



Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER: Jason Eppy, Planner II (954) 797-1108

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RS, RECREATION AND OPEN SPACE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 11-1-99 - "Pine Island Park", Town of Davie, petitioner/owner - 3800 SW 92nd Avenue - Generally located between Pine Island Road and SW 92nd Avenue, south of SW 36th Street and north of Orange Drive.

REPORT IN BRIEF: In January 1994, the Town purchased 74.84 acres of land contiguous to the 32 acre Pine Island Park, zoned AG, Agricultural with plans to expand the park facilities when funding became available. In November 1998, a bond issue was approved earmarking \$8,000,000 for expansion of the park facilities. Therefore, the Town of Davie seeks to rezone the newly acquired 74.84 acres of land to the RS, Recreation/Open Space District, to accommodate these facilities.

Staff finds that the proposed rezoning is compatible with the adjacent and planned uses as follows: the small residential area to the west will be buffered by the existing facilities; Pine Island Lakes Townhomes, located at the southeast corner of the site, will be buffered by a heavily landscaped berm, approximate 70 feet wide, and approximately 150 feet of green area between the berm and the future ball field; the multi-family developments to the east will also be buffered by a landscape berm, Pine Island Road and an approximate 50 foot wide canal; and the homes to the north are buffered by an approximate 70 foot wide canal, a landscape berm and SW 36th Street.

According to Broward County traffic generation rates, the new park facilities could generate 1,796 trips per day, versus 715 trips per day if developed as single family homes. Currently, Orange Drive between 100th Avenue and Pine Island Road is operating at a Level of Service (LOS) A, with A being the best. Between Pine Island Road and University Drive, Orange Drive is operation at a LOS of B. Pine Island Road, between Orange Drive and Nova Drive is operating at a LOS of B. Therefore, there is sufficient capacity to accommodate the additional traffic generated by the park expansion.

PREVIOUS ACTIONS: On December 15, 1999, Town Council approved application ZB 11-1-99, motion carried (5-0).

CONCURRENCES:

- The Planning and Zoning Board made a motion to approve (4-0, motion by Mr. Pisula, second by Mr. Davenport, Mr. Kuvin absent), at its December 8, 1999 meeting.
- Staff believes the proposed rezoning is consistent with the goal policies and objectives of the Town Comprehensive Plan.

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve the ordinance.

Attachment(s): Ordinance with back-up, land use map, subject site map, and aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RS, RECREATION AND OPEN SPACE 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 AG, Agricultural District to RS, Recreation and Open Space District.

WHEREAS, said notice was given and publication made as required by law, and public hearings thereunder were held on January 5, 2000 and January 19, 2000.

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 AG, Agricultural District to RS, Recreation and Open Space 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 be and the same is hereby amended to show the property described in Section 1, herein, as RS, Recreation and Open Space 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 _____, 2000

PASSED ON SECOND READING THIS _____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000

EXHIBIT A

Plat File Number 10-93-16523

A parcel of land being a portion of Tracts 2, 15 and 18 of Section 29, Township 30 South, Range 41 East, according to NEWMAN'S SURVEY, as recorded in Plat Book 2, at Page 26, of the Public Records of Dade County, Florida, being more particularly described as follows: Commence at the Southwest corner of Tract 18; thence on an assumed bearing of N 02°04'32" W along the West line of said Tract 18 a distance of 1181.44 feet to a point on a line 218.17 feet South of and parallel with the North line of said Tract 18 to the Point of Beginning; thence continue N 02°04'32" W along the West line of said Tracts 18 and 15 a distance of 1482.80 feet, more or less, to the center of a drainage ditch commonly referred to as Broward Drainage Ditch or Canal Number 10; thence N 87°44'56" E along the centerline of said Ditch or Canal a distance of 127.44 feet; thence N 02°04'32" W a distance of 51.27 feet to a point on the South line of said Tract 2 said point being 516.96 feet West of and parallel with the East line of Tract 2; thence N 02°05'23" W along said parallel line a distance of 1299.67 feet to a point on the North line of said Tract 2; thence N 88°32'28" E along said North line a distance of 289.00 feet to a point on a line 227.98 feet West of and parallel with the East line of said Tract 2; thence S 02°05'23" E along said parallel line a distance of 1299.69 feet to a point on the South line of said Tract 2; thence S 02°04'32" E a distance of 49.26 feet to the centerline of said Ditch or Canal Number 10; thence N 87°44'56" E along said centerline of said Ditch or Canal a distance of 227.99 feet to a point on the East line of said Tract 15; thence S 02°05'23" E along the East line of Tracts 15 and 18 a distance of 1451.80 feet to a point on a line 218.17 feet South of and parallel with the North line of Tract 18; thence S 88°32'55" W along said parallel line a distance of 644.82 feet to the Point of Beginning; Said land situate within Broward County, Florida, containing 30.97 acres, (1,349,106 square feet) more or less.

Together with:

BK21620PG0955

A PARCEL OF LAND BEING A PORTION OF TRACTS 1, 16 AND 17 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 41 EAST, NEWMANS SURVEY AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 29;

THENCE ON A GRID BEARING OF S 02°05'56" E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 29 A DISTANCE OF 20.00 FEET TO A POINT ON A LINE 20.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 29, SAID POINT BEING THE NORTHEAST CORNER OF TRACT 1;

THENCE S 88°32'28" W ALONG SAID PARALLEL LINE, ALONG THE NORTH LINE OF SAID TRACT 1 A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 88°32'28" W ALONG SAID PARALLEL LINE, ALONG SAID NORTH LINE A DISTANCE OF 514.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1;

THENCE S 02°05'07" E ALONG THE WEST LINE OF SAID TRACTS 1, 16 AND 17 A DISTANCE OF 2837.74 FEET TO A POINT ON A LINE 218.17 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 17;

THENCE N 88°31'25" E ALONG SAID PARALLEL LINE A DISTANCE OF 594.80 FEET TO A POINT ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1, 16 AND 17;

THENCE N 02°05'56" W ALONG SAID PARALLEL LINE A DISTANCE OF 1072.76 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE EAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 66°18'37" E;

THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21°35'27" AND A RADIUS OF 1140.01 FEET FOR AN ARC DISTANCE OF 429.59 FEET TO A POINT OF TANGENCY SAID POINT BEING 130.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1, 16 AND 17;

THENCE N 02°05'56" W ALONG SAID PARALLEL LINE A DISTANCE OF 1346.21 FEET TO THE POINT OF BEGINNING

SAID LAND SITUATE WITHIN BROWARD COUNTY, FLORIDA, CONTAINING 35.73 ACRES, MORE OR LESS.

Together with:

BR21620PG0956

A portion of Tracts 16 and 17 in Section 29, Township 50 south, Range 41 East, of JOHN W. NEWMAN'S SURVEY as recorded in Plat Book 2, page 26 of the Public Records of Dade County, Florida, described as follows:

COMMENCING at the Northeast corner of said Section 29;

THENCE South $02^{\circ}05'56''$ East, along the East line of said Section 29, (bearing based on STONER, KEITH RESURVEY NO. III, as recorded in Miscellaneous Plat Book 5, Page 9 of the Public Records of Broward County, Florida), a distance of 1,893.44 feet to a point of intersection with the Westerly right-of-way line of Pine Island Road as shown on Broward County Transportation Department's Right-Of-Way Map for Pine Island Road, Sheets 8 and 9 of 13, (as prepared by Berry & Calvin, Inc., and drawn on January 8, 1988), said point also being the POINT OF BEGINNING;

THENCE continue South $02^{\circ}05'56''$ East, along the East line of said Section 29, a distance of 964.13 feet;

THENCE South $88^{\circ}31'25''$ West, along a line 218.17 feet South of and parallel with the North line of said Tract 17, a distance of 50.00 feet;

THENCE North $02^{\circ}05'56''$ West, along a line 50.00 feet West of and parallel with the East line of said Section 29, a distance of 1,072.74 feet to a point of intersection with the Westerly right-of-way line of Pine Island Road as shown on the above referenced right-of-way map, said point also being a non-tangent curve concave to the Northeast, a radial line of said curve to said point having a bearing of South $66^{\circ}18'32''$ West;

THENCE Southeasterly along said Westerly right-of-way line, and along the arc of said curve to the left, having a radius of 1,140.01 feet and a central angle of $06^{\circ}02'13''$ for an arc distance of 120.12 feet to the POINT OF BEGINNING;

Said lands situate in Broward County, Florida, and containing 1.166 acres, more or less.

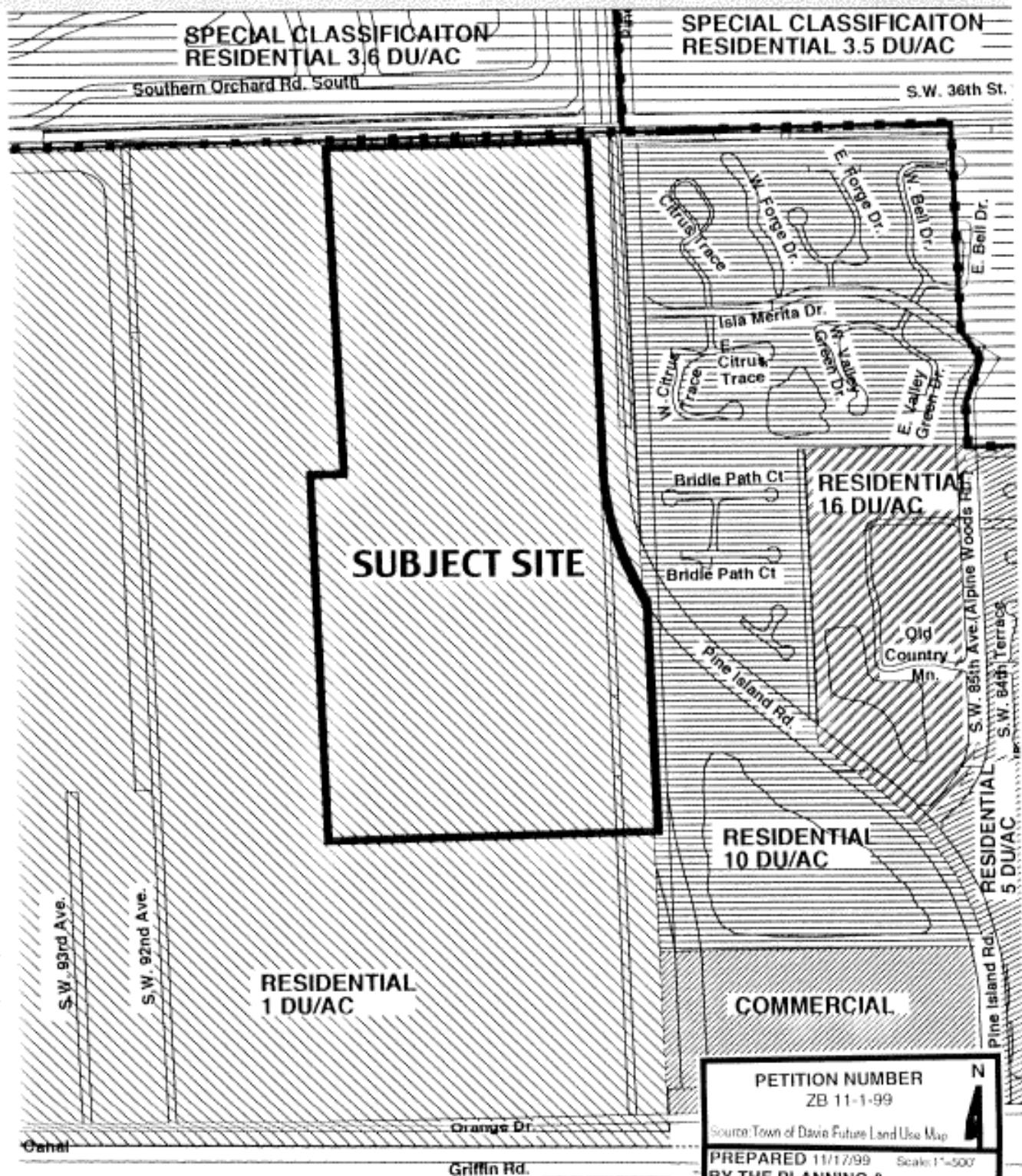
WITNESSED BY THE ORIGINAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

Together with:

BK21628P60957

Legal Description

NEWMANS SURVEY 2-26 D 29-50-41 TR 2 E 228, & BEG AT NE COR TR 15, RUN S 29, W 228, N 32.57 TO N LINE TR 15, E TO POB

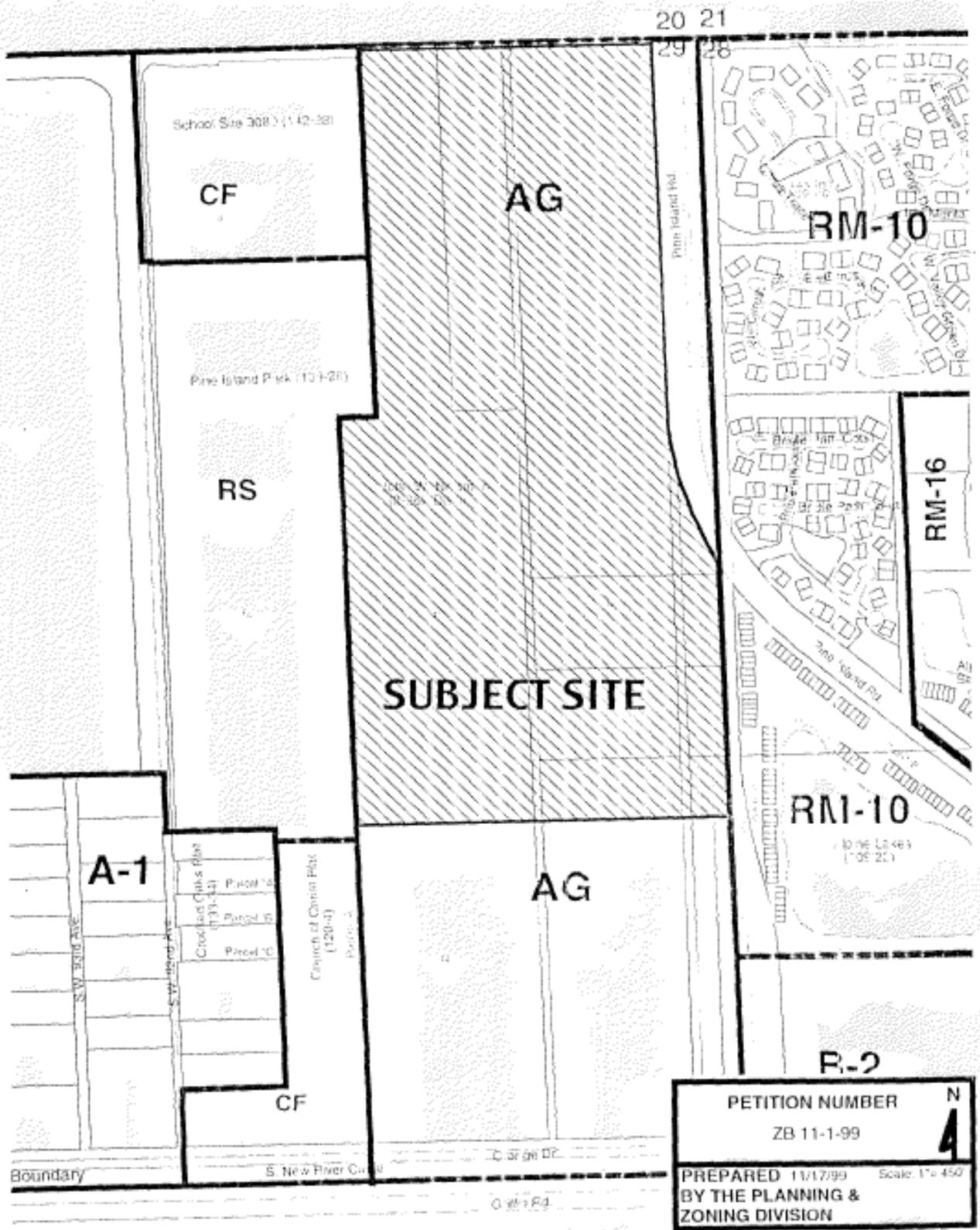


PETITION NUMBER
 ZB 11-1-99

Source: Town of Davie Future Land Use Map

PREPARED 11/17/99 Scale: 1"=500'
 BY THE PLANNING &
 ZONING DIVISION





PETITION NUMBER
ZB 11-1-99

PREPARED 11/17/99 BY THE PLANNING & ZONING DIVISION

Scale: 1" = 450'

N
4



SINGLE FAMILY RESID.

SW 36TH ST

SCHOOL

MULTI-FAMILY RESID.

PARK

SUBJECT SITE

MULTI-FAMILY RESID.

PINE ISLAND RD

SINGLE FAMILY RESID.

CHURCH

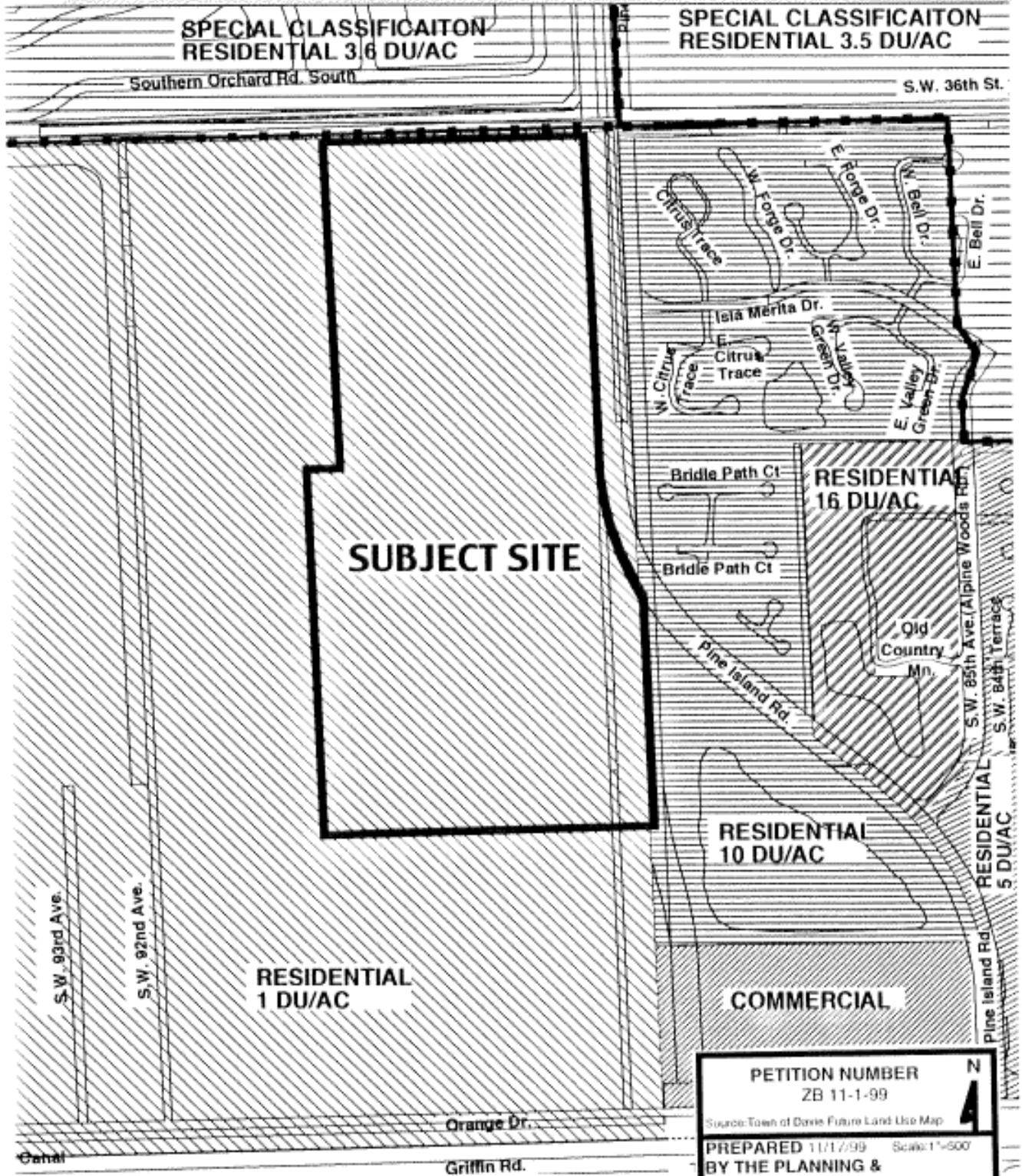
AGRICULTURAL

SW 93RD AVE

SW 92ND AVE

ORANGE DR

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
ZB 11-1-99



PETITION NUMBER
 ZB 11-1-99

Source: Town of Davis Future Land Use Map

PREPARED 11/17/99 Scale: 1"=500'
BY THE PLANNING & ZONING DIVISION

