Will Allen
Davie Community Redevelopment Agency
4700 Davie Road
Suite #C
Davie, FL 33314

RE: Proposal for New CRA Building – 6501 Orange Drive

Dear Mr. Allen,

At this time we are proposing to complete all scopes of work as specified within Preliminary drawings by Mark Engel dated 1/28/07 and e-mail on 2/13/07. All pricing will be contingent upon approved set of drawings by the Town of Davie Building Department.

DEMO: $2,700.00

- Removal of Misc. interior finishes in order to complete new build out.
- Removal of existing rock on south side of building.
- Removal of Mansard roof on south side of building.

MASONRY: $12,000.00

- Cut and remove CBS block openings for new doors and windows.
- Install poured cells and headers as required. Poured cells will be tied top and bottom.
- Remove existing door and infill with CBS block.

GLAZING: $13,800.00

- Provide and install (1) 3 x 4 impact storefront window.
- Provide and install (1) 3 x 8 impact storefront window.
- Provide and install (2) 3 x 6 impact storefront window.
- Provide and install (1) 3 x 7 impact storefront door.
- Provide and install (1) 3 x 7 impact storefront door with 2 x 7 side-lite.
- Provide all applicable hardware.

SIDEWALK & BRICK PAVERS: $6,850.00

- Removal of existing sidewalk and asphalt where applicable.
- Proper disposal of all above materials.

3921 S.W 47th Avenue, #1017
Davie, FL 33314
(954) 797-6622 Office * (954) 797-0420 Fax

- Install new brick pavers where specified.
- Pavers will need to be brought up to level and (1) ADA ramp will be installed.
- Install (1) new set of stairs.
- Install new curbing as specified.
- Install fill as needed for paver installation.

STUCCO: $5,000.00

- Install stucco bands around all new window openings.
- Stucco south wall where rock and mansard removed.

DRYWALL SYSTEMS: $9,100.00

- Provide all chase walls to 9' AFF on all exterior walls.
- Provide and install new interior partitions to 9' in height as specified.
- Provide and install door bucks.
- Install backing where needed.

ACOUSTICAL CEILINGS: $2,300.00

- Provide and install new 2 x 2 class "A" non fire rated-non reveal acoustical ceilings throughout suite.
- Ceiling height to be 8' A.F.F +/-.

INSULATION: $550.00

- Install fi-foil insulation in all exterior walls where drywall will be installed.
- No insulation will be installed in acoustical ceilings or in interior partitions.

DOORS & HARDWARE: $2,050.00

- Provide and install (1) paint grade louvered door and frame for A/C closet.
- Provide and install (7) solid core paint grade doors and frames for office areas.

PAINTING: $1,420.00

- Painting throughout entire interior of bay in one color flat base paint.
- Painting of all doors and frames in semi-gloss base paint.
- Prep doors and frames.

GENERAL CONDITIONS: $2,550.00

- Dumpster.
- Scaffolding.
- Fire extinguishers. (2)
- General protection of all existing finishes.
- General construction cleaning throughout project and once work complete.

3921 S.W 47th Avenue, #1017
Davie, FL 33314
(954) 797-6622 Office * (954) 797-0420 Fax

Orangemen Development and Construction Corporation
Certified General Contractors
CGC 1508462

SUPERVISION: $2,300.00

OVERHEAD: $3,600.00

PROFIT (10%): Waived

TOTAL TO COMPLETE ALL SPECIFIED WORK: $64,220.00

Not included within the above pricing:

- Architectural Drawings.
- Permit obtainment.
- Asphalt patching, striping and signage in parking area.
- Permit Fees.
- Roof Work.
- Exterior Painting.
- Electrical.
- Plumbing.
- Mechanical.
- Trim package for restroom.
- Fire alarm.
- Fire sprinklers.
- Saw cutting and re-pouring of floor for plumbing purposes.
- Flooring and base.
- Awnings.
- Phone and data wiring by others.
- Window Coverings/Treatments.
- Security alarm.
- Work other than specified above.

Acceptance of Proposal: *The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Any alteration or deviation from the above specifications involving extra cost will become an extra charge over the above estimate. Prices states in this proposal are in effect for thirty (30) days from dat of this proposal.*

Mr. Will Allen-CRA Date

Thank you,

Scott Gorton
President

3921 S.W 47th Avenue, #1017
Davie, FL 33314
(954) 797-6622 Office * (954) 797-0420 Fax

"Henry Planas" <henry@carrickcontracting.com>
02/13/2007 04:28 PM

To <Cheryl_Ellett@davie-fl.gov>
cc
bcc
Subject RE: 6501 Orange Drive - renovations

Cheryl, Our price to provide the work as per plans and your scope of work is $95,750.
Any questions, please call. regards, H. Planas

-----Original Message-----
From: Cheryl_Ellett@davie-fl.gov [mailto:Cheryl_Ellett@davie-fl.gov]
Sent: Friday, February 09, 2007 3:04 PM
To: Henry Planas; tcarrick
Subject: 6501 Orange Drive - renovations

Attached is a spec sheet which you can use to provide a cost estimate for the repairs at 6501 Orange Drive.
Should you have any questions, please feel free to contact Will Allen or myself at (954) 797-1232.

(See attached file: Specs For Demolition of 6501 Orange Drive.doc)

Thanks
Cheryl L. Ellett
Assistant To Department Director
Davie CRA
(954) 797-1232 or (954) 347-1713

"Henry Planas"
<henry@carrickcontracting.com>
02/13/2007 04:35 PM

To <Cheryl_Ellett@davie-fl.gov>
cc
bcc
Subject Clarifiaction to bid

I was in a hurry to get you the number and I failed to clarify the following. Excluded: landscaping, signs, and all other items listed in your scope of work..

Henry J Planas
Carrick Contracting Corporation
1450 Kinetic Road
Lake Park, Florida 33403
(off) 561-844-5322
(fax) 561-844-5642
(cell) 561-561-662-4703
Email: hplanas@carrickcontracting.com

Licensed & Insured CGC 033924

SLORP CONSTRUCTION INC.
General Contractor

3931 S.W. 47th Avenue #104, Davie, Florida 33314
(954) 791-5604

PROPOSAL SUBMITTED TO:
TOWN OF DAVIE CRA
ATTN: MR.WILL ALLEN
4700 S.W. 64TH AVE. SUITE C
DAVIE, FLORIDA 33314

NEW COMMUNITY REDEVELOPMENT AGENCY BUILDING RENOVATION

ALL LABOR AND MATERIALS AS PER PLANS AND SPECIFICATIONS BY ENGLE AND ASSOCIATES, INC. AND SPECIFICATION SHEET DEVELOPED BY TOWN OF DAVIE.

CHANGES MADE TO THESE PLANS MUST BE RELATED TO SLORP CONSTRUCTION AND ADJUSTMENTS IN BID WILL BE MADE ACCORDINGLY. THE PURPOSE FOR THIS BID IS FOR GENERAL CONSTRUCTION AND ALTERATION, SLORP CONSTRUCTION WILL NOT BE RESPONSIBLE FOR ANY OTHER SCOPE OF WORK RESULTING IN DELAYS OR LIABILITY TO THE OWNER.

PRICE INCLUDES:

- REMOVAL AND DEMOLITION OF EXISTING MANSARD ROOF, STONE VENEER AND INTERIOR ELEMENTS REQUIRED TO COMENCE ALTERATION.
- CUT AND REMOVE BLOCK FOR NEW OPENINGS , FORM NEW JAMS, SILLS AND HEADERS, INSTALL STEEL AND POUR AS PER SPECIFICATIONS BY T.O.D.
- BLOCK UP EXISTING DOOR AND A/C OPENINGS AND TIE IN TO EXISTING.
- REMOVE EXISTING CONCRETE SIDEWALK AND ASPHALT TO PREPARE FOR NEW BRICK PAVER SIDEWALK AND ENTRY.
- INSTALL BRICK PAVERS AS PER PLANS (ALSO NOTE PRICE INCLUDES CONCRETE CURB AS SHOWN ON PLAN BUT WITH NO SPECIFICATIONS)
- CUT THRU OF WALL AND STEPS TO ADJACENT PROPERTY
- IMPACT STOREFRONT WINDOWS AS PER PLANS AND SPECIFICATIONS
- RE-STUCCO NORTH, SOUTH AND WEST ELEVATIONS AND INSTALL STUCCO BANDS AS PER PLANS
- FRAME INTERIOR WALLS, INSTALL FURRING, DOOR BUCKS, WINDOW BUCKS, HANG, FINISH AND SPRAY DRYWALL AS PER PLANS
- PROVIDE AND INSTALL NEW ACOUSTICAL AS PER SPECIFICATIONS AND INSTALL R-19 INSULATION
- INSTALL FI-FOIL INSULATION TO EXTERIOR WALLS PRIOR TO DRYWALL
- PROVIDE AND INSTALL 7 - SMOOTH SOLID CORE DOORS PAINT GRADE DOORS AND 1 - LOUVERED DOOR AT A/C CLOSET
- PAINT INTERIOR ONLY AS PER SPECIFICATIONS
- POUR CONCRETE FOOTING FOR NEW BUILDING FAÇADE
- FRAME WALL AND TIE-IN TO EXISTING BUILDING, INSTALL CEDAR LAP SIDING AND CEDAR TRIM AS PER ELEVATION.
- INSTALL COVERED ENTRY ROOF FRAMING AS PER PLANS WITH 2x6 T&G DECKING.
- FURNISH DUMPSTERS FOR TRASH REMOVAL (A TOTAL OF 3 FOR TOTAL JOB. ANY ADDITIONAL WILL BE BASED @ 425.00 PER, SLORP CONSTRUCTION CANNOT CONTROL NEIGHBORHOOD DUMPING)
- GENERAL CONSTRUCTION CLEANING UPON COMPLETION (TRADES SUPERVISED BUT NOT DIRECTLY CONTRACTED BY SLORP CONSTRUCTION RESPONSIBLE FOR DAILY CLEANING OF THEIR OWN SCOPE OF WORK.
- SUPERVISION AND COORDINATION OF CONTRACTORS , CONTRACTED BY T.O.D. (SLORP CONSTRUCTION NOT RESPONSIBLE FOR DELAYS CAUSED BY THESE CONTRACTORS)

PRICE DOES NOT INCLUDE:

- ARCHITECTURAL DRAWINGS
- PERMITS OR PERMIT FEES
- ROOFING (REPAIRS OR NEW METAL)
- EXTERIOR PAINTING
- PLUMBING
- ELECTRICAL
- MECHANICAL
- PHONE , DATA OR ALARM WIRING
- PAVING , STRIPING OR SIGNAGE
- SAW CUTTING OR REPOURING OF PLUMBING LOCATIONS
- STUCCO OR PAINTING OF NORTH WALL
- ELECTRICAL FIXTURES
- PLUMBING FIXTURES OR TRIMS FOR H/C BATHROOM
- CERAMIC TILE FOR BATHROOM
- LANDSCAPING OR SOD
- IRRIGATION
- CARPET OR OTHER FLOOR COVERINGS
- FPL CONNECTION FEES
- BID OR PERFORMANCE BONDS

Licensed & Insured CGC 033924

SLORP CONSTRUCTION INC.
General Contractor

3931 S.W. 47th Avenue #104, Davie, Florida 33314
(954) 791-5604

THE ACCEPTANCE OF THIS PROPOSAL WILL ACT AS CONTRACT BETWEEN SLORP CONSTRUCTION COMPANY, INC. AND THE TOWN OF DAVIE FOR THE PURPOSES OF RENOVATION FOR NEW CRA FACILITY DATED THIS DATE FEB, 15 2007. ALL WORKMANSHIP AND MATERIALS WILL BE GUARANTEED FOR A PERIOD OF ONE CALENDER YEAR FROM THE DATE OF FINAL BUILDING INSPECTION.

DRAW 1	MOBILIZATION	$ 10,000.00
DRAW 2	MASONRY OPENINGS COMPLETE	$ 10,000.00
DRAW 3	INSTALL METAL FRAMING	$ 12,500.00
DRAW 4	INSTALL IMPACT WINDOWS	$ 12,500.00
DRAW 5	FRONT ENTRY FAÇADE COMPLETE	$ 12,500.00
DRAW 6	DRYWALL COMPLETE	$ 12,500.00
DRAW 7	ACOUSTICAL CEILING/ INT.PAINT	$ 10,000.00
DRAW 8	FINAL SCOPE COMPLETE	$ 10,250.00

TOTAL PRICE: $ 90,250.00

TOWN OF DAVIE

MARK R. SLORP
Slorp Construction Co, Inc.

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TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director (954) 797-1101

PREPARED BY: Le Nguyen, P.E., Assistant Town Engineer

SUBJECT: Resolution for Orange Drive Improvements

AFFECTED DISTRICT: 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA , AUTHORIZING THE MAYOR TO ACCEPT THE BASE BID RECOMMENDATION FOR A SEGMENT OF ORANGE DRIVE ROADWAY IMPROVEMENT

REPORT IN BRIEF: A competitive bid was conducted for the reconstruction of a segment of Orange Drive adjacent to Flamingo Commons, west of Flamingo Road. These improvements are based on the 2004 URS study. The Town received five bids. The Town Engineering staff recommends to accept the lowest base bid from Williams Paving Company, Incorporated.

PREVIOUS ACTIONS: Coterie approval of recommendation, February 20, 2007

CONCURRENCES: The selected bid has been reviewed by the Town Engineer. The Bid Specification Committee concurs with the recommendation to award to Williams Paving Company Incorporated.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: $325,000.

Account Name: Capital Improvement Project 030-3704-541-6314

Additional Comments: Not Applicable

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution, Procurement Authorization
Bid Opening Report, Recommendation Memo, Williams Paving Company Inc. W-9, Vendor Bidder Disclosure Form, Sunbiz Organization Report

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ACCEPT THE BID RECOMMENDATION FOR A SEGMENT OF ORANGE DRIVE ROADWAY IMPROVEMENT.

WHEREAS, the Town is in need of providing traffic safety for the existing roadway segment adjacent to Flamingo Commons, west of Flamingo Road; and

WHEREAS, the Town solicited sealed bids for the improvement of the segment of Orange Drive, based on the 2004 URS study; and

WHEREAS, after review, the Town Council wishes to accept the base bid from Williams Paving Company Incorporated.

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

SECTION 1. The Town Council hereby accepts the bid from Williams Paving Company, Inc. for the re-construction of a segment of Orange Drive in the amount of $324,822.

SECTION 2. The Town Council hereby authorized the expenditure from the Capital Improvement Program, account Number 030-3704-541-6314.

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

TOWN OF DAVIE
PROCUREMENT AUTHORIZATION

ACCOUNT NUMBER.	BUDGET ITEM & DESCRIPTION	APPROXIMATE COST
030-3704-541-6314	Orange Drive Traffic Improvement	$325,000.00

METHOD OF PROCUREMENT (check the one that applies)

x_Open Competitive Bidding
___Piggyback on Contract Number_____
___Sole Source
___Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed _____
Department Head

Have Funds been Reserved REQ. 35410

Date 1/3/07 Signed _____

Signed _____
Town Administrator

BIDS SUBMITTED

VENDOR	COST
WILLIAMS PAVING	$324,822.00
BUDGET CONSTRUCTION	365,637.00
APAC SOUTHWEST	405,967.00
WELLING CONSTRUCTION	406,390.97
ALL RITE PAVING	431,810.65

Signed _____
Procurement Manager

BID SPECIFICATION COMMITTEE'S RECOMMENDATION

Vendor	Cost
WILLIAMS PAVING Co. INC.	$324,822.00

BID OPENING REPORT

BID NAME: Branle Drive Traffic Imp.

TIME: 2:09 pm

BID NUMBER: B-07-18

DATE: 2/15/07

ESTIMATED COST: $325,000

NO.	CONTRACTOR'S NAME	BID AMOUNT	COMMERCIAL RANKING
1.	All Rite Paving	A. $431,810.65 B. $537,810.65	5
2.	Budget Construction	A. $365,637.00 B. $400,637.00	2
3.	APAC Southeast	A. $405,967.00 B. $517,467.00	3
4.	Williams Paving	A. $324,822.00 B. $424,057.00	1
5.	Welling Construction	A. $406,390.79 B. $460,479.79	4
6.			
7.			
8.			
9.			
10.			

REMARKS

A. Base Bid

B. Base plus alternates

NOTE: THE ABOVE BID AMOUNTS HAVE NOT BEEN CHECKED, AND BID TOTALS ARE SUBJECT TO CORRECTION AFTER THE BIDS HAVE BEEN COMPLETELY REVIEWED.

THIS IS ONLY A FINANCIAL RANKING OF ALL THE BIDS RECEIVED. THE USING DEPARTMENT IS RESPONSIBLE FOR REVIEWING THE BIDS FOR COMPLIANCE WITH ALL THE BID SPECIFICATIONS PRIOR TO SUBMITTAL OF LETTER OF RECOMMENDATION.

PURCHASING OFFICIAL: [signature] DATE: 2/15/07

WITNESS: Angela Salinas DATE: 2/15/07

Administration	797-1030	Parks & Recreation	797-1145
Budget & Finance	797-1050	Police Department	693-8200
Development Services	797-1111	Public Works	797-1240
Engineering	797-1113	Town Clerk's Office	797-1023
Fire Department	797-1090	Utilities	433-4000
Human Resources	797-1010		

TOWN OF DAVIE, 6591 Orange Drive, Davie, Florida 33314-3399 (954) 797-1000

MEMORANDUM

TO: Herb Hyman, Procurement Manager

FROM: Larry A. Peters, Town Engineer

DATE: February 16, 2007

RE: Orange Drive Traffic Improvement

We have reviewed five (5) bids received for the above referenced project. Williams Paving Company Inc. has been found to be the lowest bidder with the base bid price of $324,822.00. Engineering recommends Williams Paving Company Inc be awarded for this project without the alternate 1.

Form **W-9**
(Rev. November 2005)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Williams Paving Company, Inc.

Check appropriate box: ☐ Individual/Sole proprietor ☒ Corporation ☐ Partnership ☐ Other ▶ ☐ Exempt from backup withholding

Address (number, street, and apt. or suite no.)
11300 NW South River Drive

Requester's name and address (optional)

City, state, and ZIP code
Medley, Florida 33178

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
| | | | | | | | | |

or

Employer identification number
5 9 - 0 8 9 5 8 9 0

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person ▶ Ronnie Smith - Ronnie Smith Date ▶ 02/21/2007

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Vendor/Bidder Disclosure

I, Ron Smith, being first duly sworn state that:
The full legal name and business address of the person(s) or entity contracting with the Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: Williams Paving Company, Inc.

Address: 11300 NW South River Drive

Medley, FL 33178

FEIN 59-0895890

State and date of incorporation Florida / March 26, 1960

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
Jose Rodriguez	5751 Thoroughbred Ln, SW Ranches	50 %
Betty Jean Rodriguez	5751 Thoroughbred Ln, SW Ranches	50%
		%
		%

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address
None	

By: Ron Smith
Signature of Affiant

Date: 02/21/2007

Ron Smith
Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 21 day of February 200 7 by Ron Smith, he/she is personally known to me or has presented personally known as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Kimberly A. Callen
Commission # DD531402
Expires: APR. 29, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Kimberly A. Callen
Notary Public, State of Florida at Large

Kimberly A. Callen
Print or Stamp of Notary

DD531402
Serial Number

My Commission Expires : April 29, 2010

Florida Profit

WILLIAMS PAVING CO., INC.

PRINCIPAL ADDRESS
11300 NW SOUTH RIVER DRIVE
MIAMI FL 33178
Changed 07/25/2002

MAILING ADDRESS
11300 NW SOUTH RIVER DRIVE
MIAMI FL 33178
Changed 07/25/2002

Document Number	FEI Number	Date Filed
234768	590895890	03/26/1960
State	**Status**	**Effective Date**
FL	ACTIVE	NONE

Registered Agent

Name & Address
RODRIGUEZ, BETTY J 5751 THOROUGHBRED LANE SOUTHWEST RANCHES FL 33330
Name Changed: 04/17/2000
Address Changed: 12/17/2001

Officer/Director Detail

Name & Address	Title
RODRIGUEZ, JOSE 5751 THOROUGHBRED LANE SOUTHWEST RANCHES FL 33330	P
RODRIGUEZ, BETTY J 5751 THOROUGHBRED LANE SOUTHWEST RANCHES FL 33330	ST
SMITH, RONNIE L 8053 N.W. 191ST STREET	

MIAMI FL 33015	VC
COLLINS, LONNIE L 20221 SW 48TH PLACE FT LAUDERDALE FL 33332	V

Annual Reports

Report Year	Filed Date
2005	01/04/2005
2006	01/09/2006
2007	01/08/2007

Previous Filing | Return to List | Next Filing

No Events

No Name History Information

Document Images

Listed below are the images available for this filing.

01/08/2007 -- ANNUAL REPORT
01/09/2006 -- ANNUAL REPORT
01/04/2005 -- ANNUAL REPORT
01/21/2004 -- ANNUAL REPORT
01/09/2003 -- ANNUAL REPORT
07/25/2002 -- COR - ANN REP/UNIFORM BUS REP
12/17/2001 -- ANN REP/UNIFORM BUS REP
03/06/2001 -- ANN REP/UNIFORM BUS REP
04/17/2000 -- ANN REP/UNIFORM BUS REP
03/09/1999 -- ANNUAL REPORT
03/16/1998 -- ANNUAL REPORT
03/05/1997 -- ANNUAL REPORT
03/29/1996 -- 1996 ANNUAL REPORT

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

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: Bruce Dell and Marjan Mazza

SUBJECT: Resolution – Development Agreement for University Associates Limited

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND UNIVERSITY ASSOCIATES LIMITED TO PROMOTE THE DEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: : The Town Council adopted Ordinance 2004-001 on January 7, 2004 approving the zoning creation and designation of the Regional Activity Center – Academical Village (RAC-AV). This designation was placed upon the entire property currently owned by NSU. A master plan of the proposed development consisting of said properties as identified in NSU amended master plan was approved by Town Council on November 16, 2005. The intent of the development agreement is to establish the parameters by which the Town will issue future development orders subject to the execution of the improvements as defined in the agreement. The Town recognizes the public benefits which will accrue from the permanent development of the property as proposed by the developer, such benefits shall not result in a negative impact to existing uses. Therefore the Developer shall mitigate their development through both on and off site improvements.

This agreement was drafted by Town staff and reviewed by Town Attorney.

PREVIOUS ACTIONS: N/A
CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Development Agreement, Exhibit A

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND UNIVERSITY ASSOCIATES LIMITED TO PROMOTE THE DEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Ordinance 2004-001 on January 7, 2004 approving the zoning creation and designation of the Regional Activity Center/ Academical Village, and

WHEREAS, the Town Council on November 16, 2005 approved SPM 10-1-05 and made amendment to the Nova Southeastern Master plan, and

WHEREAS, the intent of the development order is to establish the parameters by which the Town will issue future development orders subject to the execution of the improvements as defined below and within the established time frames, and

WHEREAS, the Town recognizes the public benefits which will accrue from the permanent development of the property as proposed by the developer, such benefits shall not result in a negative impact to existing uses, and

WHEREAS, University Associates Limited shall mitigate their development through both on and off site improvements; and

WHEREAS, the proposed, master planned development consists of permitted uses for the Academical Village and is generally consistent with current Town development regulation.

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 authorize the Mayor and Town Administrator to enter into a development agreement, attached hereto as Exhibit "A", between University Associates Limited and the Town of Davie for the development of academical village located within the Town, subject to the terms and conditions of said Agreement.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

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.

DEVELOPMENT AGREEMENT
BY AND BETWEEN THE TOWN OF DAVIE
AND UNIVERSITY ASSOCIATES LIMITED

THIS DEVELOPMENT AGREEMENT, effective this _____ day of _____, 200_ is made and entered into by and between the Town of Davie, a Florida municipal corporation ("Town"), with an address of 6591 Orange Drive, Davie, FL 33314 and University Associates Limited, ("Developer"), a Florida limited liability partnership with an address of 5761 Bird Road, Miami, FL 33155.

RECITALS:

WHEREAS, Developer is the owner of certain real property which is located within the Town more fully described in Exhibit "A" attached hereto and deemed a part hereof ("Property"); and

WHERAS, Developer is a Florida for-profit limited partnership; and

WHEREAS, the Town, at its meeting of January 7, 2004, adopted Ordinance No. 2004-001 which approved the Nova Southeastern University Master Site Plan (the "Master Plan"). The Master Plan serves as the general development plan for Developer's Property. The Master Plan has been amended twice by the Town Council; and

WHEREAS, the Town and Developer acknowledge that development in accordance with the Master Plan and subsequent amendments can impact the Town if mitigation of impacts are not coordinated. This Agreement shall serve to memorialize the steps taken by the Developer to mitigate said impacts of development; and

WHEREAS, the parties understand and acknowledge that the Master Plan shall be amended, but no amendments shall exceed the existing note on the face of the Plat associated with the property; and

WHEREAS, the execution of this document does not release Developer of paying any and all applicable impact fees and relevant charges which may be due at the time of ultimate Property development; and

WHEREAS, Developer and Town believe it is in their mutual best interest to enter into this Agreement, and the improvements outlined herein shall benefit the health, safety, and welfare of the residents of the Town.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby stipulated, the parties agree as follows:

1. **Recitals:** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Infrastructure Improvements:** The parties acknowledge that a study is currently being conducted to evaluate the need for additional traffic, transit, fire, police services, and infrastructure within the Regional Activity Center (the "RAC Study") in the Town. Water and wastewater requirements shall be determined by a Town commissioned utility study. Should either the RAC Study or the Town

commissioned utility study determine that an increase in the services listed herein are required, then Developer, by information of a Community Development District ("CDD"), shall pay its proportionate share of any special assessments imposed by the Town. All owners of real property within the study boundaries will be similarly assessed for a pro rated share of infrastructure improvements as determined by a valid assessment methodology. Should the CDD not be formed, Developer shall be responsible for the payments outlined in this paragraph.

3.0 **Transit:** Should the RAC study determine that improvements to the transit system currently operating within the Town are needed, Developer will coordinate with other local transit providers to provide transit improvements. Furthermore, Developer agrees to the payment of future transit needs on a pro rated basis.

Developer will coordinate with other transit providers to service the following route by providing an additional vehicle to service the following route:

3.1 College Avenue, north to Nova Drive, west to the University Drive frontage road, south to S.W. 36th Street.

Service to this route must be established prior to the issuance of the certificates of occupancy for development above the 50% occupancy level on the Property.

4.0 **Public Safety:** Developer shall provide office space, at no cost to Town with restroom facilities for fire and police personnel (400 square feet total) for a open ended term in a location to be determined by the parties. Said office space shall be able to accommodate desks, telephones, fax machines, and any necessary computer equipment. The provision of office space shall survive the termination of this Agreement and the parties will enter into a separate agreement with regard to the use of said space. The Developer shall pay local impact and assessment fees in accordance with the relevant Town regulations as same may be amended without offset or credit for this lent space. In the event that public safety infrastructure is proposed to be financed via area wide assessments, or other method, Developer shall be assessed consistent with an assessment benefit methodology as established by Town ordinance.

5.0 **Bonding:** Developer shall comply with the appropriate Town regulations related to all bonding/letters of credit requirements.

6.0 **Binding on Successors:** This Agreement shall be binding upon Developer and the Town.

7.0 **Termination**. Once Developer completes construction as contemplated in the Master Plan, all amendments thereto and the Site Plan and all amendments thereto, this Agreement shall automatically terminate. Notwithstanding the provisions of this paragraph, should the Developer not commence construction in accordance with the terms of this Agreement, this Agreement shall automatically terminate.

8.0 Default and Remedies**:** **Should the Town or Developer determine that a default has occurred with regard to this Agreement, written notice of same shall be provided and the defaulting party shall have 30 days after receipt of the default notice to cure same. In the event of an uncured Developer's default under this Agreement, the Town shall be entitled to any and all remedies under Florida law, and, in addition, shall have the right to stop issuing development permits on the Property including but not limited to, building permits and certificates of occupancy. In the event the Town defaults under this Agreement, Developer shall have all remedies under Florida law.**

9.0 Attorney's Fees**: In the event of any dispute and or litigation arising from this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees including the fees for paralegal services and including all appellate levels.**

10.0 Filing**: This Agreement, once approved by Town Council and executed by the parties, shall be filed in the office of the Town Clerk.**

11.0 Entire Agreement**: This Agreement, and any exhibits attached hereto, constitute the entire agreement and understanding of all parties to this Agreement with respect to the subject matter of this Agreement, and supersedes all prior discussions, correspondence, oral and written agreements, commitments or understandings, restrictions, representations or warranties among the parties to this Agreement concerning the subject matter of this Agreement other than those set forth herein or herein provided for. This Agreement and obligations set forth herein are enforceable with regard to the Site Plan and any amendments thereto.**

12.0 Notice**: The notices sent to any person pursuant to this Agreement shall be in writing and transmitted by messenger, certified mail, return receipt requested, or facsimile, and shall be mailed or delivered as follows:**

As to Town:

Town Administrator

Development Services Director
Planning and Zoning Manager
6591 Orange Drive
Davie, Florida 33314

With a copy to:

Town Attorney
Town of Davie
6594 Orange Drive
Davie, FL 33314

As to Developer:

Jeff Brandon
Manager
University Associates Limited
5761 Bird Road
Miami, Florida, 33155

With a copy to:

Any of the foregoing parties may, by notice in writing given to the other, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Any notice shall be deemed given on the date such notice is delivered by hand or facsimile transmission or three days after the date mailed.

13. Assignment: Developer may assign its respective obligations and benefits hereunder in whole or in part to any subsequent holder of title to the Property by sending notice of such transfer of Property ownership to the Town by United States mail. The Town shall recognize such assignments without any further action on the part of the Town or Developer and the Town shall continue to be bound to the terms of this Agreement.

14. Jurisdiction & Venue: The parties to this Agreement expressly consent to the jurisdiction of and agree to suit in any court of general jurisdiction in the State of Florida, whether state, local or federal and further agree that venue shall lie in Broward County, Florida.

15. Amendments & Waivers: No amendment, supplement, modifications or waiver of this Agreement shall be binding unless executed in writing by all of the parties hereto. No waiver of any of these provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision of this Agreement, whether or not similar, unless otherwise expressly provided. The Town Administrator is authorized to execute amendments to this Agreement.

16. Party Consultation: In event of any dispute as to interpretation or application of the terms or conditions of this Agreement, Developer and the Town Administrator shall meet in good faith to resolve any issues. The meeting may, by mutual agreement, be continued to a date certain in order to include other parties or persons, or to obtain additional information.

17. Severability: If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

18. Duty of Good Faith: Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

19. Disclosure Upon Transfer: Developer agrees that in the event of a proposed sale, gift, transfer, segregation, assignment or devise of the Property, the Developer shall disclose the existence of this Agreement to the interested party.

20. No Presumption Against Drafter: This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement on the respective dates under each signature: THE TOWN OF DAVIE, through its Town Council, signing by and through the Town Administrator, duly authorized to execute this Agreement of Town Council action on _____ and _____.

TOWN OF DAVIE, a Florida municipal corporation

Attest:

_____ By: _____

Russell Muniz, Town Clerk Town Manager

(seal) Dated: __ day of _____, 200__

APPROVED AS TO FORM:

By_____
Town Attorney

IN WITNESS WHEREOF, **the parties have hereunto set their hands and seals the day and year set forth below their respective signatures.**

_____	UNIVERSITY ASSOCIATES LIMITED
WITNESS	By: _____
	Print name:_____
	Title:_____
_____	Address:_____
WITNESS	_____
	____ day of _____, 20__

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 200___, by _____ as _____ for UNIVERSITY ASSOCIATES LIMITED, who is personally known and/or produced _____ as identification who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his knowledge.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

EXHIBIT
"A"
Univ. Arena
SW 30TH St
SW 35TH St
SW 36TH St
SW 75TH Ave
SW 76TH Ave
S University Dr
College Ave
Perimeter Rd
SW 39TH St
SW 39TH Ct
© 2007 Navteq

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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: Bruce Dell and Marjan Mazza

SUBJECT: Resolution – Infrastructure Agreement for Nova Southeastern University

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN INFRASTRUCTURE AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY TO PROMOTE THE CONTINUING CAMPUS DEVELOPMENT LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town Council adopted Ordinance 2004-001 on January 7, 2004 approving the zoning creation and designation of the Regional Activity Center – Academical Village (RAC-AV). This designation was placed upon the entire property currently owned by NSU. A master plan of the proposed development consisting of said properties as identified in NSU amended master plan was approved by Town Council on November 16, 2005. The intent of the infrastructure agreement is to establish the parameters by which the Town will issue future development orders subject to the execution of the improvements as defined in the agreement. The Town recognizes the public benefits which will accrue from the permanent development of the property as proposed by NSU, such benefits shall not result in a negative impact to existing uses. Therefore NSU shall mitigate their development through both on and off site improvements.
This agreement was drafted by Town staff and reviewed by Town Attorney.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Infrastructure Agreement, Exhibit A

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN INFRASTRUCTURE AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY TO PROMOTE THE CONTINUING CAMPUS DEVELOPMENT LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Ordinance 2004-001 on January 7, 2004 approving the zoning creation and designation of the Regional Activity Center/ Academical Village, and

WHEREAS, the Town Council on November 16, 2005 approved SPM 10-1-05 and made amendment to the Nova Southeastern Master plan, and

WHEREAS, the intent of the infrastructure agreement is to establish the parameters by which the Town will issue future development orders subject to the execution of the improvements as defined below and within the established time frames, and

WHEREAS, the Town recognizes the public benefits which will accrue from the permanent development of the property as proposed by NSU, such benefits shall not result in a negative impact to existing uses, and

WHEREAS, NSU shall mitigate their development through both on and off site improvements; and

WHEREAS, the proposed, master planned development consists of permitted uses for the NSU campus and is generally consistent with current Town development regulation.

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 authorize the Mayor and Town Administrator to enter into an infrastructure agreement, attached hereto as Exhibit “A”, between Nova Southeastern University and the Town of Davie for the continuing campus development located within the Town, subject to the terms and conditions of said Agreement.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

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.

INFRASTUCTURE AGREEMENT
BY AND BETWEEN THE TOWN OF DAVIE
AND NOVA SOUTHEASTERN UNIVERSITY

THIS AGREEMENT (the "Agreement")**,** effective this _____ day of _____, 200_ is made and entered into by and between the Town of Davie, a Florida municipal corporation (the "Town"), with an address of 6591 Orange Drive, Davie, FL 33314 and Nova Southeastern University, Inc. ("NSU"), a Florida Corporation with an address of 3301 College Avenue, Fort Lauderdale, FL 33314.

RECITALS:

WHEREAS, NSU is the owner of certain real property which is located within the Town more fully described in Exhibit "A" attached hereto and deemed a part hereof (the "Property"); and

WHEREAS, the Town, at its meeting of January 7, 2004, adopted Ordinance No. 2004-001 which approved the Nova Southeastern University Master Site Plan (the "Master Plan"). The Master Plan serves as the general development plan for NSU and was first amended and approved by the Town Council on November 16, 2005. The Town approved the second amendment to the Master Plan on _____; and

WHEREAS, the Town and NSU acknowledge that development in accordance with the Master Plan and subsequent amendments will impact the Town. This Agreement shall serve to memorialize the steps taken by NSU to mitigate said impacts through the installation of certain infrastructure improvements; and

WHEREAS, NSU shall abide by all applicable Town regulations and ordinances; and

WHEREAS, NSU and the TOWN believe that it is in their mutual best interest to enter into this Agreement, and that the improvements outlined herein shall benefit the health, safety, and welfare of the residents of the Town.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby stipulated, the parties agree as follows:

1. **Recitals:** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Definitions**:

CDD – Shall mean a Community Development District created by NSU to pay for and construct certain public infrastructure improvements related to the development of the Property.

Police Service Agreement – Shall mean that certain existing agreement executed by and between NSU and the Town of Davie Police Department.

RAC – Shall mean the Regional Activity Center consisting of ±2,244 acres of land generally located between University Drive and Florida's Turnpike South of SR 84 and North of Griffin Road.

3. <u>Infrastructure Improvements:</u>

3.1 NSU has submitted a Utility Master Plan (the "Plan") to the Town. The Plan illustrates all existing utilities on the Property. Pursuant to the Plan, any required water or wastewater capacity improvements for the Property as shown on the Plan shall be funded by NSU prior to the Town granting any additional permits for the Property. The Plan illustrates all existing utilities on the Property. Pursuant to the Plan, any required water and/or wastewater capacity improvements for the Property that are designated on the Plan shall be funded by NSU prior to the Town granting any additional permits for the Property. <u>The Town currently projects additional utility needs as follows:</u>

3.1.1 <u>One utility complex with both six (6) million gallons per day (MGD) of wastewater treatment capacity and six (6) MGD reverse osmosis water treatment capacity using Floridian Aquifer raw water wells. This single plant site would use two 24 inch diameter deep wells for treated wastewater effluent disposal and water treatment membrane reject waste.</u>

3.2 In the event the Town constructs the required water and/or wastewater facilities, then NSU shall pay the Town a prorated share (projected usage with respect to the capacity then available) reimbursement for construction.

3.3 In the event the Town chooses not to construct such facilities, then NSU may, at its option and cost (subject to reimbursement as provided below), construct the same. Prior to NSU making a decision as to whether to exercise its option, should NSU wish to employ an independent engineer to review and comment on the Town's determination as to the sizing of additional capacity, then NSU and the Town shall work together to hire a mutually agreeable hydraulic engineer to perform a hydrology study concerning the projection of demand for such capacity. The cost of the study shall be borne by NSU. If the conclusion reached by the engineer differs from the conclusion reached by the Town (either too low or too high), then the Town shall review its findings giving strong consideration to the recommendations of the independent engineer. NSU's construction of the water and/or wastewater facilities will directly benefit the Town as well as developers of real property projects in the Town.

3.4 If NSU exercises its option to construct the water and/or wastewater facilities, then NSU shall be entitled to reimbursement from any developers of future projects with the Town for NSU's costs of planning and construction. Such reimbursement shall be borne by each respective developer at the appropriate time and memorialized by a separate written agreement between the developer and the Town; the reimbursement to be based upon projected usage with respect to the capacity then available. The Town shall provide to NSU a copy of each such agreement. Upon the Town's receipt of the funds from any developers that connect to the water/wastewater facilities referenced herein, the Town shall reimburse NSU for the cost of planning and construction on a pro rated basis as more specifically

outlined in the agreement between the parties referenced in this paragraph. Under no circumstance shall the Town be responsible for the payment of funds to NSU from the Town's general fund. The Town is only responsible to pay funds for any balance due pursuant to this Agreement following the receipt of funds from future developers. The Town agrees not to issue any development orders or permits, or allow connection to the newly constructed water/wastewater facilities until the fees referenced herein have been paid to the Town by each developer.

3.5 The location of the new facilities referenced herein shall be determined by the Town with the cooperation of NSU.

3.6 In connection with the Master Plan, NSU has agreed to construct the following improvements:

a) A loop connection of the 8" and upgrade to 12" water main along 30th Street from SW 75th Avenue to College Avenue;

b) A 12"water main along College Avenue from SW 30th Street to SW 36th Street;

c) A 12" water main along SW 36th Street from University Drive to College Avenue;

d) NSU shall design and construct a new lift station *(*"LS"*)* (19A) to be located on the south end of the NSU property accessible from SW 36 Street and in line with the existing gravity flow line at approximately SW 73 Avenue. This lift station shall replace current station 19 located on the NSU campus.

e) NSU shall master meter the Cultural Living Center and all new residential halls.

f) The Town shall convey LS# 19 to NSU via warranty deed and NSU shall maintain same.

g) NSU is to intercept and redirect the Town's gravity flow from LS #19 to new LS 19A.

h) NSU shall design and construct a 16" PVC extension of the force main between LS #20 to LS 19A along College Avenue and SW 36 Street starting at the northeast corner of the project and ending at the tie in point on the southwest 73rd avenue corner. The Town shall review and approve the design of this interconnection.

i) NSU shall construct the on site collection system and private pump station in order to cause the development flow to intercept the Town collection network at LS#19A.

3.7 Construction of the improvements outlined in paragraph 3.6 is contingent upon receiving approval from any and all appropriate regulatory agencies. NSU shall commence construction of said improvements within 12 months of receiving written approval from any and all appropriate regulatory agencies.

3.8 NSU has allocated $100,000 for the design and construction of an access point to the east parking lot of Davie Elementary School from SW 36th Street to include a canal crossing and any necessary right of way to allow public access (as depicted on the attached Exhibit "B"). The design and construction of same is contingent upon NSU entering into an agreement with the appropriate regulatory agencies relating to same. NSU will utilize all reasonable efforts and exercise due diligence toward the pursuit of such agreement. Should an agreement relating to said design and construction not be reached, within five years of the execution of this Agreement, then NSU shall no longer be responsible to make such improvements. Should the parties reach an agreement, then NSU shall design and pay for the plans. Construction of the improvements outlined herein shall commence within 3 months from the date of issuance of all permits from the appropriate regulatory agencies, subject to extension by reason of causes beyond the reasonable control of NSU. The Town acknowledges and agrees that under no circumstances shall NSU be obligated to expend in excess of $100,000 for such improvements. No construction shall occur during the months that school is in session, unless written permission is granted by the Town Administrator.

3.9 NSU has allocated $100,000 to design, pay for, and construct a right turn lane into the second entrance of the Davie Elementary School from westbound 39th Street within the Town's right-of-way (as depicted on the attached Exhibit "C"). The design, payment, and construction of same are contingent upon NSU obtaining the necessary permits and approvals from the Town and any companies that have utilities within the right of way. NSU will utilize all reasonable efforts and exercise due diligence toward the pursuit of such approval. Should the Town not grant such approval within five years of the execution of this Agreement, then NSU shall no longer be responsible to make such improvements. Should the parties reach an agreement, then NSU shall design and pay for the plans. Construction of the improvements outlined herein shall commence within 3 months from the date of issuance of all permits from the Town, subject to extension by reason of causes beyond the reasonable control of NSU. The Town acknowledges and agrees that under no circumstances shall NSU be obligated to expend in excess of $100,000 for such improvements. No construction shall occur during the months that school is in session, unless written permission is granted by the Town Administrator.

3.10 NSU shall design and construct the following roadway improvement:

a) SW 36th Street shall be reconstructed as a four (4) lane divided boulevard from University Drive to College Ave. In connection with this improvement, any portions of SW 36th Street currently owned by NSU shall be dedicated to the Town for public use. Although the reconstructed roadway will be maintained by the Town, NSU does reserve the right to maintain those portions of SW 36th Street located within the Property in the same manner as other private roads located within the Property.

3.11 Construction of the improvement outlined in this paragraph 3.5 is contingent upon receiving approval from the Town Council. NSU shall commence construction of said improvements within 12 months of receiving written approval and the necessary permits from the appropriate regulatory agencies, subject to extension by reasons of causes beyond the reasonable control of NSU.

b) NSU shall hire a mutually agreeable traffic engineer to perform a traffic study to determine the extent to which the completion of 67th Avenue as a public right of way, from its existing terminus south to Orange Drive will enhance traffic flows to and from the campus, the need to relocate utilities in connection with the completion of 67th Avenue. In the event the study shows the need for enhancement of access, NSU shall complete this road segment as a two lane non-divided roadway. NSU shall not be responsible for the acquisition of any additional right of way or the relocation, or installation of any existing utilities in connection with the completion of 67th Avenue.

3.12 The parties acknowledge that a study is currently being conducted to evaluate the need for additional traffic, transit, water, wastewater, fire, police services and infrastructure within the Regional Activity Center in the Town. Should the RAC Study recommend that an increase in the services listed in this Section 3.6 are required, then NSU, via the proposed Community Development District ("CDD"), agrees to participate in payment of same in accordance with any lawful special assessments imposed by the Town. All owners of real property within the study boundaries will be similarly assessed for a prorated share of infrastructure improvements as determined by a valid assessment benefit methodology**.** The parties furthermore acknowledge that the Town (simultaneously with the execution of this Agreement) shall enter into an agreement with University Associates, Limited which will address the provision of additional transit service. Should the CDD not be created, NSU shall still be required to pay for and construct the infrastructure improvements outlined in this Agreement.

4.0 **Parking:** The parties acknowledge that in July 2004 the Florida Department of Transportation completed a parking demand study for the South Florida Education Center ("SFEC"). NSU agrees to update such parking study within 12 months of the execution of this Agreement and update same every 2 years thereafter. Once it is determined that additional parking is warranted, NSU will construct the required parking and the appropriate related pedestrian shade trees or canopy structures in accordance with Town regulations. NSU further agrees to work with the Town in order to ensure that any transit concurrency fees paid by NSU shall be expended in the Davie Regional Activity Center.

5.0 **Public Safety:** NSU shall pay local impact and assessment fees in accordance with the appropriate Town regulations. In the event that infrastructure is proposed to be financed via area wide assessments, or other method, NSU agrees to be assessed, on a prorated basis, consistent with an assessment benefit methodology as established by Town ordinance. NSU will use all reasonable efforts to coordinate with the Town to establish a public safety protection fee for the SFEC that will fund the necessary police and fire staff for all institutions and landowners within the SFEC. NSU shall only be obligated to participate in the payment of any such public safety protection fee if all of the other landowners of land in the SFEC presently occupied by the following institutions: Florida Atlantic University, Broward Community College, the University of Florida, the School Board of Broward County, and the landowners' transferees in title, successors, and assigns, participate in the payment of such fee on a prorated basis, together with NSU, based upon student population, acreage, or another uniform methodology as agreed to by all of the institutions referenced above. NSU acknowledges the value of the existing police services agreement between NSU and the Town. This existing agreement shall

be modified periodically to reflect the additional public safety needs of NSU's campus, and shall remain in effect until the RAC Study is complete and a new agreement is created based upon same. Should the RAC Study determine that a new agreement is not needed, then the existing agreement shall remain in full force and effect. NSU shall also work with the Town to provide a temporary facility for housing of emergency apparatus.

6.0 **Bonding:** NSU shall comply with the appropriate Town regulations related to bonding/letter of credit requirements.

7.0 **Binding on Successors:** This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

8.0 **Termination**: Notwithstanding the foregoing, upon NSU's completion of construction as contemplated in the Master Plan, this Agreement shall automatically terminate. Upon the written request of either party, the parties shall execute a written instrument evidencing such termination.

9.0 **Default and Remedies:** Should the Town or NSU determine that a default has occurred with regard to this Agreement, written notice of same shall be provided and the defaulting party shall have 30 days after receipt of the default notice to cure same. In the event of an NSU's uncured default under this Agreement, the Town shall be entitled to any and all remedies under Florida law, and, in addition, shall have the right to stop issuing development permits on the Property including but not limited to, building permits and certificates of occupancy. In the event the Town defaults under this Agreement, NSU shall have all remedies under Florida law.

10.0 **Attorney's Fees:** In the event of any dispute and or litigation arising from this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees through the appellate level.

11.0 **Filing:** This Agreement, once approved by Town Council and executed by the parties, shall be filed in the office of the Town Clerk.

12.0 **Entire Agreement:** This Agreement, and any exhibits attached hereto, constitute the entire agreement and understanding of all parties to this Agreement with respect to the subject matter of this Agreement, and supersedes all prior discussions, correspondence, oral and written agreements, commitments or understandings, restrictions, representations or warranties among the parties to this Agreement concerning the subject hereof. This Agreement and the obligations set forth herein are enforceable with regard to the Master Plan and any amendments thereto.

13.0 **Notice:** The notices sent to any person pursuant to this Agreement shall be in writing and transmitted by personal delivery with a receipt obtained, certified mail, postage prepaid and return receipt requested, or by nationally recognized overnight delivery service (i.e., DHL or Federal Express) and shall be mailed or delivered as follows:

As to Town:

Town Administrator
6591 Orange Drive
Davie, Florida 33314

With a copy to:

Town Attorney
6591 Orange Drive
Davie, Fl 33314

As to NSU:

George Hanbury, PhD.
Executive Vice President
3301 College Avenue
Davie, Florida, 33314

With a copy to:

Dennis Mele, Esq.
Ruden McClosky
200 East Broward Boulevard
Fort Lauderdale, FL 33301

Any of the foregoing parties may, by notice in writing given to the other, designate any further or different addresses to which subsequent notices shall be sent. Any notice shall be deemed given on the date received.

14. Assignment: NSU may assign its respective obligations and benefits hereunder in whole or in part to any subsequent holder of title to the Property by sending notice of such transfer of Property ownership to the Town by United States mail. The Town shall recognize such assignments without any further action on the part of the Town or NSU and the Town shall be bound to the terms of this Agreement.

15. Jurisdiction & Venue: The parties to this Agreement expressly consent to the jurisdiction of and agree to suit in any court of general jurisdiction in the State of Florida, whether state, local or federal and further agree that venue shall lie in Broward County, Florida.

16. Amendments & Waivers: No amendment, supplement, modifications or waiver of this Agreement shall be binding unless executed in writing by all of the parties hereto. No waiver of any of these provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision of this Agreement, whether or not similar, unless otherwise expressly provided.

17. Party Consultation: In event of any dispute as to interpretation or application of the terms or conditions of this Agreement, NSU and the Town Administrator shall meet in good faith to resolve any issues. The meeting may, by mutual agreement, be continued to a date certain in order to include other parties or persons, or to obtain additional information.

18. Severability: If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified by agreement of the parties to implement the intent of the parties as stated herein to the maximum extent allowable under law.

19. Duty of Good Faith: Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

20. Disclosure Upon Transfer: NSU agrees that in the event of a proposed sale, gift, transfer, segregation, assignment or devise of the Property, NSU shall disclose the existence of this Agreement to the interested party.

21. No Presumption Against Drafter: This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity

shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

WITNESS WHEREOF the parties hereto have made and executed this Agreement on the respective dates under each signature: THE TOWN OF DAVIE, through its Town Council, signing by and through the Town Administrator, duly authorized to execute this Agreement of Town Council action on _____ and _____.

TOWN OF DAVIE, a Florida municipal corporation

Attest:

_____ By: _____

Russell Muniz, Town Clerk Town Manager

(seal) Dated: __ day of _____, 200__

APPROVED AS TO FORM:

By_____

Town Attorney

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year set forth below their respective signatures.

_____ NOVA SOUTHEASTERN UNIVERSITY, Inc.

WITNESS By: _____

Print name:_____

Title:_____

_____ Address:_____

WITNESS _____

____ day of _____, 20__

STATE OF FLORIDA)

)SS

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this _____ day of _____, 200___, by _____ as _____ for NOVA SOUTHEASTERN UNIVERSITY, Inc. who is personally known and/or produced _____ as identification who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his knowledge.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

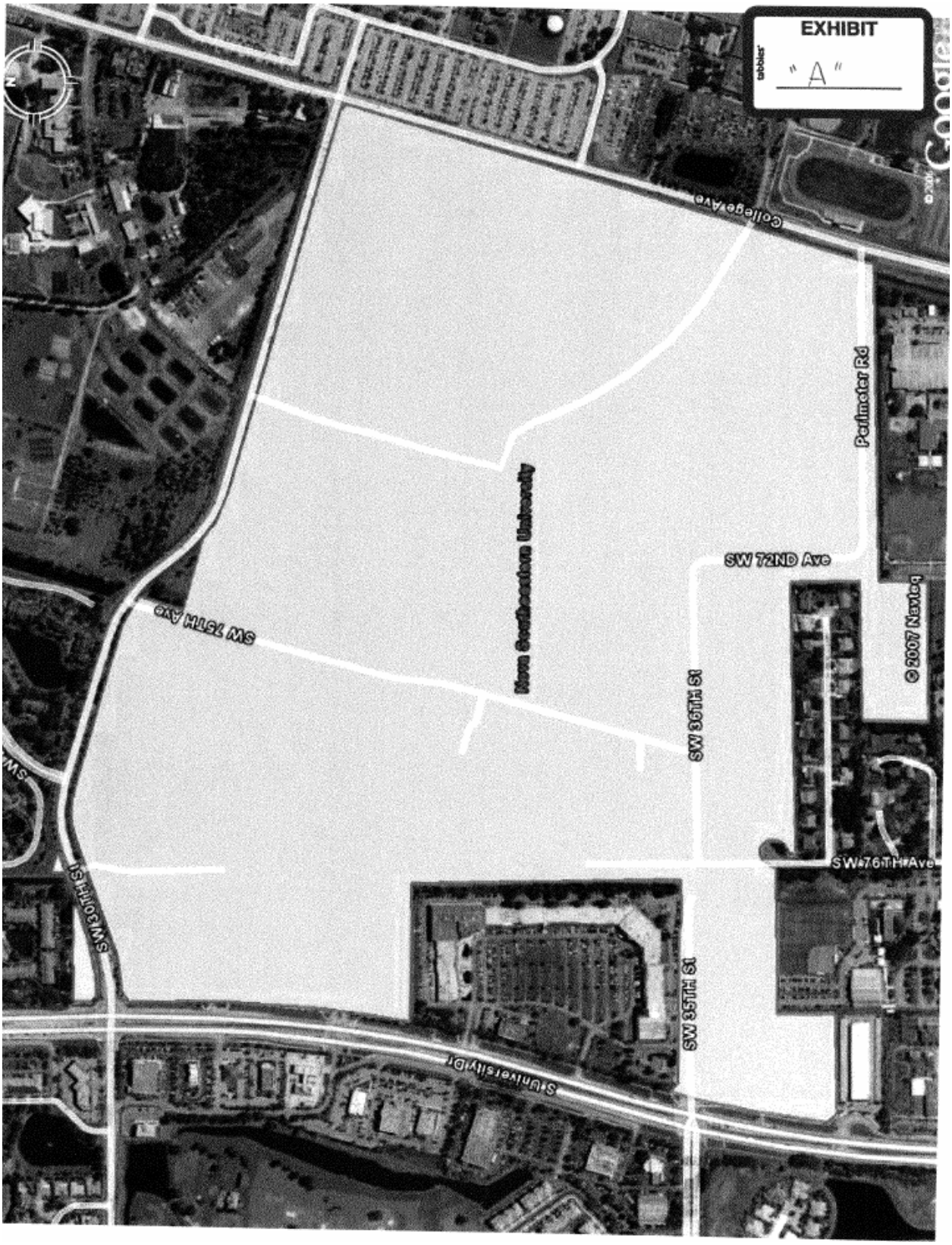
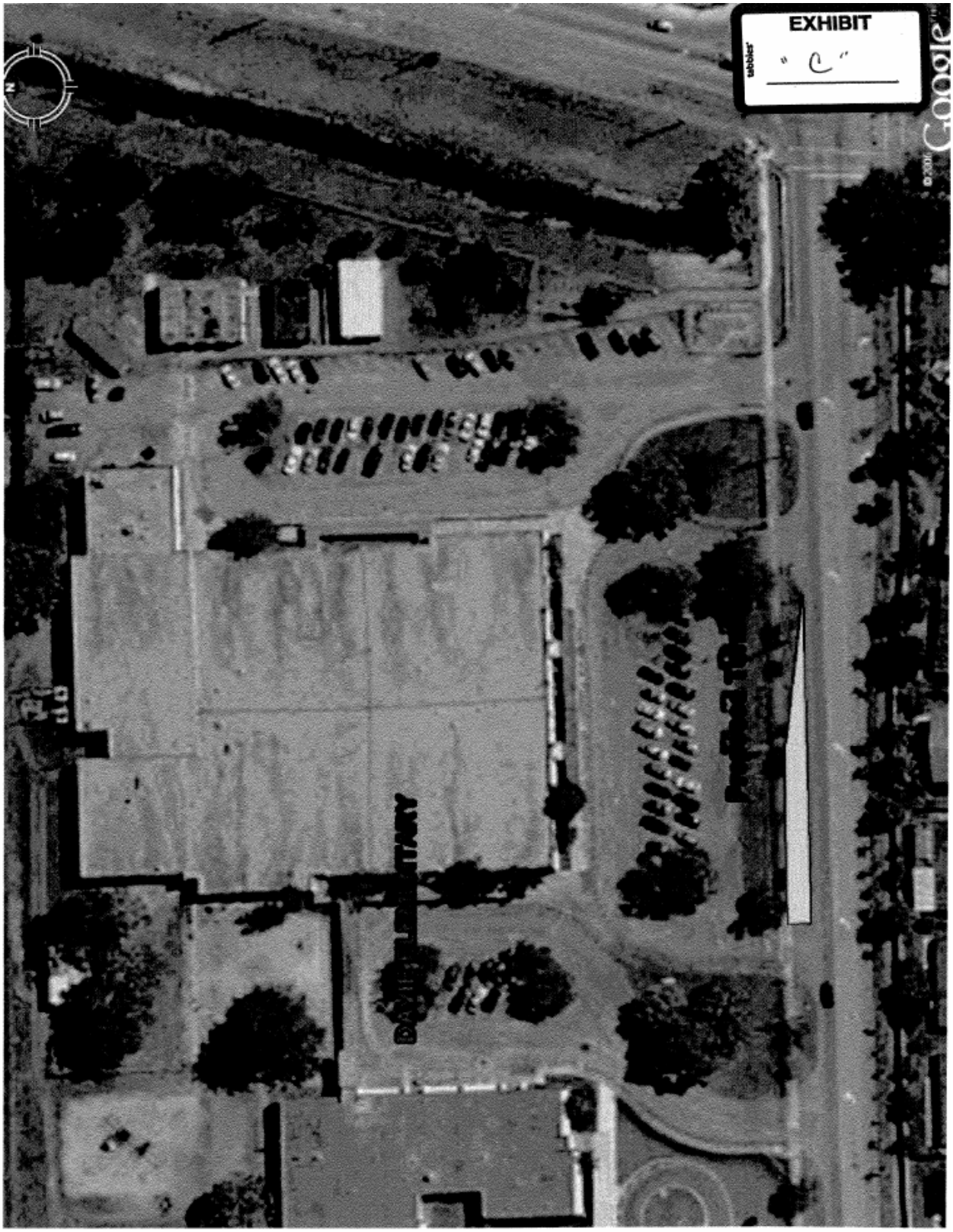


EXHIBIT
"A"
College Ave
Perimeter Rd
SW 72ND Ave
Nova Southeastern University
SW 75TH Ave
SW 36TH St
© 2007 Navteq
SW 76TH Ave
SW 30TH St
SW 35TH St
S University Dr

EXHIBIT
tabbies
"B"
©2006 Google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"C"
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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: Bruce Dell and Marjan Mazza

SUBJECT: Delegation Request, DG 3-3-06, Nova Southeastern University, 3301 College Avenue

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE NOTE ON THE PLAT KNOWN AS "YOUNG WORLD"; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The Nova University plat was approved by Town Council on March 20, 1985 and recorded in Plat Book 124, Page 43. The existing uses are consistent with those built upon the site. However, the addition of high-rise apartments and hotel required a plat note identifying the changes and there has been a 1,200,000 square feet addition of office space and 470,000 square feet of commercial use. These changes are reflected in the proposed plat note. This plat note will require additional transit mitigation by NSU for the new square footage on the plat.
Such mitigation will be determined by NSU and the County in coordination with the Town. The plat note currently restricts the property to:

This plat is restricted to 42,700 square feet of classroom and 66,750 square feet of self-storage on Parcel A; 185,000 square feet of commercial use on Parcel B; and a medical facility consisting of 603,000 square feet of classroom, a 140,000 square foot clinic and a 4,900 square foot physical plant on Parcel C.

The applicant proposes to redevelop Parcels A and B of the Plat to better serve the needs of the community. The notation shown on the face of the PLAT clarifying and limiting the use of the platted property is amended to:

This plat is restricted to 42,700 square feet of classroom, 120,000 square feet of commercial, 350,000 square feet of office, 349 room hotel and 66,750 square feet of self-storage on Parcel A; 525 high rise apartments, 850,000 square feet of office, a 349 room hotel and 350,000 square feet of commercial use on Parcel B; and a medical facility consisting of 603,000 square feet of classroom, a 140,000 square foot clinic and a 4,900 square foot physical plant on Parcel C.

All additional impacts will be mitigated by NSU through agreement with the Town. This agreement must be reviewed and approved by Town Council.

PREVIOUS ACTIONS: The Nova University plat was approved by Town Council on March 20, 1985

CONCURRENCES: None

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

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

Attachment(s): Resolution, Attachment A

RESOLUTION NO. _____

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

WHEREAS, the plat known as the Young World was approved by the Town Council of the Town of Davie on March 20, 1985; and

WHEREAS, the Young World plat was recorded in the official records of Broward County in Plat Book 124, Page 43; and

WHEREAS, Nova Southeastern University requests that the plat note be amended to include 525 high rise apartments, 1,200,000 square feet of office use, 470,000 square feet of commercial use, 349 room hotel, 645,700 square feet of classroom, 140,000 square feet clinic, 4,900 square feet physical plant, and 66,750 square feet of self-storage; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed 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 the delegation request to change the restrictive note on the Nova Southeastern University Young world Plat. The proposed revision being specifically described on Attachment "A".

SECTION 2. 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.

ATTACHMENT A

AMENDMENT TO NOTATION ON PLAT

The existing notation shown on the face of the PLAT clarifying and limiting the use of the platted property is amended from:

This plat is restricted to 42,700 square feet of classroom and 66,750 square feet of self-storage on Parcel A; 185,000 square feet of commercial use on Parcel B; and a medical facility consisting of 603,000 square feet of classroom, a 140,000 square foot clinic and a 4,900 square foot physical plant on Parcel C.

The applicant proposes to redevelop Parcel A and B of the Plat to better serve the needs of the community. The notation shown on the face of the PLAT clarifying and limiting the use of the platted property is amended to 42,700 square feet of classroom, 120,000 square feet of commercial, 350,000 square feet of office, 349 room hotel and 66,750 square feet of self-storage on Parcel A; 525 high rise apartments, 850,000 square feet of office, a 349 room hotel and 350,000 square feet of commercial use on Parcel B; and a medical facility consisting of 603,000 square feet of classroom, a 140,000 square foot clinic and a 4,900 square foot physical plant on Parcel C.

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: ayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Delegation Request; DG 2-1-07/05-579/Flamingo Village/800 South Flamingo Road/Generally located south of Interstate 595 between Flamingo Road and Southwest 121th Avenue

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:
A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE BOUNDARY LINE OF THE PLAT KNOWN AS "FLAMINGO VILLAGE" AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:
The purpose of the request is to amend the approved boundary lines on the plat known as "Flamingo Village." The petitioner states that a portion (northwest corner) of the plat was orginally approved as a 330' x 32' road easeement. Sometime after, by court order, the same portion was then quit claimed by Florida Department of Transportation, utimately changing the boundary lines.

The plat was then approved by the Town Council on January 16, 2006. Since that time, Broward County finalized its review and noticed the legal description did not match the location of boundary lines. As a result, the petitioner was required to adjust the boundary lines accordingly before receiving Broward County approval. This modification to the boundary lines however does not conform to the Town Council originally approved plat. Therefore, this delegation request is to match Broward County's approved plat with the Town of Davie approved plat for "Flamingo Village." 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, Proposed Plat, Legal Description, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE BOUNDARY LINE OF THE PLAT KNOWN AS "FLAMINGO VILLAGE" AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat to be known as the "Flamingo Village" was considered by the Town of Davie Planning and Zoning Board on October 12, 2005; and

WHEREAS, the plat to be known as the "Flamingo Village" was approved by the Town of Davie Council on January 16, 2006; and

WHEREAS, the owners desire to revise the boundary line 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 boundary line associated with said plat. The proposed revision being specifically described attached hereto Exhibit(s).

SECTION 2. 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*)

GHASEM KHAVANIN P.E.
13420 SW 36 COURT DAVIE, FL 33330 PHONE (954) 224-1389

JUSTIFICATION STATEMENT FOR DELEGATION REQUEST
(FLAMINGO VILLAGE PLAT)

The 330'x 32' of subject plat located in North West corner of property originally was approved as road easement. This area was taken by Florida Department of Transportation as frontage road by quick claim dead by court order. Therefore this area should be deducted from property and be dedicated as road right-of-way instated of road easement.

This change will not have any negative impact on the plat.

Exhibit (*Proposed Plat*)

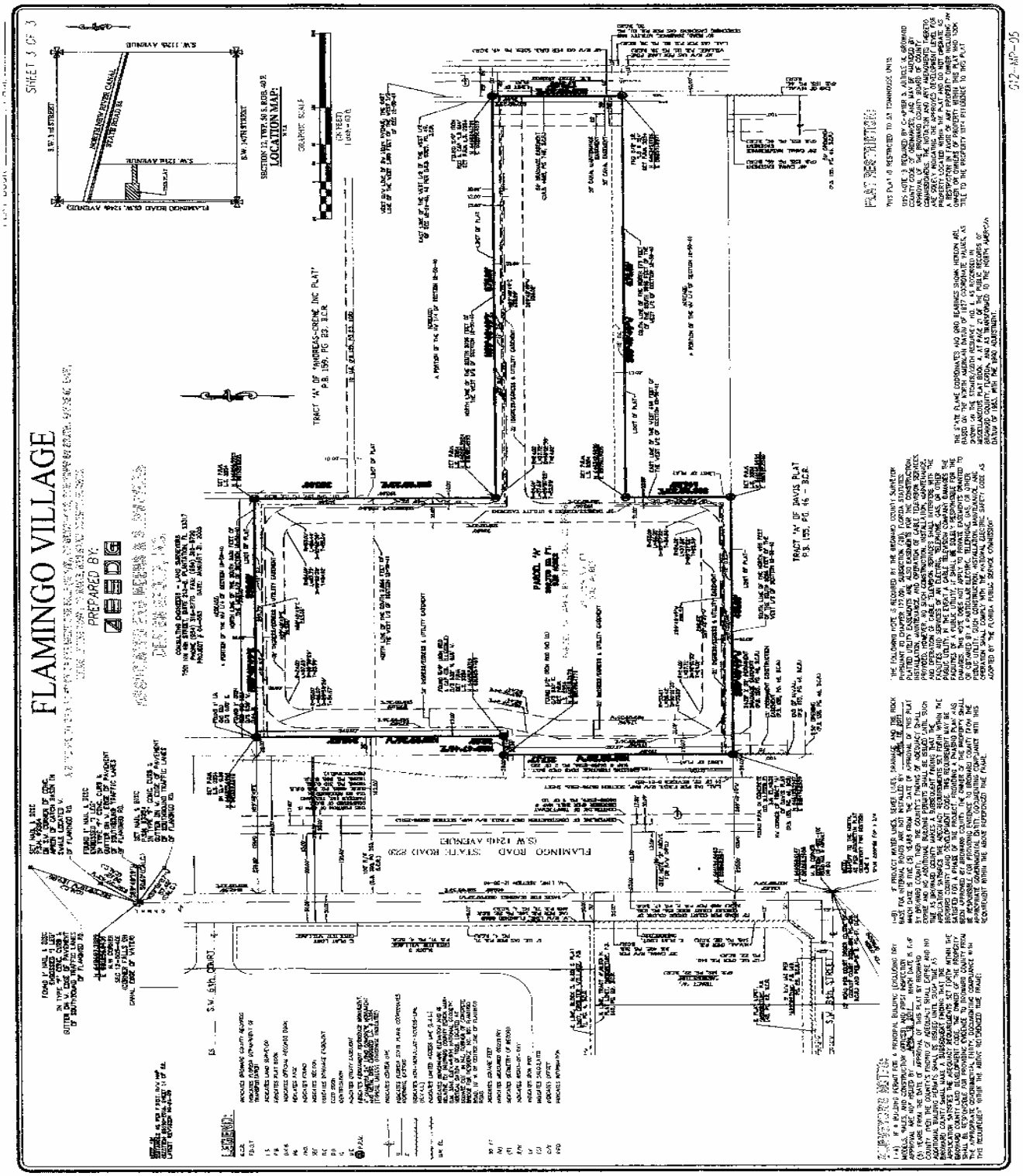


Exhibit (*Legal Description*)

LEGAL DESCRIPTION OF FLAMINGO VILLAGE PLAT:

THE NORTH 165 FEET OF THE SOUTH 3431.00 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, EXCEPTING THEREFROM THE WEST 100 FEET THEREOF PREVIOUSLY DEEDED TO BROWARD COUNTY FOR ROAD PURPOSES.

LESS AND EXCEPT:
PARCEL No. 154 CONVEYED TO THE STATE OF FLORIDA FOR THE USE AND BENEFIT OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY DEED RECORDED IN OFFICIAL RECORD BOOK 16298, PAGE 968, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTH 165 FEET OF THE SOUTH 3431 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER NORTH 89°47'40" EAST, A DISTANCE OF 30.60 FEET; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 629.26 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 69.39 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY EXISTING RIGTH-OF-WAY LINE FOR FLAMINGO ROAD (S.R. 823) NORTH 00°08'33" WEST, A DISTANCE OF 165.00 FEET; THENCE NORTH 89°48'49" EAST, A DISTANCE OF 122.00 FEET (AS PER DEED), 122.90 FEET (AS PER ANALYSIS OF DEED BY SURVEYOR) TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, WITH A CHORD BEARING OF SOUTH 05°23'28" WEST AND A RADIUS OF 971.00 FEET; THENCE PROCEED SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'32" AND ARC DISTANCE OF 160.30 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING CHORD BEARING OF SOUTH 09°57'40" WEST AND A RADIUS OF 1,029.00 FEET; THENCE PROCEED SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°19'08" AND ARC DISTANCE OF 5.73 FEET TO ITS END-POINT; THENCE SOUTH 89°48'49" WEST, A DISTANCE OF 106.46 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

ALSO LESS AND EXCEPT:
THAT PART OF THE NORTH 165 FEET OF THE SOUTH 3431 FEET OF THE WEST 600 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER NORTH 89°47'46" EAST, A DISTANCE OF 30.60 FEET; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 629.35 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 175.85 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE EASTERLY, WITH A CHORD BEARING OF NORTH 09°57'40" EAST AND A RADIUS OF 1,029.00 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE TROUGH A CENTRAL ANGLE OF 00°19'08" AND ARC DISTANCE OF 5.73 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING A CHORD BEARING OF NORTH 05°23'28" EAST AND A RADIUS OF 971.00 FEET; THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'32" AND ARC DISTANCE OF 160.30 FEET TO ITS ENDPOINT;THENCE NORTH 89°48'49" EAST, A DISTANCE OF 39.10 FEET; THENCE SOUTH 00°08'33" EAST, A DISTANCE OF 165.00 FEET; THENCE SOUTH 89°48'49" WEST, A DISTANCE OF 55.54 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE NORTH 247.5 FEET OF THE NORTH 495 FEET OF THE SOUTH 3266 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, EXCEPTING THEREFROM THE WEST 100 FEET THEREOF PREVIOUSLY DEEDED TO BROWARD COUNTY FOR ROAD PURPOSES.

LESS AND EXCEPT:
PARCEL No. 153 DESCRIBED IN FINAL JUDGMENT IN CASE No. 90-10867-12 RECORDED IN OFFICIAL RECORDS BOOK 18586, PAGE 310, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTH 247.5 FEET OF THE SOUTH 3266 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER OF SAID SECTION 12 NORTH 89°47'46" EAST, A

DISTANCE OF 30.60 FEET; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 381.76 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 69.39 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY EXISTING RIGTH-OF-WAY LINE FOR FLAMINGO ROAD (S.R. 823) NORTH 00°08'33" WEST, A DISTANCE OF 247.50 FEET; THENCE NORTH 89°48'49" EAST, A DISTANCE OF 106.46 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE EASTERLY WITH A CHORD BEARING OF SOUTH 04°49'46" WEST AND HAVING A RADIUS OF 1029.00 FEET; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°56'59" AND ARC DISTANCE OF 178.50 FEET TO THE END OF SAID CURVE; THENCE SOUTH (DEED INFORMATION NOT LEGIBLE) SOUTH 00°08'33" EAST (AS PER ANALYSIS OF DEED BY SURVEYOR) A DISTANCE OF (DEED INFORMATION NOT LEGIBLE) 69.82 FEET (AS PER ANALYSIS OF DEED BY SURVEYOR); THENCE SOUTH 89°48'49" WEST, A DISTANCE OF 91.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

ALSO LESS AND EXCEPT:
THAT PART OF THE NORTH 247.51 FEET OF THE SOUTH 3266 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER PROCEED NORTH 89°47'46" EAST, A DISTANCE OF 30.60 FEET; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 381.83 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 160.39 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 69.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A CHORD BEARING OF NORTH 04°49'46" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 1029.00 FEET THROUGH AN ANGLE OF 09°56'39", AN ARC DISTANCE OF 178.59 FEET TO THE END OF SAID CURVE; THENCE NORTH 89°48'49" EAST, A DISTANCE OF 55.34 FEET; THENCE SOUTH 00°08'33" EAST, A DISTANCE OF 177.74 FEET; THENCE SOUTH 89°51'27" WEST, A DISTANCE OF 32.00 FEET; THENCE SOUTH 00°08'33" EAST, A DISTANCE OF 69.79 FEET; THENCE SOUTH 89°48'49" WEST, A DISTANCE OF 39.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE SOUTH 247.5 FEET OF THE NORTH 495 FEET OF THE SOUTH 3266 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP

50 SOUTH, RANGE 40 EAST, EXCEPTING THEREFROM THE WEST 100 FEET THEREOF PREVIOUSLY DEEDED TO BROWARD COUNTY FOR ROAD PURPOSES.

LESS AND EXCEPT:
PARCEL No. 152 DESCRIBED IN FINAL JUDGMENT IN CASE No. 90-10867012 RECORDED IN OFFICIAL RECORDS BOOK 18586, PAGE 310, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE EAST 91 FEET OF THE WEST 191 FEET OF THE NORTH 247.50 FEET OF THE SOUTH 3018.50 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 12 NORTH 89°47'46" EAST, A DISTANCE OF 30.60 FEET; THENCE NORTH 00 °08'33" WEST, A DISTANCE OF 134.26 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 69.39 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 247.50 FEET; THENCE NORTH 89°48'49" EAST, A DISTANCE OF 91.00 FEET; THENCE SOUTH 00°08'33" EAST, A DISTANCE OF 247.50 FEET; THENCE SOUTH 89°48'49" WEST, A DISTANCE OF 91.00 FEET TO THE POINT BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

ALSO LESS AND EXCEPT:
THE PART OF THE EAST 39 FEET OF THE WEST 230 FEET OF THE NORTH 247.50 FEET OF THE SOUTH 3018.50 FEET OF THE WEST 660 FEET OF THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, IN BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER NORTH, 89°47'46" EAST, A DISTANCE OF 30.60 FEET; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 134.33 FEET; THENCE NORTH 89°51'27" EAST, A DISTANCE OF 160.30 FEET TO THE POINT OF BEGINNIS FOLLOWS2NG; THENCE NORTH 00°08'33" WEST, A DISTANCE OF 247.50 FEET; THENCE NORTH 89°48'49" EAST, A DISTANCE OF 39.00 FEET; THENCE SOUTH 00°08'33" EAST, A DISTANCE OF 247.50 FEET; THENCE

SOUTH 89°48'49" WEST, A DISTANCE OF 39.00 FEET TO THE POINT BEGINNING.

TOGETHER WITH:

THE NORTH (N) 179 FEET OF THE SOUTH 3,096 FEET OF THE EAST (E) 670 FEET OF THE WEST (W) 1,330 FEET OF THE WEST (W) HALF OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, SUBJECT TO A DRAINAGE EASEMENT OVER THE EAST 50 FEET THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 4605, AT PAGE 745 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ALL SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, CONTAINING 392,759 SQUARE FEET OR 9.02 ACRES.

Exhibit *(Future Land Use Plan Map)*

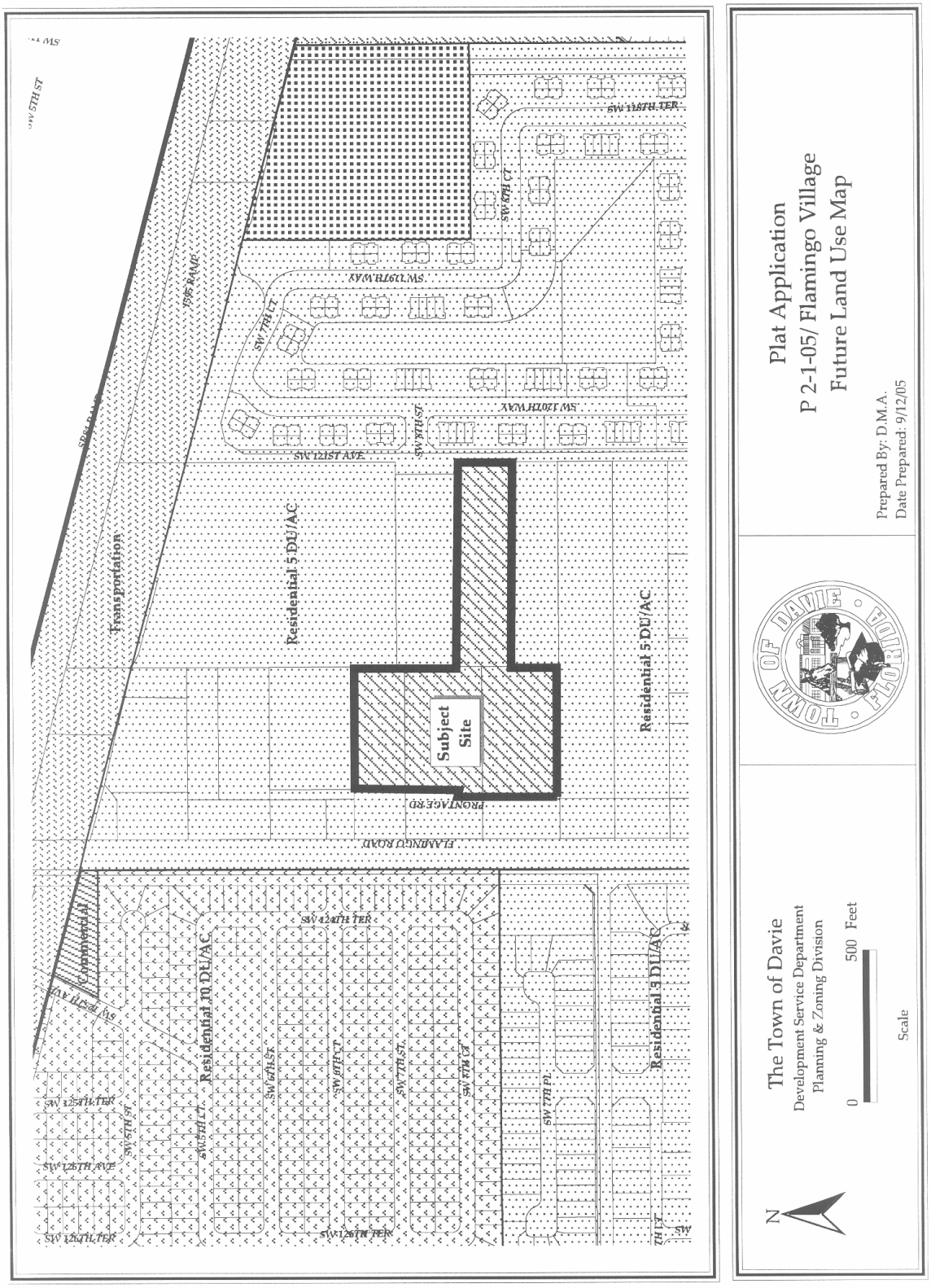
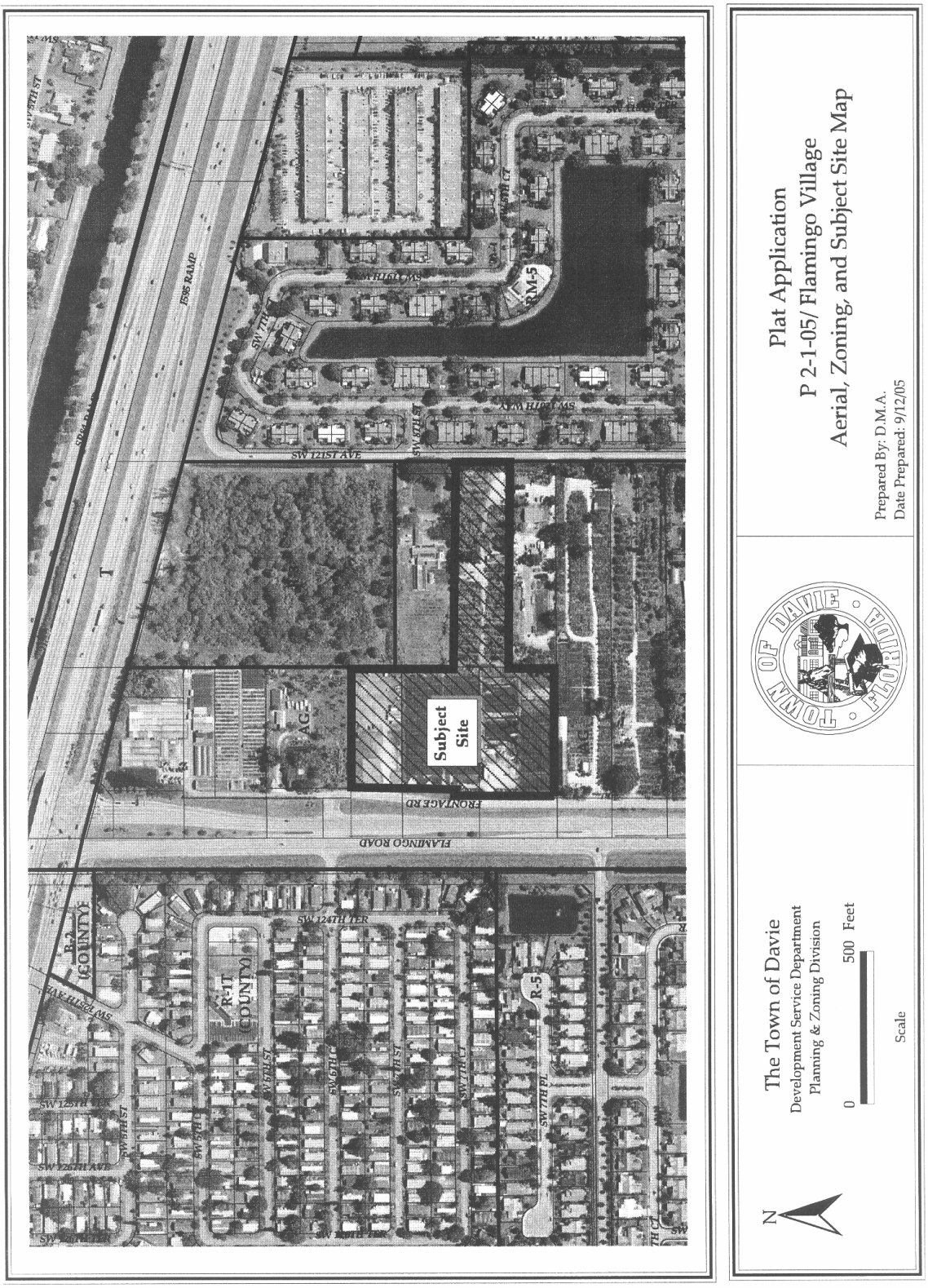


Exhibit ***(Aerial, Zoning, and Subject Map)***



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: Plat Application; P 6-2-04/04-361/Davie Estates/Generally located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:
A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DAVIE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:
The petitioner requests approval of the plat known as the "Davie Estates." The propose plat consists of 30.02 acres (1,307,671 sq. ft.) and is restricted to nineteen (19) single-family detached residential units. Proposed vehicular accesses are centrally located along the eastern and western boundary lines. NVALs (non-vehicular access lines) are not required for Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues are local roads.

The proposed "Davie Estates" plat is required since the petitioner desires to develop nineteen (19) single-family builder acre lots on the subject site. This proposed plat is consistent with the Comprehensive Plan and the Land Development Code as it relates to lot size, width, depth, and intent. The proposed single-family custom home community is considered compatible with both existing and allowable uses on and adjacent to this property.

PREVIOUS ACTIONS: n/a

CONCURRENCES:
At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve with the stipulation that on SW 58th Avenue, there be an emergency access only. **(Motion carried 3-0, Chair Bender and Mr. Stevens)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. **Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.**
2. **Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.**
3. **Contingent upon approval of the following development applications:**
    a. ***Site Plan Application (SP 6-9-04), Davie Estates***

Attachment(s): Resolution, Staff Report, and Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DAVIE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Davie Estates" was considered by the Town of Davie Planning and Zoning Board on February 14, 2007;

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

SECTION 1. The plat known as the "Davie Estates" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Attachment "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. 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 "A"
Application: P 6-2-04/04-361/Davie Estates
Original Report Date: 11/14/06 **Revision(s):** 1/10/07, 2/5/07

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner:

Name: **Gary G. Bloom**
G.G.B. Engineering, Inc.
Address: **3109 Stirling Road, Suite 201**
City: **Fort Lauderdale, Florida 33312**
Phone: (954) 986-9899

Owner:

Name: **Ron Davidson**
Davie Estates 2004, L.L.C.
Address: **1550 Northeast Miami Gardens Drive**
City: **North Miami Beach, Florida 33179**
Phone: (954) 646-6909

Background Information

Application Request: Approval of the plat known as the "Davie Estates"

Address: Folio Numbers: 504135020080, 504135020090, and 504135020100

Location: Generally located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road.

Future Land

Use Plan Map: Residential 1 DU/AC

Zoning: R-1, Estate Dwelling District

Existing Use(s): Vacant Parcels

Parcel Size: 30.02 Acres (1,307,671 sq. ft.)

Proposed Use(s): Nineteen (19) Single-Family Builder Acre Lots

Surrounding Use(s):		**Surrounding Land Use Plan Map Designation(s):**
North:	Single-Family Dwellings	Residential 1 DU/AC
South:	Single-Family Dwellings, Vacant Parcels	Residential 1 DU/AC
East:	Plant Nursery, Vacant Parcels	Residential 1 DU/AC
West:	Single-Family Dwellings, Adult Care Facility,	Residential 1 DU/AC

and Plant Nursery

Surrounding Zoning(s):

North: **R-1, Estate Dwelling District**
South: **A-1, Agricultural District**
East: **R-1, Estate Dwelling District**
West: **A-1, Agricultural District, R-2, Low Dwelling District, and CF, Community Facility District**

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.

Previous Request(s) on same property: **n/a**

Concurrent Request(s) on same property:
***Master Site Plan Application* (MSP 6-9-04), the petitioner requests master site plan approval for application MSP 6-9-04 consisting of nineteen (19) single-family builder acre lots.**

Application Details

The applicant's SUBMISSION indicates the following:

1. ***Site:*** **The subject site consists of 30.02 Acres (1,307,671 sq. ft.).**

2. ***Restrictive Note:*** **The proposed plat is restricted to nineteen (19) single-family detached residential units.**

3. ***Access:*** **The proposed vehicular accesses are centrally located along the eastern and western boundary lines. NVALs (non-vehicular access lines) are not required for Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues are local roads.**

4. ***Trails:*** **No recreational and equestrian trails are on or adjacent to the proposed plat.**

5. ***Easements and Reservation:*** **The following easements are proposed by this plat:**
   a. **Twenty (20) foot drainage and canal easement along the eastern plot line, parallel to Southwest 58th Avenue.**
   b. **Twenty (20) foot drainage easement between residential lots.**
   c. **Sixty (60) foot ingress/egress easement centrally located at the western boundary line.**

d. **Eighty (80) foot ingress/egress easement centrally located at the eastern boundary line.**
e. **Twenty (20) foot lake maintenance easement along the perimeter of the proposed 6.19 acre lake.**
f. **Ten (10) foot utility easement along front of portion of the residential lots.**

6. ***Dedications:*** **The following dedications are proposed by this plat:**
   a. **Fifty (50) foot public right-of-way (as per code) along the interior perimeter plot line.**
   b. **Thirty (30) foot right-of-way along the eastern plot line, parallel to Southwest 58th Avenue.**
   c. **Twenty-five (25) foot right-of-way along the western plot line, parallel to Southwest 61st Avenue.**

7. ***Drainage:*** **The plat lies within Central Broward Water Control District. Approval from Central Broward Water Control District shall be obtained prior to issuance of any site development permit.**

8. ***Local Road Concurrency:*** **As required in the Land Development Code, Section 12-323, Adopted Level of Services, development activities shall not be approved unless there is sufficient available capacity to sustain the level of service for transportation systems as established in the Traffic Circulation Element of the Town Comprehensive Plan. This project will impact local roads (Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues) under jurisdictional control of the Town of Davie. All local roads immediate to the subject site shall be brought up acceptable levels of service.**

9. ***Compatibility:*** **The proposed nineteen (19) single-family custom home community is considered compatible with both existing and allowable uses on and adjacent to this property. The proposed residential use (Davie Estates) is consistent with the Town of Davie Comprehensive Plan and Land Development Code as it relates to access, location, and size.**

Applicable Codes and Ordinances

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

Article XII Subdivisions and Site Plans.

Land Development Code (Section 12-360(B)(1)) **platting requirements.**

Land Development Code (Section 12-366.1 (A) thru (D)) submission requirements for plats.

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: **The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.**

Land Development Code (Section 12-287) Conventional Single-Family Development Standards, (A) Minimum parcel requirements, Minimum lot area: 35,000 sq. ft., Minimum Lot Frontage/Width: 125 ft., Minimum Lot Depth: n/a, Minimum DU Floor Area: 2,400 sq. ft., Max building coverage: 25%; (B) Front building setbacks 30-40 ft., Side building setbacks 25 ft., Rear building setback 30 ft., and Maximum height 30 ft.

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 Use 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 17-3*: 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 represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning Division:

1. Per Article IX. Rural Lifestyle Regulations, remove "Private Road Right-of-Way" from all interior roadways.

Engineering Division:

1. The topographic survey shall show the east R/W line of S.W. 58th Avenue, the west R/W line of S.W. 61st Avenue and all existing structures within the road R/W. The submitted topographic survey does not show sufficient information regarding the existing road R/W lines, driveways, sidewalk, ground elevations where the round-a-bouts are proposed. The topographic survey must be revised and updated. **(This comment has not been addressed)**
2. Provide a minimum of 2 benchmarks with state plane coordinates for the proposed plat. **(This comment has not been addressed)**
3. Provide road right-of-way for the round-a-bouts on SW 58th Avenue and SW 61st Avenue. **(This comment has not been addressed)**

Staff Analysis

The proposed "Davie Estates" plat is required since the petitioner desires to develop nineteen (19) single-family builder acre lots on the subject site. This proposed plat is consistent with the Comprehensive Plan and the Land Development Code as it relates to lot size, width, depth, and intent.

Findings of Fact

Staff finds that the proposed "Davie Estates" plat is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The existing residential use may be considered compatible with existing and future uses along SW 58th Avenue and SW 61st Avenue.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

4. **Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.**
5. **Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.**
6. **Contingent upon approval of the following development applications:**
   a. ***Site Plan Application (SP 6-9-04), Davie Estates***

Planning and Zoning Board Recommendation

At the November 22, 2006 Planning and Zoning Board meeting, P 6-2-04/Davie Estates was tabled to the January 10, 2007 meeting. **(Motion carried 5-0)**

At the January 10, 2007 Planning and Zoning Board meeting, P 6-2-04/Davie Estates was tabled to the March 14, 2007 meeting. **(Motion carried 5-0)**

At the January 24, 2007 Planning and Zoning Board meeting, P 6-2-04/Davie Estates was reconsidered to the March 14, 2007 meeting. (Motion carried 3-0, Mr. McLaughlin & Mr. Stevens were absent)

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve with the stipulation that on SW 58th Avenue, there be an emergency access only. (Motion carried 3-0, Chair Bender and Mr. Stevens were absent)

Town Council Action

Exhibits

1. **Future Land Use Plan Map**
2. **Zoning and Aerial Map**

Prepared by: _____ **Reviewed by: _____**

File Location: P&Z\DavidAbramson\Applications\P_Plat\P_04\P6-2-04 Davie Estates

Exhibit 1 *(Future Land Use Plan Map)*

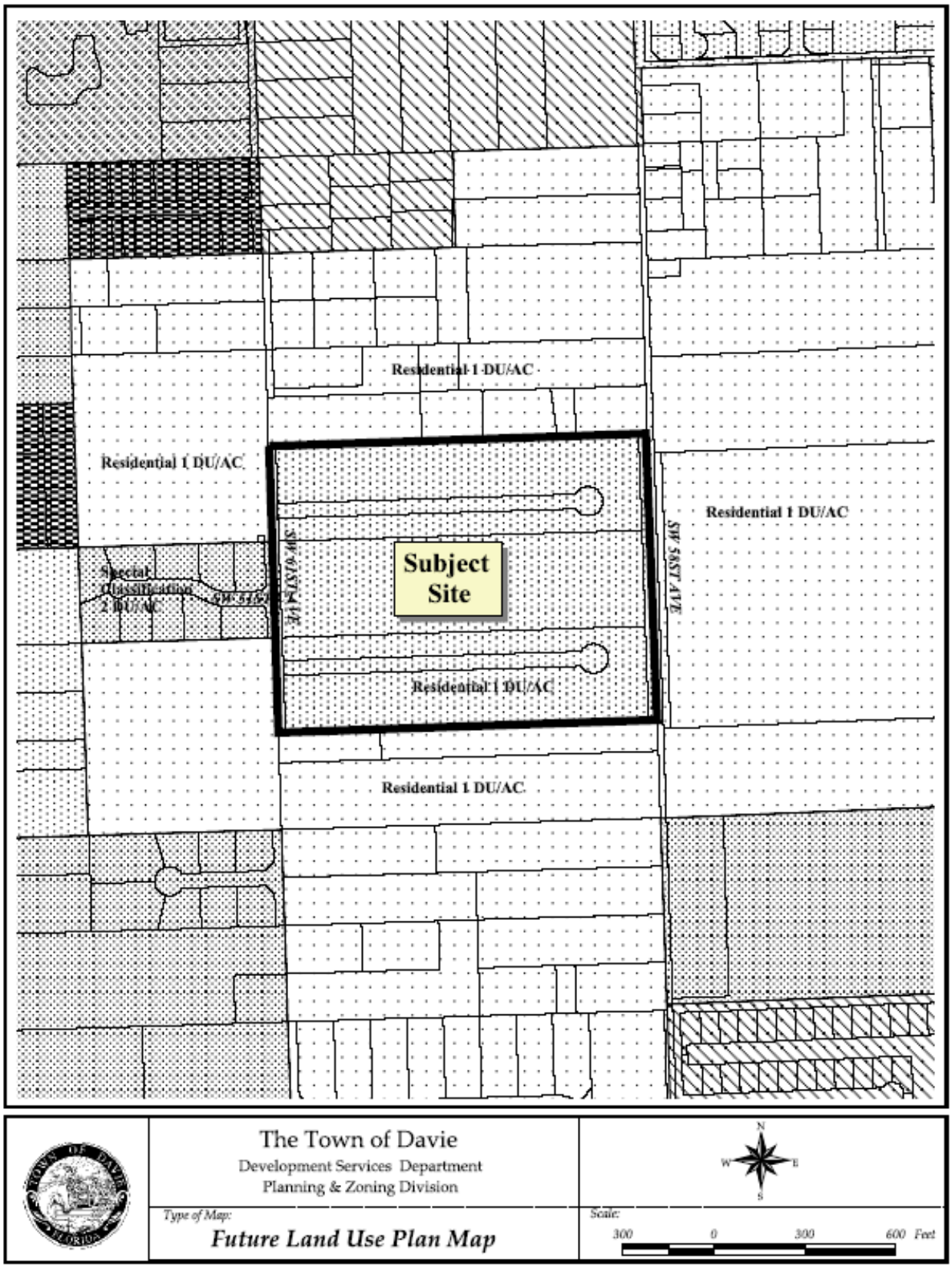


Exhibit 2 *(Aerial, Zoning, and Subject Map)*

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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: Master Site Plan Application; MSP 6-9-04/04-361/Davie Estates/Generally located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: MSP 6-9-04/04-361/Davie Estates

REPORT IN BRIEF:
The subject site is approximately 30.02 acres (1,307,671 sq. ft.) in size and is located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road. The petitioner is proposing a nineteen (19) custom single-family home development. The subject site is currently vacant and is zoned R-1, Estate Dwelling District with an underlying land use Residential 1 DU/AC, to the north is single-family dwellings zoned R-1, Estate Dwelling District, to the east and west are Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues, and to the south are single-family dwellings, as well as vacant parcels zoned A-1, Agricultural District.

The petitioner's site layout appears to be consistent with the design principles of Rural Lifestyle requirements. The streets within the development are 40-foot public right-of-way with seven (7) foot swales to accommodate street trees. Sidewalks are provided on the lot side of the interior streets. Pedestrian movement has been considered throughout this residential development with two access points to and from Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues right-of-way.

The petitioner proposes that all nineteen (19) lots be built with custom homes. All proposed models must be consistent with the anti-monotony principles required by the Rural Lifestyle Initiative (RLI). If the developer wishes to offer models instead of custom homes on these lots, the models must go before Site Plan Committee for approval.

The petitioner proposes vehicular access to the subject site via two (2) openings along eastern and western boundary lines off Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues respectively. The petitioner has agreed to construct roundabouts at both entrances of the subject site. After vehicular traffic enters the subject site, it may maneuver thru two-way drive isles, in a circular pattern along the perimeter boundary line. Four (4) landscaped medians, two (2) along the north and two (2) along the south boundary line, break up the continuous linear road as per code requirements.

Land Development Code requires thirty-nine (39) parking spaces based on number of lots/ future single-family dwelling units. The petitioner's proposed custom homes and driveways shall meet this requirement.

The petitioner's proposed single-family custom home residential development can be considered compatible with both existing and allowable uses on and adjacent to the property. Furthermore, the new residential lots should maintain the existing Town of Davie rural living environment.

PREVIOUS ACTIONS: n/a

CONCURRENCES:
At the November 21, 2006 Site Plan Committee meeting, Mr. Aucamp made a motion, seconded by Mr. Engel, to table this item until the following discrepancies could be resolved: 1) that the gazebo would be a gazebo and not a fountain; 2) to eliminate the entrance at SW 58 Avenue if possible, and if public safety agrees that it could be eliminated; 3) that the gazebo roof be made of cedar shakes, and if unable to be cedar shakes, then simulated cement tile wood shake and provide a color sample board; 4) that they would come back with a perimeter landscape design not only for SW 58th Avenue and the SW 61st Avenue entrance design, but the perimeter design for the wall and fence landscaping potentially with a berm as well as the lift station; 5) that the lift station be shielded with landscaping and look into obtaining a generator for the lift station; 6) note that there are no electronic gates for the entrance; 7) look at the north and south perimeters because the sections do not work; 8) remove sheet A-1; 9) check all of the lot widths that they should be a minimum of 125 feet; and 10) that the landscaping on the north and south property lines have an undulating pattern. **(Motion carried 5-0)**

At the January 23, 2007 Site Plan Committee meeting, Ms. Aitken made a motion, seconded by Vice-Chair Evans, to approve subject to the staff report except the part about the entrance on 58th Avenue; that there be one vehicular access on 61st Avenue and that there be an emergency access point on 58th Avenue to be composed of stabilized grass to replace the vehicular access and to be used for emergency vehicles only; the road right-of-way has to be reduced to 40-feet and maintain a buffer at ten-feet with no overlap; the developer will be required to have a continuous retaining wall as per the detail drawings, however, it will be required that they obtain a waiver of the rural lifestyle from Town Council to enable them to have a continuous wall; do a written summary report of their public participation meetings with backup including questions and responses before this goes to Council. **(Motion carried 4-0, Mr. Engel was absent)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Attachment(s): Staff Report and Master Site Plan

Exhibit "A"
Application: MSP 6-9-04/04-360/Davie Estates
Original Report Date: 11/14/06 **Revision(s):** 1/18/07, 2/16/07

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner:
Name: Gary G. Bloom
G.G.B. Engineering, Inc.
Address: 3109 Stirling Road, Suite 201
City: Fort Lauderdale, Florida 33312
Phone: (954) 986-9899

Owner:
Name: Ron Davidson
Davie Estates 2004, L.L.C.
Address: 1550 Northeast Miami Gardens Drive
City: North Miami Beach, Florida 33179
Phone: (954) 646-6909

Background Information

Application Request: The petitioner requests master site plan approval for a new single-family custom home residential development consisting of nineteen (19) builder acre lots.

Address: Folio Numbers: 504135020080, 504135020090, and 504135020100

Location: Generally located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road.

Future Land

Use Plan Map: Residential 1 DU/AC

Zoning: R-1, Estate Dwelling District

Existing Use(s): Vacant Parcels

Parcel Size: 30.02 Acres (1,307,671 sq. ft.)

Proposed Use(s): Nineteen (19) Single-Family Builder Acre Lots

Proposed Density: 1.58 Dwelling Units/1 Acre (Totaling nineteen (19) builder acre lots)

Surrounding Use(s):		**Surrounding Land Use Plan Map Designation(s):**
North:	Single-Family Dwellings	Residential 1 DU/AC
South:	Single-Family Dwellings, Vacant Parcels	Residential 1 DU/AC

East:	Right-of-Way, Plant Nursery, Vacant Parcels	Residential 1 DU/AC
West:	Right-of-Way-Single-Family Dwellings, Adult Care Facility and Plant Nursery	Residential 1 DU/AC

Surrounding Zoning(s):

North:	R-1, Estate Dwelling District
South:	A-1, Agricultural District
East:	R-1, Estate Dwelling District
West:	A-1, Agricultural District, R-2, Low Dwelling District, and CF, Community Facility District

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.

Previous Request(s) on same property: n/a

Concurrent Request(s) on same property:
Plat Application (P 6-2-04), the petitioner requests plat approval for application P 6-2-04 consisting of lot specific plat consisting of nineteen (19) single-family builder acre lots.

Applicable Codes and Ordinances

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

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code, Article IX of the Land Development Code, Rural Lifestyle Regulations.

Land Development Code, §12-208 (A) (7), Requirements for off-street parking. Dwelling, single family, two (2) spaces for each dwelling unit.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

Land Development Code (Section 12-287) Conventional Single-Family Development Standards, (A) Minimum parcel requirements, Minimum lot area: 35,000 sq. ft., Minimum Lot Frontage/Width: 125 ft., Minimum Lot Depth: n/a, Minimum DU Floor Area: 2,400 sq. ft., Max building coverage: 25%; (B) Front building setbacks 30-40 ft., Side building setbacks 25 ft., Rear building setback 30 ft., and Maximum height 30 ft.

Land Development Code, (Section 12-33(L)(1)(a), Excavation Prohibited; Exception, It shall be unlawful to remove any material, including sand, gravel, rock or topsoil, from the premised except surplus not required for grading of the premise. Such surplus materials in excess of two hundred fifty (250) cubic yards may be removed from the premises only after the issuance of a special permit has been approved by the Town Council.

Land Development Code, (Section 12-373, Expiration of Site Plans, All site plans approved pursuant to this section shall expire twelve (12) months from the date of approval, which expiration shall

automatically occur without further notice to the applicant for whom said plan was approved unless a Town of Davie construction permit is secured and maintained pursuant to the approved site plan.

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

Application Details

The petitioner's submission indicates the following:

1. *Site:* The subject site is approximately 30.02 Acres (1,307,671 sq. ft.) in size and is located between Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues and south of Griffin Road. The petitioner is proposing a nineteen (19) custom single-family home development. The subject site is currently vacant and is zoned R-1, Estate Dwelling District with an underlying land use Residential 1 DU/AC, to the north is single-family dwellings zoned R-1, Estate Dwelling District, to the east and west are Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues, and to the south are single-family dwellings, as well as vacant parcels zoned A-1, Agricultural District.

   The petitioner's site layout appears to be consistent with the design principles of Rural Lifestyle requirements. The streets within the development are 40-foot public right-of-way with seven (7) foot swales to accommodate street trees. Sidewalks are provided on the lot side of the interior streets. Pedestrian movement has been considered throughout this residential development with two access points to and from Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues right-of-way.

2. *Architecture:* The petitioner proposes that all nineteen (19) lots be built with custom homes. All proposed models must be consistent with the anti-monotony principles required by the Rural Lifestyle Initiative (RLI). If the developer wishes to offer models instead of custom homes on these lots, the models must go before Site Plan Committee for approval.

3. *Access and Parking:* The petitioner proposes vehicular access to the subject site via two (2) openings along eastern and western boundary lines off Southwest 58th (Wilson Road) and 61st (Aries Road) Avenues respectively. The petitioner has agreed to construct roundabouts at both entrances of the subject site. After vehicular traffic enters the subject site, it may maneuver thru two-way drive isles, in a circular pattern along the perimeter boundary line. Four (4) landscaped medians, two (2) along the north and two (2) along the south boundary line, break up the continuous linear road as per code requirements.

   Land Development Code requires thirty-nine (39) parking spaces based on number of lots/ future single-family dwelling units. The petitioner's proposed custom homes and driveways shall meet this requirement.

4. *Lighting:* The petitioner's proposed lighting fixtures within the residential development utilize the approved fixtures for the Griffin Corridor District consistent with the Rural Lifestyle Initiative. The lighting design meets Land Development Code requirements with maximum foot-candles of .5 at property lines.

5. *Signage:* The petitioner is proposing two (2) circular freestanding structures at both access points on the subject site. However, the actual signage (verbiage) is not part of this master site plan application. All signs shall meet code prior to the issuance of a building permit, unless Town Council subsequently approves a variance application.

6. *Landscaping:* The petitioner's site plan meets the minimum requirements as indicated in the Town of Davie, Land Development Code, and R-1, Estate Dwelling District. The landscape plan indicates that Live Oaks, Tabebuias, Plumbagos, Green and Silver Buttonwoods, Gumbo Limbos, and Cocoplum Hedges shall be provided along the perimeter and along rights-of-way of the subject site. All plant materials within the required twenty-five (25) by twenty-five (25) foot site triangle are a maximum of thirty-six (36) inches in height. Furthermore, all trees on site are maintaining a minimum of 15' from light poles.

7. *Drainage:* The petitioner is proposed a 6.19-acre lake in the center of the subject site. Additionally, between the residential lots is a proposed twenty (20) foot drainage easement. It is important to note that the subject site lies within Central Broward Drainage District. Approval from Central Broward Drainage District shall be obtained prior to final Planning and Zoning Divisions signing off of site plans and the issuance of any site development permit.

8. *Trails:* No recreational and equestrian trails are on or adjacent to the proposed master site plan.

9. *Flexibility Rule:* The petitioner is not proposing to utilize the Flexibility Rule in accordance with this master site plan application.

10. *Waiver Request(s):* The petitioner is not requesting any waivers in accordance with this master site plan application.

11. *Compatibility:* The petitioner's propose single-family custom home residential development can be considered compatible with both existing and allowable uses on and adjacent to the property. Furthermore, the new residential lots should maintain the existing Town of Davie rural living environment.

Significant Development Review Agency Comments

The 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.

Planning and Zoning Division:

1. This development application requires Central Broward Water Control District (CBWCD) approval prior to a scheduled Town Council Meeting. The petitioner may proceed with this application provided that a letter of acknowledgement, indicating the petitioner and owner have been informed by staff that this item may be tabled by Town of Davie Council without the proper CBWCD approval. ***(This comment has not been address)***
2. As per § 12-286 (B) (3) Walls shall not exceed maximum 3' in height. Therefore, reduce the height of the proposed main entrance walls. ***(This comment has not been address)***

Engineering Division:

1. The proposed driveway entrance of Davie Estates to S.W. 58th Avenue must be in alignment with the proposed driveway entrance of Silverado Ranches, located on the east side of S.W. 58th Avenue.
   a) Move the pedestrian sidewalk crossing the median at the entrance on SW 58th and 61st Avenue to allow one vehicle length between stop bar and sidewalk. ***(This comment has not been address)***
   b) The round-about design shall be reviewed by a certified round-about specialist. ***(This comment has not been address)***

Staff Analysis

The petitioner's site design meets the intent of the R-1, Estate Dwelling District. The propose master site plan is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

Findings of Fact

Staff finds that the master site plan complies with the general purpose and intent of the R-1, Estate Dwelling District. Furthermore, the master site plan is in conformance with all applicable Codes and Ordinances in terms of site design, circulation, setbacks and buffering, and parking requirements. The proposed master site plan can be considered compatible with the surrounding uses and properties.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. The following recommendations are requested to be met prior to final site plan approval:

1. Staff recommends providing decorative (i.e. pavers) at "all" internal sidewalk crossings (i.e. entrance to the residential development).
2. Contingent upon approval of the following development applications:
   a. Plat Application (P 6-2-04), Davie Estates
3. Homeowner Association (HOA) document shall be submitted and recorded prior to the issuance of the first C.O. A draft of the HOA documents shall be submitted prior to Town Council approval.
4. Provide the required 10' landscape buffer along northern and southern boundary outside of proposed public right-of-way

Site Plan Committee Recommendation

At the November 21, 2006 Site Plan Committee meeting, Mr. Aucamp made a motion, seconded by Mr. Engel, to table this item until the following discrepancies could be resolved: 1) that the gazebo would be a gazebo and not a fountain; 2) to eliminate the entrance at SW 58 Avenue if possible, and if public safety agrees that it could be eliminated; 3) that the gazebo roof be made of cedar shakes, and if unable to be cedar shakes, then simulated cement tile wood shake and provide a color sample board; 4) that they would come back with a perimeter landscape design not only for SW 58th Avenue and the SW 61st Avenue entrance design, but the perimeter design for the wall and fence landscaping potentially with a berm as well as the lift station; 5) that the lift station be shielded with landscaping and look into obtaining a generator for the lift station; 6) note that there are no electronic gates for the entrance; 7) look at the north and south perimeters because the sections do not work; 8) remove sheet A-1; 9) check all of the lot widths that they should be a minimum of 125 feet; and 10) that the landscaping on the north and south property lines have an undulating pattern. **(Motion carried 5-0)**

At the January 23, 2007 Site Plan Committee meeting, Ms. Aitken made a motion, seconded by Vice-Chair Evans, to approve subject to the staff report except the part about the entrance on 58th Avenue; that there be one vehicular access on 61st Avenue and that there be an emergency access point on 58th Avenue to be composed of stabilized grass to replace the vehicular access and to be used for emergency vehicles only; the road right-of-way has to be reduced to 40-feet and maintain a buffer at ten-feet with no overlap; the developer will be required to have a continuous retaining wall as per the detail drawings, however, it will be required that they obtain a waiver of the rural lifestyle from Town Council to enable them to have a continuous wall; do a written summary report of their public participation meetings with backup including questions and responses before this goes to Council. **(Motion carried 4-0, Mr. Engel was absent)**

Town Council Action

Exhibits

1. Public Participation Notice
2. 1,000 ft Radius Mail-out Map
3. 1,000 ft Radius Mail-out List
4. Public Participation Sign-in Sheets
5. Public Participation Summaries
6. Future Land Use Plan Map
7. Aerial, Zoning, and Subject Site Map

Prepared by: _____ Reviewed by: _____

File Location: P&Z\David Abramson\Applications\MSP_Master Site Plan\MSP_04\MSP 6-9-04 Davie Estates

Exhibit 1 (*Public Participation Notice*)

DAVIE ESTATES 2004, LLC.

December 1, 2006

To:

Subject: Davie Estates – A proposed 19 Luxury Builders Acre homes, off SW 58th and SW 61st Avenue, between Stirling and Griffin roads

Dear Neighbor,

We are holding two public participation meetings on December14, 2006 and another on December 21, 2006 between 6:00 and 8:00 PM to receive public input into the planning and development of our proposed Davie Estates project (Subject above). Both meetings will be held within the Community Room at the Town Of Davie City Hall at 6591 Orange Drive, Davie, Florida.33314.

We look forward to receive your input and comments.

Sincerely,

Izhak Orgad
Developer-Davie Estates 2004, LLC.

1550 NE MIAMIGARDENS DRIVE, SUITE 200'
NORTH MIAMI BEACH, FL 33179
TEL.: 305-947-1710
FAX 305-947-1765

DAVIE ESTATES 2004, LLC.

December 1, 2006

To:

RODRIGUEZ,CHRISTINA G
4640 SW 64 AVE
DAVIE FL 33314-4427

Subject: Davie Estates – A proposed 19 Luxury Builders Acre homes, off SW 58th and SW 61st Avenue, between Stirling and Griffin roads

Dear Neighbor,

We are holding two public participation meetings on December14, 2006 and another on December 21, 2006 between 6:00 and 8:00 PM to receive public input into the planning and development of our proposed Davie Estates project (Subject above). Both meetings will be held within the Community Room at the Town Of Davie City Hall at 6591 Orange Drive, Davie, Florida.33314.

We look forward to receive your input and comments.

Sincerely,

Izhak Orgad
Developer-Davie Estates 2004, LLC.

1550 NE MIAMIGARDENS DRIVE, SUITE 200
NORTH MIAMI BEACH, FL 33179
TEL.: 305-947-1710
FAX 305-947-1765

Exhibit 2 (*1,000 foot Radius Mail-out Map)*

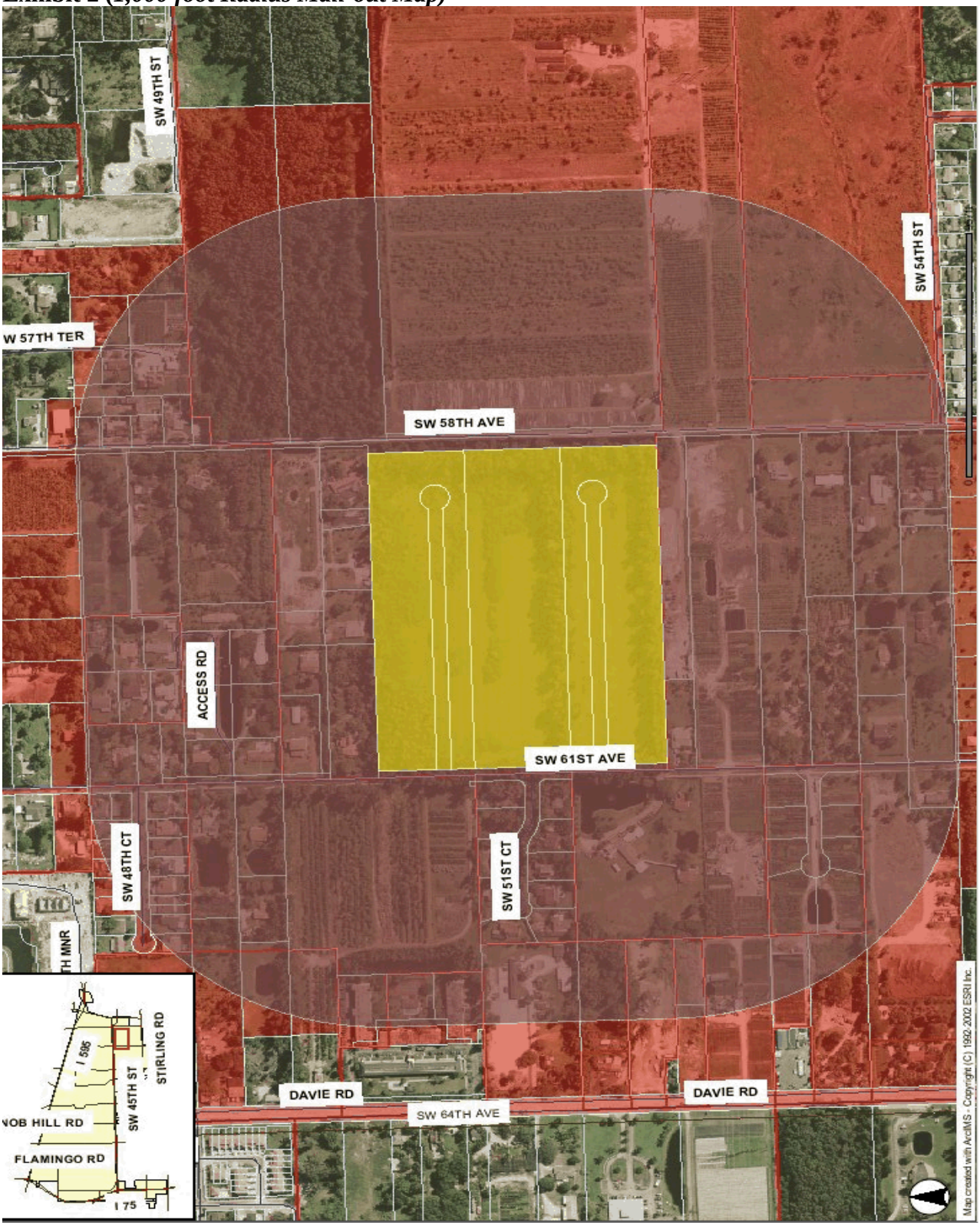

Exhibit 3 (*1,000 foot Radius Mail-out List*)

NAME	ADDRESS
4850 MANAGEMENT INC	4840 Sw 58 AVE
57 TERS MANAGEMENT INC	4840 SW 58 AVE
58 AV MANAGEMENT INC	4840 Sw 58 AVE
ADAURO MARY LOU 1/2 NT	4944 SW 61ST AVE
ADLER ROBIN DIANE	6182 SW 48TH CT
ADRIAN,BRENT &	5600 sw 48 ST
ALARCON ELVIA R	6161 SW 51ST CT
ALBURYJAMES H & DEBORAH	4820 SW 59 TER
AMCHIR ROBERT & DONNA M	4960 SW 61ST AVE
AST,ALAN & JOAN T	6180 SW 51ST CT
BERNARD,MAURICE 1/2 INT	5053 SW 58 AVE
BOYETTE,MARTHA	4930 SW 61 AVE
BUSETTI NOVELLA	P0 BOX 6632
CAIVEAU,STEPHANE	4810 SW 57 TER
CALKINS,CRAIG S & TAMMY L	4821 SW 59 TER
CICCHELLA,LEE &	5390 SW 61 AVE
CIEDI,OSVALDO	5400 DAVIE RD
COBO,RALPH A & RUTH E	8940 Sw 59 ST
COONEY TERENCE E 1/2 NT	4931 SW 61ST AVE
CUENCA,EDGARD H	4900 SW 61 AVE
DEBELLAS,JOSEPH REV TR	6051 N. OCEAN DRIVE #1004
DEBOER PIEDAD & TJEERD	6120 SW 51ST CT
DUCANIS JOSEPH T JR &	5949 SW 54 CT
ELWELL EDWIN C & ANNA G	1104 NW I ST STREET
ELWELL EDWIN C & ANNA G	5455 SW 58TH AVE
ETON COUNTRYSIDE COND ASSOCIATION	5090 SW 64th Ave. Apt 304
FERRANTI JAMES A	4821 SW 58 AVE
FIQUEROA ,DUVERILDO RAUL	5391 SW 58 AVE
FLA POWER & LIGHT CO	P0 BOX 14000
FLORIDA DRAVA INC	3300 SW 46 AVE
FONTANA,LEONARD M 1/2 INT EA	6121 SW 51 CT
FRANCO ANTONIA F	6117 SW 48 CT
FRONTIER VILLLAGE LLC	6181 Sw 51 CT
FULLER,STEVEN &	4875 Sw 57TH TER
GILL BROTHERS REALTY LLC	4900 sw 64TH AVE
GM LAND TRUST	9006 COLUMBIA AVE
GOLDBERG,ROBERT	6100 sw 51ST CT
GRAY,SEAN R & THERESE A	5411 SW 58 AVE
GRIFFIN,CYNTHIA R 1/2 INT	5394 SW 61ST AVE
GRIFFIN,HOWARD A SR &	5398 SW 61 AVE
GRIFFIN,REBECCA G	5396 SW 61ST AVE
GUZMAN JUAN	6180 sw 48TH CT
HAMMER HERITZGE ASTATES	P0 BOX 291915
HARKER,WAYNE 112 NT EA	4785 SW 61 AVE
HARRIS,DAVID M	4901 SW 61ST AVE
HARRISON,RODNEY B 1/2 INT	4865 SW 58TH AVE —
HOME DYNAMUCS STERLING RANCJ LLC	4788 W COMMERCIAL BLVD
HUMANN,PAUL H	4980 SW 61ST AVE
IMMERFALL,DAVID P 1/2 INT	5451 SW 61 AVE
JANIGIAN~PETER G	3937 HERON RIDGE LN
JIM,ANTONY H &	6021 SW 54 CT

NAME	ADDRESS	ADDRESS2
4850 MANAGEMENT INC	4840 Sw 58 AVE	DAVIE FL 33314
57 TERS MANAGEMENT INC	4840 SW 58 AVE	DAVIE FL 33314
58 AV MANAGEMENT INC	4840 Sw 58 AVE	DAVIE FL 33312
ADAURO MARY LOU 1/2 NT	4944 SW 61ST AVE	DAVIE FL 33314-4431
ADLER ROBIN DIANE	6182 SW 48TH CT	DAVIE FL 33314-4402
ADRIAN,BRENT &	5600 sw 48 ST	DAVIE FL 33314
ALARCON ELVIA R	6161 SW 51ST CT	DAVIE FL 33314-5201
ALBURYJAMES H & DEBORAH	4820 SW 59 TER	DAVIE FL 33314-4404
AMCHIR ROBERT & DONNA M	4960 SW 61ST AVE	DAVIE FL 33314-4431
AST,ALAN & JOAN T	6180 SW 51ST CT	DAVIE FL 33314-5210
BERNARD,MAURICE 1/2 INT	5053 SW 58 AVE	DAVIE FL 33314-5402
BOYETTE,MARTHA	4930 SW 61 AVE	DAVIE FL 33314-4431
BUSETTI NOVELLA	P0 BOX 6632	HOLLYWOOD FL 33081
CAIVEAU,STEPHANE	4810 SW 57 TER	DAVIE FL 33314-4526
CALKINS,CRAIG S & TAMMY L	4821 SW 59 TER	DAVIE FL 33314-4403
CICCHELLA,LEE &	5390 SW 61 AVE	DAVIE FL 33314-5307
CIEDI,OSVALDO	5400 DAVIE RD	DAVIE FL 33314-6004
COBO,RALPH A & RUTH E	8940 Sw 59 ST	MIAMI FL 33173
COONEY TERENCE E 1/2 NT	4931 SW 61ST AVE	DAVIE FL 33314-4411
CUENCA,EDGARD H	4900 SW 61 AVE	DAVIE EL 33314
DEBELLAS,JOSEPH REV TR	6051 N. OCEAN DRIVE #1004	HOLLYWOOD FL 33019
DEBOER PIEDAD & TJEERD	6120 SW 51ST CT	DAVIE FL 33314-5210
DUCANIS JOSEPH T JR &	5949 SW 54 CT	DAVIE FL 33314-4527
ELWELL EDWIN C & ANNA G	1104 NW I ST STREET	FT LAUDERDALE FL 33311
ELWELL EDWIN C & ANNA G	5455 SW 58TH AVE	DAVIE FL 33314-6623
ETON COUNTRYSIDE COND ASSOCIATION	5090 SW 64th Ave. Apt 304	DAVIE FL 33314-5219
FERRANTI JAMES A	4821 SW 58 AVE	DAVIE FL 33314-4531
FIQUEROA ,DUVERILDO RAUL	5391 SW 58 AVE	DAVIE FL 33314-6303
FLA POWER & LIGHT CO	P0 BOX 14000	JUNO BEACH FL 33408-0420
FLORIDA DRAVA INC	3300 SW 46 AVE	DAVIE FL 33314-2215
FONTANA,LEONARD M 1/2 INT EA	6121 SW 51 CT	DAVIE FL 33314-5201
FRANCO ANTONIA F	6117 SW 48 CT	DAVIE FL 33314-4401
FRONTIER VILLLAGE LLC	6181 Sw 51 CT	DAVIE FL 33314
FULLER,STEVEN &	4875 Sw 57TH TER	DAVIE FL 33314-4525
GILL BROTHERS REALTY LLC	4900 sw 64TH AVE	DAVIE FL 33314-5203
GM LAND TRUST	9006 COLUMBIA AVE	NORTH BERGEN NJ 07047
GOLDBERG,ROBERT	6100 sw 51ST CT	DAVIE FL 33314-5210
GRAY,SEAN R & THERESE A	5411 SW 58 AVE	DAVIE FL 33314-6623
GRIFFIN,CYNTHIA R 1/2 INT	5394 SW 61ST AVE	DAVIE FL 33314-5307
GRIFFIN,HOWARD A SR &	5398 SW 61 AVE	DAVIE FL 33314-5307
GRIFFIN,REBECCA G	5396 SW 61ST AVE	DAVIE FL 33314-5307
GUZMAN JUAN	6180 sw 48TH CT	DAVIE FL 33314-4402
HAMMER HERITZGE ASTATES	P0 BOX 291915	DAVIE , FL , 33329
HARKER,WAYNE 112 NT EA	4785 SW 61 AVE	DAVIE FL 33314
HARRIS,DAVID M	4901 SW 61ST AVE	DAVIE FL 33314-4411
HARRISON,RODNEY B 1/2 INT	4865 SW 58TH AVE —	DAVIE FL 33314-4531
HOME DYNAMUCS STERLING RANCJ LLC	4788 W COMMERCIAL BLVD	TAMARAC FL 33319
HUMANN,PAUL H	4980 SW 61ST AVE	DAVIE FL 33314-4431
IMMERFALL,DAVID P 1/2 INT	5451 SW 61 AVE	DAVIE FL 33314-6101
JANIGIAN~PETER G	3937 HERON RIDGE LN	DAVIE FL 33331
JIM,ANTONY H &	6021 SW 54 CT	DAVIE FL 33314
KAUCHER,WILLIAM G & CAROL J	4810 SW 59TH TER	DAVIE FL 33314-4404
LEWIS,STEPHEN J	9820 BONNIE VISTA PL	LA MESA CA 91941
LOHSE,JOHN H 1/2 INT EA	6160 SW 51ST CT	DAVIE FL 33314-5210
MARINEL SAY ESTATES LLC	1925 BRICKELL AVE D-506	MIAMI FL 33129-1 713
MATA,CARLOS A 1/2 NT	4950 SW 61 AVE	DAVIE FL 33314
MCCALL,RICHARD A JR	5925 Sw 54 CT	DAVIE FL 33314-6120
MCCLURE DARLENE	5051 SW 58TH AVE	DAVIE FL 33314-5402
MCGEE,JOSEPH D	4860 SW 61ST AVE	DAVIE FL 33314-4410
MENCONI,ROBERT L & MONICA L	4906 SW 61ST AVE	DAVIE FL 33314-4412
MORTELLARO ,MICHAEL P &	5973 SW 54 CT	DAVIE FL 33314
MORTELLARO,SANTO &	5997 SW 54 CT	DAVIE FL 33314
MUNIR,ALMAS	701 SW 27 AVE	FT LAUDERDALE FL 33312

MUNNILAL,PAUL & CYNTHIA	4810 SW 58 AVE	DAVIE FL 33314
MURCK,EDWARD &	4910 SW 61 AVE	DAVIE FL 33314-4412
MURPHY,MATTHEW M & CHRISTINA D	4800 SW 59TH TERRACE	DAVIE FL 33314-4404
NEICEN,MARGARET A 1/2 INT	4801 Sw 61 AVE	DAVIE FL 33314-4409
NELSON STEVEN	6100-6102 SW 48 CT	DAVIE FL 33314-4402
NOB HILL PARTNERS LLC	P0 BOX 02-9010	FT LAUDERDALE FL 33302-9010
NORSTRAND,LEIF L & HOLLIS C	4811 SW 59 TERR	DAVIE FL 33314-4403
OTTO,MICHELLE	330 1 AVE #1 IA	NEW YORK NY 10009
PAZ MONICA C1/2 INT EA	5380 SW 61 AVE	DAVIE FL 33314
PEARL,STEVEN 1/4 INT	5130 SW 64 AVE	DPIV'IE FL 33314-5207
PEEPLES,SHARON	6147 SW 48 CT	DAVIE FL 33314
POTVIN,MARIO J 12 INT	6101 SW 51 CT	DAVIE FL 33314-5201
RANKIN,JEFFEREY E 1/2 INT	4800 SW 61 AVE	DAVIE FL 33314-4410
RODRIGUEZ,CHRISTINA G	4640 SW 64 AVE	DAVIE FL 33314-4427
RODRIGUEZ,CHRISTINA G	1600 SW 131 TER	DAVIE FL 33325
RONAGHI,REBECCA A 1/2 INT	4720 SW 61 AVE —	DAVIE FL 33314-4408
ROWLEY,GERALD	4552 H}GHGATE DR	DELRAY BEACH FL 33445
RYNNING,DONALD & MARIA F	4941 SW 61ST AVE	DAVIE FL 33314-4411
SATTLER,CAROL J	4900 SW 58 AVE	DAVIE FL 33314-5401
SCHAEFER,HARRY E & CAROLYM	4940 SW 61ST AVE	DAVIE FL 33314-4431
SCHIPPER,LEO & BARBARA	6196 SW 48 CT	DAVIE FL 33314-4402
SCHIROEDER,ALA B & LESLIE M	5877 Sw 54 CT	DAVIE FL 33314-6108
SCHULTZ,DUANE H	4801 SW 59TH TER	DAVIE FL 33314-4403
SHELLEY,CAROL A	4801 SW 58TH AVE	DAVIE FL 33314-4531
SMITH,KENNETH J 1/2INT	4920 SW 61ST AVE	DAVIE FL 333 14-4431
TINDALL,MATTHEW D & STEPHANIE	5483 SW 60 AVE	DAVIE FL 33314
TOWN OF DAVIE	6591 ORANGE DRIVE	DAVIE FL 33314-3348
TROTTERS CHASE LLC	7600 RED RD SUITE 300	MIAMI FL 33143
TROTTERS CHASE LLC	6020 GRIFFIN ROAD	DAVIE FL 33314
VELASCO RICHARD M &	4830 SW 58 AVE	FORT LAUDERDALE FL 33314
WALTERS,RANDY & SIBYLLE	6140 SW 51 CT	DAVIE FL 33314-5210
WASZKOWSKI,DANIEL	5401 SW 58TH AVE	DAVIE FL 33314-6623
WESTBROOKSWILLIE C	6141 SW 51 CT	DAVIE FL 33314-5201
WIGGINSKENNETH & LILY M	6181 SW 51 CT	DAVIE FL 33314-5201
WILSON,VICTOR P &	6045 SW 54 CT	DAVIE FL 33314
WOLFER,SEAN	5200 SW 61 ST	DAVIE FL 33314
WOLFER SEAN A & AMY A	5200 SW 61 AVE	DAVIE FL 33314-5305
WOLOWITZ,BELINDA	P0 BOX 15693	PLANTATION FL 33318
WUTAO LING & YEN LING	5555 SW 61 AVE	DAVIE FL 33314-6102

DAVIE ESTATES 2004, LLC.

14-Dec-06

	NAME	ADDRESS	TEL #	E-mail
1	AST	6180 SW 51 Ct Davie	954-587 6472	
2	P. Humann	4980 SW 61 Ave	954-316 9054	paulhumann@mindspring.com
3				
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DAVIE ESTATES 2004, LLC.

21 14-Dec-06

	NAME	ADDRESS	TEL #	E-mail
1	TERRIE GRAY	5411 S.W. 58 AVE DAVIE	583-4824	TAG1ON@aol.com
2	Sean Gray	" "	"	GrayGaffer-1@AOL.com
3	Darlene McClure	5051 SW 58 AVE DAVIE	954-582-2324	dmcclure@traci.net
4	RICHARD LINTHICUM	" "	" "	
5	Tracy Edwards	4980 S.W. 61 AVE	—	—
6				
7				
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Exhibit 5 (*Public Participation Summaries*)

GGB Engineering, Inc.
3109 Stirling Road, Suite 201
Fort Lauderdale, Florida 33312
Ph: (954) 986-9899 • Fax (954) 986-6655
email:ggbeng@bellsouth.net

August 17, 2006

Mr. David M. Abramson, Planner
Town of Davie Development Services
6591 Orange drive
Davie, Florida 33314-3399

Subject: Davie Estates Site Plan
2004 SW 8th Street/SW 61st Avenue
SP 6-9-04 and P 6-2-04
GGB Project Number 03-0828

Dear David;

Please be advised that the developer of subject project has held (2), Two community public participation meetings regarding the site plan and plat for subject project as required by Davies's code. The public notices of the two meetings were mailed to all homes within the required radius of the project as provided by your office. Two public participation meetings were held on December 14, and 21, 2006 with the following feedback received:

December 14, 2006 public Participation Meeting

Two members of the public came to the meeting with the following input:

Mr. and Mrs. Ast- 6180 SW 51st Ct – 954-587-6472- "We like the project all around"
Mr. P. Humann- 4980 SW 61st Avenue- 954-316-9054 – "Very happy with lot sizes and project"

December 14, 2006 public Participation Meeting

Five members of the public came to the meeting with the following input:

Ms. Terrie Gray- 5411 SW 58th Avenue - 954-583-4824 - Likes fact that it is an open community".
Mr. Sean Gray-5411 SW 58th Avenue-954-583-4824 – "happy that it's only 19 homes"
Ms. Darlene McClure- 5051 SW 58th Ave – 954-587-2320- "liked the Roundabouts to slow traffic and the Gazebo in the center of the lake".
Mr. Richard Linthicum-5051 SW 58th Avenue-954-587-2320- "liked the Gazebo"
Mr. Troy Edwards-4980 SW 61st Avenue- No phone # left- "Liked the distribution of the site"

Attached please find a copy of the notices, addresses mailed to, comments, and the sign in sheets for the two public participation meetings. Please distribute to the Town Council for the upcoming plat and site plan meetings.

If you have any questions regarding our re-submission, please feel free to contact this office.

Sincerely yours:

Gary G. Bloom PE
President
GGB Engineering, Inc.
Enclosures

CIVIL AND FORENSIC ENGINEERS • LAND PLANNERS • CONSTRUCTION MANAGERS

Exhibit 6 (*Future Land Use Map*)

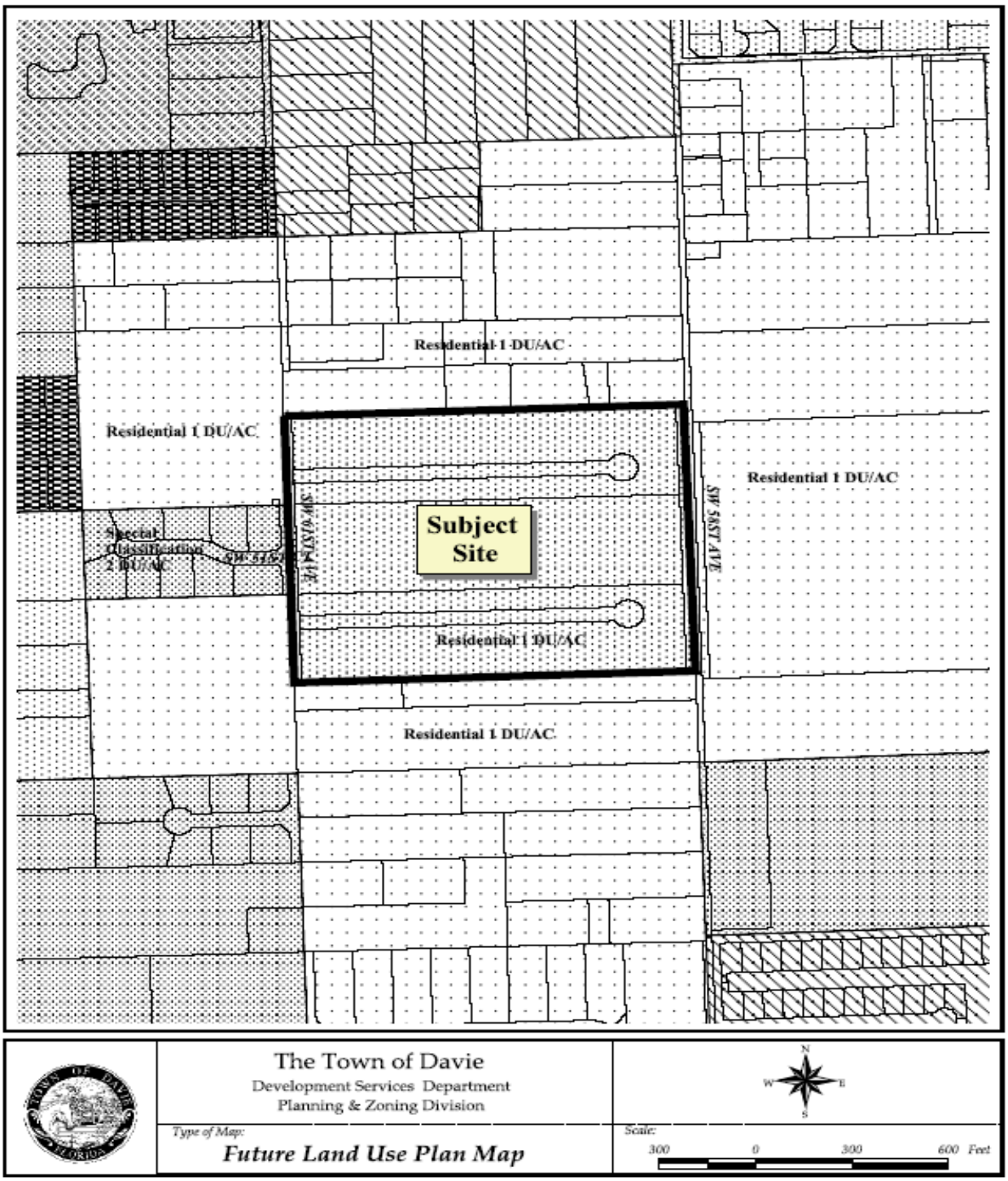

Exhibit 7 (*Aerial, Zoning, and Subject Site Map*)

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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/W iberly Haven/4631 ~~& 4701~~ Southwest 73rd Avenue/Generally located ~~1,140 fe~~ 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)

At the February 7, 2007 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the March 7, 2007 meeting. The petitioner stated that due to the Common's Land Use Amendment on the same agenda, and the client's representive being out of town the next meeting, they requested this development item to be tabled. (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.

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:		Petitioner:	
Name:	**Carlton Branker, Costoya, Goshen Properties**	Name:	**Frank 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)

At the February 7, 2007 Town Council meeting, per the petitioner's request, ZB 12-2-04 was tabled to the March 7, 2007 meeting. The petitioner stated that due to the Common's Land Use Amendment on the same agenda, and the client's representive being out of town the next meeting, they requested this development item to be tabled. (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.*

General Contracting • Design/Build • Construction Management
Consulting Engineers • Planners • Surveyors
5400 SOUTH UNIVERSITY DRIVE, SUITE 101 • DAVIE, FLORIDA 33328 • OFFICE 954-680-6533 • FAX 954-680-0323

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.

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

1177 SOUTHEAST THIRD AVENUE
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C. WILLIAM LAYSTROM, JR., P.A.
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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.

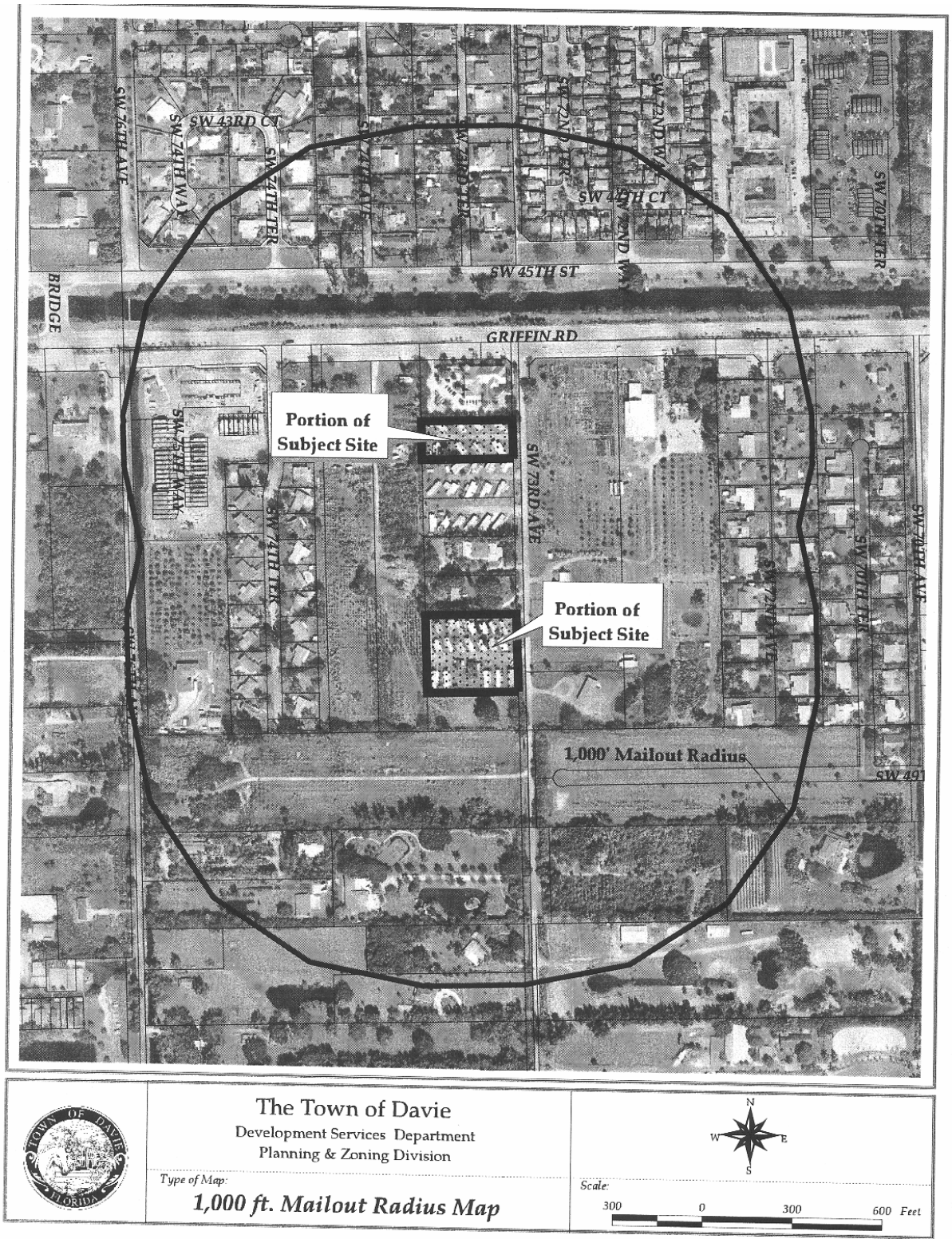
Sincerely,

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)***



The Town of Davie
Development Services Department
Planning & Zoning Division

Type of Map:
1,000 ft. Mailout Radius Map

N W E S

Scale:
300 0 300 600 *Feet*

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

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

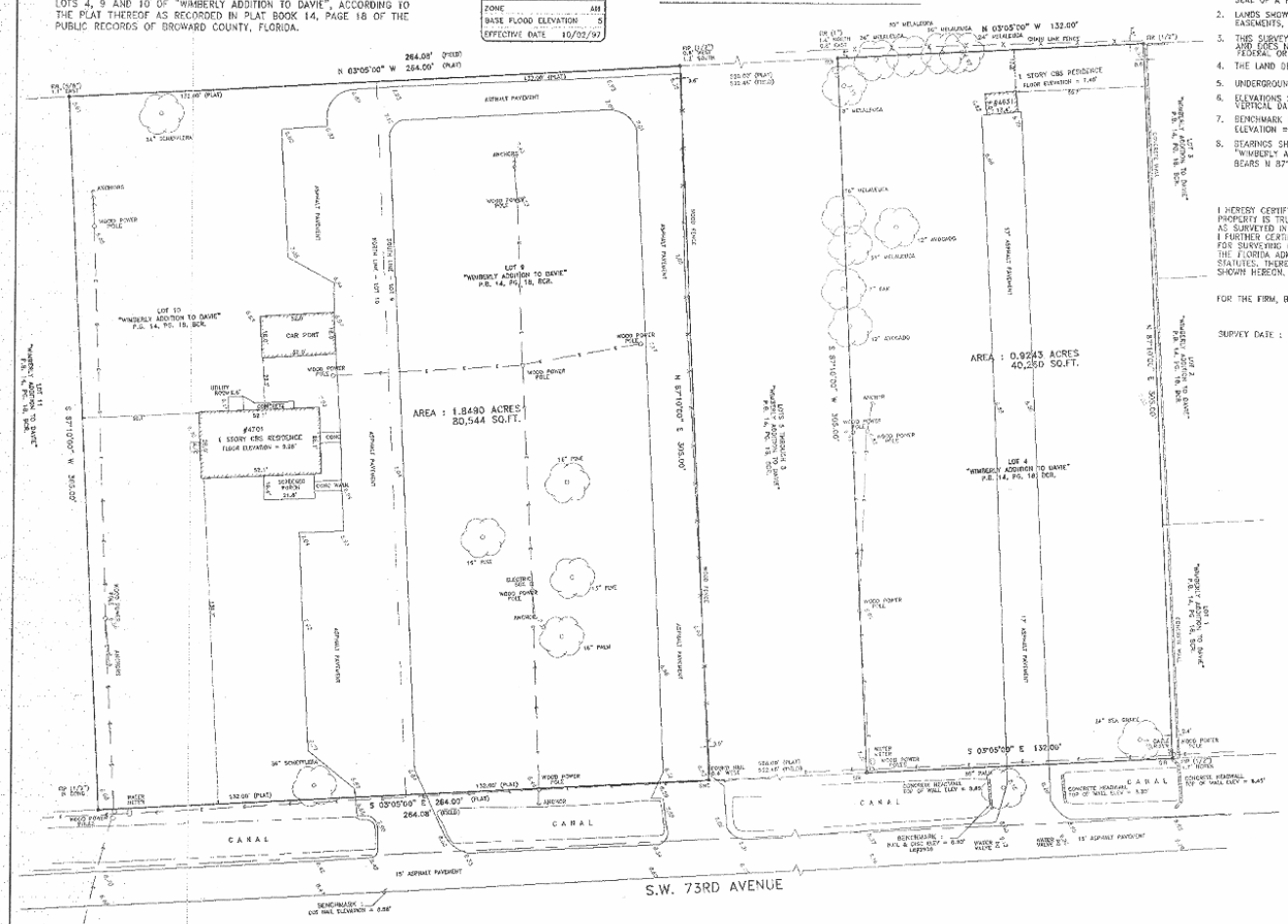
Enclosure: Proposed Site Plan

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	10/02/97



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
±.05	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) 680-8885 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

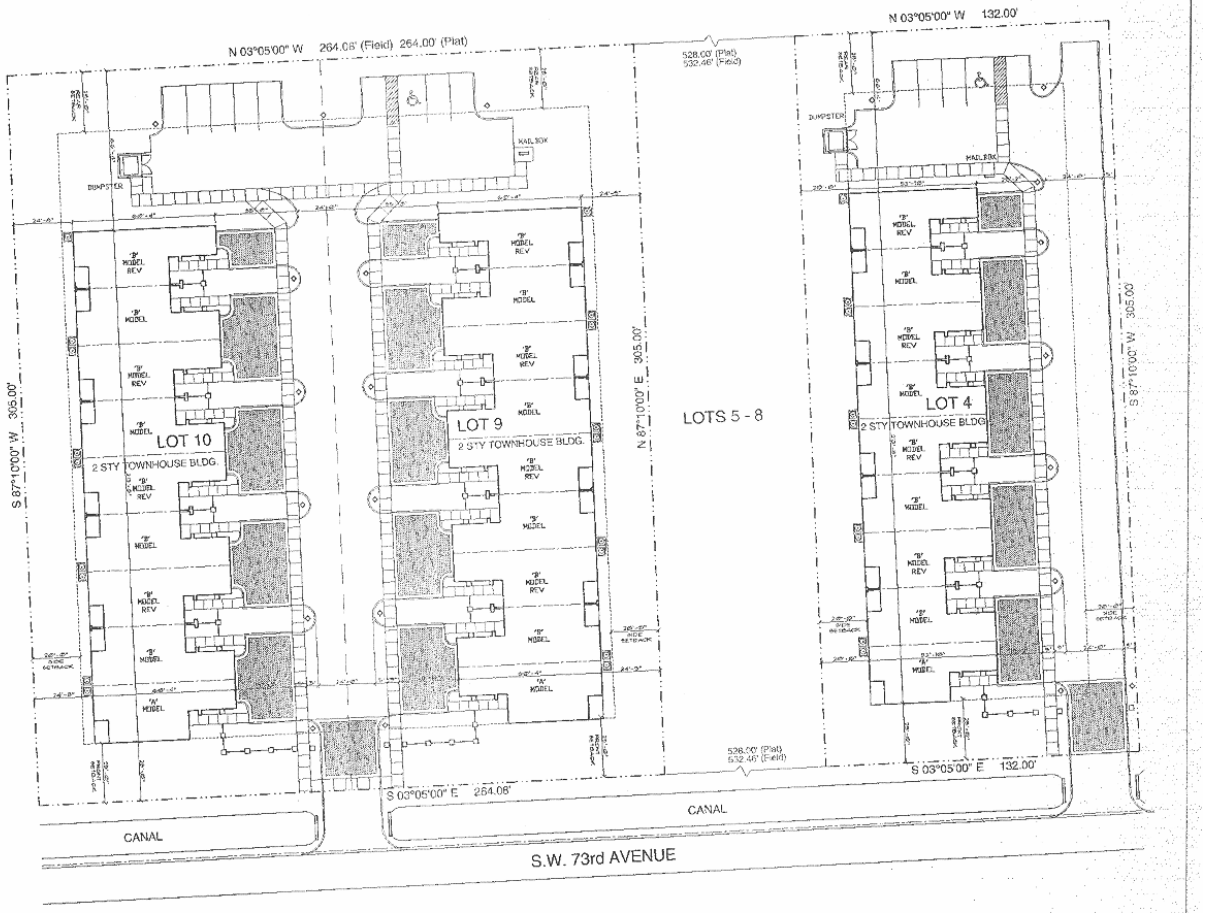
REVISIONS	DATE	FB/PG	DWN	CKD
BOUNDARY & TOPOGRAPHIC SURVEY	12/10/04	SKETCH	AV	REC

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

IN THE MIDST OF THE ARCHITECT'S OR ENGINEERS CONTRACTS, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE CODES AND THE APPROPRIATE FIRE SAFETY STANDARDS AS THE TIME OF THESE PREPARATION AS REVIEWED BY THE LOCAL ARCHITECT OR ENGINEER WITH LOCAL ARCHITECT FLORIDA BUILDING CODE AND 633 FLORIDA STATUTES

THESE AUTHENTIC CODES IN THIS DOCUMENT SHALL REMAIN THE PROPERTY OF THE ARCHITECT OR ENGINEER OF RECORD.

ALL DESIGNS AND DETAILS INDICATED BY AND REPRESENTED BY THE DRAWING ARE FOR USE ON AND IN CONJUNCTION WITH THE SPECIFIED PROJECT. ALL PLANS CONTAINED HEREIN ARE THE PROPERTY OF THE ARCHITECT OR ENGINEER AND NOT TO BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION AND CONSENT FROM THE FIRM. WRITTEN DIMENSIONS SHALL PREVAIL OVER SCALED DIMENSIONS.

COPYRIGHT FCA 2004 – 2010

FCA
FRANK COSTOYA ARCHITECT, P.A.
Architecture – Land Planning
6400 South University Drive – suite 208
Davie, Florida 33328
Tel: (954) 880-4440 / Fax: (954) 530-4441
Member American Institute of Architects
AA26000536 – AI0001209

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/DBK	chkd by: FC
drawing scale:	1" = 20.0'
project number:	FCAPM10

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)***

GP

Goshen Properties, LLC

Residential and Commercial Development Services

April 18, 2005

RECEIVED
Town of Davie
Planning & Zoning
APR 20 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)***

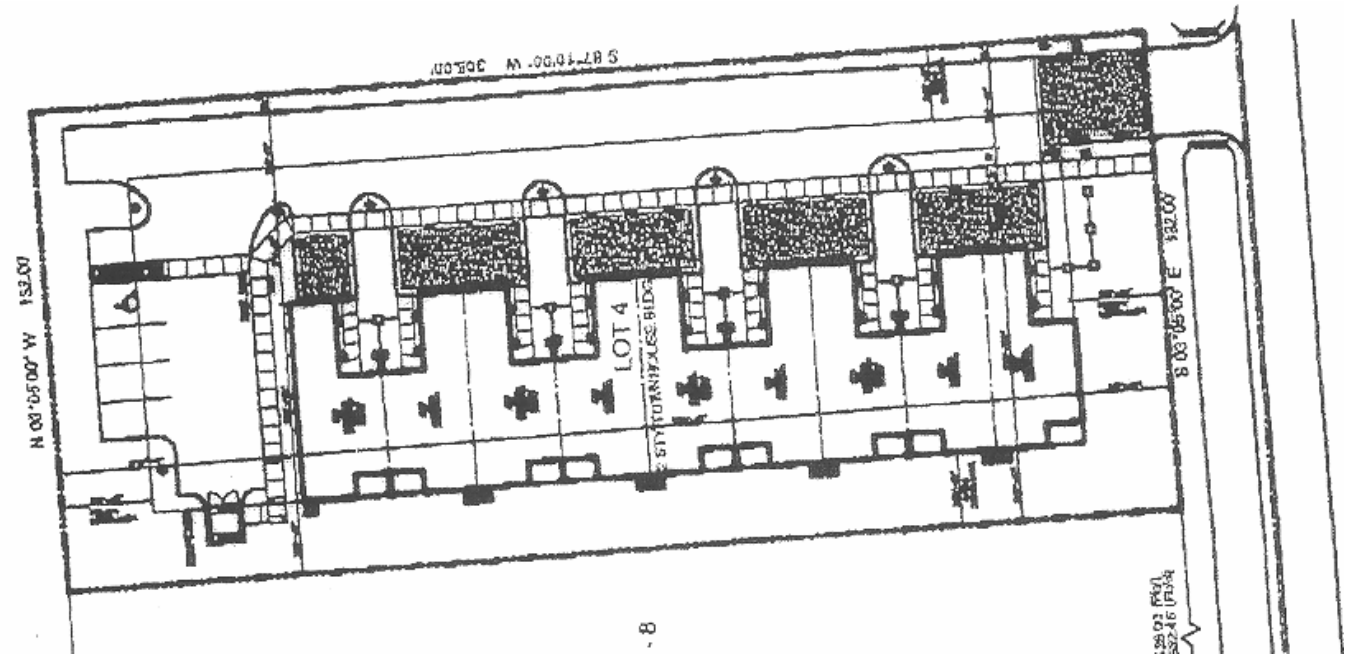


Exhibit 10 ***(Future Land Use Map)***

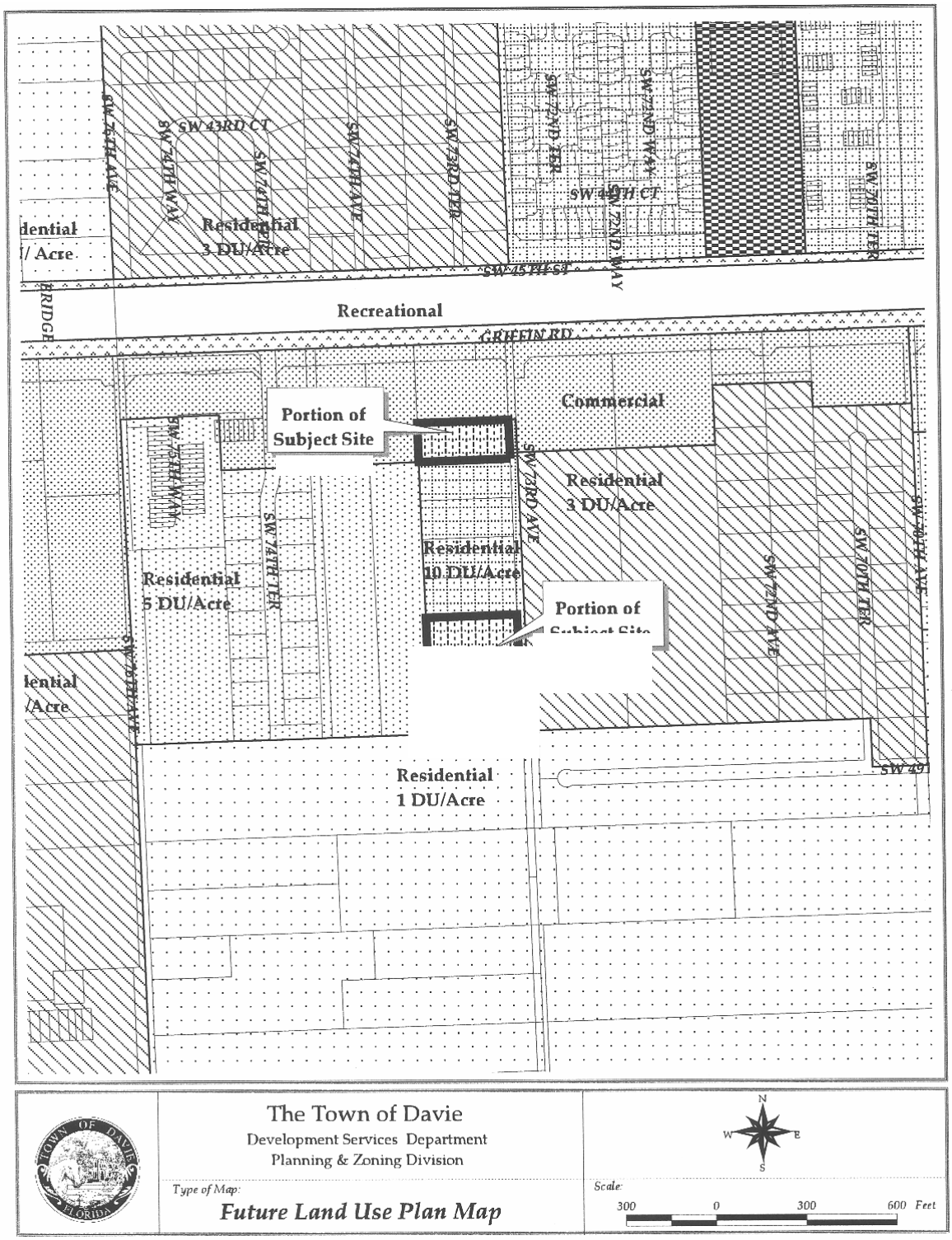


Exhibit 11 ***(Subject Site, Zoning, and Aerial Map)***

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TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development SErvices Director/(954) 797-1101

PREPARED BY: Larry A. Peters, P.E., Town Engineer

SUBJECT: Ordinance 1st Reading/Quasi-Judicial
NE Corner of Flamingo Road and Orange Drive

AFFECTED DISTRICT: 3

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioners are requesting that the Town of Davie release the canal reservations and road rights-of-way within the boundary of their property at the Northeast corner of Flamingo Road and Orange Drive as described in the attached legal description (Exhibit A). And to authorize the Mayor to sign the release of said canal reservations for South Florida Water Management District and for the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

PREVIOUS ACTIONS: Approval of Westridge Oaks Site Plan at the June 7, 2006 Council Meeting. Attachments reviewed by Town Attorney and found to be legally sufficient for their intended purposes.

CONCURRENCES: not applicable

FISCAL IMPACT: not applicable

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): Ordinance, Legal Description (Exhibit "A"), South Florida Water Management District Application for Release of Mineral, Canal, and Road Reservations Reserved, State of Florida Application for Release of Reservations.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of the property owners is to have a portion of a canal reservation and a portion of road rights-of-way vacated by the Town of Davie; and

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance; and

WHEREAS, on the date of adoption of this Ordinance, the Town Council of the Town of Davie did agree to the vacation request.

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

SECTION 1. That the canal reservation and the rights-of-way within the herein after described property be vacated by the Town of Davie:

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

b. The Town Council authorized the Mayor to sign the release of canal reservation for the South Florida Management District and for the Board of Trustees of the Internal Improvement Fund of the State of Florida;

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. 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 4. 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.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2007.

Exhibit "A"

PARCEL 1:

That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

COMMENCE at the Northwest corner of the Southwest Quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest Quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 494.66 feet to the North line of the South half of said Tract 26; thence along said North line, North 89° 43' 00" East for 1029.97 feet to a point on a line lying 60.00 feet as measured at right angles, West of the East line of the West Quarter of said Section 25; thence run South 01° 46' 37" East along said line, parallel with the East line of said West Quarter and East line of said Tracts 25, 26, 47 and 48 for 960.60 feet; thence run South 43° 21' 31" West for 49.61 feet; thence South 88° 29' 37" West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North 01° 47' 01" West and 523.07 feet to the POINT OF BEGINNING, LESS that certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and being accepted as 30.00 feet wide and lying 15.00 feet of each side of the North line of the Southwest Quarter of said Section 25.

Said lands situate, lying and being in Broward County, Florida.

Bearings based on West line Section 25-50-40, North 01° 47' 01" West, Flamingo Road is also known as Southwest 124 Avenue and State Road 823, South Fork of New River is also known as Canal C-11-3.

PARCEL 2:

The North 1/2 of Tract 26 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County.

LESS THEREFROM that portion conveyed to the State of Florida, by Deed recorded in Official Records Book 15630, Page 837, of the Public Records of Miami-Dade County, Florida and LESS any portion thereof lying within the right-of-way of Flamingo Road.

Said lands situate, lying and being in Broward County, Florida.

PARCEL 3:

That certain roadway shown on the Plat of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; said lands now situate, lying and being in Broward County, Florida, more fully described as follows:

That certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and bounded on the East side by a line lying 60.00 feet, as measured at right angles, West of the East line of the West quarter of said Section 25; and bounded on the West side by the East right-of-way line of Flamingo Road, and being accepted as 30.00 feet wide and lying 15 feet of each side of the North line of the Southwest quarter of said Section 25.

COMBINED DESCRIPTION OF PARCELS 1, 2 and 3:
That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, of Section 25, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:
COMMENCE at the Northwest corner of the Southwest quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 659.58 feet to the North line of

said Tract 26; thence along said North line 89° 42' 52" East for 1029.98 feet to a point on a line lying 60.0 feet as measured at right angles, West of the East line of the West quarter of said Section 25; thence run South 01° 46' 37" East along said line, parallel with the East line of said West quarter and East line of said Tracts 25, 26, 47 and 48 for 1124.23 feet; thence run South 43° 21' 31" West for 49.61 feet; thence South 88° 29' 38" West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North 01° 47' 01" West and 523.07 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Broward County, Florida.

Bearings based on West line Section 25-50-40, North 01° 47' 01" West, Flamingo Road is also known as Southwest 124 Avenue and State Road 823, South Fork of New River is also known as Canal C-11-3.

Form #0108
Rev. 9/03

South Florida Water Management District
Real Estate Department
3301 Gun Club Road, West Palm Beach, FL 33406
Post Office Box 24680, West Palm Beach, Florida 33416-4680

Application For Release of Mineral, Canal, and Road Reservations Reserved

UNDER CHAPTER 6456, 6957, 7305, 14717 and 20658, LAW OF FLORIDA

RESERVATIONS REQUESTED TO BE RELEASED **CANAL:** X **COUNTY ROAD:** _____ **STATE ROAD:** _____ **MINERAL:** _____
(if parcel is 1.25 acres or less) OR (if parcel is more than 1.25 acres, all land uses EXCEPT agricultural) **MINERAL - NON USE COMMITMENT:** _____

REQUIREMENTS FOR PROCESSING TO BE PROVIDED BY APPLICANT* (submit one copy, attach exhibits when applicable - facsimile transmissions and/or paper NOT ACCEPTABLE):

1. Accurate legal description of subject property: (Lengthy and/or metes and bounds legal description must be submitted in a legible and recordable form for attachment as exhibit to release instrument) See Exhibit A

Section 25 **, Township** 50 **South, Range** 40 **East.**

2. Property Address or Street Location of vacant land: Vacant: Flamingo & Orange Avenue

3. Size of parcel to be released: _____ acres or _____ square feet

4. Name of municipality and/or drainage district or county water management in which property is located: Town of Davie
South Florida Water Management District

5. **LEGIBLE** survey, sketch of property, or copy of plat (MUST show relationship of land described in application to land described in Reserving Deed. Underlying tracts must be indicated when replat(s) exist.)

6. ZONING CODE:
   a) Current Zoning Code: R-1 and A-1
   b) Proposed Zoning Code: Residential / Commercial
   c) Current Land Use: E1 and Commercial
   d) Proposed Land Use: _____
   e) Number of Units: _____
   f) Describe property improvements _____

7. DISTRICT SURFACE WATER MANAGEMENT OR ENVIRONMENTAL RESOURCE PERMIT NO: _____

Section 25 **, Township** 50 **South, Range** 40 **East**

Applicant File No. _____
District File No. _____

*** FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.**

8. **RESERVING DEED(s)** (must attach copy of each). Multiple applications are not necessary if parcel is owned by a single owner.

a) **EVERGLADES DRAINAGE DISTRICT** (Chapters 6456, 14717, 20658) Deed No. _____

dated _____ Deed Book _____ at Page _____ County _____ Grantee: _____

b) **TRUSTEES OF THE INTERNAL IMPROVEMENT FUND** (Chapters 6456, 6957, 7305) Deed No. _____

dated _____ Deed Book _____ at Page _____ County _____ Grantee: _____

c) **APPROVAL** for **TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND/STATE BOARD OF EDUCATION/THIRD PARTY DEEDS**

(Florida Statutes 253.03 and 270.11) Deed No. _____ dated _____ Deed Book _____

at Page _____ County _____ Grantee: _____

SEE EXHIBIT B

(SFWMD has no interest in Trustees/Murphy Act Mineral or Road Reservations)

9. I hereby certify that title to the above described real property is vested in (attached Beneficial Interest and Disclosure Affidavit is required if owned by a Corporation, Partnership or Trust): Town of Davie, Florida; Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the Revocable Trust of Sarah E. Moersch

CERTIFICATE OF OWNERSHIP: Satisfactory evidence certifying that the applicant is the legal record owner of the subject property. Definition of satisfactory evidence: a current title insurance policy; current title binder; or, current title commitment issued by a title insurance company authorized to do business in the State of Florida; or a current Opinion of Title prepared by a member of the Florida Bar, covering subject property. **Current** means no older than six (6) months.

SEE ATTACHED FOR SIGNATURES

Signature (Owner or Applicant) _____ Title _____ Date _____

10. NAME AND ADDRESS TO WHOM RELEASE/APPROVAL IS TO BE SENT:

Teresa Reed, Paralegal
Ruden, McClosky, Smith, Schuster & Russell, P.A.
200 E. Broward Blvd., Ft. Lauderdale FL 33301 Telephone No. (954) 527 2422

An initial payment of $250.00 must accompany each application. Make checks payable to **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**. You will be advised if additional charges are indicated (see attached Fee Schedule).

****

FOR DISTRICT USE:

DEPARTMENT OF ENVIRONMENTAL RESOURCE COMPLIANCE: SWM Permit issued: _____yes; _____no; _____no permit required

Permit No:_____ Date:_____ By:_____ Remarks: _____

Signed by: _____ **Date:**_____

DEPARTMENT OF WATER RESOURCE EVALUATION:

_____Release upon local approval. _____Do not release. Remarks: _____

Signed by: _____ **Date:**_____

WATER SUPPLY & DEVELOPMENT DEPARTMENT:

_____Release upon local approval. _____Do not release. Remarks: _____

Signed by: _____ **Date:**_____

CONSTRUCTION AND ENGINEERING DIVISION:

_____Release upon local approval. _____ Do not release. Remarks: _____

Signed by: _____ **Date:**_____

FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.

Order No: 50202202LA
Reference No:

Exhibit "A"

PARCEL 1:

That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

COMMENCE at the Northwest corner of the Southwest Quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest Quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 494.66 feet to the North line of the South half of said Tract 26; thence along said North line, North 89° 43' 00" East for 1029.97 feet to a point on a line lying 60.00 feet as measured at right angles, West of the East line of the West Quarter of said Section 25; thence run South 01° 46' 37" East along said line, parallel with the East line of said West Quarter and East line of said Tracts 25, 26, 47 and 48 for 960.60 feet; thence run South 43° 21' 31" West for 49.61 feet; thence South 88° 29' 37" West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North 01° 47' 01" West and 523.07 feet to the POINT OF BEGINNING, LESS that certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and being accepted as 30.00 feet wide and lying 15.00 feet of each side of the North line of the Southwest Quarter of said Section 25.

Said lands situate, lying and being in Broward County, Florida.

Bearings based on West line Section 25-50-40, North 01° 47' 01" West, Flamingo Road is also known as Southwest 124 Avenue and State Road 823, South Fork of New River is also known as Canal C-11-3.

PARCEL 2:

The North 1/2 of Tract 26 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County.

LESS THEREFROM that portion conveyed to the State of Florida, by Deed recorded in Official Records Book 15630, Page 837, of the Public Records of Miami-Dade County, Florida and LESS any portion thereof lying within the right-of-way of Flamingo Road.

Said lands situate, lying and being in Broward County, Florida.

PARCEL 3:

That certain roadway shown on the Plat of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; said lands now situate, lying and being in Broward County, Florida, more fully described as follows:

That certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and bounded on the East side by a line lying 60.00 feet, as measured at right angles, West of the East line of the West quarter of said Section 25; and bounded on the West side by the East right-of-way line of Flamingo Road, and being accepted as 30.00 feet wide and lying 15 feet of each side of the North line of the Southwest quarter of said Section 25.

COMBINED DESCRIPTION OF PARCELS 1 AND 2:
That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, of Section 25, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of

the Public Records of Miami-Dade County, Florida, described as follows:
COMMENCE at the Northwest corner of the Southwest quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 659.58 feet to the North line of said Tract 26; thence along said North line 89° 42' 52" East for 1029.98 feet to a point on a line lying 60.0 feet as measured at right angles, West of the East line of the West quarter of said Section 25; thence run South 01° 46' 37" East along said line, parallel with the East line of said West quarter and East line of said Tracts 25, 26, 47 and 48 for 1124.23 feet; thence run South 43° 21' 31" West for 49.61 feet; thence South 88° 29' 38" West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North 01° 47' 01" West and 523.07 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Broward County, Florida.

Bearings based on West line Section 25-50-40, North 01° 47' 01" West, Flamingo Road is also known as Southwest 124 Avenue and State Road 823, South Fork of New River is also known as Canal C-11-3.

Exhibit "B"

Barbara L. Moersch, formerly Barbara L. Fuselli; Frederick P. Moersch; Marion C. Moersch; Bank Of America, N.A., As Successor Trustee Of The Trust under Will of Vincent J. Fuselli; and Bank Of America, N.A., As Successor Trustee Of The Trust Under The Revocable Trust Indenture With Sarah E. Moersch, Dated November 19, 2003

Title Exception No.	Deed Book/Page	Deed Number	Canal, Road, Mineral	Reserving Entity	Grantee	S/T/R	Tracts Affected
6	46/240	16198	Canal	TIIF	Richard J Bolles	S25 50S 40 E	
10	49/81	N/A	Canal	Bolles for TIIF	Florida Fruit Land Company	S25 50S 40E	

Legend:
"TIIF" Trustees of the Internal Improvement Fund

FTL:1395963:1

ITEM 9 CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

BARBARA L. MOERSCH

STATE OF ~~FLORIDA~~ ILLINOIS
COUNTY OF CHICAGO

Subscribed to and sworn to before me by Barbara L. Moersch this 15 day of December, 2005.

My Commission Expires:
4-16-06

Notary Public, State of ~~Florida~~ Illinois at Large

FTL:1394702:2

1

FREDERICK P. MOERSCH

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Subscribed to and sworn to before me by Frederick P. Moersch this 15 day of December, 2005.

My Commission Expires:
4-16-06

Notary Public, State of ~~Florida~~ at Large
D.D.

FTL:1394702:2

Marion C. Moersch

MARION C. MOERSCH

STATE OF ~~FLORIDA~~ ALABAMA
COUNTY OF CLEBURNE

Subscribed to and sworn to before me by Marion C. Moersch this 15 day of December 2005.

My Commission Expires:
4-10-06

Notary Public, State of ~~Florida~~ ALABAMA at Large

FTL:1394702:2

3

Bank of America, N.A., as Successor
Trustee of the Trust under the Will of
Vincent J. Fuselli, Deceased

By: _____
Print Name: JAIME RESTREPO, Jr.
Title: Vice-President

STATE OF FLORIDA
COUNTY OF Palm Beach

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice President of Bank of America, N.A., as Successor Trustee of the Trust under the Will of Vincent J. Fuselli, Deceased, this 27th day of December, 2005.

My Commission Expires: 11-28-2006

_____
Notary Public, State of Florida at Large

KIM DELANEY
Notary Public - State of Florida
My Commission Expires Nov 28, 2006
Commission # DD167833
Bonded By National Notary Assn.

FTL:1394702:2

Bank of America, N.A., as Trustee
of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004

By: _____
Print Name: Jaime Restrepo, Jr.
Title: Vice President

STATE OF FLORIDA
COUNTY OF PALM BEACH

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice President of Bank of America, N.A., as Trustee of the Sarah E. Moersch Trust Under Agreement dated April 13, 2004, this 12th day of JANUARY, 2006.

My commission expires: 11-28-2006 _____
Notary Public, State of Florida at Large

KIM DELANEY
Notary Public - State of Florida
My Commission Expires Nov 28, 2006
Commission # DD167833
Bonded By National Notary Assn.

ITEM 9 CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

TOWN OF DAVIE, a municipal corporation organized and existing under the laws of the State of Florida

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA
COUNTY OF BROWARD

Subscribed to and sworn to before me by _____ as _____ of the Town of Davie, a municipal corporation organized and existing under the laws of the State of Florida, this ____ day of _____, 2006.

My Commission Expires:

_____
Notary Public, State of Florida at Large

FTL:1394702:2

APP-REL

APPLICATION FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

This application is to be used in order to apply for release of canal reservations, road right-of-way reservations or the release of right-of-entry and exploration for oil and mineral reservations, which are reserved in favor of either the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) or the State Board of Education. All applications must be submitted to the following address:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF STATE LANDS
BUREAU OF PUBLIC LAND ADMINISTRATION
POST OFFICE BOX 3070
TALLAHASSEE, FLORIDA 32315-3070

If you have any questions, after reading this application form, or if you need the street address for over-night mailing, you may call (850) 245-2720 for assistance.

PART I: RESPOND TO ITEMS 1 THROUGH 6 IN THEIR ENTIRETY

1. TYPE OF RELEASE REQUESTED:

____ **Oil and mineral reservation (Right-of-Entry and Exploration only)**
____ **Road right-of-way reservation**
__X__ **Canal reservation**
____ **Corrective (Corrective releases will be processed as original applications unless an error was made by the Department.)**

2. INFORMATION FROM THE ORIGINAL DEED CONTAINING THE RESERVATION:

Original Deed Number(s) 16198 Deed Book 46/240, Dade County
Original Grantee ~~Trustees of the Internal Improvement Fund of the State of Florida~~
Date of Original Deed August 28, 1922
RESERVED to TIIF IN DEED from Richard J. Bolles to Florida Fruit Land Company dated April 1, 1912, *

3. Present Owner of Record of Subject Property: Barbara Moersch; Frederick P. Moersch; Marion C. Moersche; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the

4. Represented by: ~~Darsey~~ S. Webber Revocable Trust of Sarah E. Moersch; Town of Dave, FL.

Address: 4430 SW 64 Avenue **Phone:** 954-587-3058
Davie, FL 33314

* recorded in Deed Book 49/81, Dade County

5. The subject property is located in: (PLEASE SUBMIT THIS INFORMATION)

Broward **County; Section** 25 **, Township** 50S **, Range** 40E **, Acreage**_____ **(for oil/mineral)**

6. Each application must contain the following:

a. **A legible copy of the original deed containing the reservation.**

b. **A legal description of the subject property, including the Section, Township, and Range; and a survey, if requested.**
(If applying for an oil/mineral release, the legal description must contain acreage of tract.)

c. **A recommendation by the appropriate agency for a canal or road right-of-way release or special requirements for release of right-of-entry for oil/mineral reservation:**

(1) **When requesting the release of the right-of-entry for oil/mineral reservation, refer to Part II on page 2 for instructions.**

(2) **When requesting the release of a road right-of-way reservation, a recommendation from the appropriate Department of Transportation District office, and/or county Public Works Department (refer to Part III on page 3).**

(3) **When requesting the release of a canal reservation, a recommendation from the appropriate Water Management District (refer to Part IV on page 4).**

d. **An application fee in the form of a check in the amount of $300 per release requested made payable to the Department of Environmental Protection. Note: Please write "Release of Reservation" on the front of the check.**

FOR OFFICE USE ONLY

RESERVATIONS _____ **ORIGINAL DEED NO.** _____ **COST $** _____

e. Satisfactory evidence certifying that the applicant is the legal record owner of the subject land in accordance with Section 18-2.018, Florida Administrative Code, defines satisfactory evidence of title to mean a current title insurance policy, current title binder, or title commitment issued by a title insurance company authorized to do business in the State of Florida or an opinion of title prepared by a member of The Florida Bar covering title to the land described below. "Current" means no more than six months old.

f. Notarized signature of present owner(s) of record.

CERTIFICATE OF TITLE
(Please Complete in full)

This is to advise that I am a member in good standing of The Florida Bar and that I have examined the public records, abstracts of the, title insurance policy, title insurance binder, or commitment relating to the title to the following described real property lying and being in Broward **County, Florida, to-wit: (Please state legal description here or refer to an Exhibit "A")**

See Exhibit A attached hereto

and based, upon said examination, I certify that as of _____ **(current date), title to the aforedescribed real property is vested in:** Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the Revocable Trust of Sarah E. Moersch

John L. Shiekman
Print Name of Attorney

Signature

Florida Bar Number 331678

SIGNATURE(S) OF PRESENT OWNER(S) OF RECORD

(I/We), Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of Revocable Trust of Sarah E. Moersch **, the present owner(s) of record, hereby request a release of reservation on the above-referenced property.** SEE CONTINUATION PAGE

Print or Type in Name(s)

STATE OF FLORIDA
COUNTY OF

Signature of present owner of record

Subscribed and Sworn to before me

this ____ day of _____,
20____.

Signature of present owner of record

Signature of present owner of record

Notary Public (Seal)

My Commission Expires:

SIGNATURES CONTINUED ON NEXT PAGE

PART II: INSTRUCTIONS AND INFORMATION REQUIRED TO APPLY FOR A RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION

DO NOT SUBMIT AN APPLICATION TO THE BOARD OF TRUSTEES WHEN REQUESTING THE RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL ERSERVATION ON PARCELS UNDER TWENTY ACRES IN SIZE. THE RIGHT-OF-ENTRY AND EXPLORATION FOR OIL AND MINERAL RESERVATIONS ON PARCELS UNDER TWENTY ACRES IN SIZE HAS BEEN RELEASED PURSUANT TO SECTION 270.11, FLORIDA STATUTES. IN ORDER TO QUALIFY FOR A RELEASE OF THE RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION ON PARCELS TWENTY ACRES OR GREATER IN SIZE, THE APPLICANT MUST SUBMIT A NOTARIZED CERTIFICATION BY THE DEVELOPER THAT THE SUBJECT PROPERTY WILL BE A BUILDING SITE (INCLUDING FOR OUR INFORMATION THE TIME FRAME OF DEVELOPMENT AND WHAT WILL BE BUILT) AND THAT IT WILL NOT INVOLVE THE EXTRACTION OF PHOSPHATES, MINERALS, METALS OR PETROLEUM, AS SET FORTH IN PARAGRAPH 18-2.018 (3) (E) 2. FLORIDA ADMINISTRATIVE CODE.

PART III: INSTRUCTIONS TO APPLY FOR THE RELEASE OF A ROAD RESERVATION

Submit the completed application along with all exhibits pertaining to the road right-of-way reservation, including a plat, sketch, or survey of the land proposed for release and a copy of Murphy Act deed containing road reservation directly to the appropriate district office of the Florida Department of Transportation (FDOT) listed below. Do NOT send $300 check to FDOT. The district office will determine whether the subject road right-of-way reservation is valid and make its recommendation as to whether the road right-of-way reservation or any part thereof should be released. The application will not be considered without a recommendation from the Department of Transportation.

DEPARTMENT OF TRANSPORTATION DISTRICT OFFICES

FIRST DISTRICT – Post Office Box 1249, Bartow Florida 33830 Attn: Right-of-Way (941) 533-8161 Charlone, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk and Sarasota Counties

SECOND DISTRICT – Post Office Box 1089, Lake City, Florida 32056 Attn: Right-of-Way (904) 752-3300 Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayene, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor and Union Counties

THIRD DISTRICT – Post Office Box 607, Chipley, Florida 32428 Attn: Right-of-Way (850) 638-0250 Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Ames, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rose, Wakulla, Walton, and Washington Counties

FOURTH DISTRICT – 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309 Attn: Right-of-Way (954) 486-1400 Broward, Indian River, Martin, Palm Beach and St. Lucie Counties

FIFTH DISTRICT – 719 South Woodland Boulevard, Deland, Florida 32720 Attn: Right-of-Way (386) 943-5000 Brevard, Citrus, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties

SIXTH DISTRICT – 1000 Northwest 111th Avenue, Miami, Florida 33172 Attn: Right-of-Way (305) 470-5185 Dade and Monroe Counties

SEVENTH DISTRICT – 11201 North Malcolm McKinley Drive, Tampa, Florida 33612 Attn: Property Management (813) 975-6020 Hernando, Hillsborough, Pasco and Pinellas Counties

Note to FDOT DISTRICT OFFICES: Please refer to ALL roads adjacent to property and complete either a or b:

a. ( )* The _____ District Office of the Florida Department of Transportation certifies that a state road DID exist on the date of the deed (/ /) in which the reservation was made and it recommends to the Board of Trustees one of the following:

(1) ( ) Retain ALL of the reservation, since it is presently a State Road and we will need 100 feet from the centerline of S.R. _____ for road improvement; or

(2) ( ) Retain _____ feet from the centerline of _____, also known as _____ since it is presently a State Road; (but _____ was not then a State Road); or

(3) ( ) That this request is being forwarded to the applicable county or city for their footage recommendation, since we find the reservation to be valid, but the road is now under their jurisdiction.

b. ( )* The _____ District Office of the Florida Department of Transportation certifies that its records reflect that a state road DID NOT exist on the date of the old deed affecting the subject property and that a full release of reservation should be given. However, this application will be forwarded to the applicable county public works department for a final determination as to the validity of the reservation.

_____ Title: _____ Date: _____

_____
Signature (FDOT official)

FDOT District Office is to forward this application to the county or city authority for its review and concurrence with this recommendation (unless it is presently a state road and FDOT states it was also a state road on the date of the deed containing the reservation).

COUNTY OR CITY PUBLIC WORKS DEPT: Please complete either a or b: (Refer to ALL roads affecting the subject property)

a. ( ) The _____ (governmental authority) certifies that a state road DID exist on the date of the deed (/ /) in which the reservation was made and it recommends to the Board of Trustees one of the following:

(1) Retain ALL of the reservation, since it is presently a (county/city) road and we will need 100 feet from the centerline of _____, also known as _____, for road improvement; or

(2) Retain _____ feet from the centerline of _____, also known as _____, which is presently a (county/city) road; but _____ was not then a State Road.

b. ( ) The _____ (governmental authority) certifies that its records reflect that a state road DID NOT exist on the date of the old deed affecting the subject property and that a full release of reservation slfould be given.

By: _____ Title: _____ Date: _____

_____
Signature (county or city official)

NOTE: The local governmental authority should return this application with its recommendation to the applicant so that the applicant may decide whether to apply to the Board of Trustees for a release of reservation.

PART IV: INSTRUCTIONS AND INFORMATION REQUIRED TO APPLY FOR THE RELEASE OF A CANAL RESERVATION

EVERGLADES DRAINAGE DISTRICT DEEDS

DO NOT SUBMIT AN APPLICATION TO THE BOARD OF TRUSTEES WHEN REQUESTING THE RELEASE OF A CANAL RESERVATION CONTAINED IN AN EVERGLADES DRAINAGE DISTRICT DEED (CHAPTERS 6456, 6957, 14717 AND 20658, LAWS OF FLORIDA). SUBMIT ALL SUCH REQUESTS TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, POST OFFICE BOX 24680, WEST PALM BEACH, FLORIDA 33416-4680.

ALL OTHER DEEDS CONTAINING CANAL RESERVATIONS

SUBMIT ALL OTHER REQUESTS FOR THE RELEASE OF A CANAL RESERVATION ALONG WITH ALL EXHIBITS PERTAINING TO THE CANAL RESERVATION AND THE COMPLETED APPLICATION DIRECTLY TO THE APPROPRIATE WATER MANAGEMENT DISTRICT OFFICE LISTED BELOW. DO NOT SEND DEP CHECK TO WATER MANAGEMENT DISTRICT. THE WATER MANAGEMENT DISTRICT WILL DETERMINE WHETHER THE RESERVATION OR ANY PART THEREOF SHOULD BE RELEASED. THE APPLICATION WILL NOT BE CONSIDERED WITHOUT A RECOMMENDATION FROM THE APPROPRIATE WATER MANAGEMENT DISTRICT.

WATER MANAGEMENT DISTRICTS

NORTHWEST FLORIDA – Route 1, Box 3100, Havana, Florida 32333 (850) 539-5999 Attn: Land Management and Acquisition; Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okloosa, Santa Rosa, Wakulla, Walton, Washington

SUWANNEE RIVER – Route 3, Box 64, Live Oak, Florida 32060 (904) 362-1001 Attn: Land Acquisition and Management; Alachua (part), Baker (part), Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy Madison, Suwannee, Taylor, Union.

ST. JOHNS RIVER – Post Office Box 1429, Palatka, Florida 32178-1429 (386) 329-4500 Attn: Department of Planning and Acquisition; Alachua (part), Baker (part), Brevard, Clay, Duval, Flagler, Indian River, Lake, Marion (part), Nassau, Okeechobee (part), Orange (part), Polk (part), Putnam, Seminole, St. Johns, Volusia

SOUTHWEST FLORIDA – 2379 Broad Street, Brooksville, Florida 34609-6899 (352) 796-7211 Attn: Real Estate Division; Broward, Charlotte (part), Collier, Dade, Glades, Hendry, Highlands, Lee, Martin, Monroe, Okeechobee (part), Orange (part), Osceola (part), Palm Beach,
St. Lucie

SOUTH FLORIDA – Post Office Box 24680, West Palm Beach, Florida 333416-4680 (561) 686-8800, 1-800-432-2045 Attn: Real Estate Division: Broward, Charlotte (part), Collier, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Monroe, Okeechobee (part), Orange (part), Osceola (part), Palm Beach, St.Lucie.

The _____ Water Management District Office hereby:

a. objects to the release of any portion of the canal reservation for the following reason

_____

_____

b. objects only to the release of the following portion of the canal reservation:

_____

_____

c. has no objection to the release of the entire canal reservation for the following reason:

_____

_____

By: _____ Title: _____ Date: _____
(Print Name)

Agency: _____ _____
Signature

NOTE: The Water Management District Office should return this application with its recommendation to the applicant so that the applicant may decide whether to apply for a release of reservation.

DEP 67-005 (16) (R9/02)

INFORMATION TO APPLY FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

Submit application for release of all Board of Trustees' reservations, along with check in the sum of $300.00, to:

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
Post Office Box 3070
Tallahassee, Florida 32315-3070

The street address for overnight mail is:

Department of Environmental Protection
3800 Commonwealth Boulevard
Mail Station 130
Tallahassee, Florida 32399-3000

1) The application is to be made by the current property owner who must submit either the Certificate of Title by a Florida attorney (See Page Two of application form) or a recent Title Company title commitment or policy.

2) Applicant must submit a non-refundable $300.00 check payable to the Department of Environmental Protection (DEP) with application form. Multiple deeds containing reservations and multiple legal descriptions can be combined into one release, but each ownership will be a separate release and must have a separate application and check.

3) Application must first be sent to the respective water management district (for a canal reservation release) or to the respective Department of Transportation district office (for a road reservation release) for their recommendation. South Florida Water Management District requires their form along with our form and a check for $250.00 to be submitted to them. (Call 1-800-432-2045, Extension 6836). When receive application back, applicant then sends it to DEP with $300.00 check.

4) If have oil/mineral reservation and property is less than 20 acres, Section 270.11 (2)(b), Florida Statutes, has automatically released the right of entry and application is not made. The interest itself is never released, only the right of entry. If 20 acres or more, all the property must be a building site. A certification is then made that it is now a building site or a time frame is stated as to when the property will be built on the land and that it will not involve phosphate, mineral, metal or petroleum extraction, in accordance with 18-2.018 (3)(e) 2, Florida Administrative Code.

5) Applicant must submit full legal description, including the section, township and range.

INFORMATION TO APPLY FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

Submit application for release of all Board of Trustees' reservations, along with check in the sum of $300.00, to:

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
Post Office Box 3070
Tallahassee, Florida 32315-3070

The street address for overnight mail is:

Department of Environmental Protection
3800 Commonwealth Boulevard
Mail Station 130
Tallahassee, Florida 32399-3000

1) The application is to be made by the current property owner who must submit either the Certificate of Title by a Florida attorney (See Page Two of application form) or a recent Title Company title commitment or policy.

2) Applicant must submit a non-refundable $300.00 check payable to the Department of Environmental Protection (DEP) with application form. Multiple deeds containing reservations and multiple legal descriptions can be combined into one release, but each ownership will be a separate release and must have a separate application and check.

3) Application must first be sent to the respective water management district (for a canal reservation release) or to the respective Department of Transportation district office (for a road reservation release) for their recommendation. South Florida Water Management District requires their form along with our form and a check for $250.00 to be submitted to them. (Call 1-800-432-2045, Extension 6838). When receive application back, applicant then sends it to DEP with $300.00 check.

4) If have oil/mineral reservation and property is less than 20 acres, Section 270.11 (2)(b), Florida Statutes, has automatically released the right of entry and application is not made. The interest itself is never released, only the right of entry. If 20 acres or more, all the property must be a building site. A certification is then made that it is now a building site or a time frame is stated as to when the property will be built on the land and that it will not involve phosphate, mineral, metal or petroleum extraction, in accordance with 18-2.018 (3)(e) 2, Florida Administrative Code.

5) Applicant must submit full legal description, including the section, township and range.

6) If the reservation is in an Everglades Drainage District (EDD) deed, application for release is made to the South Florida Water Management District and not to the Board of Trustees. EDD deeds are identified by a statement in its first paragraph of one of the following Laws of Florida Chapter Numbers: 6456, 6957, 4717 or 20658. You should then call the SFWMD real estate division for their application form.

7) If you have any questions when applying to the Bureau of Public Land Administration, please call (850) 488-2291 and state that you are calling about a Release of Reservation.

CONTINUATION OF SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA

Barbara L Moersch
BARBARA L. MOERSCH

STATE OF ~~FLORIDA~~ ALABAMA
COUNTY OF CALHOUN

Subscribed to and sworn to before me by Barbara L. Moersch this 15 day of December, 2005.

My Commission Expires:
4-16-06

Notary Public, State of Florida at Large
Alabama

FREDERICK P. MOERSCH

STATE OF ~~FLORIDA~~ ALABAMA
COUNTY OF CALHOUN

Subscribed to and sworn to before me by Frederick P. Moersch this 15 day of December, 2005.

My Commission Expires: 4-16-06

Notary Public, State of ~~Florida~~ Alabama at Large

Marion C. Moersch
MARION C. MOERSCH

STATE OF ALABAMA ~~FLORIDA~~
COUNTY OF CLEBURNE

Subscribed to and sworn to before me by Marion C. Moersch this 15 day of December, 2005.

My Commission Expires: 4-16-06

Notary Public, State of ~~Florida~~ ALABAMA at Large

Bank of America, N.A., as Successor
Trustee of the Trust under the Will of
Vincent J. Fuselli, Deceased

By: _____
Print Name: Jaime Restrepo, Jr.
Title: Vice-President

STATE OF Florida
COUNTY OF Palm Beach

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice President of Bank of America, N.A., as Successor Trustee of the Trust under the Will of Vincent J. Fuselli, Deceased, this 27th day of December, 2005.

My Commission Expires: 11-28-06

_____
Notary Public
Print Name: Kim Delaney

KIM DELANEY
Notary Public - State of Florida
My Commission Expires Nov 28, 2006
Commission # DD167833
Bonded By National Notary Assn.

Bank of America, N.A., as Trustee
of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004

By: _____
Print Name: Jaime Restrepo, Jr.
Title: Vice President

STATE OF FLORIDA
COUNTY OF PALM BEACH

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice President of Bank of America, N.A., as Trustee of the Sarah E. Moersch Trust Under Agreement dated April 13, 2004, this 12th day of January, 2006.

My commission expires: 11-28-2006 _____
Notary Public, State of Florida at Large

KIM DELANEY
Notary Public - State of Florida
My Commission Expires Nov 28, 2006
Commission # DD167833
Bonded By National Notary Assn.

SIGNATURES CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA

TOWN OF DAVIE, a municipal
corporation organized and existing
under the laws of the State of Florida

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA
COUNTY OF BROWARD

Subscribed to and sworn to before me by _____ as _____ of the Town of Davie, a municipal corporation organized and existing under the laws of the State of Florida, this ____ day of _____, 2006.

My Commission Expires:

_____
Notary Public, State of Florida at Large

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: ZB(TXT) 1-1-07 / Site Plan and Master Planned Development Expiration

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The development of property requires extensive extra jurisdictional approvals. The Development Services Department has noticed a growing trend in expired site plan/master planned development approvals. Per code, site plans/master planned developments have an approval length of one (1) year with a six (6) month/one (1) year extension (respectively). When a site plan/master planned development expires, the process is one of resubmitting the entire site plan/master planned development through the full approval process, including Town Council.

The intent of this code amendment is to provide site plans/master planned developments in conjunction with related ancillary development applications to expire eighteen (18) months from the date of Town Council approval and provide for a one (1) year extension from the date of Town Council approval. Therefore, this amendment would increase the approval length of site plans/master planned developments by six (6) months and increase the extension of a site plan approval by six (6) months.

Staff has researched other municipalities including Sunrise, Miramar, and Ft. Lauderdale, and this requested amendment is consistent with these cities.

PREVIOUS ACTIONS: n/a

CONCURRENCES:
At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Vice-Chair McLaughlin, to approve. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends approval of the Ordinance.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code pertaining to "Expiration of site plans" and "Effective period of approval" under the Subdivisions and Site Plans section; and

WHEREAS, all site plan and/or master site plan applications that require Town Council action shall expire eighteen (18) months from the date of Town Council approval; and

WHEREAS, a one (1) year extension from the date of Town Council approval may be applied for site plan applications; and

WHEREAS, all ancillary development applications approved with a related site plan and/or master planned development by Town Council shall maintain site plan expiration; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on February 14, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on February 5, 2007, and on date of adoption of this Ordinance.

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

SECTION 1. That Section 12-373, of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

> All site plans approved pursuant to this section shall expire ~~twelve (12)~~ eighteen (18) months from the date of approval, which expiration shall automatically occur without further notice to the applicant for whom said plan was approved unless a Town of Davie construction permit is secured and maintained pursuant to the date Town Council approved the site plan. It is further provided that one (1) ~~renewal~~ extension for an additional ~~six-month~~ one (1) year period may be obtained upon application to the director of development services within thirty (30) days ~~of~~ prior to the expiration and payment of

one-half (1/2) of the fee that would be required if submitted as a new site plan, providing that the site plan shall be in compliance with any new ordinance or provision of the Code of Davie which shall have been enacted since the original site plan approval. Ancillary development applications approved with a related site plan by Town Council shall maintain site plan expiration.

SECTION 2. That Section 12-380, of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

Approval of a master planned development as provided herein shall be effective for a period of ~~twelve (12)~~ eighteen (18) months from the date of approval. One (1) extension for an additional one (1) year period may be ~~applied for~~ obtained upon application to the development services director within thirty (30) days ~~of~~ prior to the expiration and payment of one-half (1/2) of the fee that would be required if submitted as a new site plan, providing that the site plan shall be in compliance with any new ordinance or provision of the Code of Davie which shall have been enacted since the original site plan approval. Unless a building permit is obtained for some phase of the approved project on or before the last day of the twelfth month following approval, the approval shall expire. Ancillary development applications approved with a related master planned development by Town Council shall maintain master planned development expiration.

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

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS DAY OF , 2007

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: Lise Bazinet, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 11-1-06 / Charles MacDonald / 5410 SW 41st Street / Generally located on the southwest corner of SW 54th Avenue and SW 41st Street

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DICTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: Rezone the subject site FROM: R-3, Low Density Dwelling District TO: R-5, Low Medium Density Dwelling District.

The petitioner is proposing to construct four (4) single family dwellings on the 0.63 Acres (27,518 Square Feet) subject site. The site is located on the southwest corner of Southwest 41st Street and Southwest 54th Avenue. The site is located within the Town's Community Redevelopment Area (CRA), within the Community Development Block Grant (CDBG) Target Area, and the Regional Activity Center (RAC).

Currently, the subject site is zoned R-3, Low Density Dwelling District, which is a valid Town of Davie zoning district. The current zoning allows two (2) dwelling units. The petitioner plans to develop four (4) single-family homes. Therefore, the petitioner is requesting to rezone the site to R-5, Low Medium Density Dwelling District permitting this development.

To the west of the subject site is R-5, Low Medium Density Dwelling District. To the east, south and north of the subject site is R-3, Low Density Dwelling District. The Town and CRA have embarked upon a master plan process for the RAC and recommended revitalization of the existing housing stock, maintaining the subject area as Single Family and a maximum two (2) stories. The CDBG Target Area Improvement Program, which includes the subject site, promotes improvements to existing community areas such as new or refurbishing sidewalks, resurfaced streets, traffic calming alternatives, street lighting improvements, landscaping, and drainage.

The subject site Land Use Plan designation is Regional Activity Center (RAC) which allows a maximum density of 22 dwelling units per acre. Therefore, the R-5, Low Medium Density Dwelling District density

is substantially lower than the underlying land use allowable density. The goals and policies of the Comprehensive plan are stated in the attached Staff Report.
As required, the petitioner has submitted a conceptual site plan (see attached). The proposed site plan will necessitate variances including but not limited to minimum lot size, minimum street side setback, and minimum lot frontage requirements to allow the development as shown. A variance application in conjunction with a site plan application shall be submitted by the petitioner.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 15, 2007, Planning and Zoning Board Meeting, Mr. Busey made a motion, seconded by Ms. Turin, to deny the petition. **(Motion carried 3-0)**.

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): Ordinance, Planning Report, Residents Petition (submitted at the Planning & Zoning Board Meeting)

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO R-5, LOW MEDIUM DENSITY 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 lands within the Town be changed FROM: R-3, Low Density Dwelling District **TO:** R-5, Low Medium Density 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 is hereby rezoned and changed FROM: R-3, Low Density Dwelling District TO: R-5, Low Medium Density Dwelling District;

a. The subject property 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 is hereby amended to show the property described in Section 1, herein, as R-5, Low Medium Density 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.

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner/Owner:
Name: Charles MacDonald
Address: 5410 Southwest 41st Street
City: Davie, Florida 33314
Phone: (561) 252-3398

Background Information

Date of Notification: February 5, 2007 **Number of Notifications:** 207

Application Request: Rezone the approximately 0.63 acre subject site **FROM:** R-3, Low Density Dwelling District **TO:** R-5, Low Medium Density Dwelling District

Applicant's justification for Rezoning: To provide attainable housing for community workers.

Address: 5410 SW 41st Street

Location: Generally located on the southwest corner of SW 54th Avenue and SW 41st Street.

Future Land Use Plan Map: RAC, Regional Activity Center

Existing Zoning: R-3, Low Density Dwelling District

Proposed Zoning: R-5, Low Medium Density Dwelling District

Existing Use(s): One (1) Single Family Dwelling

Proposed Use(s): Four (4) Single Family Dwellings

Parcel Size Net/ Gross: 0.63 acres (27,518 square feet) / 0.87 acres (8,039 square feet)

Proposed Parcel Density: 5 units per acre

Surrounding Uses:		**Surrounding Land Use Plan Map Designations:**
North:	Single Family Dwelling	RAC, Regional Activity Center
South:	Single Family Dwelling	RAC, Regional Activity Center
East:	Single Family Dwelling	RAC, Regional Activity Center
West:	Single Family Dwelling	RAC, Regional Activity Center

Surrounding Zoning:

North: R-3, Low Density Dwelling District
South: R-3, Low Density Dwelling District
East: R-3, Low Density Dwelling District
West: R-5, Low Medium Density Dwelling District

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.

Previous Requests on same property: N/A

Application Details

The petitioner is proposing to construct four (4) single family dwellings on the 0.63 Acres (27,518 Square Feet) subject site. The site is located on the southwest corner of Southwest 41st Street and Southwest 54th Avenue. The site is located within the Town's Community Redevelopment Area (CRA), within the Community Development Block Grant (CDBG) Target Area, and the Regional Activity Center (RAC).

Currently, the subject site is zoned R-3, Low Density Dwelling District, which is a valid Town of Davie zoning district. The current zoning allows two (2) dwelling units. The petitioner plans to develop four (4) single-family homes. Therefore, the petitioner is requesting to rezone the site to R-5, Low Medium Density Dwelling District permitting this development.

To the west of the subject site is R-5, Low Medium Density Dwelling District. To the east, south and north of the subject site is R-3, Low Density Dwelling District. The Town and CRA have embarked upon a master plan process for the RAC and recommended revitalization of the existing housing stock, maintaining the subject area as Single Family and a maximum two (2) stories. The CDBG Target Area Improvement Program, which includes the subject site, promotes improvements to existing community areas such as new or refurbishing sidewalks, resurfaced streets, traffic calming alternatives, street lighting improvements, landscaping, and drainage.

The subject site Land Use Plan designation is Regional Activity Center (RAC) which allows a maximum density of 22 dwelling units per acre. Therefore, the R-5, Low Medium Density Dwelling District density is substantially lower than the underlying land use allowable density. The goals and policies of the Comprehensive plan are stated in the attached Staff Report.

As required, the petitioner has submitted a conceptual site plan (see attached). The proposed site plan will necessitate variances including but not limited to minimum lot size, minimum street side setback, and minimum lot frontage requirements to allow the development as shown. A variance application in conjunction with a site plan application shall be submitted by the petitioner.

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 two (2) meetings with the public on Friday, December 15, 2006 and Wednesday, December 20, 2006 at the Recreation Building located at 4300 SW 55th Avenue. Attached is the petitioner's Citizen Participation Report.

Applicable Codes and Ordinances

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

Section 12-81 of the Land Development Code: Conventional Multi-family Development Standards, R-5, Low Medium Density Dwelling District, requires the following minimums: lot area of 7,000 square feet, frontage of 75 feet, front setback of 25 feet, side and rear setbacks of 15 feet, maximum building height of 15 feet.

Comprehensive Plan Considerations

This parcel is inside the Regional Activity Center (RAC) Future Land Use Plan designation adopted in 1998.

Planning Area:
The subject property falls within Planning Area 8. Planning Area 8 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 serving the rapidly growing South Florida Education Center (SFEC). The SFEC includes Nova Southeastern University, Florida Atlantic University, Broward Community College, Florida International University, and Mc Fatter Vocational School, among others. The planning area also encompasses the downtown Davie Business District, where western-theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile homes communities and industrial land.

Planning Area 8 contains the only redevelopment target area within the town. Residential development east of the Davie Road corridor is substandard and has been the subject of community redevelopment efforts. The planning area issues include expansion and redevelopment of the original business district, and neighborhood redevelopment.

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

Applicable Goals, Objectives & Policies:
Future Land Use 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 and 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, Policy 10-4: Affordable housing, including housing targeting SFEC students and employees, <u>shall</u> be encouraged within the Regional Activity Center (RAC).

Future Land Use Plan, Policy 10-6: Development activities within the RAC should stimulate quality redevelopment requests for increased density or intensity above that permitted by the existing zoning designations of land.

Future Land Use Plan, Policy 10-7: Rezoning and variance requests within the RAC shall be evaluated against the comprehensive plan policies relating to the Regional Activity Center designation, and shall further the intent of the RAC, as expressed through plan policies contained herein.

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

Future Land Use Plan, 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, 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.

Staff Analysis

The purpose of this request is to rezone the subject site from zoned R-3, Low Density Dwelling District to R-5, Low Medium Density Dwelling District. According to the existing Land Development Code, the R-5 zoning district allows five (5) multi-family dwelling units per acre, while R-3 zoning district only allows three (3) single-family dwelling units per acre.

This rezoning is also 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, which is Regional Activity Center.

Findings of Fact

Rezoning:
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 petitioner does not need to submit a Land Use Plan Amendment to change the subject site. Based upon approval, the proposed zoning designation of R-5, Low Medium Density Dwelling District is consistent with the underlying land use category of Regional Activity Center (RAC). The RAC allows for up to 22 du/acre, the applicant is proposing a density of 5 du/acre.

(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The north, east, and south, properties are zoned R-3, Low Density Dwelling District, and the west is zoned R-5, Low Medium Density Dwelling District. Therefore, rezoning to R-5, Low Medium Density Dwelling District is compatible with the residential zoning district.

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

The existing R-3, Low Density Dwelling Zoning District is logically drawn. However, the intent of the RAC is to promote and encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a coordinated and balanced mix of land uses.

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

The proposed of R-5, Low Medium Density Dwelling District designation will not have any undesirable impacts on residential development surrounding the subject site since the site will also be developed as single family dwellings. In addition, this residential density is permissible to abutting properties with the same land use designation.

(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;

Rezoning the subject site from R-3, Low Density Dwelling District to of R-5, Low Medium Density Dwelling District will minimally impact traffic. The addition of three (3) single family dwellings generates limited traffic to the residential areas surrounding the site. In addition, the RAC land use category contemplates a maximum of 22 du/acre; therefore, traffic for this rezoning is anticipated by the Land Use Plan Map.

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

Rezoning the subject site from R-3, Low Density Dwelling District to R-5, Low Medium Density Dwelling District will not affect surrounding property values as the Town of Davie code will ensure the redevelopment will be done in accordance with the Town of Davie Land Development Regulations.

(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 site will not deter development or improvement of adjacent parcels. The subject site will be consistent with policies of the comprehensive plan such as development of affordable housing, compatibility with adjacent uses, and redevelopment efforts within the RAC.

(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 for any property owner that has a parcel that meets the zoning classification consistent with the underlying RAC land use designation. Therefore, the proposed change does not constitute a grant of special privilege to the property owner as contrasted with the welfare of the general public.

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

The property can be used in accord with the existing zoning. However, the proposed R-5, Low Medium Density Dwelling District will be in compliance with Police 10-1 of the Town of Davie Comprehensive Plan as to promote small parcel infill development facilitating a wide selection of housing types for all income ranges.

(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.

Designating the R-5, Low Medium Density Dwelling District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be 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 February 15, 2007, Planning and Zoning Board Meeting, Mr. Busey made a motion, seconded by Ms. Turin, to deny the petition. **(Motion carried 3-0)**.

Town Council

Exhibits

1. Applicant's Justification Letter
2. Proposed Site Plan Sketch
3. 1,000' Mail out Radius Map
4. Property Owners within 1,000' of the Subject Site
5. Public Participation Plan
6. Public Participation Notice
7. Public Participation Sign-in Sheet
8. Public Participation Summaries
9. Future Land Use Plan Map
10. Aerial, Zoning, and Subject Site Map
11. Residents Correspondence

Prepared by: _____ Reviewed by: _____

File Location: P&Z\Lise Bazinet\Applications\Mr & Mrs. MacDonald\SP11-1-06

Exhibit 1 ***(Applicant's Justification Letter)***

Charles and Barbara MacDonald
5410 SW 41 Street
Davie, Fla. 33314
561-252-3398

November 7, 2006

Dear Sirs,

I Charles Mac Donald Property owner of 5410 South West 41 Street, Davie Florida 33314 am Applying for a rezoning of Property mention -above from a R-3 to R-5 . We would like to provide to the community attainable housing for community workers such as Police officers, Fire fighters, teachers etc. This community is in need for such housing opportunity for such individuals.

Currently we are R-3, and the Property to our west is bordered by R-5. This will also bring uniformity to our plot, for to our north we have already 4 houses and on the south are four houses on the same size plot. This will enhance the safety and the beauty of our community.

Findings of Fact
Rezoning:
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 3 and 22 du/acre
The zoning designation R-3 is consistent with the land use.

(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
The requested R-5, is related and compatible with the adjacent single-family residential community to the west zoned R-5

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
The existing boundaries are logically drawn .However, to our west is R-5 and we are requesting an extension of R-5 to allow us to develop as the properties to the north and west ave.

(d) The proposed change will not adversely affect living conditions in the neighborhood;
The development of 4 houses will not have adverse impact on the surrounding area but will unified by bringing equality to the neighborhood.

(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 four houses will not intensify congestion and is less then what is anticipated by the future land use plan.

(f) The proposed change will not adversely affect other property values;
Surrounding property values will not be adversely impacted by the development of 4 houses However, 4 single-family homes typical create more positive value and tax revenue to the city

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

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 and to the development to the west.

(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, adjacent to an arterial roadway, and is therefore the most appropriate designation to enhance the Town's tax base.

Thank you for the opportunity to bring this request before you. May God bless you.
Sincerely your servant,

Charles MacDonald

Exhibit 2 ***(Proposed Site Plan Sketch)***

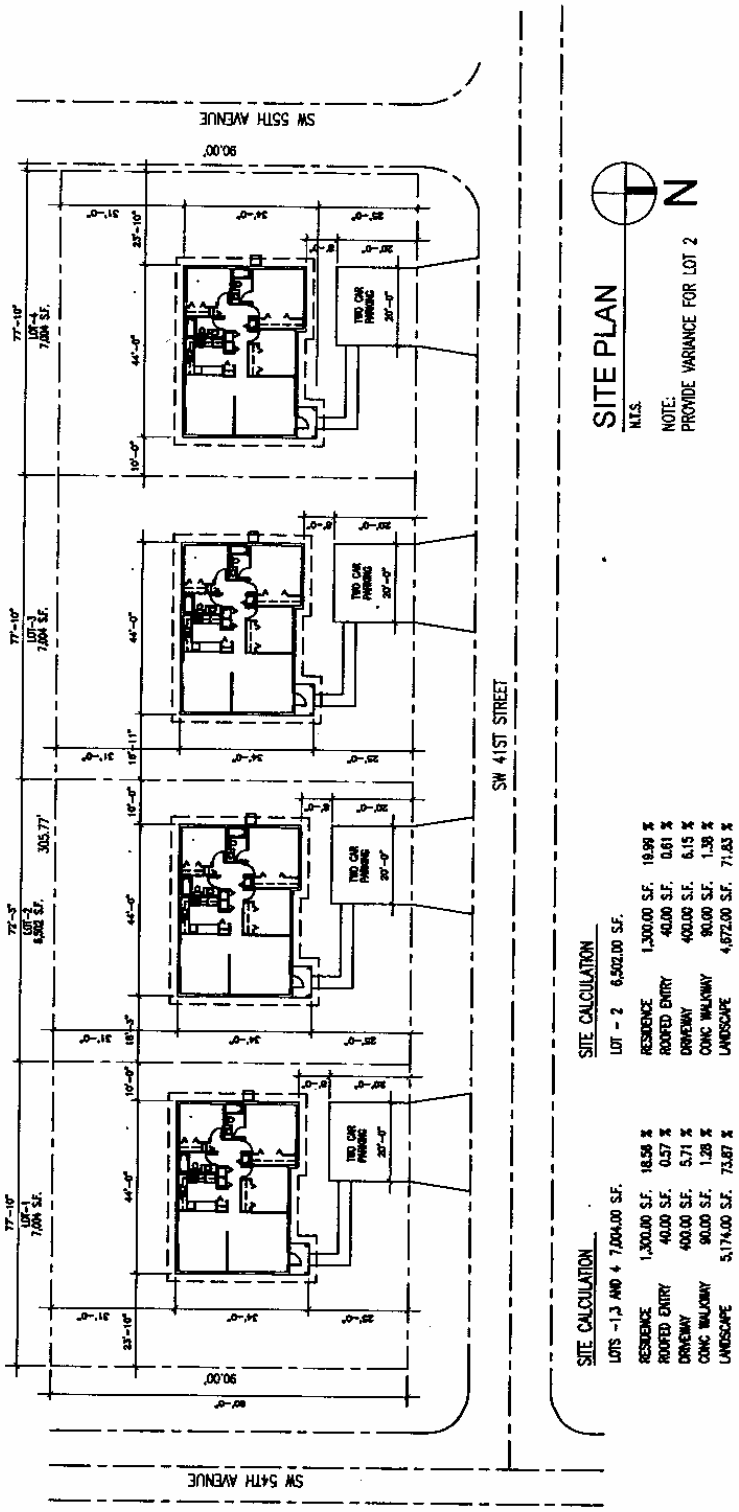


Exhibit 3 (1,000' Mail out Radius Map)

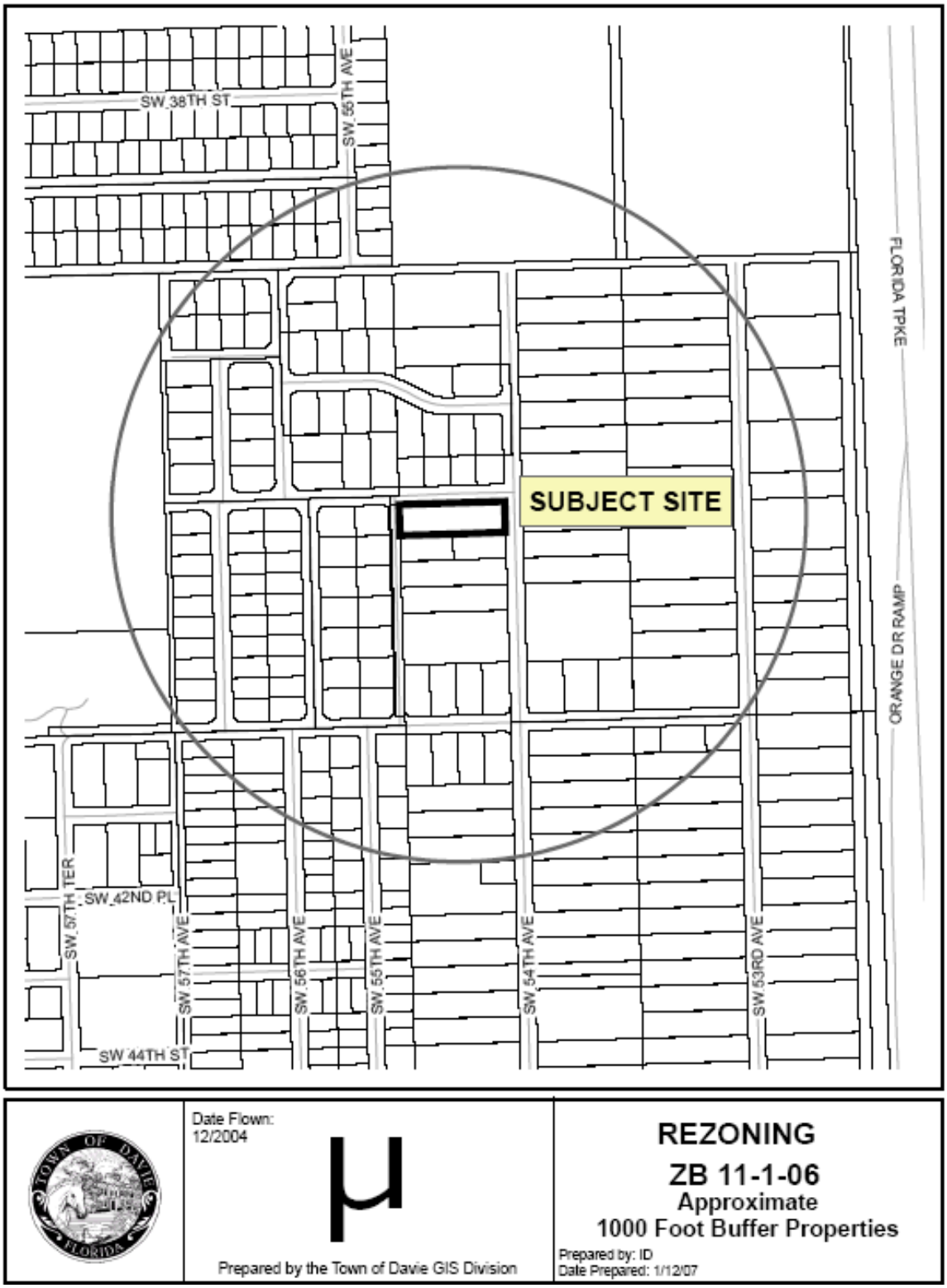


Exhibit 4 *(Property Owners within 1,000' of the Subject Site)*

ZB 11-1-06
ABBOTT,CHARLES WILLIAM
4135 SW 54 AVE
DAVIE FL 33314

ZB 11-1-06
ALBAUGH,ROBERT
COVERDALE,TAMI
4157 SW 54 AVE
DAVIE FL 33314-3736

ZB 11-1-06
APATHY,GEORGE J & G S
APATHY,MARGARET
5475 SW 42ND ST
DAVIE FL 33314-3720

ZB 11-1-06
BAEZ,DANIEL &
MORALES,JOSEFINA
4191 SW 56 AVE
DAVIE FL 33314

ZB 11-1-06
BARTON,CONRAD J & JEAN
3940 SW 54 AVE
DAVIE FL 33314

ZB 11-1-06
BIRDSONG,JAMES H
4221 SW 55 AVE
DAVIE FL 33314-3832

ZB 11-1-06
BOHADANAH,ELIYAHU
3325 GRIFFIN ROAD #172
FORT LAUDERDALE FL 33312-5500

ZB 11-1-06
BRANNON,JAMES K JR & DANELLE
5599 SW 40TH ST
DAVIE FL 33314-3711

ZB 11-1-06
BROWN,ROBERT &
BROWN,BETH ANN & KLINE,C K
1700 SW 59 AVE
PLANTATION FL 33317

ZB 11-1-06
BUCKNER,RICHARD L & PATSY R
4110 SW 54TH AVE
DAVIE FL 33314-3737

ZB 11-1-06
AITCHESON,THOMAS G & JO-ANN S
5624 SW 39TH ST
DAVIE FL 33314-3706

ZB 11-1-06
ALICEA,IVETTE
DAVILA,SYLVIA I
5501 SW 42ND ST
DAVIE FL 33314-3722

ZB 11-1-06
AVILA,GREZORIO
5511 SW 39 ST
DAVIE FL 33315

ZB 11-1-06
BALLESTEROS,ENRIQUE J &
SANDRA
5401 SW 41ST ST
DAVIE FL 33314-3713

ZB 11-1-06
BELLES,ERNEST M
3921 SW 53 AVE
DAVIE FL 33314-3726

ZB 11-1-06
BLANCHARD,J A JR & B REV LIV TR
4095 SW 56 AVE
DAVIE FL 33314-3716

ZB 11-1-06
BRACE,GEORGE R & CHRISTINE
4005 SW 56TH AVE
DAVIE FL 33314-3716

ZB 11-1-06
BREWER,JAMES R & ALICE
4230 SW 54TH AVE
DAVIE FL 33314-3827

ZB 11-1-06
BRUNA,BILLY
BRUNA,WILLY G
4140 SW 56TH TER
DAVIE FL 33314-3745

ZB 11-1-06
BURGS,CHAD E
4141 SW 56 TER
DAVIE FL 33314-3744

ZB 11-1-06
AKHTAR,SYED
5620 SW 38 CT
DAVIE FL 33314

ZB 11-1-06
ALVAREZ,BARBARO R & EMERIDA
3900 SW 53 AVE
DAVIE FL 33314-3727

ZB 11-1-06
BADGER,EDWARD
4300 NW 10 PL #202-N
PLANTATION FL 33310

ZB 11-1-06
BARRENECHEA,JESUS R
3975 SW 56 TER
DAVIE FL 33314-3742

ZB 11-1-06
BEYER,LAVERN J JR & SHARON I
5600 SW 38TH CT
DAVIE FL 33314-2728

ZB 11-1-06
BLANCHARD,THEOPHILE & ROSE D
5460 SW 40 ST
DAVIE FL 33314-3710

ZB 11-1-06
BRAMMER,KIMBERLY S
3911 SW 53 AVE
DAVIE FL 33314-3726

ZB 11-1-06
BRINCAT,JOSEPH
BRINCAT,ANA
4120 SW 54 AVE
DAVIE FL 33314-3843

ZB 11-1-06
BUCKLEY,AMY
3900 SW 54TH AVE
DAVIE FL 33314-3733

ZB 11-1-06
BURGS,THOMAS L & DEBORAH
4161 SW 56TH TER
DAVIE FL 33314-3744

ZB 11-1-06
BURK,SHELDON L & CLARA E
5550 SW 39TH ST
DAVIE FL 33314-3704

ZB 11-1-06
CAPRAUN,DAWN ANN
4111 SW 56TH TER
DAVIE FL 33314-3744

ZB 11-1-06
CASALLAS,LUIS H
NINO,MAGDA J
4151 SW 56 AVE
DAVIE FL 33314

ZB 11-1-06
CHAMPION,STEVEN D & ANGEL L
5910 SW 58 CT
DAVIE FL 33314

ZB 11-1-06
CHECA,FERNANDO A
5694 SW 39 ST
DAVIE FL 33314

ZB 11-1-06
CHIBOWSKI,MALGORZATA &
CHIBOWSKI,PIOTR
4101 SW 53 AVE
DAVIE FL 33314-3730

ZB 11-1-06
CHURCH OF GOD LORD JESUS
CHRIST
% LEONARD DUPONT
7099 NW 48 CT
LAUDERHILL FL 33319

ZB 11-1-06
COMEGYS,LANCE M & AMBER L
3910 SW 54TH AVE
DAVIE FL 33314-3733

ZB 11-1-06
CRUZ,JESUS LAZARO &
VELEZ-PARKS,LUCILLE
5495 SW 42 ST
DAVIE FL 33314

ZB 11-1-06
DAVIE COMMUNITY
REDEVELOPMENT
AGENCY
6591 ORANGE DR
DAVIE FL 33314

ZB 11-1-06
BUSTOS,CAROL J &
RODGERS,STEVE L II
4110 SW 56 AVE
DAVIE FL 33314-3717

ZB 11-1-06
CARMICHAEL,FLORENCE
4210 SW 53RD AVE
DAVIE FL 33314-3821

ZB 11-1-06
CASTALDI,SANDRA L
5599 SW 42ND ST
DAVIE FL 33314-3722

ZB 11-1-06
CHAPMAN,ROBERT P &
CHAPMAN,LISA L
5601 SW 39 CT
DAVIE FL 33314-3707

ZB 11-1-06
CHEESEMAN,PHYLLIS A
5400 SW 40TH ST
DAVIE FL 33314-3710

ZB 11-1-06
CHOW,JESSY & JOSEPHINA
4211 SW 55 AVE
DAVIE FL 33314-3832

ZB 11-1-06
CLARK,JESSE LEON
4250 SW 54 AVE
DAVIE FL 33314-3827

ZB 11-1-06
CORBITT,GARY
5500 SW 41 ST
DAVIE FL 33314-3750

ZB 11-1-06
CURRY,DELORIS L
4111 SW 53 AVE
DAVIE FL 33314-3730

ZB 11-1-06
DELPIN,CHRISTINA KHOURY &
ALENSKI,LIGIA MARIA
4190 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
CALVACHE,CARLOS G
CALVACHE,MARIANA J
4141 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
CARR,GARY L
4200 SW 53 AVE
DAVIE FL 33314-3821

ZB 11-1-06
CASTEEL,KENNETH WAYNE & SHARON
5695 SW 39TH CT
DAVIE FL 33314-3707

ZB 11-1-06
CHARITY UNLIMITED INC
% CAMILLA HOUSE INC
336 NW 5 ST
MIAMI FL 33128

ZB 11-1-06
CHELALA,ZAIDE
4241 SW 53RD AVE
DAVIE FL 33314-3820

ZB 11-1-06
CHURCH OF GOD
DAVENPORT,MEARS,TAYLOR TRS
4140 SW 54TH AVE
DAVIE FL 33314-3737

ZB 11-1-06
COCKREHAM,CORY J &
ANNAMARIE
4231 SW 54 AVE
DAVIE FL 33314-3826

ZB 11-1-06
COUNIHAN,JO ANN I 1/2 INT
COUNIHAN,JOHN J
5551 SW 41 ST
DAVIE FL 33314-3715

ZB 11-1-06
CUSHING,KENNETH P & ELIZABETH
4111 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
DIAZ,FLAVIO
5430 SW 40TH ST
DAVIE FL 33314-3710

ZB 11-1-06
DIAZ,OLGA MARIA
4051 SW 56TH TER
DAVIE FL 33314-3746

ZB 11-1-06
DOAN,DOUGLAS A &
DOAN,LAURA R
4101 SW 56 TER
DAVIE FL 33314-3744

ZB 11-1-06
DUNKES,DAVID
4141 SW 53RD AVE
DAVIE FL 33314-3730

ZB 11-1-06
EINIG,ROBERT B JR
EINIG,MARGARET O
3901 SW 54 AVE
DAVIE FL 33314-3732

ZB 11-1-06
ESPINOSA,JOSE 1/2 INT &
HERNANDEZ,CECILIA
4241 SW 54TH AVE
DAVIE FL 33314-3826

ZB 11-1-06
FICKERS,JOHN A & MICHELLE S
3910 SW 56 AVE
DAVIE FL 33314-3739

ZB 11-1-06
FOGLIO,FRANK A & MARILYN L
5425 SW 42ND ST
DAVIE FL 33314-3720

ZB 11-1-06
FROST,DANIEL R & CYNTHIA C
4100 SW 54TH AVE
DAVIE FL 33314-3737

ZB 11-1-06
GARCIA,ROBERT &
LINDEY,LAWRENCE G
840 SW 118 TER
DAVIE FL 33325

ZB 11-1-06
GILMAN,R R & MARY L
5625 SW 39TH CT
DAVIE FL 33314-3707

ZB 11-1-06
DIFTON,S & SARAH
4201 SW 57TH AVE
DAVIE FL 33314-3844

ZB 11-1-06
DOYON,PETER N
5399 SW 42 ST
DAVIE FL 33314-3718

ZB 11-1-06
DUNKES,DAVID D & MARYRUTH
4141 SW 53RD AVE
DAVIE FL 33314-3730

ZB 11-1-06
ELMORE,JERRY R & DOLORES E
5426 SW 42ND ST
DAVIE FL 33314-3721

ZB 11-1-06
ESTRELLA,MARGARITA
4160 SW 53RD AVE
DAVIE FL 33314-3731

ZB 11-1-06
FLORES,EDWIN L &
CANTOS-FLORES,YESSENIA D
4130 SW 56 TER
DAVIE FL 33314

ZB 11-1-06
FRENCH,ROBERT W & VIRGINIA A
3975 SW 56TH AVE
DAVIE FL 33314-3738

ZB 11-1-06
GAINEY,DENNIS E
GAINEY,WENDY
4141 SW 55 AVE
DAVIE FL 33314-3702

ZB 11-1-06
GEGG,LARRY J
4191 SW 53RD AVE
DAVIE FL 33314-3730

ZB 11-1-06
GOMEZ,LUIS
ROSEBERRY,PATRICK W & DULSE M
4221 SW 54 AVE
DAVIE FL 33314-3826

ZB 11-1-06
DINDIYAL,NARAYAN
5641 SW 39 ST
DAVIE FL 33314-3705

ZB 11-1-06
DUNCANSON,ROBERT H & GLORIA
3941 SW 53RD AVE
DAVIE FL 33314-3726

ZB 11-1-06
ECHOLS,MARTIN S & CHARLENE
4131 SW 55 AVE
DAVIE FL 33314-3702

ZB 11-1-06
ERVING,PATRICIA J
4040 SW 54TH AVE
DAVIE FL 33314-3735

ZB 11-1-06
FELIX,DUNCKER & LUCIA
4200 SW 56 AVE
DAVIE FL 33314

ZB 11-1-06
FLORIDA STATE TURNPIKE
AUTHORITY
PO BOX 8008
FORT LAUDERDALE FL 33310-8008

ZB 11-1-06
FROST,CARL A & MYRA L
5510 SW 40 ST
DAVIE FL 33314-3712

ZB 11-1-06
GALLIGUEZ,LARRYSON E &
VANWYCKE,VICTORIA
4236 SW 57 AVE
DAVIE FL 33314

ZB 11-1-06
GERMANO,STEVEN L & MARY S
3850 SW 55TH AVE
DAVIE FL 33314-2733

ZB 11-1-06
GRATE,KEVIN & RACHEL
4220 SW 56 AVE
DAVIE FL 33314-3839

ZB 11-1-06
GRIFFIN,TIMOTHY M
3950 SW 54TH AVE
DAVIE FL 33314-3733

ZB 11-1-06
GRIMM,ALVA G &
ANDERSON,ANNIE G
3970 SW 53 AVE
DAVIE FL 33314-3727

ZB 11-1-06
GRIMM,LORI
ANDERSON,ANNIE G
3970 SW 53 AVE
DAVIE FL 33314-3727

ZB 11-1-06
GRONWALL,STANLEY C
4201 SW 55 AVE
DAVIE FL 33314-3832

ZB 11-1-06
GUERRERO,ERIC ALLEN FREDERICK
4150 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
GUTIERREZ,R & TRINIDAD
5411 SW 41ST ST
DAVIE FL 33314-3713

ZB 11-1-06
HAMILTON,HEATHER L
5611 SW 39 ST
DAVIE FL 33314

ZB 11-1-06
HARRELL,LESLIE W
3995 SW 56TH AVE
DAVIE FL 33314-3738

ZB 11-1-06
HARRIS,CHRISTOPHER
3840 SW 55 AVE
DAVIE FL 33314-2733

ZB 11-1-06
HARVEY,DOUGLAS E & KAREN K
4121 SW 56TH TER
DAVIE FL 33314-3744

ZB 11-1-06
HERNANDEZ,BEVERLY J
4120 SW 56TH AVE
DAVIE FL 33314-3717

ZB 11-1-06
HERNANDEZ,JOSE A
4210 SW 56 AVE
DAVIE FL 33314-3839

ZB 11-1-06
HERNANDEZ,R & FLOR
5621 SW 39TH ST
DAVIE FL 33314-3705

ZB 11-1-06
HERRERA,JOSE ANGEL
3810 SW 59 AVE
DAVIE FL 33314

ZB 11-1-06
HOFFMAN,HARRY
4230 SW 55 AVE
DAVIE FL 33314-3833

ZB 11-1-06
HUBERT,LISA R
5520 SW 38 CT
DAVIE FL 33314

ZB 11-1-06
HUEBNER-MARQUEZ,J L
MARQUEZ,CARLOS A III
4180 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
HUGHES,CURTIS C
5600 SW 39 ST
DAVIE FL 33314-3706

ZB 11-1-06
HUNT,RONALD R & DEANA L
4090 SW 56 AVE
DAVIE FL 33314-3740

ZB 11-1-06
JEFFERSON,BETTY
4241 SW 55 AVE
DAVIE FL 33314-3832

ZB 11-1-06
JONES,MARTHA
4170 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
KERR,THOMAS M JR
4170 SW 54 AVE
DAVIE FL 33314-3737

ZB 11-1-06
KITE,ROBERT W & MARISSA
4171 SW 56 AVE
DAVIE FL 33314-3741

ZB 11-1-06
KLINE,SANDRA L TR LE
4130 SW 53 AVE
DAVIE FL 33314-3731

ZB 11-1-06
KNAPP,JAMES R & DEBORAH V
3860 SW 55TH AVE
DAVIE FL 33314-2733

ZB 11-1-06
LE,THUY THANH &
VU,MY PHUONG
4151 SW 53RD AVE
DAVIE FL 33314-3730

ZB 11-1-06
LEWIS,HAROLD D & CAROL J
4161 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
LICHTENBERG,B R
LICHTENBERG,H A,LICHTENBERG,H
4210 SW 55 AVE
DAVIE FL 33314-3833

ZB 11-1-06
LOEK,KATHLEEN L
CRONK,JUDITH B
4200 SW 55TH AVE
DAVIE FL 33314-3833

ZB 11-1-06
LOGAN,JAMES A
3870 SW 55 AVE
DAVIE FL 33314-2733

ZB 11-1-06
LOOKER,MYRON V SR & SERAFINA
4130 SW 56TH AVE
DAVIE FL 33314-3717

ZB 11-1-06
MACDONALD,BARBARA &
MACDONALD,CHARLES C
5410 SW 41 ST
DAVIE FL 33314-3714

ZB 11-1-06
MC FADDEN,EDWARD R
5500 SW 38TH CT
DAVIE FL 33314-2726

ZB 11-1-06
MEADOWS,JASON
4220 SW 54 AVE
DAVIE FL 33314-3827

ZB 11-1-06
MONTES,CLARA V &
CARRION,JUAN P
5510 SW 38 CT
DAVIE FL 33314

ZB 11-1-06
MYER,CLAUDE L
MYER,RITA MASSEY
4010 SW 54 AVE
DAVIE FL 33314-3735

ZB 11-1-06
NOTARI,MARIA
4110 SW 56 TER
DAVIE FL 33314

ZB 11-1-06
OLIVER,GLORIAN BADGER
1811 NW 36 TER
FT LAUDERDALE FL 33311-4114

ZB 11-1-06
OVERTON,NAOMI RUTH & DANNY RAY
5701 SW 39TH ST
DAVIE FL 33314-3501

ZB 11-1-06
PARDO,ANDREW LAPIERRE
4240 SW 55 AVE
DAVIE FL 33314

ZB 11-1-06
LOPEZ,JOSEPHINE D
5431 SW 41ST ST
DAVIE FL 33314-3713

ZB 11-1-06
MANIN,MICHAEL &
BUSHMAN,PAULA TWITTY
4020 SW 54 AVE
DAVIE FL 33314

ZB 11-1-06
MC SEVNEY,IAN S & JOY A
5500 SW 39 ST
DAVIE FL 33314

ZB 11-1-06
MESSICK,W M & MARY G
3991 SW 56 TER
DAVIE FL 33314-3738

ZB 11-1-06
MORALES,F A & EUFEMIA O
MORENO,ODALYS
4110 SW 55TH AVE
DAVIE FL 33314-3701

ZB 11-1-06
MYERS,AARON L & KAREN A
5401 SW 42ND ST
DAVIE FL 33314-3720

ZB 11-1-06
NUNEZ,JOSE &
ROMAN,MARGARITA
3900 SW 56 AVE
DAVIE FL 33314

ZB 11-1-06
ORLOVSKY,ALEJANDRO & ANA
4055 SW 56 AVE
DAVIE FL 33314-3716

ZB 11-1-06
PALONEN,PASI JUHANI
4121 SW 54 AVE
DAVIE FL 33314-3736

ZB 11-1-06
PEACOCK,GLENN
5630 SW 38TH CT
DAVIE FL 33314-2728

ZB 11-1-06
LUCKHOO,RAJENDRA
5460 SW 42 ST
DAVIE FL 33314-3721

ZB 11-1-06
MAYORS,THOMAS A
4111 SW 54 AVE
DAVIE FL 33314-3736

ZB 11-1-06
MCDADE,RONALD C
4210 SW 54 AVE
DAVIE FL 33314-3827

ZB 11-1-06
MOBLEY,DAWN LOUISE
4171 SW 56 TER
DAVIE FL 33314-3744

ZB 11-1-06
MUGUIRA,JULIO F & JENNIFER
4160 SW 56 TER
DAVIE FL 33314

ZB 11-1-06
NIX,LONNIE SCOTT &
NIX,PATRICIA DEL ROSARIO
5674 SW 39 ST
DAVIE FL 33314

ZB 11-1-06
O CONNOR,S & MARY
5675 SW 39TH CT
DAVIE FL 33314-3707

ZB 11-1-06
ORLOWSKI,JOSEPH A
4111 SW 55 AVE
DAVIE FL 33314-3702

ZB 11-1-06
PANESON,THEODORE MICHAEL II
4151 SW 55 AVE
DAVIE FL 33314-3702

ZB 11-1-06
PEREZ,ROGELIO & ROSA M
4121 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
PERRY,ROBERT W &
PERRY,VALLERIE R
74 W QUARRY RD
BELVEDERE NJ 07823-2720

ZB 11-1-06
POWELL,WILLIAM A
5610 SW 38 CT
DAVIE FL 33314-2728

ZB 11-1-06
QUINONES,OSCAR & ELENA
4211 SW 53RD AVE
DAVIE FL 33314-3820

ZB 11-1-06
REYNOLDS,WAYNE R JR & C S
4131 SW 56 AVE
DAVIE FL 33314-3741

ZB 11-1-06
RICHARDS,WALTER E
5490 SW 40 ST
DAVIE FL 33314-3710

ZB 11-1-06
RODRIGUEZ,FRANCISCO & RAMONA
4121 SW 55TH AVE
DAVIE FL 33314-3702

ZB 11-1-06
SAMUELS,JOHN MICHAEL
4091 SW 56 TERR
DAVIE FL 33314-3746

ZB 11-1-06
SCOTT,DIERDRE
707 SW 79 AVE
NORTH LAUDERDALE FL 33068

ZB 11-1-06
SHAW,JAMES
DANIEL,MICHELLE L
4050 SW 56 AVE
DAVIE FL 33314-3740

ZB 11-1-06
SKELTON,PATRICIA
5601 SW 39 ST
DAVIE FL 33314-3705

ZB 11-1-06
PETERSON,DOUG
4180 SW 53 AVE
DAVIE FL 33317

ZB 11-1-06
PRIETO,DARRELL S &
ORTIZ,DAMARIS
4001 SW 56 TER
DAVIE FL 33314-3746

ZB 11-1-06
RAGOONANAN,DARREN & SANDRA
4232 SW 57 AVE
DAVIE FL 33314

ZB 11-1-06
RHEAUME,CLAUDE J & MARJORIE R
4100 SW 53RD AVE
DAVIE FL 33314-3731

ZB 11-1-06
RISCHIA,LUCILLE Y TR
4140 SW 53 AVE
DAVIE FL 33314-3731

ZB 11-1-06
RODRIGUEZ,VICTOR & ANNA
MARIE
4191 SW 56TH TER
DAVIE FL 33314-3744

ZB 11-1-06
SANFORD,ROBERT
4261 SW 54 AVE
DAVIE FL 33314-3826

ZB 11-1-06
SHAMBLIN,DAVID
SHAMBLIN,RHONDA
4150 SW 56TH AVE
DAVIE FL 33314-3717

ZB 11-1-06
SHROUDER,JASON
5559 SW 40 ST
DAVIE FL 33314-3711

ZB 11-1-06
SMITH,MARK
4181 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
PEYNADO,RADCLIFFE & PATRICIA
4220 SW 55TH AVE
DAVIE FL 33314-3833

ZB 11-1-06
PRILLAMAN,OWEN T & GAY A
5400 SW 42ND ST
DAVIE FL 33314-3721

ZB 11-1-06
RAMIREZ,LUCILLE
5500 SW 40 ST
DAVIE FL 33314-3712

ZB 11-1-06
RHEAUME,CLAUDE J & MARJORIE R
4100 SW 53RD AVE
DAVIE FL 33314-3731

ZB 11-1-06
RIVERO,RODOLFO &
RIVERO,AMPARO
4181 SW 56 TER
DAVIE FL 33314

ZB 11-1-06
SAMAYOA,CARMELINA
MEDINA,ELMERS
5560 SW 40 ST
DAVIE FL 33314-3712

ZB 11-1-06
SCHENK,C FRED & CAROLYN
5401 SW 49 ST
DAVIE FL 33314

ZB 11-1-06
SHAVER,WENDY A
SHAVER,DON A
4051 SW 53 AVE
DAVIE FL 33314-3728

ZB 11-1-06
SILVERA,OSVALDO & KENDRA
4200 SW 54 AVE
DAVIE FL 33314-3827

ZB 11-1-06
SMITH,WILLIAM &
SMITH,CARRIE
4060 SW 54 AVE
DAVIE FL 33314-3735

ZB 11-1-06
SOTELO,RAUL &
SOTELO,STELLA
4151 SW 56 TER
DAVIE FL 33314-3744

ZB 11-1-06
SQUIRES,CHRISTOPHER K
4120 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
STARK,JAMES A &
SEEBACHER,JODI
13591 NW 3 ST #101
PEMBROKE PINES FL 33028

ZB 11-1-06
SUMMERLAKE APARTMENTS LTD
2937 SW 27 AVE
COCONUT GROVE FL 33162

ZB 11-1-06
TRINIDAD,RUTH I
3939 SW 54 AVE
DAVIE FL 33314-3732

ZB 11-1-06
VALDES,FRANCISCO E
VALDES,FRANCISCO E
4101 SW 56TH AVE
DAVIE FL 33314-3741

ZB 11-1-06
VIVEIROS,SUSHIELA RACHEL
5590 SW 41 ST
DAVIE FL 33314-3750

ZB 11-1-06
WILLIAMS,NIGEL
4131 SW 56 TER
DAVIE FL 33314-3744

ZB 11-1-06
WRIGHT,JOHN
5401 SW 40 ST
DAVIE FL 33024

ZB 11-1-06
SPAIDE,LINDA DIANE 1/2 INT
WINDER,PAMELA K
4140 SW 56 AVE
DAVIE FL 33314

ZB 11-1-06
STACY,RICHARD M
5521 SW 39 ST
DAVIE FL 33314-3703

ZB 11-1-06
STEPHENS,WILLIAM J
4100 SW 56 TER
DAVIE FL 33314-3745

ZB 11-1-06
TAYLOR,BRUCE A & BEVERLEY T
3830 SW 55TH AVE
DAVIE FL 33314-2733

ZB 11-1-06
TRUMBLE,MICHAEL L
5501 SW 39 ST
DAVIE FL 33314-3703

ZB 11-1-06
VALLADARES,MAGELA
ZALDIVAR,JAROMIR
5421 SW 41 ST
DAVIE FL 33314-3713

ZB 11-1-06
WALLACE,RONALD & PATRICIA
5509 SW 40 ST
DAVIE FL 33314-3711

ZB 11-1-06
WOJDULA,MICHAEL & SHARON
5375 SW 42 ST
DAVIE FL 33314-3718

ZB 11-1-06
YIP,KAM
5340 SW 42 ST
DAVIE FL 33314

ZB 11-1-06
SPATARO,FELIX & ANNETTE
4231 SW 55 AVE
DAVIE FL 33314

ZB 11-1-06
STAGER,ELIZABETH
5531 SW 41 ST
DAVIE FL 33314

ZB 11-1-06
STEWARD,ALVIN D & RISA M
3901 SW 53 AVE
DAVIE FL 33314-3726

ZB 11-1-06
TRINIDAD,CARMEN L
5499 SW 40 ST
DAVIE FL 33314-3709

ZB 11-1-06
VALDERRAMA,VICKIE L
5501 SW 40 ST
DAVIE FL 33314-3711

ZB 11-1-06
VEITCH,G W D & BETTY R
4225 SW 53RD AVE
DAVIE FL 33314-3820

ZB 11-1-06
WALTERS,SHERRY K REV TR
WALTERS,TIMOTHY K TRSTEE
2236 SE 9 ST
POMPANO BEACH FL 33062

ZB 11-1-06
WRIGHT,HUBERT SR TR
2995 NW 49 ST
MIAMI FL 33142-3556

ZB 11-1-06
ZAPARANIUK,IVAN 1/2 INT EA
KARNAUKHOVA,LARCIA
5501 SW 38 CT
DAVIE FL 33324

Exhibit 5 ***(Public Participation Plan)***

CITIZEN PARICIPATION PLAN ACKNOWLEDGMENT

12-07-2006

,
Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

Re: Citizen Participation Plan for:
Project Number:

Dear Staff:

As required by Davie Ordinance No. 2004-31, we Charles and Barbara MacDonald are enclosing herewith a copy of the proposed citizen participation plan related to an approval for the proposed referenced application. In addition, to the outline of the plan we are enclosing the following material.

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application, residents within one thousand feet of property . The names and addresses of residents and property owners within the public hearing notice area, as set forth in the Davie Code of ordinance, shall be provided to applicant by an appropriate planning representative. The planning representative shall also provide the applicant with all names of any other interested parties and/or public agencies who have stated an interest in the application.

2. A summary of how the applicant proposes that it will notify all "affected parties" of the application.

3. A summary of the proposed application.

4. A description of the manner in which the applicant proposes that it will disseminate information to residents, property owners and/or interested parties.

5. A schedule of events planned by the applicant to complete the citizen participation procedure. Applicant shall be required to conduct a minimum of two public meetings with "affected parties." This requirement may be waived if letters from all adjacent affected parties state that all their items have been addressed and there is no need for another meeting with the applicant.

6. A requirement that the applicant shall keep the Development Services department informed on the status of its citizen participation efforts by coordination its efforts through the assigned project planner.

The information above should satisfy the requirements of the public participation and the application review process.

Sincerely,
Charles and Barbara Mac Donald

CITIZEN PARTICIPATION PLAN FOR
(Appplication) No. (#)

Project Description
Rezoning from R3 to R5 property 5410 s.w.
41street, Davie Fl 33314

Contact Information
Charles abnd Barbara Macdonald
5410 sw 41 street
Davie, florida 33314

List of Residents and/or Property Owners and Interested Parties
As per list given to us by city of Davie

Notification Procedure
The Residents and property owner with in 1,000 feet which list was given by city of Davie.

Dissemination of Information
The information was disseminated through letter send by means of postal service.

Schedule of Events
Meeting location
4300 sw 55 ave
Davie fl 33314
City recreation building

Date
December 15, 2006
7:30 pm

December 20, 2006
7:30 pm

Exhibit 6 ***(Public Participation Notice)***

MEETING NOTICE

5419 SW 41 Street
Davie, Florida 33314

12-07-2006

Re: Citizen Participation Plan Meeting for: Rezoning from R-3 to R-5
Project Number:

Dear Neighbor:

This letter is to invite you to a citizen participation meeting relating to rezoning from R-3 to R-5 for a parcel located at 5410 SW 41 street, Davie, fl. 33314. . We would like to provide to the community attainable housing for community workers such as Police officers, Fire fighters, teachers etc. Currently we are R-3, and the Property to our west is bordered by R-5. This will also bring uniformity to our plot, for to our north we have already 4 houses and on the south are four houses on the same size plot. This will enhance the safety and the beauty of our community.

Under a Town of Davie ordinance, the petitioner is required to hold two citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior the town initiating their review of the application. We have scheduled the following meetings.

First Citizen Participation Meeting:
Date: 12-15-2006
Time: 7:30 pm
Location: *4300 sw 55 ave*
Davie Fl, 33314
City recreation building

Second Citizen Participation Meeting:
Date: 12-20-2006
Time: 7:30 pm
Location: *4300 sw 55 ave*
Davie Fl, 33314
City recreation building

If you wish to submit written comments, please send then to:
Charles and Barbara MacDonald
5410 s.w. 41 street
Davie, fl 33314

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,

Charles and Barbara Macdonald

Exhibit 7 ***(Public Participation Sign-in Sheet)***

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date) Dec 15, 2006

	NAME	ADDRESS	PHONE
1	Phyllis A. Cheeseman	5400 SW 40th St	954-587-1243
2	Don A SHAVER	4051 SW 53rd Ave	954-818-3591
3	DAVID + MARYRUTH DUNIKES	4141 SW 53 AVE	954-584-1569
4	Charles & Andrea Abbott	4135 SW 54 AVE	786-255-1416
5	Chris Cindy Squires	4120 S.W 56 Ave	321-218-7218
6	Lance Comegys	3910 SW 54 Ave	954-321-0640
7	Charlene E Echols	4131 SW 55 AVE	954-792-4122
8	Wendy Gaing	4141 SW 55 AVE	954-797-8659
9	MARTIN Echols	4131 SW 55 AVE	954-792-4122
10	Patty & Tom Mayers	4111 SW 54 AVE	954-581-5812
11	JEANNE + JIM BARTON	3940 SW 53 AVE	954-792-3668
12	[illegible]	4020 SW 54 AVE	954-2001481
13	Bryan Galeska	6332 SW 39th CT	954-587-5854
14	Carmen Trinidad	5499 SW 40th St	954 895-1036
15	Ruth Trinidad	3939 SW 54 Ave	954 581-4475
16	[illegible]	4111 S.W. 55 Ave	954 587-1388
17	Karen Myers	5401 SW 42	954-792-2426
18	Richard Buckner	4410 SW 54 AVE.	954-581-6872
19	Timothy [illegible]	3950 SW 54th AVE	954-201-8076
20	Cory & Annamarie Cochrelan	4231 SW 54 Ave	954-327-0979

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II.

(Date)
12-20-06

	NAME	ADDRESS	PHONE
1)	Thomas & Patricia Moyers	4111 SW 54 Ave	754-581-5812
2	Charlene Echols	4131 SW 55 Ave	954-792-4122
	Martin Echols	4131 SW 55 Ave	954-792-4122
3	Pasi Palonen	4121 SW 54 AVE	954 625 2345
	Katja Pakkila	"	"
	Thomas Kerr	4130 S.W. 54th AVE	954-381-1461
4	Elizabeth Stayer	5531 SW 41 St.	954 585-6171
5	BARBARO & EMERIDA ALVAREZ	3900 SW 53 AVE	954-587-7562
6	Kimberly & Wayne Brammer	3911 SW 53rd Ave	954-584-1028
7	FLORENCE CARMICHAEL	4210 SW 53 AVE	954-583-5239
8	Conrad Brator	3940 SW 53 Ave	954 792 3668
9	John Brisebois	4310 SW 53rd Ave	954 792 5826
10	Mr & Mrs. Armen Trout (commutrinidad)	5499 SW 40th ST	954-654-1777
11	Mr & Mrs Francisco Morales	5110 SW 55 AVE	954-791-4326
	Mrs Niestzche	5110 SW 55 AVE	954-791-4326
12	Mrs. Josephine D. Lopez	5431 S.W. 41st, Davie	
13	Ruth Trumbian	3979 SW 51 Ave	Davie
14	William Stephen	4100 SW 56 Ter	954-583-3350
15	Squire	4120 SW 56th Terr	954-914-8859
16	LAURA DOAN	4101 SW 56 TER	954-321-0399
17	RICHARD BUCKNER	4110 S.W. 54 AVE	954 581-6872
18	IVON D SMITH	4140 SW 54 AVE	954 587 2682
19	Joseph Brunk	4120 SW 54th Ave	954-849-1701

Exhibit 8 (*Public Participation Summaries*)

Summary of Discussion
At Public Participation Meeting I

Meeting was on December 15, 2006 at 4300 Southwest 55 avenue, Davie, Florida 33314, was one hour fifteen minutes.

As we started the meeting we gave each person that attended a lay out of the rezoning project for the property 5410 south west41 street, Davie Florida 33314 and introduce ourselves as the owners of the property. We introduce to the people at the meeting the property and why we wanted to rezone. Which is for the property to become from R-3 to R-5, so we could build three additional homes to bring into the community specific community workers which includes, teachers, police offices, and fire workers. We also explain that by dividing into R-5 would bring a uniform to the block and would match the lots to the North, west and south of our property. Realizing that this corner lot is the only one left that would fit the specific for a rezoning, and the property is unique and to the west of the property is already R-5.

In the participants of the meeting where from the letters that was send out with address given by the Town of Davie which was 210 address, we had a participation of 20 household that came from the letters send out. Most resident were belonging the east of our property

Concerns that where brought unto our attention was

1. One neighbor asked why her letter to the city was not responded to for the rezoning of her property. Her livers to the north east of us... Respond: We do not work for the city and she should go personal to the city.
2. If additional traffic was going to be a problem? Responce that traffic could travel on the west, east, and as on the north of the property and we are talking about three addition house hold.
3. If rezoning of this property will affect all other properties? Respond that this parcel of land is unique for is the only one left that this rezoning could be done to, and there is not another parcel that first that description of this property with having 306 feet of frontage and surrounded by 3 streets and west being R-5 already had this would bring uniform to the whole block by capping this corner.
4. That If by bringing community workers to the community would open the door for scam bags and white trash. Respond: those community workers are not scam bags or white trash but are helpers are a great asset to the community and they bring order.
5. Can we guarantee that community workers and would this not be discrimination? Respond: Yes, we can guarantee and that I is our purpose to help the community worker achieve a house that they can ateain. And No its is not discrimation for as a home owner we can sell to whom I will.
6. How big the house will be? Respond between 1300 and 1500sq.ft and all houses will be identical size.
7. If property value will drop by building attainable houses? Respond: No, because other house are going for $312,000 with smaller property lots

8. What is the price of the house that we are selling? Respond: We stated that under 300,000k.
9. Was ask if this is affordable houses and if city is helping us? Respond: this are not affordable housing they are attainable and financing will come through private bank.
10. Nabors asked about noise. Respond: the noise would be the same as having another neibor next to you or as the same noise as he produced.

Counsel men Mr. Kaletka attended the meeting and address the people by assuring them that only rezoning like what we are asking can be attained if you would meet the same criteria. And that the Town of Davie is short on Attainable house. And that your property never loses value by building.

Summary of Discussion
At Public Participation Meeting II

Meeting was on December 20, 2006 at 4300 Southwest 55 avenue, Davie, Florida 33314 was one hour meeting.

As we started the meeting we gave each person that attended a lay out of the rezoning project for the property 5410 south west41 street, Davie Florida 33314 and introduce ourselves as the owners of the property as we did in the previous meeting. We introduce to the people at the meeting the property and why the purpose of rezoning. We spoke about the concern in the meeting held December 15, 2006 and address new concerns. Which is for the property to become from R-3 to R-5, so we could build three additional homes and also bring into the community specific community workers, which includes, teachers, police offices, and fire workers. We also explain that by dividing into R-5 would bring a uniform to the block and would match the lots to the North, west and south of our property. Realizing that this corner lot is the only one left that would fit the specific for a rezoning, and the property is unique and to the west of the property is already R-5.

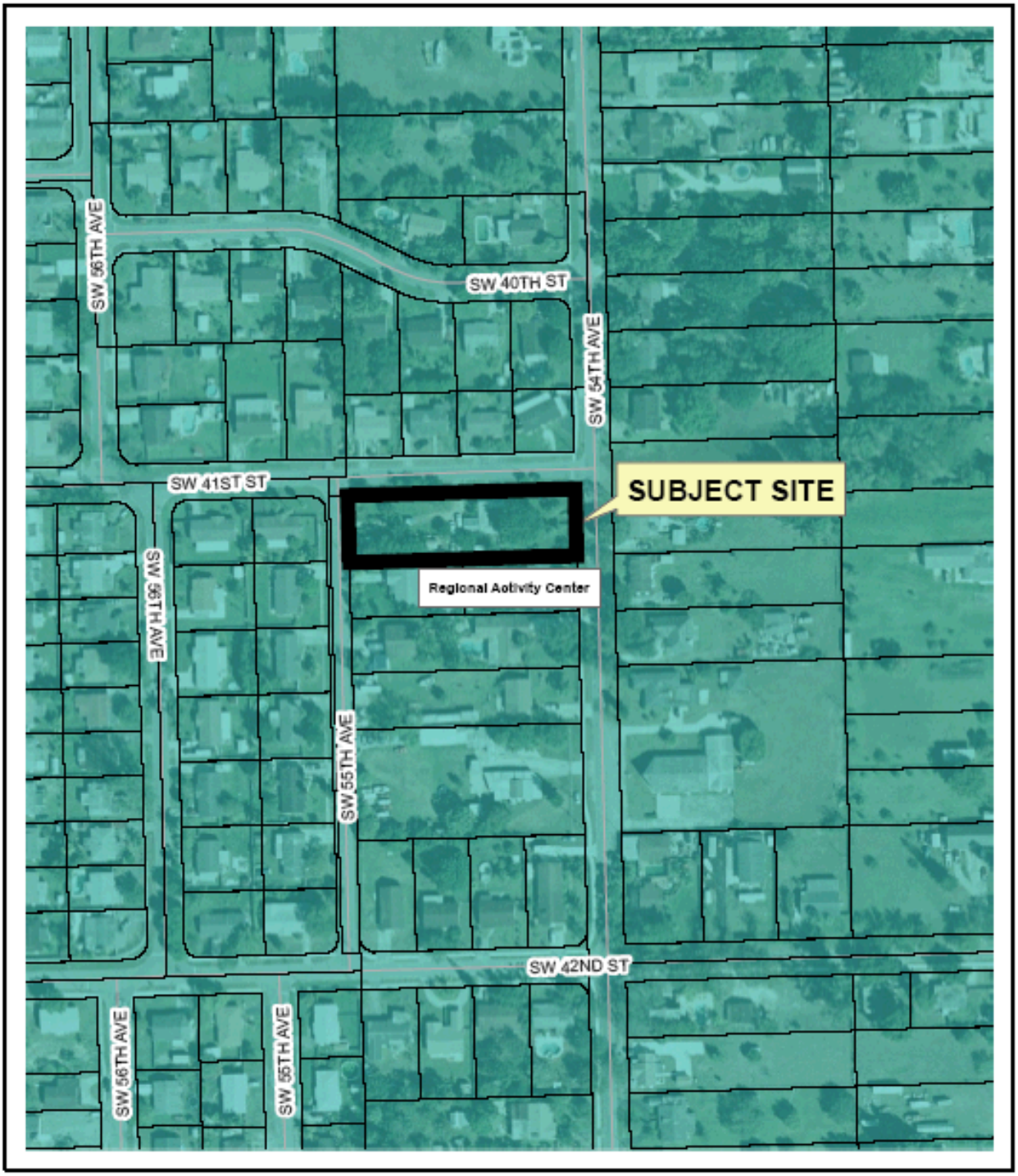
In the participants of the meeting where from the letters that was send out with address given by the Town of Davie which was 210 address, we had a participation of 20 household that came from the letters send out. Most resident were belonging the east of our property

Concerns that where meet and brought to our attention:

1. Are we building affordable house, again? Respond; No, we are building attainable houses.
2. Why are we building attainable house? Respond; We want to help community workers to live in the community where they serve and that we see need for new houses.
3. How do we know that they will not rent there house? Respond; a clause will be provide in the purchase contract a minimum of five years to live in there new purchase home.
4. Will the price of other existing homes lower? Respond; No, the houses will be sold at the appraisal value, here is where we will help the buyer with a substantial gift down payment to bring the house to an attainable price thus not lowering the value of surrounding houses, instead perhaps increasing.
5. Would the zoning change affect the rest of the property around us? Respond; No, for this is the only parcel with 300+ street frontage thus making it the only one which the zoning change is feasible,.
6. How long have we live here? Respond; Less than a year.
7. How would we accommodate parking for each house? Respond; Each house will have a circle driveway and that would accommodate 2 or more cars.
8. Would the high of the new house septic tank hinder neighbors? Respond; engineers would do proper drawing to meet all county specs.

9. How would the addition traffic congest the area? Respond; again we are talking about 3 extra house and there is alternative to traffic flow for you could take varies street as to the east, south and west of the property. So there is varies way to exit the property without very little impact on traffic.
10. We also address the Sun sentinel article dated December 20, 2006 which title is Mobile home on Davie faces and uncertain future… In which and interview was given to Mrs. Taylor-Prakelt addresses the concern of our need for attainable houses in our community.
11. Why did we not file tax exemption? Respond; Because of the one year as per county regulation.
12. Where do our children go to school? How much money we make? Have we done this before? Why don't we move to Liberty city in Miami? And many question as this which do not pertain to the purpose of a rezoning meeting.

Exhibit 9 ***(Future Land Use Map)***



Date Flown:
12/2004

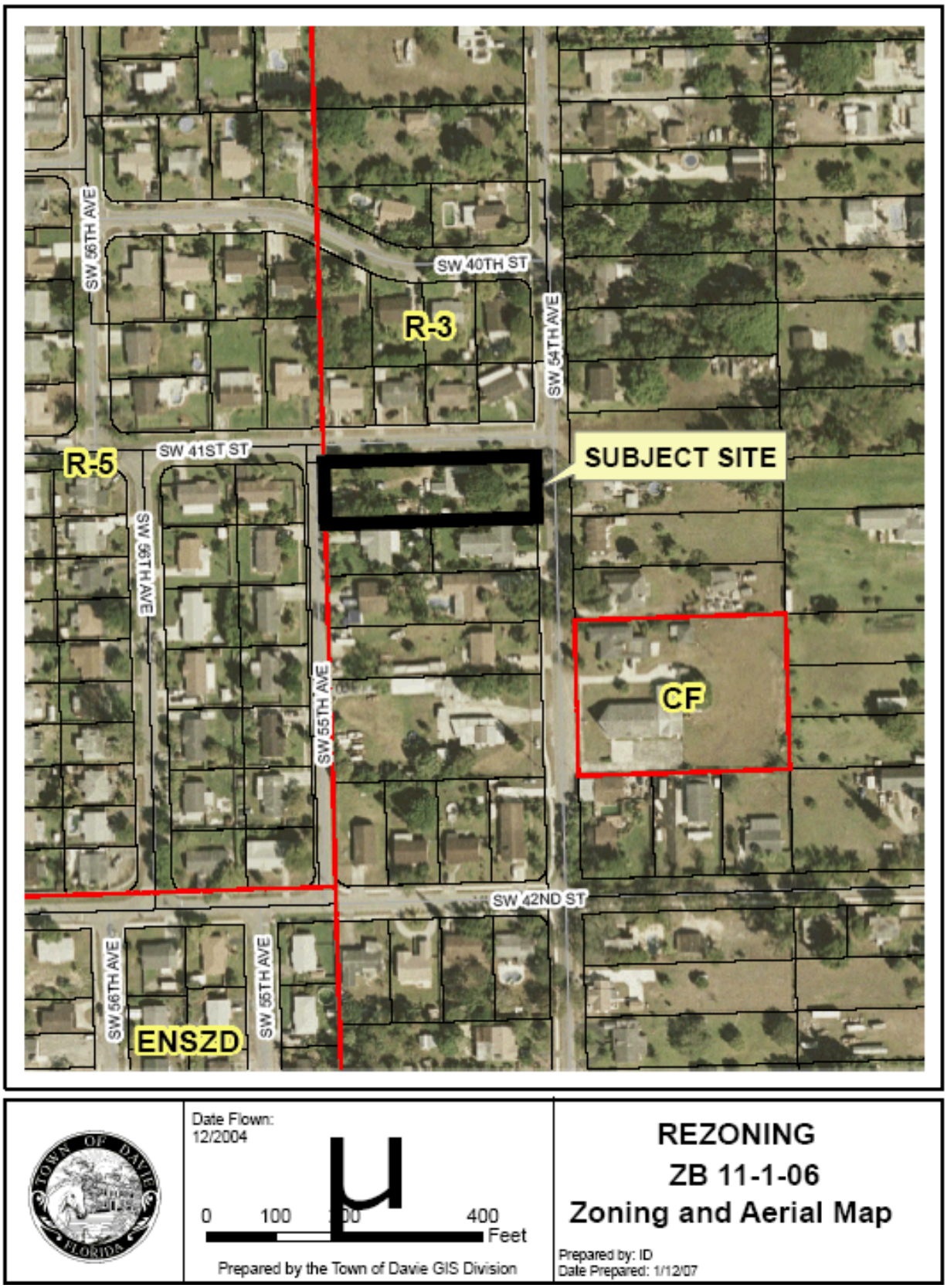
0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

REZONING
ZB 11-1-06
Future Land Use Map

Prepared by: ID
Date Prepared: 1/12/07

Exhibit 10 ***(Subject Site, Zoning, and Aerial Map)***



pparkermayors@comcast.net
01/30/2007 07:22 PM

To lise_bazinet@davie-fl.gov

cc tom_truex@davie-fl.gov; bryan_caletka@davie-fl.gov; mike_crowley@davie-fl.gov; susan_starkey@davie-fl.gov; judy_paul@davie-fl.gov

bcc

Subject Re: Re-zoning from R3 to R5 located at 5410 SW 41 St refer to ZB11-1-06/ Mr & Mrs Mcdonald

---------- Original message ----------
From: pparkermayors@comcast.net

Davie Planning and Review Board

To whom it may concern,

In December 2006 we received a letter from the property owners located at 5410 SW 41 Street. This letter was to inform us of two public meetings to discuss their request for re-zoning of the same residence from R3 to R5. We attended both of these meetings and joined in on the discussions. Based on what we learned we are against the re-zoning for numerous reasons.

The property is directly adjacent to our property. This re-zoning will directly affect our way of life as it is today. The day to day noise and traffic already is annoying. The additional noise and traffic will only add to what exists on a daily basis. Our street 54th avenue is used by many people who get off the Turnpike needing to get to Davie Road Ext. via the back-streets. The additional vehicles for the four families that would be purchasing these proposed homes will simply make things worse.

Our property is located in the development known as Lauderdale Little Ranches. Most of the lots have one house, some have two. We like the open space that comes with the term Little Ranches. Changing our zoning to allow more houses per lot will change this. We would prefer that this doesn't happen. We chose to live in the area because of the beauty and tranquility that green open space offers.

Please consider the surrounding homes when considering the request for re-zoning. This re-zoning will only benefit one owner while leaving ourselves and the surrounding neighbors to deal with the aftermath.

Thank you for your time and consideration in this matter.

Sincerely,
Tom and Patty Mayors
4111 SW 54 Ave

tommydeadeye@comcast.net

02/01/2007 06:00 PM

To lise_bazinet@davie-fl.gov (lise bazinet), judy_paul@davie-fl.gov (judy paul), susan_starkey@davie-fl.gov (susan starkey),

cc

bcc

Subject ZB 11/1/06 / Mr & Mrs Mac Donald

Good Evening Ladies and Gentelman,

Regaurding this re-zoning issue, I have spent the last couple of weeks walking the neighborhood and talking with most of the homeowners. The responses I've heard is that the resident's of Little Ranches and the surrounding neighborhoods are not in favor of this re-zoning. I think it would be in the best interest of all the people involved to talk with the neighborhood before making any desicions on this matter.

Thank you for your time,
Tom & Patty Mayors
4111 SW 54 Ave
Davie Fl, 33314

Exhibit A
(4.2)

The petition – ONLINE TO SIGN AT- - http://www.ipetitions.com/petition/mcdonald/

We strongly disagree with the proposed Application for Property address: 5410 SW 41st Street, Folio No. 504126060170, Petition Number ZB 11-1-06, Mcdonald's, multiple home development and a re-zoning request from R-3 to R-5 for the following reasons:

1. Poor use of land - The Town of Davie has a goal of diverse housing throughout the community. The P.A.L.is a higher density housing development, with low income housing developments to improve existing properties, dedicated land to build these properties surrounds the P.A.L community center, surrounding this to the East, North and South of this community, the zoning is mixed and consists of RAC Center. There is no need for additional Low Income housing in the area, other than the designated areas. Davie still has other properties that can be used in this P.A.L community, that could provide for additional, police, fire, and city officials to purchase due their fixed incomes, this property has not been used to it's full potential. There is no need to add any more low income units to the corner of 5410 SW 41st Street, (Folio No. 504126060170, Petition Number ZB 11-1-06, Mcdonald's) and Sw 54th Avenue, which does not fit the P.A.L. description above, nor is it in the same vicinity. The initial land-use plat boasted of open space (Little Ranches - boardering) and well-used single family dwelling land. There was never any talk of changing the abutting rural land to moderate density. This option should have been put on the table prior to families purchasing homes in East Davie; and it is misleading to have failed to mention it until now. This land should be left as rural residential zoned R-3, or if council moves forward to approve, then this would be in violation of the application where a statement is made to an isolated re-zoning issue. If this property which is zoned R-3 is changed to R-5, then all properties in the RAC shall be rezoned the same. The suggested affordable housing development that the Mcdonald's propose would be better placed in the P.A.L. or another area closer to Orange Drive, where traffic will flow out of the community, rather than more within, or closer to the technical college, so that the residents have walking access to shops and/or higher education. If this 4 home development project and re-zoning is in the new downtown, the residents will also be within walking distance of the Town's Resources.

2. Safety - Because there is so much traffic on SW 54th Avenue coming from Playland Village and other areas to access the Turnpike and Orange Drive, many deaths to animals from such traffic and speed that is not enforced, will only make the situation with additional families more of a concern. Police do not assist with the traffic/speed. This higher level of traffic will only increase with the completion, of a 4 home affordable housing if approved. To add another 4 units, which easily means at least 8-12 more vehicles, will only create more congestion and traffic accidents. Also, since the working poor are anticipated to be living in these affordable houses if rezoned R-5, will there be additional bus traffic running through the residential streets of Davie to accommodate these people and get them to work?

3. Property Values - Many of the people who have purchased homes in East Davie have put forth a significant investment, thus paying hefty property taxes to the City of Davie, and Broward County. Homes in areas with parks and green space are valued significantly higher than homes with high density and subsidized housing. Since this Mcdonald proposed project was not in the plat when we made our investment in East Davie, our homes are valued under the assumption that the parcel of land in question is zoned R-3. We have paid a premium relative to comparable, neighboring communities (P.A.L) in Broward County. The obvious reason for this premium is that land values in Large Parcels are higher. Given that higher cost of land (and subsequent higher property taxes), it would make much more sense to put this affordable housing on more affordable land. Placing these homes on the the corner of SW 54th Avenue and SW 41st Street, it is not fair to us, or to any other homeowner in Little Ranches who has paid the stiff premium to live here. If the re-zoning for this affordable housing plan goes in, will all the residents of Little Ranches and other properties bordering P.A.L receive an annual reduction in their property taxes? Or better yet, a repayment back to the residents for past increases in taxes.

4. Why are there different rules and expectations for this property? Because this Affordable Housing project will be a part of the area, will it also follow the same permitting rules, variance rules, etc. that any homeowner must seek if not claiming affordable housing project?

5. Long-term benefits - Although it may at first appear to the Planning Commission that putting this project next to the existing butting properties zoned R-5 from past, is a good idea, it is not a good long-term solution. Since this project may be targeted at the working poor, giving them an advantage to purchase a home and stay in for a period of time, they will eventually want to move on, then what. If the Planning Commission and City Council members look at the big picture, rather than a quick fix to the problem with the affordable housing dilemma, maybe it should first look at resolving issues, of stolen money from previous staffing, or reducing taxes on properties being purchased, other than just homestead, or helping with costs

such as rising insurance or possibly spending funds on extra pay incentives to retain the police, fire and other personnel to maintain a town. What about using some of the much open space purchase through the years and using some of this property for affordable housing projects? and least we forget, re-election will depend upon their decisions regarding appropriate land use for the future of Davie, Florida, as well as its current and future residents.

6. Within this petition, we would like to state, that if the Mcdonald's wish to pursue another property closer to Orange Drive and wish to turn this into affordable housing, then something like this could be discussed. However, if they intend to move forward with their application, then it would be strongly suggested that they propose to build 2 homes on the parcel that they currently own, then matching their neighbors to the South, where the same sized property currently exists with 2 homes, this creation of newer homes on the corner will only increase the value of the community, and appeal to other prospective families for future living.

This petition will be sent to the Planning Commission and Town of Davie City Council.

Signatures:	Address:	Statement:
	KATJA PUKKILA 4121 SW 54th AVE, DAVIE FL 33314	
	PASI PALONEN, 4121 S.W 54th Ave, DAVIE FL 33314	
	CLAUDIO BERNARD, DAVIE FL 33314	
	4051 SW 73rd Ave DAVIE FL 33314	
	TURO LAITINEN, 3161 PALM TRACE LND DR DAVIE FL 33314	
	Kalle Jaaskelainen 5900 Palm Trace Land Dr, Davie, FL 33314	
	Katja Vaisanen 5900 Palm Trace Land Dr. Davie FL 33314	
	LIDIYA ANDONOVA 7081 NOVA DR. DAVIE, FL 33314	
	ROJA Izchaki, 1581 SW 107th Ave, Davie, FL 33324	
	4110 SW 56 Ave Davie FL 33314	
	4111 SW. 55th Ave Davie FL 33314	
	4110 SW 55 AVE Davie FL 33314	Dolorys Morales

such as rising insurance or possibly spending funds on extra pay incentives to retain the police, fire and other personnel to maintain a town. What about using some of the much open space purchase through the years and using some of this property for affordable housing projects? and least we forget, re-election will depend upon their decisions regarding appropriate land use for the future of Davie, Florida, as well as its current and future residents.

6. Within this petition, we would like to state, that if the Mcdonald's wish to pursue another property closer to Orange Drive and wish to turn this into affordable housing, then something like this could be discussed. However, if they intend to move forward with their application, then it would be strongly suggested that they propose to build 2 homes on the parcel that they currently own, then matching their neighbors to the South, where the same sized property currently exists with 2 homes, this creation of newer homes on the corner will only increase the value of the community, and appeal to other prospective families for future living.

This petition will be sent to the Planning Commission and Town of Davie City Council.

Signatures:	Address:	Statement:
Timothy M. Diffi	3950 SW 54th AVE	954-792-7494
Amy Buckley	3900 SW 54 Ave Davie	
Robert Buckley	3900 SW 54 Ave	
Jenne Barton	3940 SW 54 AVE	
Jim Barton	3940 SW 54 AVE.	
[illegible]	5499 SW 40 St	
Ruth Trowbridge	3959 S.W. 54 AVE.	
KAY WRIGHT	5401 S.W. 40 ST	
[illegible] Wallace	5509 SW 40 ST	
Danelle Brannon	5599 SW 40 ST Davie	
James Brannon	5599 SW 40 ST Davie	
Donna Bair	5590 SW 40 St. Davie	
Theophile Blanchard	5160 SW 40 St	
[illegible]	5400 SW 40th St.	
[illegible]	5400 S.W. 40th St	
William E Smith	4060 S.W 54th AVE	
Charles Abbott	4135 SW 54 Ave	
[illegible]	4135 SW 54th Ave	
[illegible]	4100 SW 54 AVE	
Cynthia Frost	4100 SW 54 Ave	
VICKI GRIECO	2645 SW 86 AVE	
STEVE GRIECO	2645 SW 86 AVE	
BILL PENOVER	2655 SW 86 AVE	
Kitty Chadwell	10700 SW 30 Place	
Rev Ivor D Smith	4140 SW 54 AVE	
Priscilla Smith	4140 S.W. 54 Ave	
Katherine Santoro	5411 SW 41 Street	
[illegible]		
Josephine D. Lopez	5431 S.W. 41st St. Davie, FL 33314	
James Innis	15280 S.W. 31st Ct. DAVIE FL 33331	
Gary D. Corbett	5500 SW 41 ST Street, Davie, FL 33314	

(31)

Signatures:	Address:	Statement:
[illegible]	4140 SW 56 AVE	
Drew Gainey	4141 SW 55th Ave.	
Dennis Gainey JR	6201 SW 41st ct	
Wendy Gainey	4141 SW 55 AVE	
[illegible]	4141 SW 55 AVE	
Cheryl J Johnson	4151 S.W. 55 Ave.	
[illegible] M Paterson	4151 S.W. 55 Ave.	
[illegible]	4131 SW 55 Ave	
[illegible]	4131 SW 55 AVE	
[illegible]	4140 S.W. 54th AVE	
[illegible]	5401 SW 41 st	
M Wallace	5421 SW 41 st.	
[illegible]	5521 SW 41 St.	
Francisco Morales	4110 SW 55 Ave	
HOWARD G MESSNER	5490 SW 42ND ST	
RAJENDRA LUCKHOO	5460 S.W 42 ST.	
OWEN PR. HAMAN	5400 S.W 42 ST	
JERRY E MORE	5426 SW 42 ST	
Dulse Roseberry	4221 SW 54 Ave.	
Ray Gbapinski	4221 SW 54 Ave	
[illegible]	4221 SW 54 Ave	
Patrick Roseberry	4221 SW 54 Ave	
[illegible]	4241 SW 54th	
[illegible]	4241 SW 54 Ave	
[illegible]	5621 S.W. 39 ST	
[illegible]	5621 SW 39 St	
[illegible]	4261 SW 54 AVE	
Renee Overton	5730 SW 37 AVE	
[illegible] Overton	4281 SW 54 AVE	
Ruth Powers	4271 SW 54 Ave	
Doug Overmans	4271 SW 54 Ave	
Cesar A Flores	4301 SW 54 Aven	
Karen Cameron	4270 SW 54 Ave	
Jean McKenzie	4270 SW 54 AVE	
Annamarie Cockrehan	4231 SW 54 Ave	
Cory Cockrehan	4231 SW 54 Ave	
[illegible]	4120 SW 54th Ave	
Ada Brinson	4120 SW 54th Ave	
Vicky Wardell	5375 SW 42 ST	
[illegible]	4200 SW 54 Ave	
[illegible]	954 243 1833	4240 SW 54 Ave
[illegible]	4360 SW 54 Ave	
April Mayo	4111 SW 54 AVE	

(43)

such as rising insurance or possibly spending funds on extra pay incentives to retain the police, fire and other personnel to maintain a town. What about using some of the much open space purchase through the years and using some of this property for affordable housing projects? and least we forget, re-election will depend upon their decisions regarding appropriate land use for the future of Davie, Florida, as well as its current and future residents.

6. Within this petition, we would like to state, that if the Mcdonald's wish to pursue another property closer to Orange Drive and wish to turn this into affordable housing, then something like this could be discussed. However, if they intend to move forward with their application, then it would be strongly suggested that they propose to build 2 homes on the parcel that they currently own, then matching their neighbors to the South, where the same sized property currently exists with 2 homes, this creation of newer homes on the corner will only increase the value of the community, and appeal to other prospective families for future living.

This petition will be sent to the Planning Commission and Town of Davie City Council.

Signatures:	Address:	Statement:
MaryRuth Dunlap	4141 SW 53 AVE	
[illegible] Dunlap	4141 SW 53 AV.	
[illegible]	4130 SW 53 Ave.	
Dan A Shaw	4057 SW 53rd Ave	
Wendy A Shaw	4057 SW 53rd Ave	
[illegible]	3911 SW 53 AVE DAVIE 33314	
[illegible]	3911 SW 53 AV DAVIE 33314	
ERNST [illegible]	3921 SW 53 AVE DAVIE 33314	
[illegible]	4160 SW 53rd Ave, Davie, FL 33314	
[illegible]	4100 SW 53 Ave Davie FL 33314	
[illegible]	4100 SW 53 Ave Davie FL 33314	
[illegible]	3941 SW 53 Ave Davie FL 33314	
Chibouski Malodrata	4101 S.W. 53. Ave Davie 33314	
Chibouski Slater	4101 SW. 53 AVE DAVIE 33314	
[illegible] Bishop	4140 SW 53 AVE Davie, 33314	
Richard L Burleson	4110 SW 54 AVE DAVIE, 33314	
Victoy Burleson	4110 SW 54th Ave Davie FL 33314	

(12)

comparable, neighboring communities (P.A.L) in Broward County. The obvious reason for this premium is that land values in Large Parcels are higher. Given that hig her cost of land (and subsequent higher property taxes), it would make much more sense to put this affordable housing on more affordable land. Placing these homes on the the corner of SW 54th Avenue and SW 41st Street,it is not fair to us, or to any other homeowner in Little Ranches who has paid the stiff premium to live here. If the re-zoning for this affordable housing plan goes in, will all the residents of Little Ranches and other properties bordering P.A.L receive an annual reduction in their property taxes? Or better yet, a repayment back to the residents for past increases in taxes.

4. Why are there different rules and expectations for this property? Because this Affordable Housing project will be a part of the area, will it also follow the same permitting rules, variance rules, etc. that any homeowner must seek if not claiming affordable housing project?

5. Long-term benefits - Although it may at first appear to the Planning Commission that putting this proj ect next to the existing butting properties zoned R-5 from past, is a good idea, it is not a good long-term solution. Since this project may be targeted at the working poor, giving them an advantage to purchase a home and stay in for a period of time, they will eventually want to move on, then what. If the Planning Commission and City Council members look at the big picture, rather than a quick fix to the problem with the affordable housing dilemma, maybe it should first look at resolving issues, of stolen money from previous staffing, or reducing taxes on properties being purchased, other than just homestead, or helping with costs such as rising insurance. Possibly spending funds on extra pay incentives to retain the police, fire and other personnel to maintain a town. What about using some of the much open space purchase through the years and using some of this property for affordable housing projects? and least we forget, re-election will depend upon their decisions regarding ap propriate land use for the future of Davie, Florida, as well as its current and future residents.

6. Within this petition, we would like to state, that if the Mcdonald's wish to pursue another property closer to Orange Drive and wish to turn this into affordable housing, then something like this could be discussed. However, if they intend to move forward with their application, then it would be strongly suggested that they propose to build 2 homes on the parcel that they currently own, then matching their neighbors to the South, where the same sized property currently exists with 2 homes, this creation of newer homes on the corner will only increase the value of the community, and appeal to other prospective families for future living.

This petition will be sent to the Planning Commision and Town of Davie City Council.

Sign the petition

John Brisebois 4310 SW 53rd Ave Davie Fl. 954/ 792-5826
Roselia Brisebois Breakwood@AOL

Rosa Gonzalez
4375 So West 53 AVE
FLA 33314

John Hill 4340 SW 53 Ave Fla. 33314
Jan Hill

Stella Bonelli
4270 SW 53 AVE DAVIE FL 33314

5

4240 SW 53 Ave
Davie - Fl 33314

4230 SW 53 Ave

Davie FL 33314
Barbara R Ahrens
3900 SW 53 AV
DAVIE FL 33314

Betty Veitch, + George
4325 S.W. 53 Ave
Davie, FL 33314

Oscar D. Quinones Jr (Oscar Quinones
4211 SW 53rd Ave. owner
Davie, FL 33314

FLORENCE CARMICHAEL
Florence Carmichael
4210 SW 53 ave.
Davie, Fl. 33314

(6)

Gary Carr
4200 SW 53 Ave.
Davie FL. 33314
954 584-3113

Constance Begg
4191 SW 53 AVE
DAVIE Fl 33314
954 587 6908

THUY LE
4151 SW 53 AVE

Tonine Prevatt
4251 SW 53 Ave
Davie Fl. 33314
954-583 1792

Herman Wilensky
4330 S.W. 53 AVE
Davie Fl. 33314
954-321-6607
954-914-2487

(4)

Angela & Dennis Mattos
4401 SW 53 Ave
Davie - FL. 33314
Phone 954-587-5821

Zaide Chelala - Tinebra
4241 SW 53 Ave.
Davie, FL 33314
Phone (954)581-5876

Richard + Kathie
4220 SW 53 Ave
Davie. FL 33314
954-797-0494

MARY ZAWASKI
4311 SW 53rd AVE
954- - maryzawaski

LORENZO DIAZ
4350 SW 53 AVE
DAVIE FL 33314
cell 786 380-9728

5

Michael Gille
4280 SW 53 AVE
Davie Fla.
954-448-8557

Curtis Camp
4300 SW 53 AVE
DAVIE, FLORIDA 33314

Robert West Berry
4261 SW 53rd Ave
Davie Fl 33314

3

PETITION AT WWW.IPETITIONS.COM/PETITION/MCDONALD

#	Name	Comments
1	Mike Manin	I agree to the above.
2	Tami Coverdale	We strongly disagree with the proposed Application for Property address: 5410 SW 41st Street, Folio No. 504126060170, Petition Number ZB 11-1-06, McDonald's, multiple home development and a re-zoning request from R-3 to R-5 for the following reasons:
3	Thomas Mayors	I strongly disagree with Mr. MacDonald's application for rezoning. save our style of living and neighborhood.
4	Ronald R. Wallace	I am a registered voter in the Town of Davie and am in agreement with this petition.
5	Paula Twitty	I agree with this petition. In addition the 1% proposition, I strongly support, and am a registered voter
6	Gary D. Corbitt	I strongly agree with the information cited in the petition. I'm not certain about the description of housing for "teachers, police and firemen". Being a teacher myself, the talked about cost of this housing is out of the reach of practically all single teachers. Also with the limited presence of the police and other city officials in the area, the added traffic in the area could pose a danger. The current number of neighborhood children on bike, go-carts, mini-bikes, golf carts, etc. on the streets could be a recipe for disaster with 6, 8, 10 additional cars regularly driving in the area.
7	Audra Abbot	From both meetings, it is clear that the community does not want this project to go ahead. Owners in this community cherish there large lots, safe and non congested streets. If not for the community don't approve this for the safety of the many children that reside and play in the community.
8	Lance Comegys	From both meetings, it is clear that the community does not want this project to go ahead. Owners in this community cherish there large lots, safe and non congested streets. If not for the community don't approve this for the safety of the many children that reside and play in the community.
9	Howard Messner	

10	Valerie Perry	
11	TIMOTHY M GRIFFIN	I agree with this petition, and this rezoning should not be allowed in this area. No to the McDonald Rezoning. They are trying to split-up the property and make money on the deal, and do not care about the residents that live in the area. As a long time Davie resident I disagree with this plan. Regards, TIMOTHY M. GRIFFIN
12	Rene Vega	I agree with this petition, and this rezoning should not be allowed in this area.
13	Amy Buckley	
14	connie gegg	
15	Dulse Roseberry	
16	Patrick Roseberry	I am completely opposed to this plan to re-zone and build affordable housing.
17	Gay Prillaman	I purchased my home in this neighborhood because of the lot size. This would greatly effect my property value.
18	Stuart T. Prillaman	I live on 54th Ave. and definitely don't want this to occur.
19	Virginia French	This rezoning is being sold to the public and the commission as affordable housing for teachers and policemen. I work in a school and know what teachers earn. They may not earn as much as they would like to, but they certainly earn enough to afford an apartment in a much nicer area than this. If anyone thinks for one minute that firefighters, police or teachers would be moving in, well then.....I know a Bridge in Brooklyn that I'd be willing to sell them. With a large number of apartments to the north of us and all the government housing on the south side of L lake, not to mention the fact that L lake is zoned R5 already, this area has too many R5 zones for a residential neighborhood already. I strongly, strongly urge the council to turn this petition for re-zoning down.

20	Mrs. Lance Comegys	From both meetings, it is clear that the community does not want this project to go ahead. Owners in this community cherish there large lots, safe and non congested streets. If not for the community don't approve this for the safety of the many children that reside and play in the community.
21	Mrs. TIMOTHY M GRIFFIN	I agree with this petition, and this rezoning should not be allowed in this area. No to the McDonald Rezoning. They are trying to split-up the property and make money on the deal, and do not care about the residents that live in the area. As a long time Davie resident I disagree with this plan. Regards, TIMOTHY M. GRIFFIN

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: Rezoning Application: ZB 11-1-05/06-07/Stonebridge Estates/Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:
The petitioner (ECATS 2 LLC) requests to rezone subject site located on the southwest corner of Southwest 26th Street and Flamingo Road from AG, Agricultural District, to R-1, Estates Dwelling District. The approval of this request would allow the petitioner to develop the proposed residential community known as "Stonebridge Estates."

Adjacent to the north are vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

In accordance with the Land Development Code, the subject site's proposed residential lots/parcels meet minimum technical requirements for the R-1, Estates Dwelling District. Additionally, this zoning district permits for the development of residential uses, including custom single-family homes.

The petitioner's site subject layout attempts to meet the design principles of Rural Lifestyle. Additionally, it takes into account the existing surrounding uses by providing adequate buffers, drainage, and access. The proposed residential development should maintain the existing Town of Davie rural living environment.

PREVIOUS ACTIONS: n/a

CONCURRENCES:
At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

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

1. Contingent upon approval of the following development applications:
    a. *Plat Application (P 3-2-06), Stone Bridge Estates*
    b. *Master Site Plan Application (MSP 11-2-05), Stone Bridge Estates*

Attachment(s): Ordinance, Planning Report

Exhibit "A"
Application: ZB 1-1-05/06-07/Stone Bridge Estates
Original Report Date: 1/25/07 **Revision(s):** 2/26/07

TOWN OF DAVIE

Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:
Name: ECATS 2 LLC
C/O Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Petitioner:
Name: Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Background Information

Application Request: The petitioner requests to rezone the approx. 18.81 acre subject site **FROM:** Agricultural AG, District **TO:** Estate Dwelling R-1 District

Location: Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

Future Land Use Plan Map: Residential 1 DU/AC

Existing Zoning: AG, Agricultural District

Proposed Zoning: R-1, Estate Dwelling District

Existing Use(s): Wood Stable

Parcel Size: 18.81 Acres (819,363 square feet)

Proposed Density: 1.10 Dwelling Units per Acre

Proposed Use(s): Seventeen (17) Single-Family Custom Homes on Builder Acre Lots

Surrounding Use(s):		**Surrounding Land Use Plan Map Designation(s):**
North:	Vacant Land	Residential (1 DU/AC)
South:	Stonebrooke Estates (Single-Family Homes)	Residential (1 DU/AC)
East:	Flamingo Road (Right-of Way)	Residential (1 DU/AC)
West:	Kapok & Peico Estates (Single-Family Homes)	Residential (1 DU/AC)

Surrounding Zoning(s):

North:	AG, Agricultural District
South:	E, Estate District
East:	AG, Agricultural District
West:	AG, Agricultural District

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.

Previous Request(s) on same property: n/a

Concurrent Request on same property:
Master Site Plan Application (MSP 11-2-05), the petitioner requests master site plan approval to construct seventeen (17) single-family custom homes on builder acre lots.

Plat Application (P 3-2-06), the petitioner requests plat approval to construct seventeen (17) single-family custom homes on builder acre lots.

Applicable Codes and Ordinances

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

Land Development Code (Section 12-307), Review for rezonings.

Land Development Code, Article IX of the Land Development Code, Rural Lifestyle Regulations.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

Comprehensive Plan Considerations

Planning Area:
The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:
The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:
Future Land Use 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 Use portion of the Implementation Section.

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

Application Details

The petitioner (ECATS 2 LLC) requests to rezone subject site located on the southwest corner of Southwest 26th Street and Flamingo Road from AG, Agricultural District, to R-1, Estates Dwelling District. The approval of this request would allow the petitioner to develop the proposed residential community known as "Stone Bridge Estates."

Adjacent to the north are vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

In accordance with the Land Development Code, the subject site's proposed residential lots/parcels meet minimum technical requirements for the R-1, Estates Dwelling District. Additionally, this zoning district permits for the development of residential uses, including custom single-family homes.

The petitioner's site subject layout attempts to meet the design principles of Rural Lifestyle. Additionally, it takes into account the existing surrounding uses by providing adequate buffers, drainage, and access. The proposed residential development should maintain the existing Town of Davie rural living environment.

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 originally conducted meetings with the public on January 11, 2006 and January 18, 2006 at the Eastside Community Hall. Attached is the petitioner's citizen participation information.

Staff Analysis

The proposed R-1, Estates Dwelling District rezoning is consistent with the Town of Davie's Comprehensive Plan and Land Development Code. The proposed residential development of subject site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation of Residential 1 DU/AC. Furthermore, the proposed R-1, Estates Dwelling District is compatible with the other surrounding zoning districts and future land use plan map designation of Residential 1 DU/AC.

Staff Findings of Fact

Rezonings:
Section 12-307(A) (1):
The following staff 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 subject site as Residential 1 DU/AC, and the comprehensive plan allows properties with this designation to be rezoned to the R-1, Estates Dwelling District.

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

Designating the subject site to R-1, Estates Dwelling District will create an isolated zoning district, however it still will allow for a one (1) acre single-family residential community that is related and compatible with the existing adjacent developed single-family residential uses to the south and west.

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

The existing AG, Agricultural District boundaries are logically drawn, and the proposed designation to R-1, Estates Dwelling District is a valid Town of Davie zoning district.

(d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Designating the subject site to R-1, Estates Dwelling District is not expected to adversely affect living conditions in the neighborhood. The design of the site has taken into account the existing adjacent single-family residential communities by providing for adequate buffers, setbacks, and drainage.

(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;

Changing the subject site's zoning to R-1, Estates Dwelling District will not generate more traffic than what was already anticipated by the future land use plan map.

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

Rezoning the subject site from AG, Agricultural District to R-1, Estates Dwelling District may have a positive impact on surrounding property values as the Town of Davie code will ensure that development will be done in accordance with the land development regulations.

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

The proposed change will be developed in accordance with existing land development regulations. Surrounding property will be able to be developed in accordance with all existing land development regulations.

(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;

Rezoning the subject site is not a grant of special privilege per the Town's Comprehensive Plan and Land Development Code. Any property owner may request a rezoning consistent with the underlying land use plan category.

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

The existing AG, Agricultural District is the subject site's original zoning classification. The utilization of the gross density allowed by the Future Land Use Plan Map designation cannot be accomplished without a change in zoning.

(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.

Designating the subject site R-1, Estates Dwelling District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

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

2. Contingent upon approval of the following development applications:
    a. *Plat Application (P 3-2-06), Stone Bridge Estates*
    b. *Master Site Plan Application (MSP 11-2-05), Stone Bridge Estates*

Planning and Zoning Recommendation

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent)**

Town Council Action

Exhibits

1. Justification Letter
2. Proposed Site Plan
3. 1,000' Mail out Radius Map
4. Property Owners within 1,000' of the Subject Site
5. Public Participation Plan
6. Public Participation Notice
7. Public Participation Sign-in Sheet
8. Public Participation Summaries
9. Future Land Use Plan Map
10. Aerial, Zoning, and Subject Site Map

Prepared by: _____ Reviewed by: _____

File Location: P&Z\David Abramson\Applications\ZB_Rezoning\ZB_05\ZB 11-1-05 Stone Bridge Estates

Response to Criteria for Rezoning (Sec. 12-307, LDC)
Oak Park Estates – Town of Davie, Florida

Per Section 12-307 of the Town's Land Development Code, applications for rezoning are to be reviewed for compliance with ten (10) criteria that evaluate a proposed rezoning as it relates to consistency with the Comprehensive Plan and adjacent community. The following lists these criteria and provides applicant responses for the Town's consideration.

Sec. 12-307(A)1: The Planning and Zoning Board shall hold its public hearing and shall make a recommendation upon the application to the Town County, based upon its consideration of, where applicable:

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

Response: The proposed zoning change from Agriculture (AG) District to Estate Dwelling District (R-1) is consistent with the Comprehensive Plan. The future land use designation of the subject site is Residential, and allows for one dwelling unit per gross acre. The gross acreage of the subject site is 20 acres, and would accommodate up to 20 dwelling units according to the Comprehensive Plan.

The current AG zoning requires a minimum lot size of 1 acre, whereas the requested R-1 zoning allows a minimum lot size of 35,000 square feet, or approximately 0.8 acre. Utilization of the R-1 zoning category allows the applicant to yield a total of 17 lots on the site, as shown on the site plan. The site plan as proposed demonstrates a 15 percent reduction in the allowable development density as provided for in the Town of Davie Comprehensive Plan.

(b) Whether or not the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Response: Zoning surrounding and contiguous to the project site is as follows:

- *South: Estate (E) District;*
- *East: Agriculture (AG) District; and*
- *West: Agricultural (A-1) District and Estate (E) District; and*
- *North: Agriculture (AG) District;*

The subject site is surrounded by single-family residential detached dwelling units to the northwest, west, and south. Per City staff, the undeveloped parcel to the north is also currently being considered for single-family residential development. Therefore, the proposed use is compatible with surrounding uses.

It is important to note that much of the surrounding development is built upon lots similar in size, shape, and layout to those being proposed. The Estate (E) district being utilized to the south has lots varying in size from approximately 21,300 square feet, and development density exceeding that being proposed by this rezoning. The existing development to the northwest of the subject site has lot sizes approximately 36,000 square feet in size. The applicant's proposed site plan includes lots ranging in size from 35,202 square feet to 37,400 square feet, which is compatible with the adjacent and contiguous surrounding community.

(c) Whether or not existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

Response: When the zoning district boundaries were established for the subject property (and adjacent property), those boundaries likely reflected the agricultural character and use of the area. Over the years, the surrounding sites have obtained zoning changes to accommodate the gradual shift towards single-family housing that the Town of Davie has been experiencing.

While zoning district boundaries were not originally drawn illogically, in this instance they do not accommodate the residential density called for in the Comprehensive Plan for this site. Accordingly, it is logical to allow for rezoning of the subject site in accordance with the Comprehensive Plan.

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

Response: As discussed above, the proposed zoning change is consistent with the type, character, and layout of surrounding residential uses, and will not result in adverse impact to the community. The rezoning will result in the development of the site consistent with the Town's goals for the incorporation of equestrian trails and a scenic corridor along Flamingo Road, and will place a lake immediately adjacent to the scenic corridor to serve as additional buffer.

The applicant intends to preserve in place as many trees on the site as is possible, including varying the placement of building pads so as to avoid the displacement of larger trees. The onsite lake has also been designed in such a way as to avoid tree removal, and the applicant intends to add considerable landscaping to improve the scenic corridor. These improvements will improve living conditions in the neighborhood.

(e) Whether or not the proposed change will 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: Under the current land use for the site, up to 20 single-family residential units could be constructed on the site. This rezoning will result in a maximum of 17 single-family lots on the site, or a 15 percent reduction in allowable development density per the Town's Comprehensive Plan. The Comprehensive Plan anticipates development in excess of that being proposed for the site.

(f) Whether or not the proposed change will adversely affect other property values;

Response: The applicant intends to develop quality estate homes on large (35,000 sq. ft.) lots. As shown on the landscape plan, considerable landscaping is being added to the site, and the majority of the on-site trees are being preserved in place. This development should positively affect the property values of the community.

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

Response: Per a preapplication meeting with Town staff, the undeveloped property contiguous and north of the subject site is currently being considered for low density single-family residential development. The development of the same on the subject site will not act as a deterrent to the improvement or development of other property in the community.

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

Response: According to the Comprehensive Plan, 20 single-family residential units may be permitted on the subject site. This rezoning will result in the development of 17 dwelling units on the site, which will not constitute the granting of a special privilege to the applicant. This site is being developed in accordance with the Town's Comprehensive Plan, and accordingly does not require a Land Use Plan amendment to be accomplished.

Nearby sites (specifically, to the south) have been granted similar rezonings in past years to accommodate low density single-family residential development. This request is consistent with past Town actions in that regard.

(i) Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning;

Response: Under the current Agriculture (AG) District zoning, lot sizes are required to be a minimum of one (1) acre in size, and must have a minimum

lot frontage of 150 feet. Compliance with these regulations would result in a development yield substantially less than that allowed by the Comprehensive Plan, and would create an infeasible development project based on the current value of the property.

The applicant is proposing to rezone the site to Estate Dwelling District (R-1) in order to create a financially feasible project with 17 buildable lots. It is important to note that the current zoning of the site would accommodate an equal amount of buildable lots; however, the configuration of the parcel, and the required dedications for road right-of-way (SW 26th Street), equestrian trails, and scenic corridor create a unique situation where rezoning is the only reasonable means by which to develop the property consistent with its intended use.

(j) Whether or not 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: As previously stated, the proposed rezoning is consistent with the Town's Comprehensive Plan, which currently allows up to 20 low-density residential dwelling units on the site. For the reasons previously provided, the applicant believes that this rezoning is the most feasible means by which to develop the site in a manner consistent with the surrounding community.

The high quality of the proposed estate homes on the site, significant landscape improvements to the scenic corridor, and connected equestrian trails will all serve to maintain and enhance the Town's tax base.

Exhibit 2 (Proposed Site Plan)

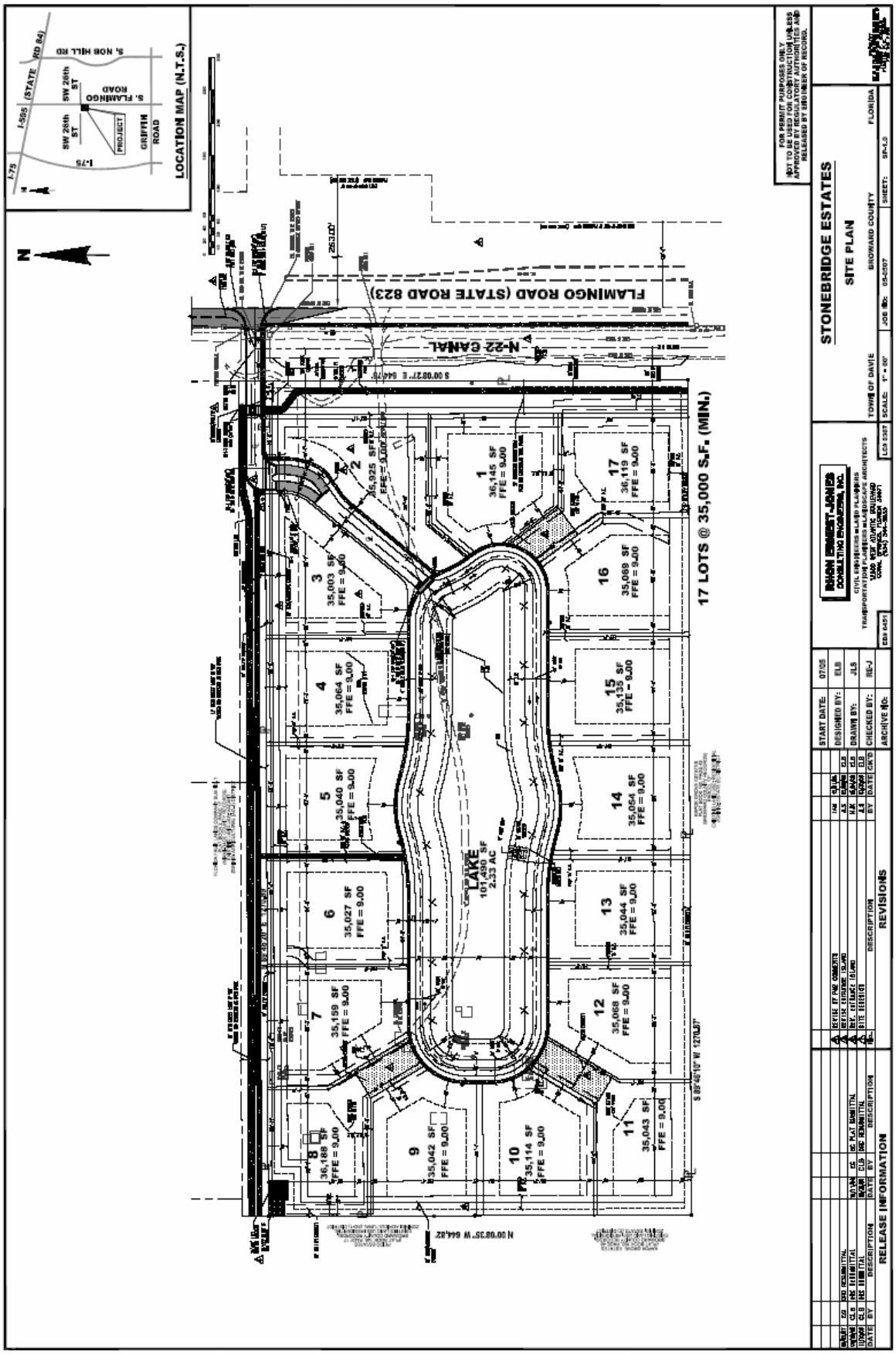


Exhibit 3 (1,000' Mail out Radius Map)

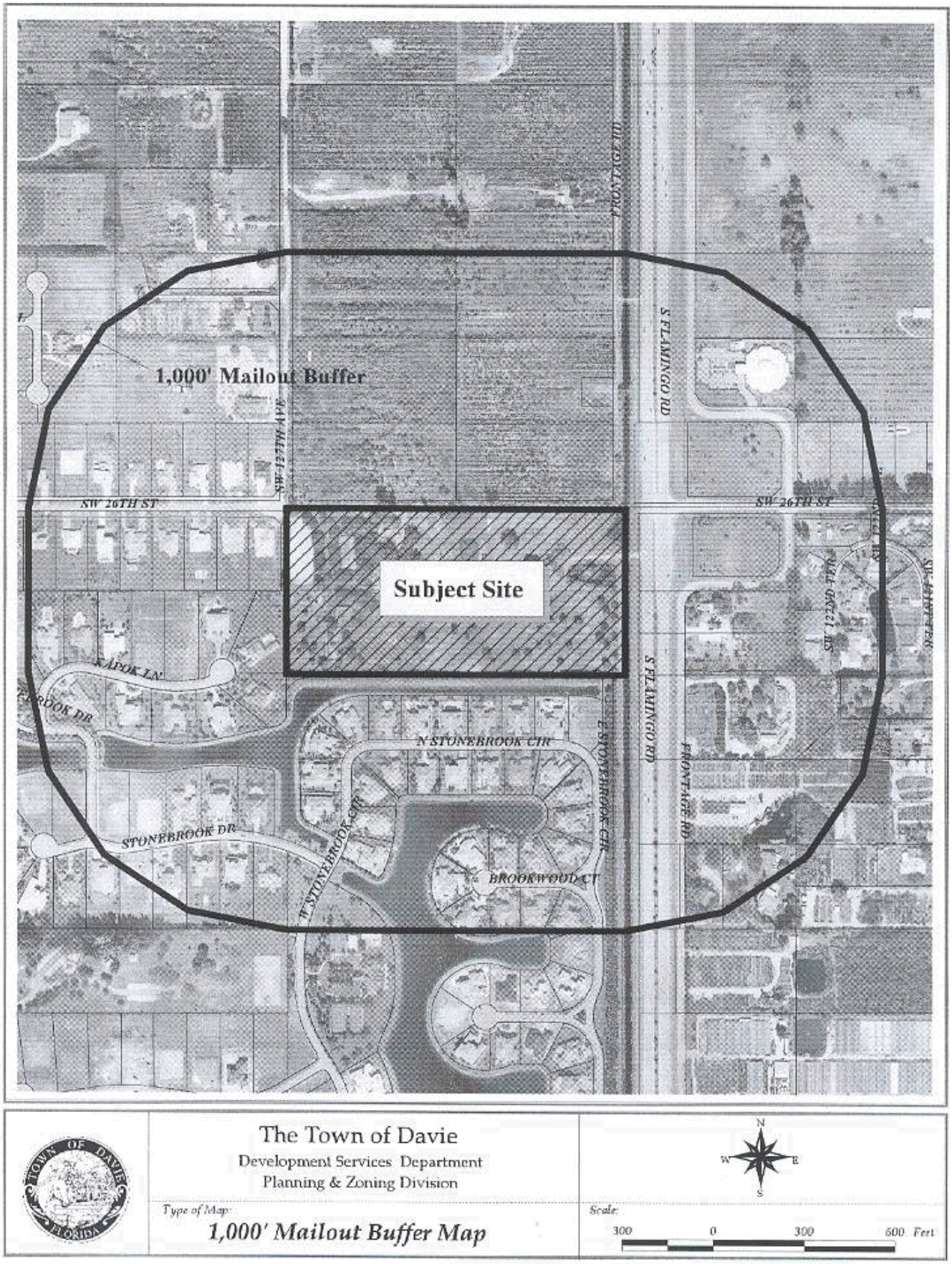


Exhibit 4 (Property Owners within 1,000' of Subject Site)

FOLIO	NAME	MAIL_ADDR	MAIL_ADDR1
504023090380	ABRAHAM,HARVEY S & CHARLOTTE G	12542 BROOKWOOD CT	DAVIE FL 33330
504023091050	AGUILAR,VIANCA P	12854 STONEBROOK DR	DAVIE FL 33330
504023091130	AIKMAN,NOELLE	12825 STONEBROOK DR	DAVIE FL 33330
504014130070	ALVAREZ,STEWART & AMY JO	12791 SW 26 ST	DAVIE FL 33325
504024010311	ANIMALS RECREATION &	2670 S FLAMINGO ROAD	DAVIE FL 33330-1302
504024010310	ANIMALS RECREATION &	2670 S FLAMINGO ROAD	DAVIE FL 33330
504023090400	ARMSTRONG,BRUCE	12543 BROOKWOOD CT	DAVIE FL 33330
504024010280	BANGE,PAUL E & NANCI	2950 S FLAMINGO RD	DAVIE FL 33330-1308
504024010282	BANGE,PAUL E & NANCI	2950 S FLAMINGO RD	DAVIE FL 33330-1308
504023091150	BARRAU,CARMEL & JOSEE LAMOUR	12765 STONEBROOK DR	DAVIE FL 33330
504023090530	BECERRA,MARIA E	2850 W STONEBROOK CIR	DAVIE FL 33330
504014130040	BENSON,HAYWARD STEPHAN	2017 NW 46 AVE #205A	LAUDERHILL FL 33313
504024010190	BLACKANN,ALISON L &	2751 SW 121 AVE	DAVIE FL 33330-1311
504024010181	BOVIE,JOSEPHINE	2695 SW 121ST TER	DAVIE FL 33330-1319
504023090570	BROWN,GARY L & MINDY H	2753 W STONEBROOK CIR	DAVIE FL 33330
504023091200	BURK,RONALD L &	12750 KAPOK LANE	DAVIE FL 33330
504024010183	CARDONA,MARTHA L	2691 SW 122 TER	DAVIE FL 33330-1300
504023090490	CHANCE,VICTOR B & KIMBERLI A	12560 N STONEBROOK CIR	DAVIE FL 33330
504023090630	CHARLES,PAUL PATRICK & MARIE Y	12481 N STONEBROOK CIR	DAVIE FL 33331
504023090430	CHWOJKO,EDWARD & KATARZYNA	2901 E STONEBROOK CIR	DAVIE FL 33330
504023090360	COLE,JAMIE A & DEBRA L	12462 BROOKWOOD CT	DAVIE FL 33330
504014130090	COLEMAN,ANGIENETTA &	12731 SW 26 ST	DAVIE FL 33325
504023091260	COOTE,MICHAEL &	12861 KAPOK LANE	DAVIE FL 33330
504024010210	CUTINO,VICTOR	2995 SW 121 AVE	DAVIE FL 33330
504023090440	DAVID,MARTHA LAURIE &	2851 E STONEBROOK CIR	DAVIE FL 33330
504014010380	DIBIASE,DOROTHY FAM LTD	PO BOX 780	LYNNFIELD MA 01940
504014010430	DIBIASE,DOROTHY FAM LTD	PO BOX 780	LYNNFIELD MA 01940
504014010371	DIBIASE,DOROTHY FAM LTD	PO BOX 780	LYNNFIELD MA 01940
504014010441	DIBIASE,DOROTHY FAM LTD	PO BOX 780	LYNNFIELD MA 01940
504023091000	DISORBO,ALDO L	12704 STONEBROOK DR	DAVIE FL 33330
504023010010	ECATS 2 LLC	10885 NW 6 ST	CORAL SPRINGS FL 33071
504013010222	FLORIDA DEPT. OF TRANSPORTATION	3400 WEST COMMERCIAL BLVD.	FORT LAUDERDALE, FL 33309-3421
504013010247	FLORIDA DEPT. OF TRANSPORTATION	3400 WEST COMMERCIAL BLVD.	FORT LAUDERDALE, FL 33309-3421
504024010320	FLORIDA DEPT. OF TRANSPORTATION	3400 WEST COMMERCIAL BLVD.	FORT LAUDERDALE, FL 33309-3421
504024010292	FLORIDA DEPT. OF TRANSPORTATION	3400 WEST COMMERCIAL BLVD.	FORT LAUDERDALE, FL 33309-3421
504024010281	FLORIDA DEPT. OF TRANSPORTATION	3400 WEST COMMERCIAL BLVD.	FORT LAUDERDALE, FL 33309-3421
504014130030	FRIEDEWALD,DON E JR &	12911 SW 26 ST	DAVIE FL 33325
504024010180	FROHRING,C A & LINDA J	2690 SW 122ND TER	DAVIE FL 33330-1333
504023091160	GLOVER,JOHN D &	12735 STONEBROOK DR	DAVIE FL 33330
504023090550	GOLDMAN,WAYNE & MARYANNE	2853 W STONEBROOK CIR	DAVIE FL 33330
504024010174	GREY,CAROL LYNNE REV TR	2670 SW 122 TER	DAVIE FL 33330-1333
504024010177	GRINER,W B & CHERYL L LE	2675 SW 121ST TER	DAVIE FL 33330-1319
504023090470	GRODSKY,ALAN &	12480 N STONEBROOK CIR	DAVIE FL 33330
504023090350	HAKOPIAN,AMBAKUM & NINA	2951 E STONEBROOK CIR	DAVIE FL 33330
504023090560	HOCHSTEIN,ROBERT	2803 W STONEBROOK CIR	DAVIE FL 33330
504023090390	HOOD,SCOTT D &	12583 BROOKWOOD CT	DAVIE FL 33325
504023091190	HUBSCHMAN,DEBORAH ANN	12800 KAPOK LANE	DAVIE FL 33330
504023091180	ITEN,LOUIS J &	12850 KAPOK LANE	DAVIE FL 33330
504023090480	JAROLEM,KENNETH & ALISA	12520 N STONEBROOK CIR	DAVIE FL 33331

504014130100	JOBSON-POUX,EMMANUEL B &	12701 SW 26 ST	DAVIE FL 33325
504023090510	KENNEDY,K SCOTT & GAIL	12640 N STONEBROOK CIR	DAVIE FL 33330
504023090420	KNIGHT,SAMMY D & FREDA L	12463 BROOKWOOD CT	DAVIE FL 33331
504023090540	LAWRENCE,KRISHNA WILLIAM	2900 W STONEBROOK CIR	DAVIE FL 33330
504023090580	LEONE,EVELYNE &	12681 N STONEBROOK CIR	DAVIE FL 33330-1297
504014140050	LETO,JOHN A SR & JOAN A	3100 STIRLING RD	HOLLYWOOD FL 33021
504014140040	LETO,JOHN A SR TR	3100 STIRLING ROAD	HOLLYWOOD FL 33021
504014140070	LETO,JOHN A SR TR	3100 STIRLING ROAD	HOLLYWOOD FL 33021
504023090610	LEWIN,HARLEY	12561 N STONEBROOK CIR	DAVIE FL 33330
504023090640	LEWIN,ROBERT & LISA	12441 N STONEBROOK CIR	DAVIE FL 33331
504023090410	LEWIS,JACK A &	12503 BROOKWOOD CT	DAVIE FL 33330
504014010541	MIELE,VERONICA	2421 SW 127TH AVE	DAVIE FL 33325-5600
504014010541	MIELE,VERONICA	2421 SW 127TH AVE	DAVIE FL 33325-5600
504023091230	MIXON,KENNETH J & DARCEE J	12741 KOPAK LANE	DAVIE FL 33330
504013110020	MOSES FAMILY LTD PRTNR	2799 NW 55 AVE	LAUDERHILL FL 33313
504013110010	MOSES FAMILY LTD PRTNR	2799 NW 55 AVE	LAUDERHILL FL 33313
504023090620	MUNN,HENSLEY R & CYNTHIA E	235-15 129 AVE	LAURELTON QUEENS NY 11422
504023090500	OGDEN,WILLIAM F III	12600 N STONEBROOK CIR	DAVIE FL 33330
504014010420	PACC DEVELOPMENT LLC	7116 SW 47 ST	MIAMI FL 33155
504014010410	PACC DEVELOPMENT LLC	7116 SW 47 ST	MIAMI FL 33155
504023091220	PATITUCCI,JOHN & FLORENCE &	12701 KAPOK LANE	DAVIE FL 33330
504014010391	PEGG,WILLIAM S & NANCY P &	RR2 BOX 3408	NASHVILLE GA 31639
504023070020	PENSABENE,JOSEPH T &	12732 SW 26 ST	DAVIE FL 33325
504023091020	PHILLIPS,RICHARD & CAROL	12764 STONEBROOK DR	DAVIE FL 33331
504024010171	PLASENCIA,OSCAR	2603 SW 122 AVE	DAVIE FL 33330-1329
504024010300	PRIOR,PETER W & GAIL A	2780 S FLAMINGO RD	DAVIE FL 33330-1304
504014010540	REJA ENTERPRISES INC	2203C S FEDERAL HWY	FT LAUDERDALE FL 33316
504014010545	REJA ENTERPRISES INC	2203C S FEDERAL HWY	FT LAUDERDALE FL 33316
504014010544	REJA ENTERPRISES INC	2203C S FEDERAL HWY	FT LAUDERDALE FL 33316
504014130060	RENNER,MARK &	12821 SW 26 ST	DAVIE FL 33325
504023070080	RODRIGUEZ,LUIS D	12912 SW 26 ST	DAVIE FL 33325
504023090600	RUZICKA,THOMAS F &	12601 N STONEBROOK CIR	DAVIE FL 33330
504023090340	SANCHEZ,ALFONSO &	3001 E STONEBROOK CIR	DAVIE FL 33330
504023091280	SAUNDERS,ANGEL F &	12941 KAPOK LANE	DAVIE FL 33330
504023090370	SCHUBERT,ROBERT	12502 BROOKWOOD CT	DAVIE FL 33330
504023091010	SCHUMACKER,JOSEPH P & JANELDA R	12734 STONEBROOK DR	DAVIE FL 33330
504023070070	SIEROCUK,THOMAS & DARLENE	12882 SW 26 ST	DAVIE FL 33325
504023070070	SIEROCUK,THOMAS & DARLENE	12882 SW 26 ST	DAVIE FL 33325
504023070060	SILVERMAN,ANDREW L	12852 SW 26 ST	DAVIE FL 33330
504024010185	SKIDMORE,ALAN G	2602 SW 122ND AVE	DAVIE FL 33330-1330
504023091210	SLEIPNES,SVEIN &	12700 KAPOK LANE	DAVIE FL 33330
504024010184	SOHMER,PAUL & DONNA	2651 SW 122ND TER	DAVIE FL 33330-1300
504023090520	SORENSEN,DAVID R & SHIRLEY A	2800 W STONEBROOK CIR	DAVIE FL 38330
504023091270	SPRADLIN,ALAN L &	12901 KAPOK LANE	DAVIE FL 33330-1294
504023091300	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091330	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091420	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091400	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091320	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091390	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402

504023091380	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091370	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091360	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091340	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091430	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023091350	STONEBROOK ESTATES COMM ASSO INC	7227 CLINT MOORE ROAD	BOCA RATON FL 33496-1402
504023090650	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091240	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091250	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091290	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091040	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091120	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091110	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091100	STONYBROOK ESTATES LTD	7227 CLINT MOORE RD	BOCA RATON FL 33496-1402
504023091030	SUITE,NICHOLAS & NANCY	12794 STONEBROOK DR	DAVIE FL 33330
504023090460	THOMPSON,ADAM M	12440 N STONEBROOK CIR	DAVIE FL 33330
504014010550	TODINCA,GEORGE & VALERIA ETAL	2525 SW 127 AVE	DAVIE FL 33325
504023070050	TORAL,ALEJANDRO & ILLANA M	12822 SW 26 ST	DAVIE FL 33330
504024010321	TOWN OF DAVIE	6591 ORANGE DR	DAVIE FL 33314-3348
504013010246	TOWN OF DAVIE	6591 ORANGE DR	DAVIE FL 33314-3348
504024010170	TOWN OF DAVIE	6591 ORANGE DR	DAVIE FL 33314-3348
504023020010	TOWN OF DAVIE	6591 ORANGE DR	DAVIE FL 33314-3348
504014010390	TROMBINO,KATHLEEN M REV TR	2920 N ATLANTIC BLVD	FT LAUDERDALE FL 33308-7512
504014010531	VIETNAMESE BUDDHIST CULTURAL	2321 SW 127 AVE	DAVIE FL 33325
504014130080	WARREN,DAVID & CHARLENE	12761 SW 26 ST	DAVIE FL 33325
504023091140	WATSON,ANTHONY & DESIREE	75 GLEN AVE	WEST ORANGE NJ 07052
504023091170	WATSON,PAMELLA B &	12900 KAPOK LANE	DAVIE FL 33330
504013010249	WEEKLEY BROS LEASING LTD	20701 STIRLING ROAD	PEMBROKE PINES FL 33332
504013090030	WEEKLEY BROS LEASING LTD	20701 STIRLING ROAD	PEMBROKE PINES FL 33322
504013090020	WEEKLEY BROS LEASING LTD	20701 STIRLING ROAD	PEMBROKE PINES FL 33322
504013090010	WEEKLEY BROS LEASING LTD	20701 STIRLING ROAD	PEMBROKE PINES FL 33322
504013010242	WEEKLEY,DANIEL D &	20701 STIRLING RD	PEMBROKE PINES FL 33332
504013010251	WEEKLEY,DANIEL D &	20701 STIRLING RD	PEMBROKE PINES FL 33332
504023070030	WESTCOTT,PAUL L & DONNA R	12762 SW 26 ST	DAVIE FL 33325
504023070010	WILSON HEIGHTS DEV INC	3842 W 16 AVE	HIALEAH FL 33012
504014130050	WILSON HEIGHTS DEV INC	3842 W 16 AVE	HIALEAH FL 33012
504014010400	WOOD,ROBERT L	2075 S FLAMINGO RD	DAVIE FL 33325
504023090450	YOUNG,KEVIN D & HEATHER L	2801 E STONEBROOK CIR	DAVIE FL 33330
504024010193	ZAFRANI,ABRAHAM	2800 S FLAMINGO ROAD	DAVIE FL 33330
504024010192	ZAFRANI,ABRAHAM	2800 S FLAMINGO ROAD	DAVIE FL 33330
504024010200	ZAFRANI,ABRAHAM	2800 S FLAMINGO ROAD	DAVIE FL 33330
504024010201	ZAFRANI,ABRAHAM	2800 S FLAMINGO ROAD	DAVIE FL 33330
504024010290	ZAFRANI,ABRAHAM	2800 S FLAMINGO ROAD	DAVIE FL 33330
504023070040	ZAMORA,WILFREDO E & MARIA A	12792 SW 26 ST	DAVIE FL 33325
504023090590	ZVEIBIL,ROBERT &	12641 N STONEBROOK CIR	DAVIE FL 33330

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS · LAND PLANNERS
TRANSPORTATION PLANNERS · LANDSCAPE ARCHITECTS

CITIZEN PARTICIPATION PLAN ACKNOWLEDGEMENT

December 28, 2005

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

Re: Citizen Participation Plan for Oak Park Estates
Town of Davie Project Number MSP 11-2-05

Dear Staff:

As required by Davie Ordinance No. 2004-31, Rhon Ernest-Jones Consulting Engineers is enclosing herewith a copy of the proposed citizen participation plan related to an approval for the proposed referenced application. In addition to the outline of the plan, we are enclosing and providing for the following:

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application, as set forth in the Davie Code of Ordinances, and as provided by the Town of Davie's Development Services Department;

2. A summary of how the applicant proposes that it will notify all "affected parties" of the application;

3. A summary of the proposed application;

4. A description of the manner in which the applicant proposes that it will disseminate information to residents, property owners and/or interested parties;

5. A schedule of events planned by the applicant to complete the citizen participation procedure. As required, the applicant intends to conduct a minimum of two (2) public meetings with "affected parties". This requirement may be waived if letters from all adjacent affected parties state that all of their items have been addressed, and there is no need for another meeting with the applicant; and

6. A requirement that the applicant shall keep the Development Services Department informed on the status of its citizen participation efforts by coordinating its efforts through the assigned project planner.

The information above should satisfy the requirements of the public participation and the application review process.

Sincerely,

Craig L. Bencz, AICP
Director of Planning

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License : EB8431 **www.rejce.com** *Landscape Architect License : LC0000287*

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS · LAND PLANNERS
TRANSPORTATION PLANNERS · LANDSCAPE ARCHITECTS

OAK PARK ESTATES
CITIZEN PARTICIPATION PLAN FLOW CHART

Schedule two (2) public meetings for January 11 and January 18, 2006 at the Town of Davie Eastside Community Hall, located at 4300 SW 55 Avenue, to discuss the proposed application. These two (2) meetings must be completed prior to the petitioner's scheduled Public DRC meeting.

↓

Notify property owners and interested parties about the public meeting. The mail out list will be supplied by the Town of Davie Planning and Zoning Division.

↓

The petitioner is to present the project at the first meeting and listen to comments and/or suggestions made by the public participants. The first meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.

↓

The petitioner must take a week and work out possible solutions to address concerns raised by the public.

↓

The petitioner is to present the project at the second meeting and provide solutions and/or further information concerning the public participants' inquiries. The second meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.

↓

The petitioner shall provide Planning and Zoning a response in writing of the results of the two (2) Public Participation Plan meetings.

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License : EB6451 **www.rejce.com** *Landscape Architect License : LC0000067*

CITIZEN PARTICIPATION PLAN FOR OAK PARK ESTATES (APPLICATION NO. MSP 11-2-05)

Project Description

The subject project is located at the southwest corner of Flamingo Road and SW 26th Street (unimproved) in the Town of Davie. The project proposes the construction of 17 single-family estate homes on lots at least 35,000 square feet in size. The subject parcel of land is 18.9 net acres in size ,and the proposed site density is less than one unit per acre.

Access to the site will be made from improvements to SW 26th Street. To the greatest extent possible, the applicant proposes to preserve the existing trees onsite, as well as add substantial tree canopy in buffer and recreation areas. The conceptual housing footprints are organized in such as a way as to maximize existing tree canopy.

Contact Information

Craig Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

Ph: 954-344-9855 ext. 106
Fax: 954-341-5961
e-mail: craig@rejce.com

List of Residents and/or Property Owners and Interested Parties

(ATTACHED)

Notification Procedure

Property owners will be notified of each of the community meetings at least ten (10) days in advance of the first meeting date by postmarked U.S. mail. The meeting notice format and supporting materials provided to property owners will be typical of that provided as a guideline by the Town of Davie.

In addition to the above, the application will provide the Planning and Zoning office, as well as the Town Clerk's office with a copy of the meeting notification.

Dissemination of Information

A meeting notice (using example provided by Town) will be mailed out to those property owners included on the list provided by the Town. The notice will include a location map of the site, as

well as a copy of the preliminary site plan. A color conceptual site plan will be presented at the meeting, and public input will be solicited.

Schedule of Events

The applicant proposes to solicit community opinion at the following meetings:

First Citizen Participation Meeting:

Date:	January 11, 2006
Time:	6:00 p.m.
Location:	Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date:	January 18, 2006
Time:	6:00 p.m.
Location:	Eastside Community Hall, 4300 SW 55 Avenue, Davie

Rhon Ernest-Jones Consulting Engineers, Inc.

OAK PARK ESTATES -- MSP 11-2-05

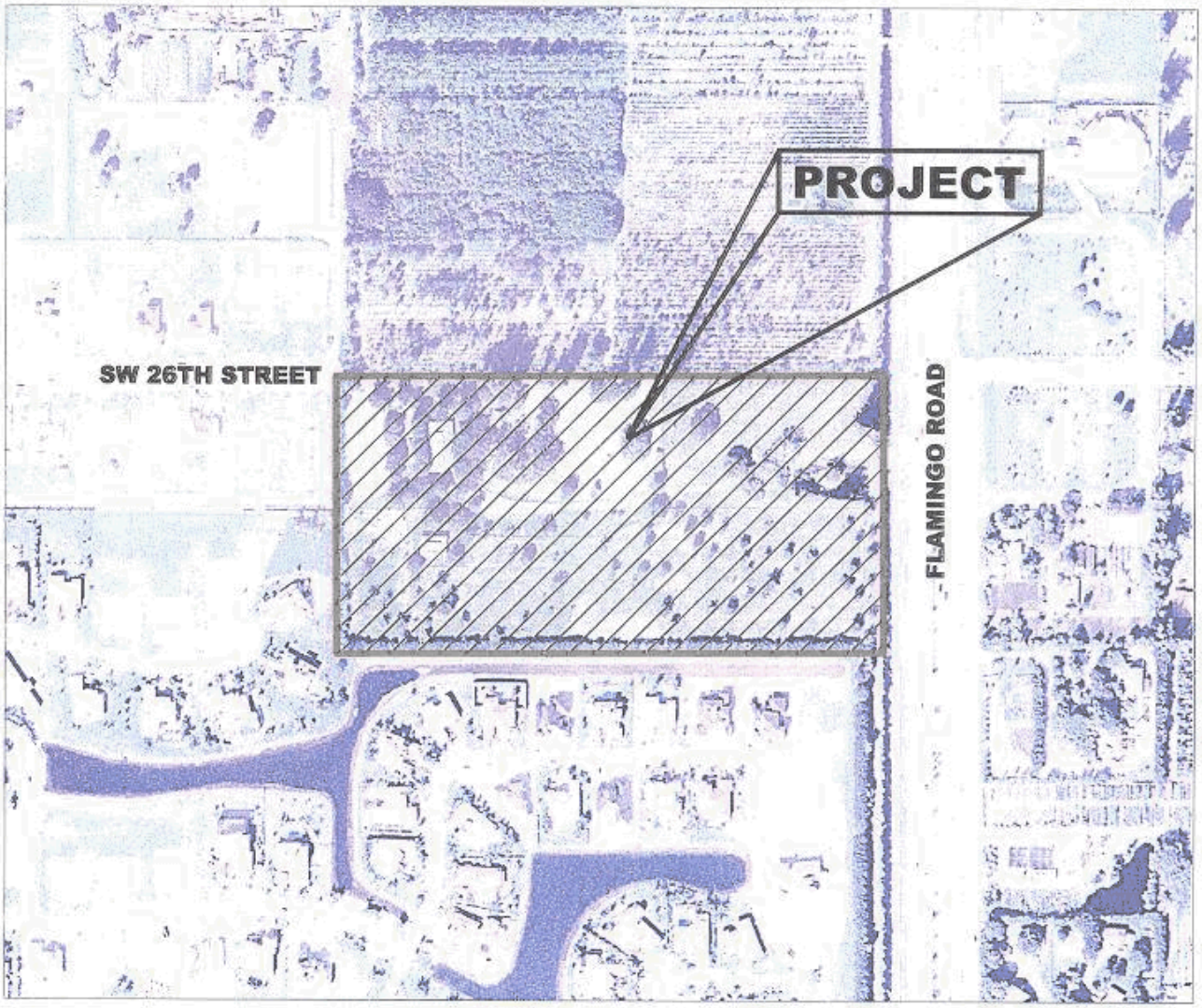
PROPERTY OWNER	MAILING ADDRESS	CITY, STATE, ZIP
Abraham, Harvey & Charlotte	12542 Brookwood Court	Davie, FL 33330
Albarracin, Alvaro & Madelyn	12543 Brookwood Court	Davie, FL 33330
Alvarez, Stewart & Amy Jo	12791 S.W. 26th Street	Davie, FL 33325
Animals Recreation & Rehab Center, LLC	2670 S. Flamingo Road	Davie, FL 33330-1302
Avinoa, Julio & Ada	13236 S.W. 36th Street	Miramar, FL 33027
Bange, Paul & Nanci	2950 S. Flamingo Road	Davie, FL 33330-1308
Barrau, Carmel & Lamour, Josee	12765 Stonebrook Drive	Davie, FL 33330
Becerra, Maria	2850 W. Stonebrook Circle	Davie, FL 33330
Benson, Hayward Stephan	2017 N.W. 46th Avenue, #205A	Lauderhill, FL 33313
Blackann, Alison & Horvath, Ronald	2751 S.W. 121st Avenue	Davie, FL 33330-1311
Bovie, Josephine	2695 S.W. 121st Terrace	Davie, FL 33330-1319
Brown, Gary & Mindy	2753 W. Stonebrook Circle	Davie, FL 33330
Burk, Ronald & Lisa	12750 Kapok Lane	Davie, FL 33330
Cardona, Martha	2691 S.W. 122nd Terrace	Davie, FL 33330-1300
Chance, Victor & Kimberly	12580 N. Stonebrook Circle	Davie, FL 33330
Charles, Paul, Patrick & Marie	12481 N. Stonebrook Circle	Davie, FL 33331
Chwojko, Edward & Katarzyna	2901 E. Stonebrook Circle	Davie, FL 33330
Cole, Jamie & Debra	12462 Brookwood Court	Davie, FL 33330
Coote, Michael	12861 Kapok Lane	Davie, FL 33330
Cutino, Victor	2995 S.W. 121st Avenue	Davie, FL 33330
De Castillo, Ricardo & Ana Perez	12681 N. Stonebrook Circle	Davie, FL 33330
DiBiasi, Dorothy Family Limited Partnership	P. O. Box 780	Lynnfield, MA 01940
Friedewald, Jr., Don & Ridgeway, Donna	12911 S.W. 26th Street	Davie, FL 33325
Frohring, C.A. & Linda	2690 S.W. 122nd Terrace	Davie, FL 33330
Garrett, Shawn	12704 Stonebrook Drive	Davie, FL 33330
Gilmore, Robert & Sandra	12641 N. Stonebrook Circle	Davie, FL 33330
Glover, John	12735 Stonebrook Drive	Davie, FL 33330
Goldman, Wayne & Maryanne	2853 W. Stonebrook Circle	Davie, FL 33330
Grey, Carol	2670 S.W. 122nd Terrace	Fort Lauderdale, FL 33330-1333
Griner, W.B. & Cheryl	2675 S.W. 121st Terrace	Davie, FL 33330-1319
Grodsky, Alan & Adele	12480 N. Stonebrook Circle	Davie, FL 33330
Hakopian, Ambakum & Nina	2951 E. Stonebrook Circle	Davie, FL 33330
Hochstein, Robert	1877 Harbour Point Circle	Weston, FL 33327
Hood, Scott	12583 Brookwood Court	Davie, FL 33325
Hubschman, Deborah Ann	12800 Kapok Lane	Davie, FL 33330
Iten, Louis & Patricia	12850 Kapok Lane	Davie, FL 33330
Jarolem, Kenneth & Alisa	12520 N. Stonebrook Circle	Davie, FL 33331
Kennedy, Scott & Gail	12640 N. Stonebrook Circle	Davie, FL 33330
Knight, Sammy & Freda	12463 Brookwood Court	Davie, FL 33331
Lawrence, Krishna William	2900 W. Stonebrook Circle	Davie, FL 33330
Leto, Sr., John & Joan	2550 Noah Place	Davie, FL 33325
Leto, Sr. John	5121 Jackson Street	Hollywood, FL 33021-7233
Lewin, Harley	12561 N. Stonebrook Circle	Davie, FL 33330
Lewin, Robert & Lisa	12441 N. Stonebrook Circle	Davie, FL 33331
Lewis, Jack	12503 Brookwood Court	Davie, FL 33330
Linares, Carlos & Judy	12941 Kapok Lane	Davie, FL 33330
Miele, Veronica	2421 S.W. 127th Avenue	Davie, FL 33325-5600
Mixon, Kenneth & Darcee	12741 Kopak Lane	Davie, FL 33330
Moren Enterprise in Davie, LLC	6233 N. University Drive	Tamarac, FL 33334
Moses Family Limited Partnership	2799 N.W. 55th Avenue	Lauderhill, FL 33313
Munn, Hensley & Cynthia	235-15 129th Avenue	Laurelton Queens, NY 11422
Nichols Associates, Ltd.	5021 S.W. 51st Street	Davie, FL 33314-5509
PACC Development, LCC	7116 S.W. 47th Street	Miami, FL 33155
Pegg, Joe, Pegg, W.S. Pegg, H.S. Pegg Et Uxes	RR2 Box 3408	Nashville, GA 31639
Phillips, Richard & Carol	12764 Stonebrook Drive	Davie, FL 33331

OAK PARK ESTATES -- MSP 11-2-05

PROPERTY OWNER	MAILING ADDRESS	CITY, STATE, ZIP
Plasencia, Oscar	2603 S.W. 122nd Avenue	Davie, FL 33330-1329
Prior, Peter & Gail	2780 S. Flamingo Road	Davie, FL 33330-1304
REJA Enterprises, Inc.	1300 S.W. 17th Street Causeway, #202	Fort Lauderdale, FL 33316
Renner, Mark	1604 Salerno Circle	Weston, FL 33327
Riley, Everette & Charleen	2851 E. Stonebrook Circle	Davie, FL 33330
Rodriguez, Luis	12912 S.W. 26th Street	Davie, FL 33325
Ruzicka, Thomas	12601 N. Stonebrook Circle	Davie, FL 33330
Sacco, Leon & Corina	12854 Stonebrook Drive	Davie, FL 33330
Safille, Edward	12701 Kapok Lane	Davie, FL 33330
Schubert, Robert	12502 Brookwood Court	Davie, FL 33330
Schumacker, Joseph & Janelda	12734 Stonebrook Drive	Davie, FL 33330
Sierocuk, Thomas & Darlene	12882 S.W. 26th Street	Davie, FL 33325
Silverman, Andrew	12852 S.W. 26th Street	Davie, FL 33330
Skidmore, Alan	2602 S.W. 122nd Avenue	Davie, FL 33330-1330
Sleipnes, Svein & Katherine	12700 Kapok Lane	Davie, FL 33330
Sohmer, Paul & Donna	2651 S.W. 122nd Terrace	Davie, FL 33330-1300
Solomon, Faithrowena & Jessica	6881 N.W. 45th Street	Lauderhill, FL 33319
Sorensen, David & Shirley	2800 W. Stonebrook Circle	Davie, FL 38330
Spradlin, Alan	12901 Kapok Lane	Davie, FL 33330-1294
State of Florida DOT	3400 W. Commercial Boulevard	Fort Lauderdale, FL 33309-3421
Stonebrook Estates, Ltd. c/o St. Andrews CC Realty	7227 Clint Moore Road	Boca Raton, FL 33496-1402
Thompson, Adam	12440 N. Stonebrook Circle	Davie, FL 33330
Todinca, George & Valeria	406 N.W. 68th Avenue, #514	Plantation, FL 33317
Toral, Alejandro & Illana	12822 S.W. 26th Street	Davie, FL 33330
Town of Davie	6591 S.W. 45th Street	Davie, FL 33004
Trombino, Rev. Kathleen	2920 N. Atlantic Boulevard	Fort Lauderdale, FL 33308-7512
Vietnamese Buddhist Cultural Center of Florida, Inc.	2321 S.W. 127th Avenue	Davie, FL 33325
Wannstedt, David	12600 N. Stonebrook Circle	Davie, FL 33330
Warren, David & Charlene	12761 S.W. 26th Street	Dania, FL 33325
Weekley, Daniel	20701 Stirling Road	Pembroke Pines, 33332
Westcott, Paul & Donna'	12762 S.W. 26th Street	Davie, FL 33325
Wilson Heights Development, Inc.	3842 S. 16th Avenue	Hialeah, FL 33012
Wood, Robert	2075 S. Flamingo Road	Davie, FL 33325
Young, Kevin & Heather	2801 E. Stonebrook Circle	Davie, FL 33330
Zafrani, Abraham	2800 S. Flamingo Road	Davie, FL 33330
Zamora, Wilfredo & Maria	12792 S.W. 26th Street	Davie, FL 33325

N

SCALE: N.T.S.



SECTION: 23
TOWNSHIP: 50 S
RANGE: 41 E

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.
12500 WEST ATLANTIC BOULEVARD
CORAL SPRINGS, FLORIDA 33071
(954) 344-9855

OAK PARK ESTATES

AERIAL MAP

TOWN OF DAVIE | BROWARD COUNTY | FLORIDA

BY: JLS/CB	JOB No.: 05-0507	DATE: 12/05

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS • LAND PLANNERS
TRANSPORTATION PLANNERS LANDSCAPE ARCHITECTS

MEETING NOTICE

December 28, 2005

Re: Citizen Participation Plan Meeting for Oak Park Estates
Project Number MSP 11-2-05

Dear Neighbor:

This letter is to invite you to a citizen participation meeting relating to Oak Park Estates, a quality residential community planned near property you own in the Town of Davie. Oak Park Estates is located on the west side of Flamingo Road at SW 26th Street, and will consist of 17 single-family residential homes intended to complement surrounding developments as well as enhance area property values.

Under a Town of Davie ordinance, the applicant for site plan approval is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating application review. Accordingly, we have scheduled the following meetings:

First Citizen Participation Meeting:

Date: January 11, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date: January 18, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Directions to Eastside Community Hall: Take I-595 to Davie Road exit, travel south 2 miles, turn east on Orange Drive, continue to SW 55 Avenue, turn left and the hall is on the east side of SW 55 Avenue.

Note: Please be advised that if there is no attendance at the first citizen participation meeting, the second meeting may be cancelled.

If you wish to submit written comments, please send them to:

Craig L. Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License : EB6451 **www.rejce.com** *Landscape Architect License : LC0000067*

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,

Craig L. Bencz, AICP
Director of Planning

Attachments: Location Map & Proposed Site Plan

(NOTE: MEMBERS OF TOWN COUNCIL MAY BE PRESENT)

Rhon Ernest-Jones Consulting Engineers, Inc.

Exhibit 7 (Public Participation Sign-In Sheet)

Oak Park Estates

1/11/06
6-8 pm

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date)

NAME	ADDRESS	PHONE
Emmanuel Roax	12701 SW 26 St Davie, FL 3325	954-940-2174
SVETIN SKRETINES	12700 KIAPOK LN DAVIE FL 33330	954-577-9400
JOHN GLOVER	12735 Stonebrook Dr. Davie, FL	954.473-0521
NORMAN TARPINS, MD	12[illegible] Equestrian Trail, Davie	954-916-1134
SUSAN TARPINS	"	"
ALEXANDRA ZAHORA	12792 SW 26 ST DAVIE 33325	(954)474.4614
Cleng Shiple	6790 Griffin Rd Davie, FL	(954)868-2637
PAUL WESTCOTT	12762 SW 26th ST DAVIE FL 33325	954.370.8298
DAVID WARREN	12761 SW 26th ST DAVIE FL 33325	954.771.3825 954-915-6671
Rob & Sandie Gilmore	12641 N. Stonebrook Cir, Davie 33330	954.303.6488
Adele & Alan Grodsky	12480 N. Stonebrook Circle Davie 33330	954-915-029[illegible]
Lisa + Robert Lewin	12441 N. Stonebrook Circle. Davie 33330	954-423-006[illegible]
Donna Marolla	13640 S.W. 29 Street Davie 33330	(954)475-9891
Joseph + PATRICIA Pensabene	12732 SW 26th St Davie 33325	954 431 539[illegible]
NEAL KALIS	7020 Griffin Rd Ste. 109 Davie	954-791-0[illegible]
RON REITSMA	12580 RIDGEWAY CT. DAVIE 33330	954-931-9229
Melanie & WILLIAM FORD	12702 (lot 1) SW 26 Street Davie 33325	954 324.5552
DARLENE SIEROCUK	12882 SW 26th St, Davie 33325	954-723-95[illegible]
TOM SIEROCUK	12882 SW 26TH St. DAVIE 33325	954-723-95[illegible]
GARRY CONNORS	12971 S.W. 26 St DAVIE 33325	954-424-294[illegible]
James Williams	12942 S.W. 26 St Davie, 33325	9542368505
STEWART ALVAREZ	12791 S.W. 26ST DAVIE, 33325	954.475.8871
ALEJANDRO TOLAL	12822 SW 26 ST DAVIE, FL. 33325	
Daniela Circonciso	12912 SW 26 Street Davie, FL 33325	954473141[illegible]
Luis Rodriguez	12912 SW 26 Street Davie, FL 33325	

over

1/18/06
6-8 pm

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II.

Oak Pk. Estates
(Date) 1/18/06

NAME	ADDRESS	PHONE
CHARLIE + PAM CAPPS	13570 SW 26 ST	476-9410
Joseph + Patty Pensabene	12732 SW 26th St	431-5397
WILLIE + ALEXANDRA ZAMORA	12792 SW 26 ST	474.4614
DAVID WARREN	12761 SW 26th ST	915-6671
Melanie & William Ford	12702 SW 26 ST	954 325.0558
James & Janet Williams	LOT 1 12942 SW 26 St	3052989662
DARLENE + TOM SIEROCUCK	12882 SW 26TH ST	954 723-9568
RON REITSMA	STONEBROOK	954-931-9229
ALEJANDRO TORAL	12822 SW 26 ST	305 467-0729
Emmanuel Poux	12701 SW 26 St	954-940-2174
DAN FRIEDEWALD	12911 SW 26 ST	954-433-5109
Mark Renner	12821 SW 36 St.	954-914-9083
ROB + SANDIE Gilmore	12641 NE Stonebrook	954 424 8410

Bencz, Craig (craig@rejce.com)

From: Bencz, Craig (craig@rejce.com)
Sent: Friday, January 20, 2006 1:40 PM
To: 'David_Abramson@davie-fl.gov'; 'marcie_nolan@davie-fl.gov'
Cc: Ernest-Jones, Rhon (rhon@rejce.com)
Subject: Oak Park Estates -- Community Meeting Results
Importance: High
Attachments: davie comm mtg.pdf; sierocuk corr.pdf

Hi David,

Attached are the participant lists from each of our community meetings for the subject project, which were held on January 11 and January 18 at 6 p.m. The meetings were each held at the Eastside Community Hall, and were very well attended by the community. In accordance with the Town's requirements related to these meetings, I have also attached a copy of correspondence I received prior to the meetings via fax from Diane Sierocuk.

In addition to what is included below, it should be noted that the applicant meet with Chief DiPetrillo on January 9, 2006 in an effort to address community concerns related to the extension of SW 26th Street. Chief DiPetrillo acknowledged that there has been significant opposition to the road extension in the past, and that he would not oppose the community's desire for the road to remain segmented and unimproved north of the project site.

The following is a summary of discussion items at each meeting.

January 11, 2006 Community Meeting

- The site plan and project background information was presented by Rhon Ernest-Jones.
- Extensive discussion ensued regarding the community's desire for SW 26th Street to remain unimproved north of the project site.
- There was a strong desire for the primary access to the site **not** to align with the SW 26th Street right-of-way. Accordingly, the applicant agreed to present an alternate site plan at the next meeting with an access point central to the site (access from Flamingo Road).
- There was support for the project, with the condition that SW 26th Street is not improved on the north side of the site. The participants are opposed to the 40 ft. right-of-way dedication, as this creates the possibility for future road improvement.
- The type, size and price range of the proposed homes was discussed.
- The applicant reiterated a commitment to save as many trees as possible on the site, and address trees that were damaged by Hurricane Wilma.
- There was discussion regarding the Davie LDC requirements for dry lot size minimum, lot width requirements, etc.

January 18, 2006 Community Meeting

- A revised site plan was presented, which shows access centrally located from Flamingo Road. Participants were in favor of this plan.
- An alternate site plan was presented that showed the potential for the site if the (current) 40 ft. right-of-way dedication were removed, or if the dedicated area could be counted towards dry lot size. The community was in favor of the alternate plan, which incorporates a lake central to the site, with homes placed around the lake on the perimeter of the property.
- There was general discussion regarding buffering between Stonebrook and the subject site.
- Discussion ensued regarding the potential for deed restricting the right-of-way easement so that vehicular use could not occur in the future.
- Participants discussed surrounding developments, and noted that the site at the northeast corner of Flamingo Road and SW 26th Street is zoned for open space use, and cannot be developed in the future.

I hope this summary and the provided attachments are sufficient to meet the Town's requirements. Please do not hesitate to contact me if I can provide additional information, or clarification of the comments summarized herein.

As you know, this project is scheduled for public DRC consideration on January 25th. Please let me know the time and location of this meeting, and the meeting format. Do we need to be prepared to make a formal presentation at DRC, or is it typically used as a forum to distribute staff review comments?

Thank you.

Craig Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071
Tel: 954.344.9855 ext.106
Fax: 954.341.5961
E-mail: Craig@rejce.com
www.rejce.com

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Exhibit 9 (Future Land Use Map)

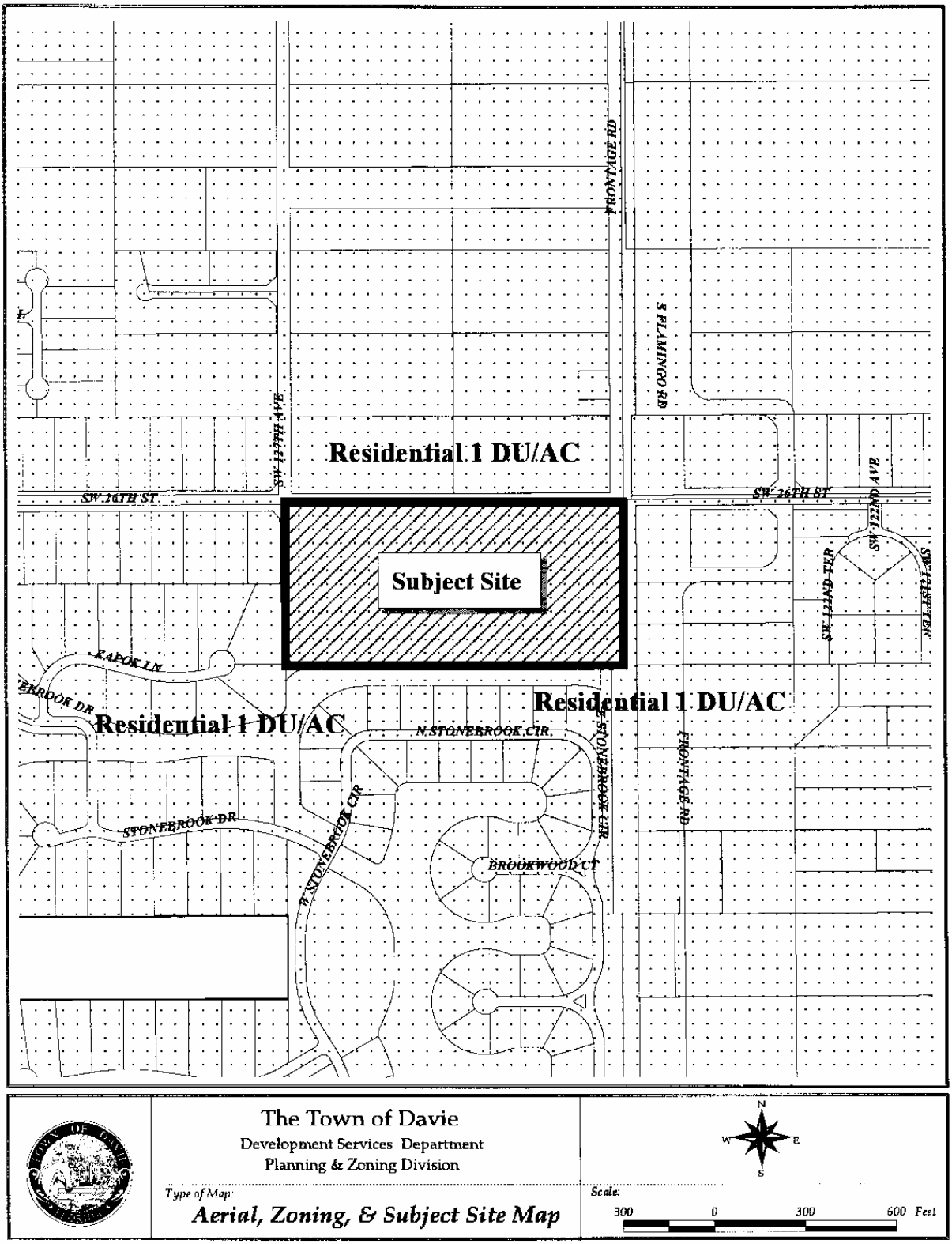
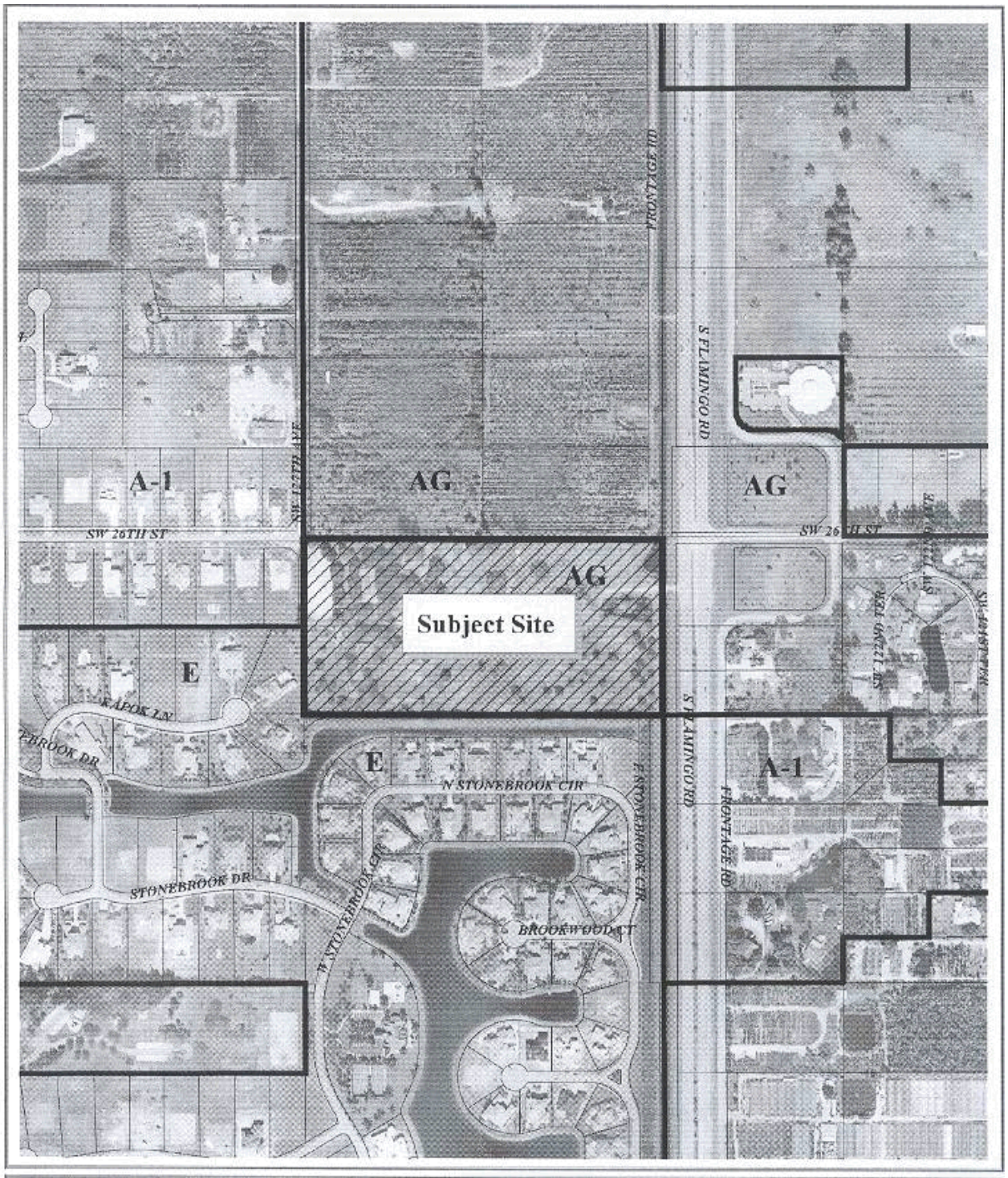


Exhibit 10 (Aerial, Zoning, and Subject Site Map)



The Town of Davie
Development Services Department
Planning & Zoning Division

Type of Map:
Aerial, Zoning, & Subject Site Map

Scale:
300 0 300 600 Feet

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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: Ingrid Allen, Planner II

SUBJECT: ZB (TXT) 4-1-06/Junkyards

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner proposes a text amendment to the Land Development Code amending the use ”Recycling, Scrap Metal Processing and Automobile Wrecking Yards” as existing legal uses in the M-3 zoning district when the underlying land use classification is Industrial. According to the petitioner, the intent of the text amendment is to protect existing junkyard operations (to be applied generically and not for one specific land owner) and not to increase the number of additional non-conforming uses allowed in the Town.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Mr. Busey, to table to March 14, 2007 Local Planning Agency meeting. (Motion carried 3-0).

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted in the staff report.

Attachment(s): Staff report, Ordinance

MEMORANDUM

PZ 2-20-07

TO: Mayor and Town Councilmembers

THRU: Gary Shimun, Town Administrator
Mark A. Kutney, AICP, Development Services Director
Bruce Dell, Planning & Zoning Manager

FROM: Ingrid Allen, Planner II

DATE: February 20, 2007

RE: ZB(TXT) 4-1-06 Junkyards

REQUEST:
Staff is requesting that the above referenced item, currently scheduled for the March 7, 2007 Town Council meeting, be tabled to the April 4, 2007 meeting. This request is a result of the Local Planning Agency's motion to table this item to the March 14, 2007 Local Planning Agency meeting. This is staff's first request for deferral.

HISTORY:
At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Mr. Busey, to table ZB(TXT) 4-1-06 to the March 14, 2007 (Motion carried 3-0).

PZ 2-1-07

TO: Local Planning Agency (LPA)

THRU: Bruce Dell, Planning and Zoning Manager
Marcie Nolan, Deputy Planning and Zoning Manager

FROM: Ingrid Allen, Planner II

SUBJECT: ZB(TXT) 4-1-06/06-58/"Recycling, Scrap Metal Processing and Automobile Wrecking Yards"

AFFECTED DISTRICT: 1

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner (Pillar Consultants, Inc.) proposes a text amendment to the Land Development Code amending the use "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as existing legal uses in the M-3 zoning district when the underlying land use classification is Industrial. According to the petitioner, the intent of the text amendment is to protect existing junkyard operations (to be applied generically and not for one specific land owner) and not to increase the number of additional non-conforming uses allowed in the Town.

The proposed ordinance defines "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material. To follow, under 'Proposal Analysis', is a comparison of the proposed revisions, by Section, to the Land Development Code verses current code language.

HISTORY/BACKGROUND:
Many of the existing "Junkyards" were initially annexed into the Town of Davie with a Broward County zoning designation of M-4 (County), Limited Heavy Industrial District. The M-4 (County) zoning designation is not a valid Town of Davie zoning district. As a result, not only are these parcels required to rezone to a valid Town of Davie zoning district, but they are considered legal nonconforming lots. According to Ordinance 2003-21 (adopted June 4, 2003), it is required that all parcels annexed into the Town with Broward County zoning designations be rezoned to a valid Town of Davie zoning district prior to site plan approval or modification to a development order. Currently, the Town's M-3 zoning district does not permit "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses although these uses are permitted under the M-4 (County) zoning designation. The proposed ordinance would allow "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses to be permitted under the Town's M-3 zoning district.

The Town adopted the Transit Oriented Corridor (TOC) redevelopment plan on March 1, 2006. This plan calls for mixes of uses to be redeveloped including residential.

PROPOSAL ANALYSIS:
Statement of purpose and intent of zoning districts:
PROPOSED: Existing "Recycling, Scrap Metal Processing, and Automobile Wrecking Yards" uses located within the Planned Industrial Park (M-3) District will be allowed, currently or in the future, to abut residential property.
CURRENT: Planned Industrial Park (M-3) Districts are not intended for locations abutting residential property.

Permitted uses:
PROPOSED: Within the Business Park and Industrial General Use category, "Recycling, Scrap Metal Processing, and Automobile Wrecking Yards" uses (as defined above) will be permitted in the M-3 zoning district.
CURRENT: "Recycling, Scrap Metal Processing, and Automobile Wrecking Yards" is not listed as a Business Park and Industrial general use, however, Junk Yards are not permitted uses in the M-3 zoning district. It is staff's opinion that the proposed uses, as defined, would broaden the uses currently enjoyed by the petitioner

Accessory Uses and Structures:
PROPOSED: Accessory uses and structures within "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" located in non-residential districts and under the M-3 district would be exempt from being located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. In addition, accessory buildings would be exempt from occupying no more than fifteen (15) percent of a required rear yard area.
CURRENT: Accessory uses and structures, except landscape features, in non residential districts are to be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. Accessory buildings cannot occupy more than fifteen (15) percent of a required rear yard area.

Fences, Walls and Hedges:
PROPOSED: Allow the continuous unpierced masonry wall, six (6) feet high, finished on both sides with two (2) coats of cement stucco or constructed of pre-cast concrete painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property except as may exist at the date of this ordinance. All masonry screen walls erected in the Town shall be finished on both sides with two (2) coast of cement stucco or constructed of pre-cast concrete and painted on both sides.

CURRENT: A continuous unpierced masonry wall six (6) feet high, finished on both sides with two (2) coats of cement stucco painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property. All masonry screen walls erected in the Town shall be finished on both sides with two (2) coast of cement stucco and painted on both sides.

General Provisions - Business Districts:

PROPOSED: Allow open storage of materials, behind perimeter walls, within side and rear yards. Allow outdoor storage of merchandise as it pertains to "Recycling, Scrap Metal Processing and Automobile Wrecking Yards"

CURRENT: Side and rear yards may be used for parking and loading but may not be used for open storage of materials. Outdoor storage of merchandise, except for vehicles displayed in conjunction with permitted vehicle sales activities and live plant material clearly ancillary to the primary commercial activity, shall be prohibited.

Nuisances:

PROPOSED: The keeping or the deposition (depositing) on or the storage on the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including but not limited to, automobiles, scrap metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. shall be permitted within the perimeter walls of "Recycling, Scrap Metal Processing and Automobile Wrecking Yards".

CURRENT: The term "nuisance" is defined to mean any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located within any district. This includes, but is not limited to, keeping, allowing or maintaining anything on the premises in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, vibration or noise; the keeping or the deposition (depositing) on or the scattering over the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cansor containers; the failure to keep or maintain all lands, lots and other premises in any district clean, sanitary and free from weeds or overgrowth; the keeping, maintaining, propagation, existence or permitting of any thing by any person or entity by which the life or health of any person or persons may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused or the environment of any person or place rendered unclean or unsanitary by the act of another or others. The purpose of this section is to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of any district.

Outdoor Activities:

PROPOSED: "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be exempt from conducting permitted uses, including but not limited to sale, display, preparation and storage, in a completely enclosed building.

CURRENT: All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building.

Industrial Activities:

PROPOSED: "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses and activities are permitted within the M-3 district only.

CURRENT: In the M-1, M-2, and M-3 districts the following uses are permitted: (1) Educational, scientific, industrial research, office and business uses providing a minimum of five thousand (5,000) square feet of net building area.
(2) Retail and wholesale sales incidental to a permitted on-site use.

Detailed Use Regulations – Standards enumerated:

PROPOSED: ***Height:*** Maximum height shall be thirty-five (35) feet.

Hours of Operation: Activities shall be conducted Monday thru Sunday 6:00a.m.–12:00 a.m.

Minimum lot size: 108,900 square feet (2.5 acres)

Parking: One (1) space for every 1,300 square feet of solid roofed area.

Perimeter Walls: An eight (8) foot high "wall system" shall be constructed around the entire perimeter of the site except at points of access to and from the property. The "wall system" shall be as solid concrete, masonry or pre-cast wall consisting of 40 to 80 foot long segments staggered into the property a minimum of 5 feet. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall. Alternating wall segments may be constructed of eight (8) feet high Iron or Aluminum fencing with additional landscaping designed to obtain an opaque screen to the on-site activities. The location of the perimeter wall shall not be placed in the traffic sight triangles as required by the Town of Davie Code of Ordinances.

Site Landscaping: See proposed Landscaping standards (page 6).

Site Engineering Improvement: The site must be provided with infrastructure engineering improvements as applicable for conformance with the Florida Department of Environmental Protection, NPDES requirements, and Town engineering environmental standards.

All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

CURRENT: The proposed uses are not currently enumerated in the Land Development Code.

Nonresidential performance Standard:

PROPOSED: Commercial Conservation, amended to read as follows:

Zoning District	**Min. LSR**	**Max. Height**	**Min. Lot Area**
M-3*	0.20	35'	1 ac.**

***** **"**Recycling, Scrap Metal Processing and Automobile Wrecking Yards" are permitted uses.

****** Minimum lot area for "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as defined in the proposed Ordinance shall be 108,900 square feet (2.5 acres).

CURRENT: Commercial Conservation, reads as follows:

Zoning District	**Min. LSR**	**Max. Height**	**Min. Lot Area**
M-3	0.20	35'	1 ac.

Table of Conventional Nonresidential Development Standards:

PROPOSED: Amended to read as follows:

District	Min. Lot Area (sf/ac)	Min. Lot Frontage (ft.)	Min. Lot Depth (ft.)	Min. Setbacks Front (ft.)	Min. Setbacks Side (each)	Min. Setbacks Rear (ft.)	Max. Height (feet)	Max. Building Coverage (ratio)	Min. Building Separation (feet)	Min. Open Space (ratio)
M-3 (g)	43,560	150	-----	g	g	g	35 ft.	40%	-----	20%

(g) ***Minimum lot area:*** for "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be 108,900 square feet (2.5 acres).

Setbacks: Twenty-five (25) feet from all street lines <u>except</u> "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" <u>which shall be zero (0) setback</u> from the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; except "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" two hundred (200) feet from all property lines from the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall not be required to provide any Open Space within the perimeter walls, and landscape standards and open space outside the perimeter walls shall satisfy the Open Space requirements. Additionally, "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be required to provide a minimum of 15% Open Space (landscaped area) within and/or adjacent to any existing or proposed parking areas intended for the public or employees and which shall be in addition to open space provided outside the perimeter walls.

CURRENT:

District	Min. Lot Area (sf/ac)	Min. Lot Frontage (ft.)	Min. Lot Depth (ft.)	Min. Setbacks Front (ft.)	Min. Setbacks Side (each)	Min. Setbacks Rear (ft.)	Max. Height (feet)	Max. Building Coverage (ratio)	Min. Building Separation (feet)	Min. Open Space (ratio)
M-3	43,560	150	-----	g	g	g	35 ft.	40%	-----	20%

(g) Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses.

<u>Landscaping Standards</u> (for Commercial and Industrial Districts over 20,000 feet)

PROPOSED: ***Tree requirements:*** "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be <u>exempt</u> from planting trees in an area approximately ten (10) feet wide and shall require ten (10) trees for the first <u>108,900 square feet</u> of gross site area, plus one (1) tree for each additional 20,000 square feet all of which shall be planted on the exterior of the site perimeter wall; Required trees in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it's use for park enhancements.

Shrub requirements: Twenty (20) shrubs for the first 108,900 square feet of gross site area, plus five (5) shrubs for each additional 20,000 square feet of gross site area or fraction thereof. For "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" all shrubs shall be planted on the exterior of the site perimeter wall; Required shrubs in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it's use for park enhancements.

Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties: For "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses, the

proposed tree and shrub requirements stated above shall be sufficient and therefore no additional perimeter landscaping is required.

Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts: For "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses, the proposed tree and shrub requirements stated above shall be sufficient and therefore no additional perimeter landscaping or buffering is required.

Sodding: "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses shall be exempt from sodding all areas not occupied by buildings, walkways, or parking and driveways. All areas not occupied by a landscape area and lying within a required buffer or outside the perimeter wall shall be sodded and all areas interior to the perimeter wall/required buffer shall not require sodding but may consist of dirt, asphalt and/or concrete.

CURRENT: ***Tree requirements*****:** Four (4) trees for the first twenty thousand (20,000) square feet, plus one (1) tree for each additional ten thousand (10,000) square feet, shall be planted in an area approximately ten (10) feet wide.

(1) Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.

(2) Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.

(3) Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.

Shrub requirements*:* Twenty (20) shrubs for the first twenty thousand (20,000) square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) square feet of gross site area.

Ground cover requirements: Ground cover is at the same requirements as shrubs.

Interior landscape for parking areas: Interior landscaping for all parking and drive areas shall be in accordance with section 12-108.

Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties: A ten-foot landscape buffer shall be provided adjacent to abutting properties. One (1) fourteen- to sixteen-foot tree shall be planted for each forty (40) linear feet of property line along with a continuous hedge. The shrub requirement of this section may be waived if the adjoining property has a buffer that meets the minimum requirements of this section. If two (2) buildings are adjacent to each other on abutting properties, the hedge requirement may be waived by the development services department.

Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts: (a) A required landscape buffer shall be provided for all industrial and commercial districts in accordance with the following: University Drive and State Road 84 shall be thirty (30) feet wide.

Griffin Road from University Drive east to the town's limits shall be twenty (20) feet wide. Arterial and collector streets shall be twenty (20) feet wide. All other streets shall be ten (10) feet wide. (b) Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet. (c) In addition, a hedge, wall, or other durable landscape barrier of a height of not less than two and one-half (2 1/2) feet and not more than eight (8) feet shall be placed within the landscape buffer. A variety of species and/or materials shall be used with sixty (60) percent of the plants being one (1) predominant species. If a wall is used in the buffer, then the wall shall be placed at the rear of the landscape buffer. A continuous row of hedges shall be installed on the public right-of-way side of the wall. The required trees shall be placed on the right-of-way side of the wall at forty-foot intervals. Planting should be of such size and spacing that seventy-five (75) percent of the total linear length is covered by plantings. The town council may waive the requirements of this subsection if it determines that the wall or fence is an architectural feature that such esthetics will better be served by leaving it unscreened. (d) Street trees shall be installed in the swale area of the street if deemed by the development services department to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet or fraction thereof of street frontage. The type of trees

shall be consistent with other swale trees along the street and approved by the development services department. Suggested street trees may be found in the Town of Davie Landscape Materials List. (e) Necessary accessways from the public right-of-way through all such landscaped strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section 12-109. (f) University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches. (g) Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.

Off-street parking:
PROPOSED: One (1) space for every 1,300 square feet of solid roofed area.
CURRENT: *Manufacturing, wholesale warehousing, distribution centers, and industrial uses.* One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

Master Planned Developments:
PROPOSED: "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" uses would be exempt from a master development plan.
CURRENT: A master development plan is required for any nonresidential use on any parcel of land five (5) or more acres and any residential development consisting of ten (10) or more acres except as listed below. Master development plans shall not be required for one (1) single family home on ten acres of land or more. These regulations do not apply within the Griffin Road Corridor District. In addition, these regulations apply to the following districts regardless of parcel size: Planned Business Center (B-3), Planned Industrial Park (M-3), Planned Community Facilities (PCF), Suburban (S), Utilities (U), Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), or Business Park (BP).

Definition:
PROPOSED: "Recycling, Scrap Metal Processing, and Automobile Wrecking Yards" an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.
CURRENT: N/A (These proposed uses are not currently defined in the Land Development Code)

STAFF ANALYSIS:
Staff has worked with the petitioner, through various rounds of Development Review Committee comments, to minimize the impacts of the proposed text amendment. Although staff's intent is to find a balance between the needs of the Town and existing junkyard owners, considerable differences still remain. To follow is a list of outstanding issues for which staff finds would significantly impact adjacent existing and planned uses.

1. The proposed definition of "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" would allow existing automobile wrecking yards and junkyards to **expand their uses** from automobile salvage or junkyards to various types of junk recycling to include construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material. In addition, the proposed ordinance would allow, for example, an existing "Recycling, Scrap

Metal Processing, and Automobile Wrecking Yards" as defined above, whose current business is confined to a fifteen acre area on a twenty acre parcel, to expand or grow its existing business to the remaining five acres.
This type of expansion is inconsistent with Section 12-37 (A) of the Land Development Code which states that no nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land and no such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.

2. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" would be **allowed to abut residential property**. This is inconsistent with Section 12-24 (J) (9) of the Land Development Code which states that M-3 districts are <u>not</u> intended for locations abutting residential property.

3. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" would **allow open storage within the side and rear yard setbacks.** This is inconsistent with Section 12-33 (Q) of the Land Development Code which states that side and rear yards may <u>not</u> be used for open storage of materials.

4. The proposed landscape standards are vastly different from the existing landscape standards. **Landscaping would only be provided outside the perimeter wall, within a 10 foot landscape buffer.** An additional 15% of the site can either be in parking island green-space or outside the wall as an open space. The proposed landscape standards would also exempt "Recycling, Scrap Metal Processing, and Automobile Wrecking Yards" uses from perimeter landscaping and buffering requirements for industrial districts adjacent to all other abutting properties and adjacent to existing public rights-of-way.

In addition, outstanding Engineering Development Review Comments (DRC) include providing a dust-free surface for junkyard operations and vehicle storage to protect air quality, and providing soil testing results semi-annually for the subject site at 100 feet grid interval to prevent polluting the subsurface soil, and ground water resource.

CONCLUSION:
The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Staff finds the proposed use "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" to be more intensive than what is currently defined in the Land Development Code as "junkyards" or "automotive wrecking". As a result, more noxious odors, fumes, dust, dirt, noise or vibrations may be generated and may result in a threat to the safety or general welfare of surrounding or planned properties. The Land Development code (Section12-34 (S)) states that these noxious uses shall be prohibited in all zoning districts.

As noted in staff's analysis, the proposed use "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" would be subject to less restrictive requirements with respect to landscaping standards, general and detailed use regulations, and nonresidential development standards than current code language. As a result, measures available to minimize impacts to adjacent existing and planned uses are limited. This would subsequently compromise the redevelopment efforts the Town is looking to accomplish along State Road 7. Therefore, staff concludes that the proposed text amendment would allow expansion and intensification of existing junkyards resulting in added impacts to planned uses in the Town's redevelopment areas.

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted above.

Attachments: Ordinance

PROPOSED ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED;

PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide for "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" defined herein, as an existing legal use in the M-3 zoning district when the underlying land use classification is Industrial and the existing use is legally permitted within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on _____2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on _____2007, and on the date of adoption of this Ordinance.

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

INTENT and PURPOSE: The purpose of this ordinance is to promote the safety, health, and welfare of the public, and to protect the public from health nuisances and safety hazards as set forth in this ordinance. The intent of any future amendments to the Town's Land Development Code is not to increase the number of additional non-conforming uses allowed in the Town, only to allow those uses currently in the Town to continue as legally permitted uses. Such regulations and review shall ensure that existing heavy industrial uses will not become incompatible with new development and that new development shall provide buffers and site design in light of the existing land uses.

It is the intent of the Town of Davie to recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Town of Davie that all ordinances, regulations, and programs must be developed, promulgated, implemented, and applied with sensitivity for private property

rights and not be unduly restrictive, and property owners must be free from actions of others which would harm their property.

Nothing in this Ordinance will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

The purpose of the amendment will be to clearly provide for existing "Recycling, Scrap Metal Processing, and Automobile Wrecking Yard" as defined herein, uses as permitted uses in the M-3 zoning district when the underlying land use classification is Industrial and the existing use is legally permitted, to ensure their compatibility with the surrounding environment and provide staff criteria by which to review redevelopment plans in accordance with the Town's Land Development Code.

The intent of the amendment and proposed Ordinance is to balance the needs of existing landowners with the need of the Town to address the future compatibility of development and redevelopment in the Town's Industrial area, particularly the uses of "Recycling, Scrap Metal Processing, and Automobile Wrecking Yard" as defined herein, which were permitted uses under Broward County code that would not be permitted uses under the current Town's M-3 zoning district.

It is also the intent of the amendment and proposed Ordinance to allow for the expansion of these existing uses within the current businesses operating on land under a Town issued license. Hence, as an example, if an existing "Recycling, Scrap Metal Processing, and Automobile Wrecking Yard" as defined herein, has its current business confined to a fifteen acre area on a twenty acre parcel, that business would be permitted to expand or grow its existing business to the remaining five acres. It is not the intent of this amendment and Ordinance to allow for that same 20 acre parcel under a Town issued license to purchase additional land and expand its business onto the newly purchased property.

SECTION 1. The Section 12-24, Statement of purpose and intent of zoning districts, of the Town code is amended to read as follows:

(J)(9) PLANNED INDUSTRIAL PARK (M-3) DISTRICT. The M-3 District is intended to … M-3 districts are not intended for locations abutting residential property. <u>It shall not be a violation of this Section where existing "Recycling, Scrap Metal Processing, and Automobile Wrecking Yard" uses as defined herein, currently or in the future abut residential property.</u>

SECTION 2. Section 12-32, Table of Permitted Uses, of the Town code is amended to read as follows:

(C) BUSINESS PARK AND INDUSTRIAL

GENERAL USE	DISTRICTS			
	BP	M-1	M-2	M-3
<u>Recycling, Scrap Metal Processing, and Automobile Wrecking Yard</u>	N	N	N	**<u>P</u>**

<u>Recycling, Scrap Metal Processing, and Automobile Wrecking Yard = Existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yards and associated ancillary and accessory uses legally permitted under the M-4 County code are allowed to continue. Any redevelopment shall be required to</u>

adhere to the Town of Davie Land Development Code existing at the time of redevelopment. The term "Recycling, Scrap Metal Processing, and Automobile Wrecking Yard" shall be interpreted to be an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.

SECTION 3. The Section 12-33, General Regulations, of the Town code is amended to read as follows:

(A) ACCESSORY USES AND STRUCTURES: (3) In non residential districts except "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" under the M-3 district, all accessory uses and structures, except landscape features, shall be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. (5) Accessory buildings, except those associated with "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" within the M-3 district, shall not occupy more than fifteen (15) percent of a required rear yard area.

(O) FENCES, WALLS AND HEDGES: (5) Property in a business or industrially zoned district … finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property except as may exist at the date of this Ordinance. (9) All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, and painted on both sides.

(Q) GENERAL PROVISIONS PERTAINING TO ALL BUSINESS DISTRICTS: (4) Side and rear yards may be used for parking and loading but may not be used for open storage of materials except behind perimeter walls in "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" under the M-3 district. (5) Outdoor storage of merchandise, except "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" under the M-3 district and except for vehicles displayed in conjunction with permitted vehicle sales activities and live plant material clearly ancillary to the primary commercial activity, shall be prohibited.

(U) NUISANCES: (3) "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" operations which have been in operation for one (1) year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall not be a public or private nuisance if the "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" conforms to generally accepted "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" operations, activities and management practices. The keeping or the deposition (depositing) on or the storage on the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, scrap

metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. shall be permitted within the perimeter walls of "Recycling, Scrap Metal Processing and Automobile Wrecking Yards".

(X) OUTDOOR ACTIVITIES RESTRICTED: (1) All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building except as follow:

f. "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" operations & activities provided all requirements of the DEP are met.

SECTION 4. The Section 12-34, Detailed Use Regulations – Standards Enumerated, of the Town code is amended to read as follows:

(Q) INDUSTRIAL ACTIVITIES: In the M-1, M-2, and M-3 districts the following uses are permitted: (3) "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses and activities within the M-3 district only.

(GG) "RECYCLING, SCRAP METAL PROCESSING AND AUTOMOBILE WRECKING YARDS": Shall include all activities generally associated with "Recycling, Scrap Metal Processing and Automobile Wrecking Yards", Salvage Yard, Recycling Yard, Auto Wrecking Yard, and Oil Recycling & Reclamation, together with associated ancillary and accessory uses.

(1) Height. The maximum height of any "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" structure shall not exceed thirty-five (35) feet.

(2) Hours of Operation: "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" activities shall be conducted after 6:00 a.m. and before 12:00 a.m., Monday through Sunday.

(3) The minimum lot size shall be 108,900 square feet (2.5 acres).

(4) Parking: One (1) space for every one thousand three hundred (1,300) square feet of solid roofed area.

(5) Perimeter Walls: An eight (8) foot high "wall system" shall be constructed around the entire perimeter of the site except at points of access to and from the property. The "wall system" shall be as solid concrete, masonry or pre-cast wall consisting of 40 to 80 foot long segments staggered into the property a minimum of 5 feet. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall. Alternating wall segments may be constructed of eight (8) feet high Iron or Aluminum fencing with additional landscaping designed to obtain an opaque screen to the on-site activities. The location of the perimeter wall shall not be placed in the

traffic sight triangles as required by the Town of Davie Code of Ordinances and Florida Department of Transportation engineering standards.

(6) Site Landscaping: Landscaping shall conform to Section 12-107, Landscaping standards for lots and sites as amended herein.

(7) Site Engineering Improvement: The site must be provided with infrastructure engineering improvements as applicable for conformance with the Florida Department of Environmental Protection, NPDES requirements, and Town engineering environmental standards.

(8) All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

SECTION 5. The Section 12-54, Table 12-54 Nonresidential performance Standard – Commercial conservation, of the Town code is amended to read as follows:

Zoning District	**Min. LSR**	**Max. Height**	**Min. Lot Area**
M-3*	0.20	35’	1 ac. **

** Minimum lot area for **“Recycling, Scrap Metal Processing and Automobile Wrecking Yards” as defined in Section 2 of the proposed Ordinance.** shall be 108,900 square feet (2.5 acres).

SECTION 6. The Section 12-83, Table of Conventional Nonresidential Development Standards, of the Town code is amended to read as follows:

	Min.	Min.	Min.				Max.	Max.	Min.	Min.
	Lot	Lot	Lot	Min. Setbacks			Height	Building	Building	Open
	Area	Frontage	Depth	Front	Side	Rear		Coverage	Separation	Space
District	(sf/ac)	(ft.)	(ft.)	(ft.)	(each)	(ft.)	(feet)	(ratio)	(feet)	(ratio)
M-3 (**g**)	43,560	150	-----	g	g	g	35 ft.	40%	-----	20%

(g) Minimum lot area for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be 108,900 square feet (2.5 acres). Setbacks: Twenty-five (25) feet from all street lines excepting “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” which shall be zero setback from the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; excepting “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” two hundred (200) feet from all property lines for the manufacture, storage

or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall not be required to provide any Open Space within the perimeter walls, and landscape standards and open space outside the perimeter walls shall satisfy the Open Space requirements. Additionally, "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be required to provide a minimum of 15% Open Space (landscaped area) within and/or adjacent to any existing or proposed parking areas intended for the public or employees and which shall be in addition to open space provided outside the perimeter walls.

SECTION 7. The Section 12-107, Landscaping standards for lots and sites, of the Town code is amended to read as follows:

(D) *Commercial and industrial districts.*

2. *Requirements for commercial and industrial districts over twenty thousand feet.*

(a) *Tree requirements.* For sites, except "Recycling, Scrap Metal Processing and Automobile Wrecking Yards", over twenty thousand (20,000) square feet of gross site area, … shall be planted in an area approximately ten (10) feet wide. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall require ten (10) trees for the first one hundred eight thousand nine hundred (108,900) square feet of gross site area, plus one (1) tree for each additional twenty thousand (20,000) square feet all of which shall be planted on the exterior of the site perimeter wall; Required trees in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it's use for park enhancements.

(b) *Shrub requirements.* Twenty (20) shrubs for the first twenty thousand (20,000) [One hundred eight thousand nine hundred (108,900) for "Recycling, Scrap Metal Processing and Automobile Wrecking Yards"] square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) [twenty thousand (20,000) for "Recycling, Scrap Metal Processing and Automobile Wrecking Yards"] square feet of gross site area or fraction thereof. For "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" all shrubs shall be planted on the exterior of the site perimeter wall; Required shrubs in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it's use for park enhancements.

4. *Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties.* For "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses, because the landscaping required under paragraph 2 of this Section is being applied to the perimeter of the site, the requirements under paragraph 2 of this Section shall be sufficient to meet the requirements of this paragraph, therefore no additional perimeter landscaping is required.

5. *Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts.* For "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses, because the landscaping required under paragraph 2 of this Section is being applied to the perimeter of the site including that adjacent to existing public rights-of-way, the requirements under paragraph 2 of this Section shall be sufficient to meet the requirements of this paragraph, therefore no additional perimeter landscaping or buffering is required.

8. *Sodding.* All areas not occupied by buildings, walkways, or parking and driveways shall be sodded except for "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses. For "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses, all areas not occupied by a landscape area and lying within a required buffer or outside the perimeter wall shall be sodded and all areas interior to the perimeter wall/required buffer shall not require sodding but may consist of dirt, asphalt and/or concrete.

SECTION 8. The Section 12-208, Requirements for off-street parking, of the Town code is amended to read as follows:

(A) Minimum Requirements: (42) *"Recycling, Scrap Metal Processing and Automobile Wrecking Yards"*. One (1) space for every one thousand three hundred (1,300) square feet of solid roofed area.

SECTION 9. The Section 12-375, Master planned developments.

(B) *Applicability.* A master development plan is required for any nonresidential use on any parcel of land five (5) or more acres and any residential development consisting of ten (10) or more acres except as listed below. Master development plans shall not be required for one (1) single family home on ten acres of land or more. These regulations do not apply to "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" under the M-3 zoning district or within the Griffin Road Corridor District.

SECTION 10. The Section 12-503, Definitions.

Recycling, Scrap Metal Processing, and Automobile Wrecking Yard an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.

SECTION 11. "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" shall be maintained to protect the public from health nuisances and safety hazards.

SECTION 12. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 13. If any section, subsection, sentence, clause, phrase, title, 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 14. 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.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____DAY OF _____, 2007.

MEMORANDUM

PZ 2-20-07

TO: Mayor and Town Councilmembers

THRU: Gary Shimun, Town Administrator
Mark A. Kutney, AICP, Development Services Director
Bruce Dell, Planning & Zoning Manager

FROM: Ingrid Allen, Planner II

DATE: February 20, 2007

RE: ZB(TXT) 4-1-06 Junkyards

REQUEST:
Staff is requesting that the above referenced item, currently scheduled for the March 7, 2007 Town Council meeting, be tabled to the April 4, 2007 meeting. This request is a result of the Local Planning Agency's motion to table this item to the March 14, 2007 Local Planning Agency meeting. This is staff's first request for deferral.

HISTORY:
At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Mr. Busey, to table ZB(TXT) 4-1-06 to the March 14, 2007 (Motion carried 3-0).

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Appointments

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: Apponitments

REPORT IN BRIEF: Appointments required to be made by Council

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: $

Account Name:

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): n/a

Attachment(s): List of appointments needed

APPOINTMENTS FOR MAYOR TRUEX

Item #		Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
7.1.1	MOBILE HOME TASK FORCE - representing a mobile home park owner/manager	vacancy				
7.1.2	SENIOR CITIZEN ADVISORY COMMITTEE	Vacant				
7.1.3	WATER AND ENVIRONMENTAL ADVISORY BOARD	Marlena Mosby				missed 3 consecutive meetings
7.1.4	YOUTH EDUCATION AND SAFETY ADVISORY BOARD	Mike Holderfield				resigned 10/2006

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER PAUL

Item #		Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
7.4.1	AIRPORT/TRANSPORTATION ADVISORY BOARD	vacancy				
		vacancy				

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER STARKEY

Item #		Previous Appointment	# OF MEETINGS	# OFABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
7.5.1	AIRPORT/TRANSPORTATION ADVISORY BOARD	1 vacancy				
7.5.2	MOBILE HOME TASK FORCE - representing a mobile home park owner/manager	vacancy				
7.5.3	PARKS AND RECREATION ADVISORY BOARD	Stu Weinstein				resigned 1/2007

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

UNSAFE STRUCTURES BOARD

Item #			Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
7.7	UNSAFE STRUCTURES BOARD	Council	Robin Massa (Real Estate Property Manager)	0	--	**No**	
		Council	Richard Katz (Plumbing Contractor)	0	--	**No**	

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TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Dennis Andresky, Parks and Recreation Director 954 797-1150

PREPARED BY: Dennis Andresky, Parks and Recreation Director 954 797-1150

SUBJECT: Park Site Fencing

AFFECTED DISTRICT: 3

TITLE OF AGENDA ITEM: Fencing around the SW 8 Street Park Site

REPORT IN BRIEF: The Town acquired the subject site, a 2.5 acre site located on SW 8th Street for use as a park site in October of 2004. Site development is projected at $225,000 as a capital improvement project for FY08. The project is currently unfunded. Residents of the area are requesting that fencing be installed to prevent improper parking of vehicles on the site, after hours use, and use of the site by ATV operators. The cost to install fencing as requested is approximately $40,000.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: Yes

Has request been budgeted? No

If yes, expected cost: $40,000

Account Name: To be determined

If no, amount needed: $

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S):

Attachment(s):

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TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Kenneth Cohen, Assistant Town Administrator/954-797-1030

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Young at Art

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: Young At Art's 18th Annual Children's Festival of the Arts

REPORT IN BRIEF: Young at Art is requesting that the Town co-sponsor the event through in-kind support which includes the use of Robbins Park and Lodge and waiving the fees; the use of the stage and marketing by the Special Projects Department; parking assistant from Public Works; four to six police officers, Officer McGruff and child ID fingerprinting; and EMS and the use of the "cherry picker for an egg drop activity.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: to be determined

RECOMMENDATION(S): Discussion of item

Attachment(s): Letter from Young At Art

Young At Art
Children's Museum

11584 West State Road 84
Davie, Florida 33325

Tel 954-424-0085
Fax 954-370-5057
www.YoungAtArtMuseum.org

February 19, 2007

Mayor Tom Truex
Town of Davie
6591 Orange Drive
Davie, Florida 33314

Dear Mayor Truex:

Young At Art Children's Museum will be holding our ***18th Annual Children's Festival of the Arts*** on Saturday, May 12, 2007 10:00 am – 5:00 pm. For the past 17 years, thousands of children, teens and their families have eagerly participated in Young At Art's annual ***Children's Festival of the Arts***, the only arts festival by and for children in the United States. Two hundred children and teen artists will show and sell their artwork in an outdoor festival that will include entertainment, art-making workshops at no charge.

We have met with Dennis Andresky, Director of Parks and Recreation and Bonnie Stafiej, Director of Special Projects and Cultural Arts to discuss the Town of Davie's participation in the festival. As a result of that meeting, and on their recommendation, Young At Art submits this letter to the Town of Davie to co-sponsor this unique community event through in-kind support.

Young At Art respectfully requests:

- Parks and Recreation: Provide the use of Robbins Park and Lodge and ask the Town to waive fees. Tents will be set up on Thursday May 10. Use of Lodge for storage
- Special Projects: Stage, Marketing
- Public Works: Assistance with parking by providing barriers and cones if needed.
- Police Department: The support of at least 4 – 6 officers.
  Officer McGruff and child ID finger printing for the families
- Fire Rescue: EMS standby and the use of 'cherry picker' for Egg Drop activity.

As Co-Sponsor Young At Art Children's Museum will provide the following high visibility recognition to the Town of Davie:

- Town of Davie's logo on all promotional, registration and program materials.
- Town of Davie's logo in *Sun-Sentinel* newspaper ad campaign
- Town of Davie's logo on *Call for Artists* Entries application
- Town of Davie's logo on 10,000 direct mail invitations to households in Broward County
- Town of Davie's logo on website promotion at www.youngatartmuseum.org (150,000 hits annually), with a link to Town of Davie website
- Town of Davie mentioned in feature articles and releases
- Town of Davie's logo on 15,000 flyers distributed throughout Broward County Schools

The Town of Davie's support of Young At Art is greatly appreciated not only by the Board of Directors and staff of Young At Art Children's Museum but more importantly by the children and families we serve.

Sincerely,

Mindy Shrago
Executive Director