

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, (797-1101)

SUBJECT: Site Plan

Application No., Project Name and Location:

SP 5-3-01 - The Tower Group, Inc., 405 SW 148 Avenue, Generally located on the west side of SW 148 Avenue, approximately 1/8 mile south of State Road 84.

TITLE OF AGENDA ITEM: The Tower Group, Inc. - Site Development Plan Approval and Administrative Appeal

REPORT IN BRIEF:

The applicant proposes to develop the corporate office and warehouse on 2.29 acres for the Tower Group. The site is triangular in shape which backs-up to I-75 expressway and faces the "Vista Filare" development. The proposed single story structure will face SW 148 Avenue. The architectural elements of the building consists of concrete tilt-up construction, metal decking with built-up roofing together with metal overhead doors. The building colors will consist of shades of beige and terra-cotta. The gross building area will be 37,700 square feet with a mean roof height of twenty four and half (24.6) feet. The remaining area is comprised of drive aisles, and landscaping.

Staff is also requesting the approval of an **Administrative Appeal** filed by the applicant for the voluntary declaration of restrictions associated with the rezoning of the subject site (ZB 10-1-97). This restriction calls for the front setback from SW 148 Avenue to parking lot pavement shall be 30 feet. The Administrative Appeal seeks to amend the deed restriction by submitting a revised rezoning request and recording the revised deed restrictions.

PREVIOUS ACTIONS:

On August 6, 1997, Town Council approved Ordinance No. 97-43 which amended the land use designation of the subject site from Residential (1 du/ac) to Industrial.

On January 7, 1998, Town Council approved Ordinance No. 98-3 which rezoned the subject site from T, Transportation to M-1, Light Industrial District and providing for voluntary deed restrictions.

The subject plat was recorded by Broward County on July 30, 1999, Plat Book 167, Page 24 of the Broward County records.

CONCURRENCES:

Site Plan Committee: Motion to approve based on the planning report and subject to resolution approval of the Declaration of Restrictions (Motion carried: 5-0, August 22, 2001)

RECOMMENDATION(S):

Based upon the above, staff recommends approval of application SP 5-3-01 subject to the conditions listed below prior to the issuance of a building permit:

1. Subject to drainage approval by Central Broward Water Control District and providing a copy of the permit from Central Broward.
2. Subject to the applicant meeting with the residents of the "Vista Filare" development, to coordinate the construction time frame of the sanitary sewer facility.
3. Subject to providing a hold harmless agreement, for the sidewalk encroachment onto private property.
4. The rezoning of the subject site approved a voluntary declaration of restrictions which was recorded. This declaration provided for the following:
 - a. The front setback from SW 148 Avenue to parking lot pavement shall be 30 feet.
 - b. The front setback from SW 148 Avenue to nearest building shall be 50 feet.
 - c. The front setback from SW 148 Avenue to mini-warehouse/self storage facility shall be 35 feet from building, wall or parking lot.
 - d. Subject to approval by the Town Engineer and the County Engineer, the entrance way of any proposed site plan shall be located as far south on the property as possible to offset the entrance way from the entrance way of the residential property to the east.
5. Should the applicant desire to change the above comments, a rezoning request must be submitted and approved by Town Council, to amend the declaration of restrictions. The revised declaration will be required to be recorded.
6. **Administrative Appeal** filed by the applicant for the voluntary declaration of restrictions associated with the rezoning of the subject site (ZB 10-1-97). This restriction calls for the front setback from SW 148 Avenue to parking lot pavement shall be 30 feet. The Administrative Appeal seeks to amend the deed restriction by submitting a revised rezoning request and recording the revised deed restrictions.

Attachment(s): Rezoning Ordinance # 98-3, Tower Group Administrative Appeal letter, Land Use Map, Subject Site Map, and Aerial

Application #: SP 5-3-01
The Tower Group, Inc.

Revisions:

Exhibit "A":

Original Report Date: June 18, 2001

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

APPLICANT INFORMATION

Owner

Name: Pelican Coast Holdings, Inc.

Address: 7205 SW 75 Terrace

City: Plantation, FL 33317

Phone: (954) 583-4675

Agent

Name: The Tower Group, Inc.

Address: 10145 NW 19 Street

City: Miami, FL 33172

Phone: (305) 594-0240

BACKGROUND INFORMATION

Application Request: Site Plan Approval

Address/Location: 405 SW 148 Avenue/Generally located on the west side of SW 148 Avenue, approximately 1/8 mile south of State Road 84.

Existing/Future Land Use Designation: Industrial

Existing Zoning: M-1, Light Industrial District

Existing Use: Vacant Land

Proposed Use: 37,000 square foot corporate office building

Parcel Size: 2.29 acres (99,547 square feet)

Surrounding Land Use:

North: I-75 Interchange
South: Vacant, City of Sunrise
East: Vista Filare Residential Devel.
West: I-75 Interchange

Land Use Plan Designation:

Transportation
Industrial, City of Sunrise
Residential (5 du/ac)
Transportation

Surrounding Zoning:

North: Transportation
South: I-1, Industrial (City of Sunrise)
East: R-5, Low Medium Density
West: I-75 Interchange

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: On August 6, 1997, Town Council approved Ordinance No. 97-43 which amended the land use designation of the subject site from Residential (1 du/ac) to Industrial.

On January 7, 1998, Town Council approved Ordinance No. 98-3 which rezoned the subject site from T, Transportation to M-1, Light Industrial District and providing for voluntary deed restrictions.

The subject plat was recorded by Broward County on July 30, 1999, Plat Book 167, Page 24 of the Broward County records.

DEVELOPMENT PLAN DETAILS

Development Details:

The Applicant's SUBMISSION indicates the following:

- 1. Building:** The applicant proposes to develop the corporate office and warehouse on 2.29 acres for the Tower Group. The site is triangular in shape which backs-up to I-75 expressway and faces the "Vista Filare" development. The proposed single story structure will face SW 148 Avenue. The architectural elements of the building consists of concrete tilt-up construction, metal decking with built-up roofing together with metal overhead doors. The building colors will consist of shades of beige and terra-cotta. The gross building area will be 37,700 square feet

with a mean roof height of twenty four and half (24.6) feet.

2. **Access and Parking:** Access to the site will be from SW 148 Avenue via a 60' opening. The proposed office and warehouse use requires 85 parking spaces with 85 provided.
3. **Landscaping:** The landscape plan provides for a 20' landscape buffer along SW 148 Avenue together with a 3' high berm and 6' masonry wall. The buffer will include Live Oaks, Sabal palms and flowering Cassias trees. The wall will be screened by a hedge and groundcover. Along both sides of the entranceway will be groupings of Royal and Blue Latan palms, Silver Buttonwood flowering trees and under plantings of Bush Allamanda, Plumbago and Gama grass. The entrance median will will planted with Foxtail and Roebellini palms under planted with Gama grass.

It is noted that the rezoning review was subject to a voluntary declaration of restriction which was recorded, providing for the front setback from SW 148 Avenue to parking lot pavement shall be 30 feet. The applicant is providing for a 20' landscape buffer. This deviation requires a revised rezoning request and approval of amended declaration of restrictions.

4. **Drainage:** The drainage system consists of an underground french drain system throughout the site to allow retention and gradual release of storm water. The system will meet all of the Central Broward criteria of an on-site retention and quality treatment. The sanitary sewer connection is being provided through a connection into the "Vista Filare" development. It is recommended that the applicant meet with the residents of "Vista Filare" to coordinate the timing of the construction of the sanitary sewer connection.

Application Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Comprehensive Plan Considerations

Planning Area: The subject site is In Planning Area 3, which is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential use developed at a density of to 10 dwellings per acre, including Shenandoah development, occupying the western half of the planning area, and several mobile home park subdivisions.

Broward County Comprehensive Plan Considerations

This property falls within Flex Zone 113. The subject site is platted "Pelican Coast Plat" which has met the concurrency requirements and is in compliance with all restrictions of the approved plat. Therefore, concurrency is unaffected by the proposed petition.

Staff Analysis

The proposed site plan meets all of the applicable codes and ordinances of the Town of Davie, except as noted relative to the street buffer width of 30'.

Staff Recommendation

Based upon the above, staff recommends approval of application SP 5-3-01 subject to the conditions listed below prior to the issuance of a building permit:

1. Subject to drainage approval by Central Broward Water Control District and providing a copy of the permit from Central Broward.
2. Subject to the applicant meeting with the residents of the "Vista Filare" development, to coordinate the construction time frame of the sanitary sewer facility.
3. Subject to providing a hold harmless agreement, for the sidewalk encroachment onto private property.
4. The rezoning of the subject site approved a voluntary declaration of restrictions which was recorded. This declaration provided for the following:
 - a. The front setback from SW 148 Avenue to parking lot pavement shall be 30 feet.
 - b. The front setback from SW 148 Avenue to nearest building shall be 50 feet.
 - c. The front setback from SW 148 Avenue to mini-warehouse/self storage facility shall be 35 feet from building, wall or parking lot.
 - d. Subject to approval by the Town Engineer and the County Engineer, the entrance way of any proposed site plan shall be located as far south on the property as possible to offset the entrance way from the entrance way of the residential property to the east.
5. Should the applicant desire to change the above comments, a rezoning request must be submitted and approved by Town Council, to amend the declaration of restrictions. The revised declaration will be required to be recorded.

Site Plan Committee

Site Plan Committee Recommendation: Motion to approve based on the planning report and subject to resolution approval of the Declaration of Restrictions (Motion carried: 5-0, August 22, 2001)

Staff Recommendation

Staff requests the approval of an **Administrative Appeal** filed by the applicant for the voluntary declaration of restrictions associated with the rezoning of the subject site (ZB 10-1-97). This restriction calls for the front setback from SW 148 Avenue to parking lot pavement shall be 30 feet. The Administrative Appeal seeks to amend the deed restriction by submitting a revised rezoning request and recording the revised deed restrictions.

Exhibits

Rezoning Ordinance # 98-3, Tower Group Administrative Appeal letter, Land Use Map, Subject Site Map, and Aerial

Prepared By: _____

Reviewed By: _____

ORDINANCE 98-3

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T TO M-1; 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 T to M-1; and,

WHEREAS, said notice was given and publication made as required by law on November 6, 1997, and a public hearing thereunder was held on December 17, 1997.

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 T to M-1:

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

b. The applicant has agreed to record Deed Restrictions in a form which is attached hereto and made a part hereof as Exhibit "B", which said undertaking shall be binding upon the applicant and its successors in title.

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 M-1.

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.

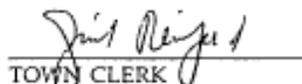
PASSED ON FIRST READING THIS 17th DAY OF December, 1997.

PASSED ON SECOND READING THIS 7th DAY OF January, 1998.



MAYOR/COUNCILMEMBER

ATTEST:



TOWN CLERK

APPROVED THIS 7th DAY OF January, 1998.

EXHIBIT "A"
LEGAL DESCRIPTION:

Portions of Tracts 1 and 2, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, SECTION 9, TOWNSHIP 50 SOUTH, RANGE 40 EAST, as recorded in Plat Book 2, Page 17, of the public records of Dade County, Florida, more fully described as follows:

Beginning at the Southeast Corner of said Tract 2; thence South 89°51'44" West, along the South line of said Tract 2, a distance of 463.25 feet; thence North 41°34'53" East, along the Easterly right-of-way of Interstate 75, a distance of 637.79 feet; thence South 0°21'21" East, along a line 37.00 feet East of and parallel with the East lines of Tracts 1 and 2, a distance of 206.08 feet; thence North 89°38'39" East, a distance of 37.00 feet; thence South 0°21'21" East, along the East line of said Tract 2, a distance of 270.12 feet to the Point of Beginning.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida, and containing 111,450 square feet or 2.5585 acres more or less.

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned PELICAN COAST HOLDINGS, INC., a Florida corporation, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this dedication shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall not be used for the following uses:

- All M-3 uses
- All M-2 uses
- Machine shops
- Medium and heavy manufacturing
- ~ Sale of construction equipment
- Sandblasting
- Adult facilities
- ~ Separate telecommunication tower
- Adult entertainment facilities
- Freestanding restaurants and bars *
- Convenience store
- Gasoline station
- Car wash
- Radio/TV station with antennas

Animal kennels shall be considered only by Applicant using Town's special permit process.

2. These restrictions shall not be construed to grant a use not allowable under the Town of Davie M-1 zoning district.

3. Development of the described property shall be in conformance with the following additional development criteria (in addition to other development criteria set out in the Town's Code of Ordinances):

- a) The front setback from S.W. 148th Avenue to parking lot pavement shall be 30 feet;
- b) The front setback from S.W. 148th Avenue to nearest building shall be 50 feet.
- c) The front setback from S. W. 148th Avenue to mini warehouse/self-storage facility shall be 35 feet from building, wall or parking lot.
- d) Subject to approval by the Town's Engineer and the County's Engineer, the entranceway of any proposed site plan shall be located as far south on the property as possible to offset the entranceway from the entranceway of the residential property to the east.

4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public records of Broward County, Florida. This Declaration of Restrictions, may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors or assigns. Any amendment to this Declaration of Restrictions or termination

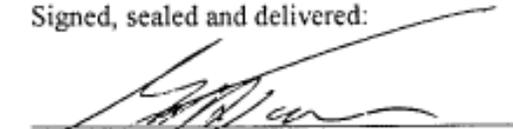
thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarant or her successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

5. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety, and welfare of the residents of the subject property and citizens of the Town of Davie.

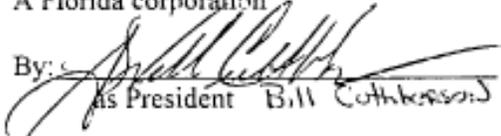
IN WITNESS WHEREOF, I have set my hand and seal this 10th day of October, 1997.

Signed, sealed and delivered:


WITNESS Greta Toon


WITNESS Mark Allsworth

PELICAN COAST HOLDINGS, INC.
A Florida corporation

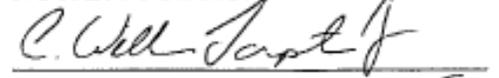
By: 
as President Bill Cuthbertson

STATE OF FLORIDA)
 SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 10th day of October, 1997, by _____, as PRESIDENT of PELICAN COAST HOLDINGS, INC. He/She is personally known to me or has produced _____ as identification and did/did not take an oath.



NOTARY PUBLIC:


Print Name: C. William Kaystrom, Jr.

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

EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
WILLIAM S. CROSS, P.A. **
CHARLES L. CURTIS, P.A.
RAYMOND A. DOUMAR, P.A.*

1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33010-1107
BROWARD (954) 762-3400
MIAMI (305) 945-3172
TELEFAX (954) 525-3423

C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
JOHN W. PERLOFF, P.A. §
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A. †

CHRISTINA R. CASALS, P.A.
JOHN H. ADAIR, III, P.A.

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
§ BOARD CERTIFIED REAL ESTATE LAWYER
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

August 16, 2001

Town Administrator Tom Willi
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

Re: Tower Group - Request For Administrative Appeal

Dear Tom:

Pursuant to Section 12-312 of the Town of Davie Code of Ordinances, the Tower Group would like to request by Administrative Appeal an interpretation by the Town Administrator clarifying the intent of a Declaration of Restrictive Covenants which was agreed with the Town and the owner of the Pelican Coast plat property in 1997. A copy of the Declaration is attached to this letter as Exhibit I. In Paragraph 1 of that Declaration the property owner agreed to provide a 30 foot landscape buffer between S.W. 148th Avenue and its parking lot. Several months later the property owner began platting the property and, at the request of the Town and the County, donated a large section of right-of-way to the County for S.W. 148th Avenue including a section approximately 40 feet wide where the County had actually built 148th Avenue on my client's property.

Regretfully, that dedication of right-of-way has now been interpreted to change the original 30 foot distance and conflicts with a pending site plan to locate the Tower Group corporate headquarters on this property. It is our position that the original 30 feet was intended to be measured from the edge of pavement for S.W. 148th Avenue in place at the time the Declaration was approved by the Town. I have shown the dimensions (in red) from the edge of the parking lot to the edge of the pavement. All of the dimensions meet or exceed the 30 foot requirement except one which may be a few inches short if at all (and can be corrected if so requested by the Town).

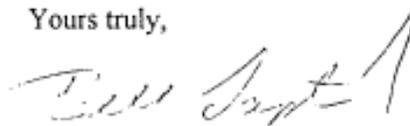
Had the applicant granted the right-of-way by easement (vs. dedication) to the County or the Town (which would still allow for S.W. 148th Street to remain in place) or had the property owner demanded that the road be relocated off its property, then the property line would not have shifted and the 30 foot buffer would have still been met.

Finally, the buffer was proposed by the Town Council and agreed to by the owner based on industrial use, specifically a self storage project. I have attached a copy of the minutes from the Town Council meeting of July 16, 1997 where the terms of the Declaration were discussed. The buffer was created because the typical "walled in" self storage project or industrial warehouse needed additional buffering above the requirements of the Town's industrial zoning district. The Tower Group headquarters building is set back on the site's far western boundary which is furthest from the residents to the east. Instead of the 50 foot setback described in the Declaration we were able to achieve a 92.5 foot setback from S.W. 148th Avenue (82.5 feet from the building to the plat line). Thus even if you interpret that a 30 feet buffer was intended to be measured from the new plat line (which I disagree), the intent of the Town Council and my client has been met by the location of the Tower Group headquarters at the far west side of the site creating a much greater building setback.

We, therefore, request that the Town Administrator interpret the Declaration of Restrictive Covenants to apply based upon the original property line or the edge of pavement for S.W. 148th Avenue. We point out that the "property line" in effect at the time the Declaration was approved (prior to platting) was even further east than the edge of pavement giving Tower Group an even greater setback from its parking lot to the place where the road should have been.

Should you need any additional information, please do not hesitate to contact me. We clearly believe that we have met the requirements of the Declaration. I do not believe your Staff has found any concern with 3(b), 3(c) or 3(d) of the Declaration although I would note that, both the Town Engineer and the County Engineer recommended that the entrance to our property align with the entrance across the street. Offsetting the entrances would have caused conflicts with outbound and inbound left turn movements. Further the purpose of the offset entrances was to avoid a direct view into our "industrial" project. The Tower Group's enhanced building architecture and landscaping eliminate that visual concern.

Yours truly,



C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:ks
Enc.

Prepared by:
C. William Laystrom, Jr.
1177 S.E. Third Avenue
Ft. Lauderdale, FL 33316

Return to:
Town Clerk's Office
6591 Orange Drive
Davie, Florida 33314

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned PELICAN COAST HOLDINGS, INC., a Florida corporation whose mailing address is 7500 NW 5th Street, Suite 103, Ft. 71³³³¹⁷, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this Declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall not be used for the following uses:

- All M-3 uses
- All M-2 uses
- Machine shops
- Medium and heavy manufacturing
- Sale of construction equipment
- Sandblasting
- Adult facilities
- Separate telecommunication tower
- Adult entertainment facilities

are recorded in the Public records of Broward County, Florida. This Declaration of Restrictions, may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarant or its successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

5. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety, and welfare of the citizens of the Town of Davie.

IN WITNESS WHEREOF, I have set my hand and seal this 5th day of June, 1998.

Signed, sealed and delivered:

PELICAN COAST HOLDINGS, INC.
A Florida corporation

Tiffany Eaton
WITNESS
Print: Tiffany Eaton

By: [Signature]
[Name], as President

C. William Laystrom Jr
WITNESS
Print: C. William Laystrom Jr

E. Scott Allsworth
WITNESS
Print: E. Scott Allsworth

STATE OF FLORIDA)
 SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 5th day of June,
1998, by Bill Cuthbertson, as PRESIDENT of PELICAN COAST
HOLDINGS, INC.. He/She is personally known to me or has produced _____
as identification.



TIFFANY JO EATON
My Comm. Exp. 4/10/99
Bonded By Service Ins
No. CC452046
+1 Personally Known [] Other I.P.

NOTARY PUBLIC:

Tiffany J Eaton
Print Name: Tiffany J Eaton

**TOWN COUNCIL
REGULAR MEETING
JULY 16, 1997**

Pelican Coast Land Use Amendment
Item 9.9

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:07 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Santini and Councilmembers Cox and Kiar. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Councilmember Bush was absent.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to excuse Councilmember Bush. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

3. PRESENTATIONS

3.1 Matt Goldstein, Ft. Lauderdale High School Student Research Project
Mr. Goldstein was not present.

3.2 Site Plan for Potter Park Including Police Athletic League Building

Chief of Police Jack Mackie displayed and explained an expansion plan. He introduced Jack Mize whose organization was helping to fund the expansion with the hope that other organizations would also help. Chief Mackie announced that the American Legion was providing \$29,000 to enclose a pavilion to provide a classroom for afterschool homework and place to play. He expected the entire project to cost approximately \$150,000. Mr. Mize indicated that the American Legion would be donating \$30,000 towards a building fund and if any funds remained, the Town could use it for what was needed. He added that if the donation was not enough, further discussions could be held.

Chief Mackie advised that a benefit was being held at Uncle Funny's on July 22nd to raise money for a police sergeant's wife who was suffering from cancer. He added that a raffle was being held with the drawing to be on August 1st.

Councilmember Kiar asked if the Town had any type of catastrophic leave or benefits for employees. Chief Mackie replied that the Town's policy required that an employee's sick and vacation leave be utilized first and as soon as this was exhausted, other employees had donated a tremendous amount of time. He added that the Broward Chief's Association was trying to develop an Officer's Trust Fund.

3.3 High Speed Rail

Mayor Venis provided a history of the MetroRail System which the Town had previously opposed. He indicated that the previously proposed system had not been approved and Council needed to decide on one of three options which included the I-75 corridor, the 27 corridor, or the South Florida Rail Corridor. Mayor Venis and Councilmember Cox were in favor of the South Florida Rail Corridor. Michele Mellgren, Director of Development Services, indicated that the sound should be a concern and indicated that aerodynamic noise would be heard. She added that there would be three stops: one in Dade County, one in West Palm Beach and one undetermined location.

3.4 Pete Spagnuolo, Facility Manager - Five Years

Mayor Venis presented Mr. Spagnuolo with a service award.

3.5 Carl Fitzgerald, Police Sergeant - Twenty Five Years

Mayor Venis presented Sergeant Fitzgerald with a service award.

3.6 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, announced that upcoming events included the 5 Star Rodeo (July 25th - 26th) and Concert in the Park (August 17th). She thanked the Community Services, Police, and Public Works Departments for their efforts with the July 4th events.

Sharon Pierce-Kent, Director of Community Services, announced upcoming events: mini-camp for ages 4 to 6 (August 4th - 22th); football and cheerleading programs; and soccer clinics (beginning August 1st).

3.7 Community Redevelopment Agency

Neal Kalis, Chairman, updated Council on the Agency's efforts.

3.8 Third Quarterly Status Report - Goals, Capital, Finance

This item was deferred to the August 6th meeting.

3.9 Hurricane Awareness

Councilmember Kiar advised that he attended a meeting regarding the placement of large animals should there be an emergency such as a hurricane. He advised that Pompano Race Track had agreed to board horses during a hurricane at no charge, however, it was on a first come first serve basis. Councilmember Kiar indicated that reservations could be made at this time by calling Pompano Race Track at 972-2000 and added that horse owners were responsible for the delivery and care of their horses. He asked Council to consider utilizing the arena as a triage facility for injured animals. Councilmember Kiar indicated that the staff needed to work with Broward County to formulate a program for the residents and local shelters needed to be located as Pompano Race Track was not large enough. He added that local veterinarians needed to be located to contribute time during emergencies. Councilmember Kiar stated that one possible location for horses left in the open was the former Broward County landfill. He indicated that horses needed to have some type of owner identification such as lock bands on all legs and added that the horse owner needed to have a photograph of himself/herself and the horse to prove ownership.

Councilmember Kiar stated that he had invited Mr. Shawl to attend the August 20th Council meeting to further discuss this matter.

4. OCCUPATIONAL LICENSE

Home Occupational Licenses

4.1 BVG Inc., d/b/a Pride Properties of South Florida, 3630 SW 106 Terrace (deferred from July 2, 1997)

Barbara Griffin, the applicant, was present. She confirmed that the request was for mail and phone use only.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

4.2 Tom Brice, 2600 South Hiatus Road

Tom Brice, the applicant, was present. He confirmed that the request was for mail and phone use only.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

Mayor Venis announced that item 7.14 had been withdrawn by staff.

Mayor Venis announced that item 9.3, 9.5, and 9.8 needed to be tabled to August 20, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

Mayor Venis announced that item 9.6 and 9.7 needed to be tabled to August 6, 1997.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

Councilmember Bush was absent.

VICE-MAYOR SANTINI

THANKS. Vice-Mayor Santini thanked Mr. Davenport for sponsoring the meeting regarding the dilemma of large animals during a hurricane.

YOUTH CRIME WATCH OF AMERICA. Vice-Mayor Santini stated that she attended the Fraternal Order of Police Association's meeting regarding Youth Crime Watch of America. She indicated that this was a positive influence on the children and if a parent requested this program, the Broward County Schools were required to provide the program. Vice-Mayor Santini provided the information to Chief Mackie.

GRAND OPENING. Vice-Mayor Santini stated that she attended the grand opening of the South Florida Job Benefits Office which was located on Davie Road Extension.

JULY 4TH EVENTS. Vice-Mayor Santini stated that the July 4th events were wonderful and she thanked the private businesses who provided the fireworks display.

PRAYERS. Vice-Mayor Santini asked that prayers be extended to Sergeant Gasse and his family.

COUNCILMEMBER COX

Councilmember Cox had nothing to bring before Council.

COUNCILMEMBER KIAR

THANKS. Councilmember Kiar thanked Mr. Davenport for hosting the meeting regarding the dilemma of large animals during a hurricane.

PRAYERS. Councilmember Kiar asked that prayers be extended to Sergeant Gasse and his family.

ANNIVERSARY. Councilmember Kiar wished his wife, Mariann, a happy 22nd wedding anniversary.

BASKETBALL. Councilmember Kiar congratulated the Town on its outstanding basketball program and indicated that staff was doing a great job. He added that the professional women's basketball team needed to be supported.

14TH STREET. Councilmember Kiar advised that the speed limit on 14th Street need to be enforced.

TRAFFIC LIGHT. Councilmember Kiar stated that Flamingo Road and SW 8 Street was becoming congested with traffic and a traffic light was needed at this intersection. He asked Assistant Town Administrator Robert Rawls to look into this matter and provide a report to Council.

SWIMMING. Councilmember Kiar stated that the American Red Cross and the YMCA were offering a Save a Life Summer Campaign at no cost. He explained that this Campaign taught children who were 6 to 36 months old and 3 to 5 years old, how to swim. Councilmember Kiar urged everyone to act on this Campaign.

MAYOR VENIS

JULY 4TH EVENTS. Mayor Venis thanked those involved with the events.

REESE AND DAVIE ROADS. Mayor Venis stated that he had previously met with residents regarding the intersection of Reese and Davie Roads. He advised that a suggestion was made that the sign at the intersection be made larger along with a battery operated flashing light.

BIKEPATHS MAINTENANCE SCHEDULE. Mayor Venis advised that at the previous Council meeting, he discussed the maintenance of the bike paths. He distributed a maintenance schedule for the bikepaths effective October 1st.

SOUTH BROWARD UTILITIES. Mayor Venis stated that a meeting regarding South Broward Utilities was held with Sunrise Mayor Feren and Pembroke Pines Mayor Ferkete. He indicated that the meeting was somewhat constructive, however, it was evident that Sunrise would pursue the purchase of the Utilities. Mayor Venis advised that the Town's counsel had very good strategies for the Town and the Town was on the right approach.

POLICE ATHLETIC LEAGUE (PAL). Mayor Venis stated that after school began, the PAL should be expanded to the Orange Park community and indicated that forfeiture funds would be provided. Chief Mackie

explained that this would be a joint venture with the Police Department, Community Services and the YMCA. He advised that the project would cost approximately \$12,000 and recommended that \$6,000 come from forfeiture funds with the remaining monies to be supplemented by the Town in the new budget.

Councilmember Cox stated that part of the Community Development Block Grant recommendation was to establish a Boys and Girls Club in the Orange Park area. She asked that the Club be kept apprised of PAL's activities. Chief Mackie indicated that he thought PAL was a "stop gap" until the Boys and Girls Club program began.

6. TOWN ADMINISTRATOR'S REPORT

SOUTH FLORIDA EDUCATIONAL CENTER (SFEC). Mr. Flatley stated that a meeting was scheduled for July 29th to discuss a parking facility. He advised that the Town was acting as a catalyst in promoting the construction of a facility.

YOUNG AT ART. Mr. Flatley stated that he had received a letter from Broward County Commissioner Lori Parrish inviting him and Mayor Venis to sit on the Expansion Committee. He advised that the museum would be moving into the site to be located at the Xtra Shopping Center. Mr. Flatley explained that help was needed with carpentry work, drywall, electrical work, etc. and asked those interested to contact him. He added that the museum hoped to be operational by October 1st.

WESTFAIR. Mr. Flatley stated that the Boys and Girls Club had hired Pat Klatt to manage Westfair. He added that discussions would be held to use Mr. Klatt to promote the arena along with Ms. Stafiej and her committee.

JULY 4TH ACTIVITIES. Mr. Flatley advised that during the July 4th activities, he and Councilmember Bush retained the Horseshoe Trophy.

RESIDENT SUPPORT. Mr. Flatley thanked the residents for their support during his first two years of employment with the Town.

7. CONSENT AGENDA

Minutes

7.1 April 30, 1997 - Workshop Meeting

7.2 May 14, 1997 - Workshop Meeting

7.3 May 15, 1997 - Workshop Meeting

Proclamation

7.4 Walter W. Falck Day - July 17, 1997

Resolutions

7.5 GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, F-97-229 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM FOR \$73,301, AUTHORIZING THE ACCEPTANCE OF SAID FUNDS, ALLOCATING THE REQUIRED MATCH FROM THE POLICE DEPARTMENT'S BUDGET, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS AND STAFF TO IMPLEMENT SAID GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (laptop computers; local match of \$8,145)

7.6 ANTI-DRUG PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, R-97-230 FLORIDA, SUPPLEMENTING R-95-50, TO ENHANCE AND EXPAND THE COMMUNITY RELATIONS UNIT AND AUTHORIZING THE EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND. (Cops and Kids Anti-Drug Card Program; not to exceed \$5,000)

7.7 EXTENDED TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-231 AUTHORIZING EXTENDED TRAVEL FOR DETECTIVE JOSEPH SQUARINI OF THE DAVIE POLICE DEPARTMENT. (\$1,761.73 in direct costs - Advanced Undercover Investigative Techniques Training Program)

7.8 COMMERCIAL LOAN SUBSIDY PROGRAM PARTICIPANT - A RESOLUTION

R-97-232 OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AMERICAN BANK OF HOLLYWOOD AS A PARTICIPANT IN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S COMMERCIAL LOAN SUBSIDY PROGRAM.

7.9 COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE - A RESOLUTION OF R-97-233 THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO DOUGLAS AND STEWART MILLARD FOR A DOWNTOWN REDEVELOPMENT PROJECT. (Lil' Rascals Day Care/Dairy Queen)

7.10 WAIVER OF BUILDING PERMIT FEES - A RESOLUTION OF THE TOWN OF R-97-234 DAVIE, FLORIDA, PROVIDING FOR THE WAIVER OF BUILDING PERMIT FEES AND SITE PLAN FEES FOR EXISTING BUSINESSES TO CONSTRUCT WESTERN STYLE STOREFRONTS IN THE WESTERN THEME DISTRICT

7.11 TRI-PARTY CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-235 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A TRI-PARTY CONTRACT WITH THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF BUILDING CONSTRUCTION AND JAMES A. CUMMINGS, INC. FOR CONSTRUCTION MANAGEMENT SERVICES.

7.12 ISSUANCE OF TAX-EXEMPT BONDS - A RESOLUTION OF THE TOWN OF R-97-236 DAVIE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE OAKES ROAD/BURRIS ROAD REALIGNMENT PROJECT OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (\$300,000)

7.13 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-237 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES FOR OAKES ROAD/BURRIS ROAD REALIGNMENT AND WIDENING PROJECT. (Keith and Schnars, P.A.)

7.14 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID FOR PARK SHELTERS AND THE INSTALLATION OF THE SAME PURSUANT TO THE METROPOLITAN DADE COUNTY, FLORIDA BID 4907-398. (Driftwood Estates; Contract Connections, Inc.; not to exceed \$45,000)

7.15 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-238 BID FOR SIGN ENCLOSURES. (Yarder Manufacturing Co.; 25 enclosures -\$19,151.50)

7.16 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-239 BIDS FOR FERTILIZER. (lowest responsive bidder for each item)

7.17 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-240 BID FOR ASPHALT RECREATIONAL PATHS. (Weekley Asphalt Paving, Inc. - lowest responsive bidder)

7.18 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-241 BID FOR LOCKS AND MISCELLANEOUS HARDWARE, CITY OF ST. PETERSBURG BID #5130. (Best Locking Systems of Florida - \$14,509.78)

7.19 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE

R-97-242 BID FOR ROBBINS PARK AND PINE ISLAND PARK ROADWAY IMPROVEMENTS.
(All-Rite Paving Contractors - \$294,934.25)

7.20 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-97-243 BID FOR A FORD CROWN VICTORIA. (Plantation Ford to provide a 1997 Ford Crown Victoria in
the amount of \$18,726)

7.21 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-97-244 EXTENDING THE BID FOR CONCRETE RECREATIONAL PATHS. (locations throughout the
Town; Doug Amos Construction, Inc.)

7.22 **SUPPORTING A DESIGNATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-97-245 FLORIDA, SUPPORTING THE DESIGNATION OF THE EVERGLADES RIVER OF GRASS
AS AN AMERICAN HERITAGE RIVER; AND PROVIDING AN EFFECTIVE DATE.

7.23 **DISTRICT BOUNDARIES REVIEW COMMITTEE** - A RESOLUTION OF THE
R-97-246 TOWN OF DAVIE, FLORIDA, CREATING A DISTRICT BOUNDARIES REVIEW
COMMITTEE, WHICH IS CREATED FOR THE PURPOSE OF REVIEWING THE DISTRICT
BOUNDARIES OF THE TOWN OF DAVIE AND MAKING RECOMMENDATIONS TO THE TOWN
COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

7.24 **FIRE RESCUE ASSESSMENT PROGRAM** - A RESOLUTION OF THE TOWN OF
R-97-247 DAVIE, FLORIDA, AUTHORIZING A RETAINER AGREEMENT WITH NABORS, GIBLIN,
& NICKERSON, P.A., AND AUTHORIZING WORK ORDER 92-2 FOR THE IMPLEMENTATION OF
THE 1997-1998 ANNUAL FIRE RESCUE ASSESSMENT PROGRAM.

7.25 **WATER AND SEWER ISSUES** - A RESOLUTION OF THE TOWN OF DAVIE,
R-97-248 FLORIDA, AUTHORIZING A RETAINER AGREEMENT WITH RUDEN MCCLOSKEY
SMITH SCHUSTER AND RUSSELL, P.A., FOR LEGAL SERVICES ASSOCIATED WITH WATER
AND SEWER ISSUES.

7.26 **EXPRESS SHUTTLE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-97-249 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A REVISED
AGREEMENT WITH THE SOUTH FLORIDA EDUCATIONAL COMPLEX (SFEC) FOR OPERATION
AND FUNDING OF AN EXPRESS SHUTTLE BETWEEN THE SOUTH FLORIDA EDUCATIONAL
COMPLEX CAMPUSES; THE FORT LAUDERDALE TRI-RAIL STATION AND DOWNTOWN DAVIE;
AND PROVIDING AN EFFECTIVE DATE.

Ordinances - First Reading (Public Hearing to be held August 6, 1997)

7.27 **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
A WARRANTY DEED FROM 54, INC. CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC
RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

7.28 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16 ENTITLED "OFFENSES
AND MISCELLANEOUS PROVISIONS" BY ADDING THERETO SECTION 16-6 ENTITLED "PUBLIC
CONSUMPTION PROHIBITED; EXCEPTIONS" PROVIDING FOR PROHIBITION OF PUBLIC
CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR PROHIBITION OF CARRYING
OPEN CONTAINERS CONTAINING ALCOHOLIC BEVERAGES; PROVIDING FOR EXCEPTIONS;
PROVIDING FOR VARIANCES FROM THE PROHIBITION BY APPLICATION TO THE TOWN
COUNCIL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cox asked that item 7.28 be removed from the Consent Agenda.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without

item 7.28. Town Clerk Reinfeld read the ordinances - first reading by title. Mayor Venis advised that a public hearing on items 7.27 and 7.28 would be held on August 6, 1997. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

7.28 Councilmember Cox stated that the arena was considered a public facility and indicated that a provision needed to be made to provide for this. Mr. Webber advised that the proposed ordinance would require that a variance be granted to the arena which could be given on an annual basis or the ordinance could be amended to exempt the arena. Councilmember Cox indicated that she would prefer the exemption. Vice-Mayor Santini added that functions would be held at the Robbins property once the building was completed. Councilmember Cox suggested that Mr. Webber provide a method of exempting a certain building or facility. Vice-Mayor Santini indicated that this exemption also needed to include the Old Davie School. Mr. Webber indicated that criteria was needed to determine exemptions and recommended that the ordinance be tabled. Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to table [to August 6, 1997]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

8. SITE PLAN

8.1 SP 4-4-97, Southwood Townhomes 4800 block of University Drive (RM-10) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, checking for the need to provide a dumpster as opposed to individual garbage pick up, the proposed landscaping revisions, providing curbing on all sidewalks, and correcting the curbing detail on SP 2, Section BB*

Ms. Mellgren asked that this item be discussed later in the meeting as staff had questions for the petitioner. (This item was tabled later in the meeting to August 6, 1997.)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the hearing.

Ordinances - Second and Final Reading

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-40 AMENDING ARTICLE X, PLANNING AND DEVELOPMENT, SECTIONS 12-302, 12-303, 12-304, 12-306 AND 12-307, REVISING A SUBMITTAL DEADLINE; REVISING PUBLIC NOTICE AND APPLICATION SUBMITTAL REQUIREMENTS; PROVIDING FOR AN ADDITIONAL TOWN COUNCIL REVIEW CRITERION FOR LAND USE PLAN AMENDMENT AND REZONING APPLICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 2, 1997)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Jay Stahl, 5801 Surrey Circle West, was opposed to the amendment as he thought the notices should be mailed.

Ms. Mellgren explained that notices would continue to be mailed regardless of the size of the mailing.

Mayor Venis closed the public hearing.

Councilmember Kiar asked if signs would continue to be posted. Councilmember Cox indicated that this ordinance provided for signs and bulk mailing.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-41 AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 2, ARTICLE VIII, RELATING TO PURCHASING PROCEDURES, BY AMENDING SECTION 2-316 AND CREATING SECTION 2-238; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Councilmember Cox, approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

9.3 STAFF REQUESTING A TABLING TO AUGUST 20, 1997

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-238(J)(9) BY AMENDING SUBSECTION (b) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Resolution

9.4 CONSOLIDATED PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-250 ADOPTING THE CONSOLIDATED PLAN FOR FEDERAL FUNDS FOR THE FIVE-YEAR PERIOD COVERING 1997 TO 2002, WHICH INCLUDES THE FY 1997/98 BUDGET FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AUTHORIZING THE TOWN ADMINISTRATOR TO MAKE MINOR, NON-SUBSTANTIVE CHANGES WHICH MAY BE IDENTIFIED DURING THE REVIEW PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE REQUIRED CERTIFICATIONS AND OTHER APPLICABLE DOCUMENTS; AUTHORIZING SUBMISSION OF THE PLAN TO HUD; AND AUTHORIZING THE APPROPRIATION OF THE FEDERAL FUNDS WHEN RECEIVED.

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Cox announced where some of the improvements would be made.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

Quasi Judicial Items

9.5 PLANNING AND ZONING BOARD TABLED TO JULY 30, 1997; COUNCIL CAN TABLE TO AUGUST 20, 1997

REZONING - ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, 3650 Weston Road

This item was tabled earlier in the meeting.

9.6 PLANNING AND ZONING BOARD TABLED TO JULY 30, 1997; COUNCIL CAN TABLE TO AUGUST 6, 1997

REZONING - ZB 5-2-97, Davie Lodge No. 1798, Loyal Order of Moose, Inc./I.E.B., Inc., 4483 SW 64 Avenue

This item was tabled earlier in the meeting.

9.7 PLANNING AND ZONING BOARD TABLED TO JULY 30, 1997; COUNCIL CAN TABLE TO AUGUST 6, 1997

VARIANCE - V 5-2-97, Davie Moose Lodge No. 1798, Inc./I.E.B., Inc., 4483 SW 64 Avenue

This item was tabled earlier in the meeting.

9.8 PLANNING AND ZONING BOARD TABLED TO JULY 30, 1997; COUNCIL CAN TABLE TO AUGUST 20, 1997

VARIANCE - V 5-1-97, Zeus Properties, Inc., 4371 SW 55 Avenue

This item was tabled earlier in the meeting.

9.9 LAND USE PLAN AMENDMENT - LA (SS) 97-4B, CDI Engineering & Planning/Pelican Coast Holdings, Inc., 351 SW 148 Avenue (from Residential 1 du/ac to Industrial) *Planning and Zoning Division denied; Local Planning Agency approved subject to deed restricting kennels, working with staff to come as close as possible to the 60 foot buffer to the residential side, and the specific uses to be subject to special permits*
Mr. Webber advised that it had been determined that land use changes were not quasi judicial in nature but legislative. He indicated that the Courts were now recognizing that, as a legislative function, Council had a broader discretion with respect to land use changes.

Bill Laystrom, representing the petitioner, explained the request. He indicated that the petitioner had agreed that light fabrication was a special permit use which he would provide in the form of a declaration of restriction. Mr. Laystrom asked that light manufacturing be a permitted use, with the exception of "putting together any type of hazardous materials." He stated that the petitioner was attempting to move forward with a mini- or self-storage type facility. Mr. Laystrom stated that with regard to the animal kennel, the petitioner was suggesting that a special permit would be required for an outside kennel, however, a standard internal kennel would not require a special permit.

Mr. Laystrom advised that in regard to the setback, he was recommending that a two-tiered setback be created. He explained that an additional setback from 25 to 30 feet would be provided for the landscaping where the parking lot would begin if a standard stand alone building was constructed. Mr. Laystrom indicated that a stand alone building would then be moved back 50 feet; however, if a self-storage facility was constructed, the building would then be 35 feet from the roadway. He added that the petitioner stood by its commitments which were part of staff's report and he would include this in his documentation.

Jeff Katims, Planner, read the planning report and stated that Council had been provided with the following documents: the application, the subject site map, planning report, and an aerial.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the land use plan amendment.

Michael Davenport, 14041 SW 22 Place, explained the Local Planning Agency's recommendation.

Mr. Laystrom displayed a conceptual site plan and added that this site plan was far different than what would be submitted to the Site Plan Committee which would show elevations, landscaping and engineering drawings. He indicated that the petitioner foresaw this site as self-storage but he was not committing that he could deliver this. Mr. Laystrom committed that he would bring back the buffers as part of the zoning application.

Ms. Mellgren advised that staff had discussed with Mr. Laystrom that the entrance to the development be to the southern most end of the parcel and providing a wall or building setback so that the Vista Filare residents would see open space, landscaping and the wall or screening. Mr. Laystrom indicated that his concern was with the engineering concern with the conflict of two entrances. He advised that he did not see an inherent difficulty as long as the Town's Engineering Department and the petitioner's engineer determined that this could be done.

Mr. Webber stated that Council could deliberate.

Councilmember Cox indicated that she had a problem with the kennel use as dogs could not be kept inside all the time. Mr. Laystrom advised that dogs would be outside except in the evening and he would make the kennel a special permit process.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve subject to the conditions and the special permitting of a kennel. Councilmember Cox clarified that the special conditions included the 35 foot buffer with no parking and all landscaping and the restriction of the kennel to the special permitting process. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

9.10 REZONING - ZB 3-1-97, Kalis/McHugh, 7550 Griffin Road (from A-1, B-1 and B-2; to B-3) (tabled from June 18, 1997) *Planning and Zoning Division approved; Planning and Zoning Board approved subject to voluntary deed restrictions as amended*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, advised that the petitioner had agreed to restrict the following uses: adult facilities; motor fuel pumps; truck, auto, trailer, utility rental; pawn shop; parking lot rental; car and truck dealership; auction house; fast food restaurant; convenience store; machine shop; free standing

bar/lounge; vehicle, boat, and truck repair; car and truck sales and rentals. She added that the petitioner had also agreed to a voluntary stipulation which limited the operating hours of the loading dock to 6:00 a.m. to 8:00 p.m. Ms. Easterling stated that the petitioner had agreed to an enclosed loading area which would hopefully screen the activity and the noise.

Councilmember Cox indicated that she had met with the homeowners to address their concerns.

Neal Kalis, representing the petitioner, discussed some of the neighborhood's concerns regarding the usage of the property which the petitioner had voluntarily agreed to deed restrict. He advised that at a meeting in June, Broward County had determined that the request was compatible subject to considerations for buffering and everyone was in agreement that there would be a two foot berm with a fence and landscaping. Mr. Kalis indicated that the berm would be two feet higher than the required height of the property based on engineering requirements.

Mr. Kalis advised that the entrances to the property from Griffin Road had been determined by court order. He stated that the entrance at the eastern end of the property was small and would not accommodate truck traffic. Mr. Kalis indicated that the petitioner was offering solutions to help the neighbors by preventing a truck from exiting his client's property into the Griffin Park Estates community. Sam Engel explained the entrance/exit proposal. Messrs. Kalis and Engel answered questions posed by the residents. Councilmember Kiar asked if the petitioner would stipulate to a gate. Mr. Kalis replied affirmatively and added that the petitioner would keep the gate closed during non-business hours.

Mr. Kalis stated that as part of the development of the property, the petitioner would bond for construction of the sidewalk on 74th Terrace and indicated that the Department of Transportation may be constructing a portion of the sidewalk in connection with the Griffin Road improvements. He indicated that the petitioner had agreed to contribute up to \$4,000 towards an entry monument feature for the Griffin Park Estates which would be located on an easement on the petitioner's property. Mr. Kalis added that the petitioner had also agreed that the monument would be constructed as part of the site plan improvements. He questioned if the entry monument would be processed as a sign. Ms. Mellgren responded affirmatively and added that Council may want to consider asking if Mr. Kalis would be willing to obtain permits for all signage along with any initial permit for any construction. Mr. Kalis indicated that there would not be a problem with this request but indicated that the petitioner's budget for the sign was \$4,000 which included the design of the sign and the brick pavers.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

Tom Edwards, 4671 SW 74 Terrace, had a problem with the truck exit discussed by Mr. Engel and if the curbing could be extended on both sides of the streets, the request sounded better.

Judy Collins, 4761 SW 74 Terrace, doubted the safety of the turn lane entering and exiting the petitioner's property and discussed her concerns.

Colleen Witkop, 4781 SW 74 Terrace, thanked the petitioner for working with the residents and provided a picture which Mr. Webber accepted into evidence. She asked that the Town install the curbing to Griffin Road so drivers would not tear up the resident's yard.

Raymond Hershel, 4701 SW 74 Terrace, stated that the residents wanted either no exit or a restricted exit onto 74th Terrace which he thought was a reasonable request.

Discussion followed on the curbing and hours of loading. Vice-Mayor Santini questioned if the curbing could be "a little bit pulled out like a U to increase the additional that those people have to turn left." Mr. Engel replied that this could be done.

Vice-Mayor Santini asked if the petitioner was volunteering that the site plan be offered as part of the backup documentation. Mr. Kalis responded that he could was not volunteering the site plan as the site plan process was not completed. He indicated that he would offer the signage and the representations that had been made. Mr. Kalis added that a conceptual site plan had been submitted as part of the rezoning. Ms. Mellgren advised that the conceptual master plan would become a part of the rezoning and indicated that Vice-Mayor Santini was looking to have the petitioner volunteer to make the signage as an exhibit. Mr. Kalis advised that the petitioner would agree to the signage. He added that the petitioner had offered to incorporate some of the architectural details on the warehouse facade that faced east toward 74th Terrace.

Ms. Mellgren stated that her biggest concern was with the noise that may be created by a future owner which was very difficult to enforce. She asked that should Council approve the request, the approval include all the conditions offered as well as the sign and the installation of the signs prior to the issuance of a certificate of occupancy.

Discussion followed with the time for the motorized activity being changed to 7:00 a.m. to 8:00 p.m.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve the rezoning with the provided

list of restrictions, the two foot berm over the finished grade of the property with the chain link fence and fence on the top, with the restriction as to hours of operation of the loading dock from 7:00 a.m. to 8:00 p.m. motorized [activities], with the agreed to restriction of enclosing the loading dock with roof and wall, the site plan, with the inclusion of the signage and traffic controlling device on the 74th Terrace entrance as discussed at this meeting which was voluntarily agreed to by the petitioner, the permits for the sign to run concurrent with the development of the property and the property would not obtain a certificate of occupancy until all the signage was complete, the sidewalk would go according to what occurred on the site plan and would not have to be built but bonded for, and the inclusion of a security gate through the petitioner's roof drive aisle. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.1 Mayor Venis announced that a request had been made to table item 8.1 until August 6, 1997. Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

9.11 **REZONING** - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling She read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Ms. Easterling stated that she had received a letter from Mark Thompson in support of the application subject to the conditions discussed at the Planning and Zoning Board. Mr. Webber indicated that Mr. Thompson was not present at tonight's meeting for cross examination and added that the letter would be accepted as correspondence with the caveat that Council recognize the fact that there was no cross examination.

Mr. Webber asked if there were resumes on file for staff which was being offered as evidence. Ms. Mellgren responded that staff resumes were on file with the Town which qualified them as expert witnesses.

Ms. Mellgren explained the parking and indicated that staff was concerned with the impact on 70th Avenue and the residences to the north. She advised that the petitioner had voluntarily agreed to a 50 foot buffer and in addition to the buffer, the setback would be measured from the buffer to the structure. Ms. Mellgren asked that no access be provided off the property which was currently zoned residential. Councilmember Cox discussed the previous rezoning and stated that the rezoning agreement needed to be researched.

Dan Fee, representing the petitioner, discussed the request and the previous rezoning. He advised that the petitioner was providing 95 feet from the current property line to the point where the first structure would be. Mr. Fee added that the petitioner was willing to provide any type of buffer required by the Town.

Mr. Webber advised of the criteria that Council would be considering and the Town's procedures.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individuals spoke:

Gurbagian Bel Soni, 7301 Pepper Tree Circle South.

Jim Birch, 5880 SW 70 Avenue.

Mike Arnott, 3100 NE 40 Street - representing Exotic Acres, provided petitions which Mr. Webber accepted but cautioned Council that the petitions had very little weight as no reasons were stated for disagreement. Mr. Arnott spoke in opposition.

Harry Stampler, 5800 Pepper Tree Circle West.

Denise Hemphill, 4295 NW 76 Avenue.

Irene Salmone, 6930 SW 58 Court.

Dora Bullard, 6801 SW 59 Court.

Mr. Webber stated that the hearing was concluded.

Mr. Fee and Ms. Mellgren responded to the residents comments.

Vice-Mayor Santini asked if the petitioner would be willing to indicate that should the request be approved, that the area would not be for a strip shopping center and the petitioner would be flexible in trying to provide something

that would fit more with the residential type neighborhood. Mr. Fee responded that the petitioner could design a site plan that was flexible and which did not appear to be a strip center. Mr. Webber indicated that the petitioner could not submit any type of site plan and he did not feel comfortable trying to tie a particular type of building to this zoning category. He added that the zoning category did not allow for flexibility as other categories did. Councilmember Cox advised that Mr. Mulligan had spoken to her on this site. She indicated that she was willing to act as an intermediary if the residents were agreeable. She recommended that the request be tabled if the residents and petitioner were agreeable.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to table to the first meeting in September [September 3, 1997]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

Mayor Venis closed the public hearing portion of the meeting.

10. ORDINANCES - FIRST READING (Public hearing to be held August 6, 1997)

10.1 LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(SS) 97-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 D.U./ACRE" TO "INDUSTRIAL"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Vista Filare Development; LA (SS) 97-4B, 351 SW 148 Avenue)

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 10.1 would be held at the August 6, 1997 meeting.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, B-1, AND B-2 TO B-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-97, 7550 Griffin Road) (tabled from June 18, 1997) Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 10.2 would be held at the August 6, 1997 meeting.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, 5900 SW 70 Avenue)

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to table [September 3, 1997]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - absent; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

11. APPOINTMENTS

11.1 Child Safety Board (two exclusive appointments per Councilmember)

Vice-Mayor Santini appointed Ron Adderley and Karen Leonard. Mayor Venis appointed Lil Olfern and Jerilyn O'Neil. Councilmember Kiar appointed Dianne Enten and Victoria Paraga. Councilmember Cox appointed Kathleen Bleier and Doreen Hixon.

11.2 Open Space Advisory Committee (two exclusive appointments per Councilmember)

Vice-Mayor Santini appointed Judy Paul and Sharon Zane. Mayor Venis appointed appointed George Greb and

Robert Hoth. Councilmember Kiar appointed Phyllis Kowal and Toni Webb. Councilmember Cox appointed Sandy Switzer and Debbie Carr.

11.3 District Boundaries Review Committee (each Councilmember shall appoint two electors of the community from his/her district)

Mayor Venis announced that Councilmember Bush submitted his appointments of Fernando DiBella and Joan Ast. Vice-Mayor Santini appointed Maria Shelton and Mitchell Palermo. Mayor Venis appointed Dominick Cardello and Jack Hardy. Councilmember Kiar appointed Bob Hoth and George Greb. Councilmember Cox appointed Hully Gill and Scott Allsworth.

12. DISCUSSION AND POSSIBLE ACTION

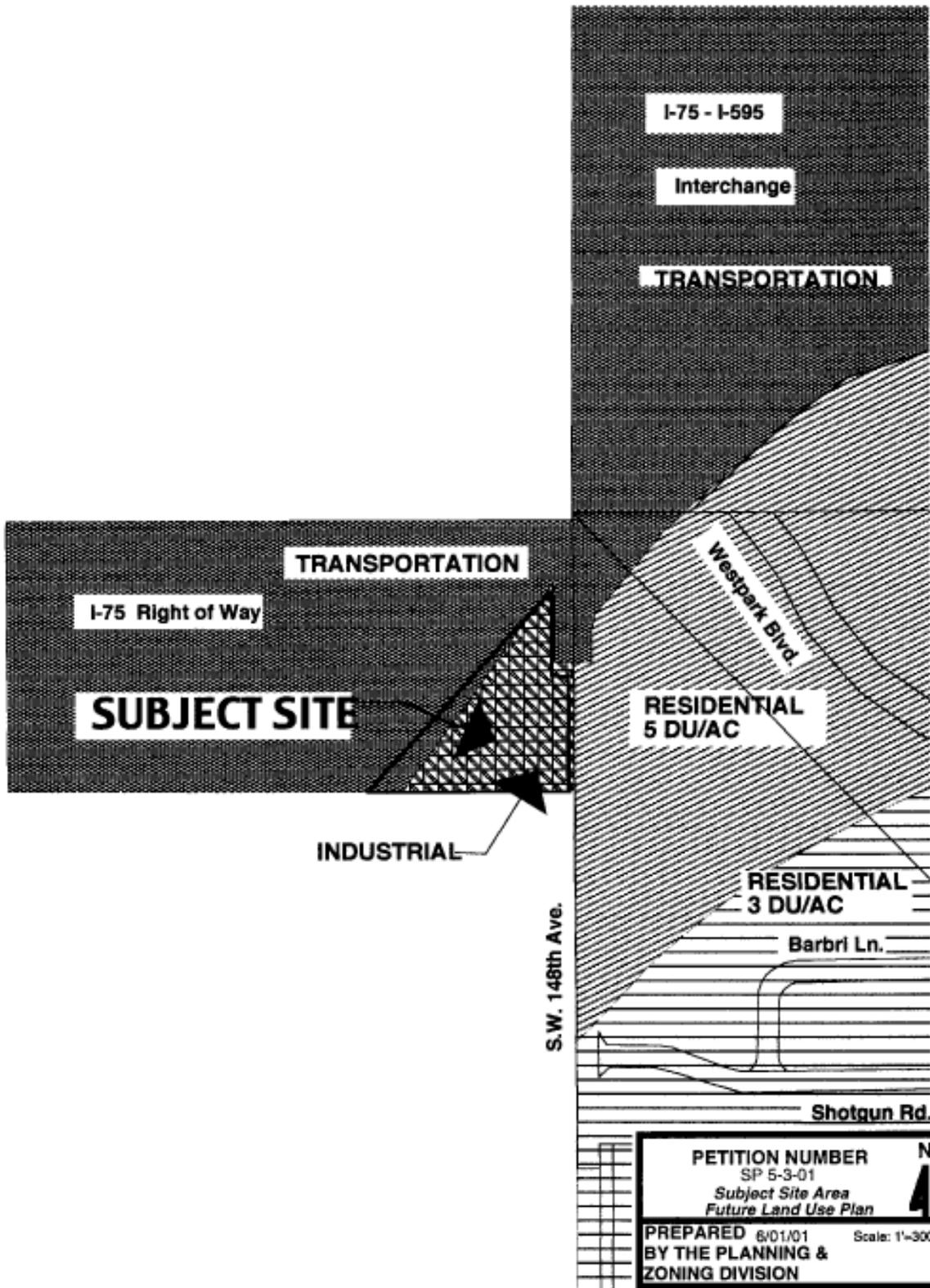
12.1 Rezoning Request for PIE Realty Investments, Inc.

Ms. Mellgren advised that the petitioner wanted to return to Council within the one year period for consideration of zoning. She explained that Council's permission was needed before the request could return to the Planning and Zoning Board.

Mayor Venis asked for a voice vote on bringing the rezoning back. In a voice vote, all present voted in favor.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:39 p.m.



I-75 - I-595

Interchange

TRANSPORTATION

TRANSPORTATION

I-75 Right of Way

SUBJECT SITE

INDUSTRIAL

RESIDENTIAL
5 DU/AC

RESIDENTIAL
3 DU/AC

Westpark Blvd

Barbri Ln.

Shotgun Rd.

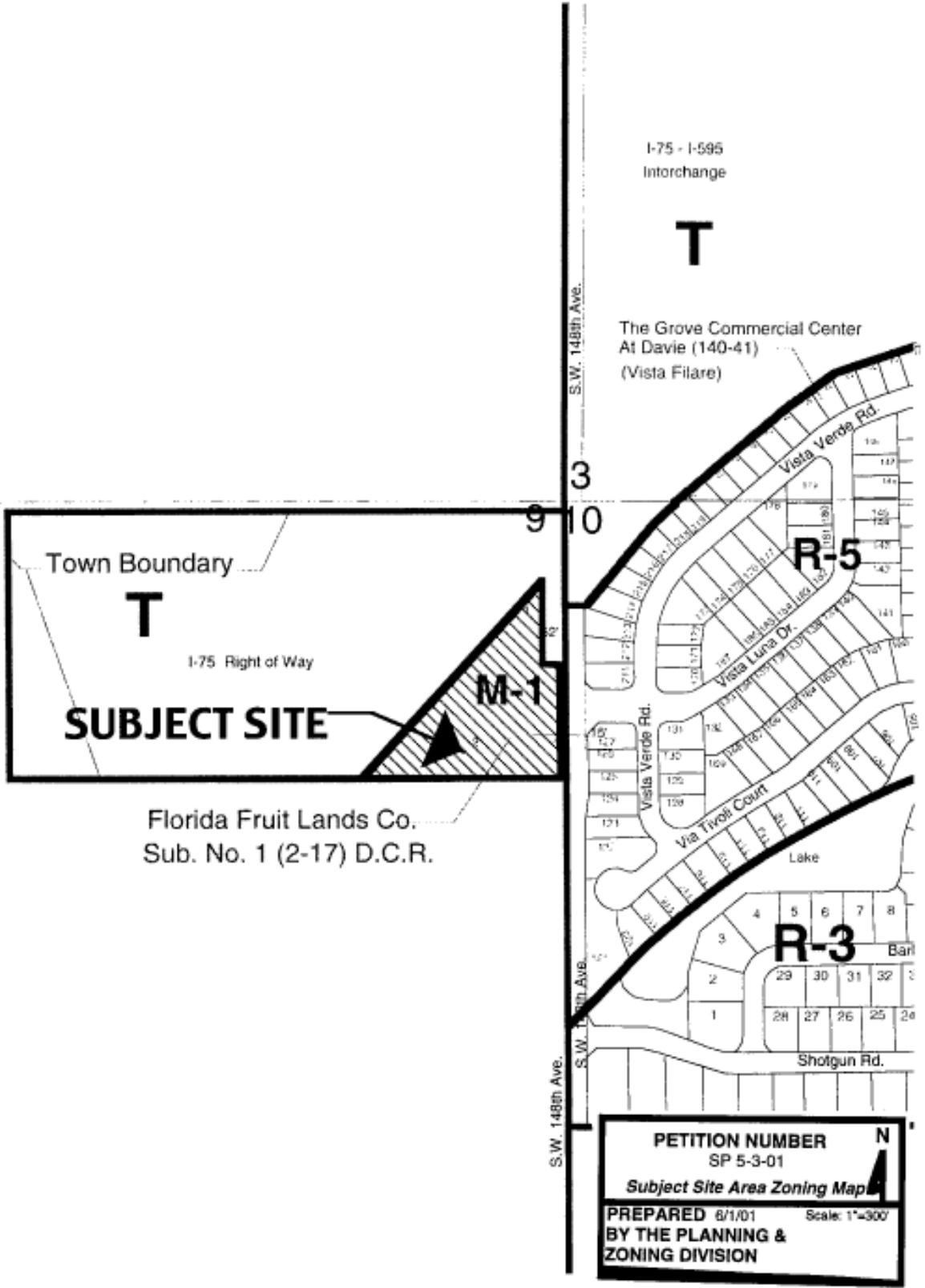
S.W. 148th Ave.

PETITION NUMBER
SP 5-3-01
Subject Site Area
Future Land Use Plan

PREPARED 6/01/01
BY THE PLANNING &
ZONING DIVISION

Scale: 1"=300'

N
4





SUB SITE

I-595

I-75

SHOTGUN RD

SW 148TH AVE

N
↑
DATE FLOWN
JANUARY 1999
SCALE: NTS
SP 5-3-01