

**TOWN COUNCIL
WORKSHOP MEETING
JUNE 28, 2001**

The meeting was called to order by Mayor Venis at 5:40 p.m. Present were Mayor Venis, Vice-Mayor Paul, and Councilmembers Starkey and Truex. Also in attendance were Town Administrator Tom Willi, Town Attorney Monroe Kiar, and Town Clerk Russell Muniz recording the meeting. Councilmember Clark was absent.

1. Preservation of Rural Lifestyle

Mayor Venis asked if the public wished to speak on this issue.

Julie Aitken, 3801 Flamingo Road, was pleased the workshop was called to discuss implementation of the "Town's recent Charter amendment to identify the Town's remaining rural areas and adopt appropriate legislation to insure the preservation of Davie's rural character and equestrian lifestyle." Ms. Aitken, Davie Agricultural Advisory Board Chair, stated that the Board agreed that fulfilling this Charter amendment should be its primary function. She stated that the Board had recommended a zoning in progress to afford time to carry out the intent of the amendment before the remaining undeveloped land was gone. Ms. Aitken advised that she had researched the laws regarding zoning in progress and stated that the Town was substantiated in taking this approach. Ms. Aitken felt that time was of the essence as very little undeveloped land was still available. She added that the Town was not going to receive funds from the Broward County bond issue and the only alternative was to make future residential developments compatible with the Town's rural lifestyle. Ms. Aitken indicated that it was important for new developments to not segregate themselves from the surrounding community, but to become integrated with it and provide more green areas to be utilized by all members of the community. She reiterated that time was running out and urged Council to act on this immediately.

Councilmember Truex asked if the Board had considered specific ideas that should be included in the new zoning ordinance besides zoning in progress. Ms. Aitken stated that the Board was considering a rural equestrian overlay district. She referred to a book, *Rural by Design*, which spoke of how to maintain rural character in an overlay district. Ms. Aitken was concerned that if there was talk of an overlay district being formed, developers would rush to get their site plans submitted and it would defeat the purpose of the mandate.

Delia Alonso, 2670 South Flamingo Road, stated that the Town's voters had overwhelmingly approved this Charter amendment. She believed that the equestrian overlay district would be the most feasible manner in which to achieve the preservation of the rural character and equestrian lifestyle without interfering with "legally established property rights." Ms. Alonso stated that the Board had begun establishing a "Town Overlay District Manual" which included architectural styles, detailed landscaping requirements, road width setbacks, street patterns, common green areas, and other standards that would allow for maintenance of the "small town" character. She stated that this manual might take several months to complete, but urged Council to take immediate action.

Jill Fiorentino, 4200 SW 95 Avenue, referred to past presentations she had made to the former Town Council regarding a similar issue. She stated that this concern had been ongoing for many years and urged the Council to support the maintenance of the Town's rural character.

Jason Curtis, 3801 Flamingo Road, referred to the zoning in progress and stated that he and Vice-Mayor Paul had been discussing it for a long time. He stated that this would allow all members of the community, including developers and real estate agents, to become involved. Mr. Curtis clarified that a zoning in progress would not stop development or restrict properties, but it would allow for one house per acre zoning. He clarified that the

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Board was hoping a zoning in progress would afford them time to establish a more concrete plan of action and reiterated that it would not affect those who already had plans in effect.

Hilda Testa, 13940 SW 24 Street, supported this issue and stated that it was time to think about how the remaining land in the Town was to be developed. She was concerned with excessive speeds on roadways in equestrian neighborhoods and the dangers this posed for animals. Ms. Testa presented Council with photographs which showed alternative means by which to buffer residences from extreme traffic conditions. She referred to SW 14 Street as there was an ongoing problem with speeding vehicles and increased traffic.

Joy Yoder, 12610 SW 13 Street, stated that the public perception of the Town was that it was already built out and urged Council to act on this issue immediately.

Mike Bender, 14800 SW 31 Court, felt the residents were looking for a commitment from Council, Mr. Willi, and staff to work together to put this initiative into action. He added that the business community needed to be involved as well, stating that unification of the community was necessary in order for this to be successful. Mr. Bender referred to a study that was done years ago, stating that it was no longer factual.

Eve Soto, 15917 SW 20 Street, referred to numerous commercial properties that failed due to over-development in Palm Beach County. She felt that if a zoning was changed to commercial, the Town would see similar results. Ms. Soto stated that there were many shopping malls in close proximity to the Town and it was not necessary for another one to be built. She felt it was more important to maintain the rural and natural character of the Town than to develop additional commercial properties, especially in the western section of the Town.

Jan Myer, 1630 SW 155 Avenue, referred to the growth and development in the Town and asked Council to consider how it foresaw the future of the Town. She spoke of increased traffic and congestion and urged Council to preserve the rural lifestyle which brought her to this community in the first place.

Hilda Testa, 13940 SW 24 Street, was concerned that the Town's Land Use Plan did not include agricultural and did not consider the size of the agricultural community. She suggested amending the Land Use Plan without infringing on development rights. Ms. Testa stated that there was increased traffic on the west side of Davie and it was not because of commercial use, but rather people were using the rural streets as shortcuts from the Weston area. She suggested road closures along Shotgun Road, stating that once the new development was built, even more traffic would inundate the area.

Ms. Testa indicated that she also wanted to see deed restrictions on horses stopped, stating that any property of one acre or more should be allowed to have horses. She spoke about the negative effects that over-developing had on the environment. Ms. Testa felt that the one house per acre was important to maintain and suggested the possibility of building ten condominiums townhouses on a ten-acre parcel which would include a community swimming pool and equestrian facilities. She stated that this type of development would eliminate the overuse of construction materials and would afford the development and surrounding community additional open space and have less negative effect on the environment. Ms. Testa also suggested that a conservation easement could be included which would alleviate maintenance responsibilities from the development.

Vice-Mayor Paul referred to Ms. Testa's statement regarding conservation easements and asked if that land would be intended for public use. Ms. Testa clarified that in keeping with the one house per acre rule, the property would be private; however, this type of

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development would add green space and eliminate the over-development of land. Vice-Mayor Paul stated that Ms. Testa's suggestion was similar to the RE zoning which many residents had objected to and which the Council had voted against. Ms. Testa agreed that it was similar; however, she stated that alternatives had to be found to maintain the green space in the area.

Mr. Kiar stated that when a conservation easement was granted by property owners, there could be possible tax savings to the owner. He added that the public would benefit by giving up development rights by granting the conservation easement, the property owner would benefit from tax relief, and the land could be maintained as rural.

Ms. Testa felt that the future of a town should be considered for 100 years, not for 20 years. Regarding taxes, Ms. Testa also referred to construction of barns and the ambiguity of the laws. She encouraged Council to consider plans that would benefit the "backyard" horse owner and to create legislature that encourages horse-ownership.

Linda Greck, 3121 SW 116 Avenue, stated that the rural character was what defined the Town and felt that this initiative should be "vehemently" defended. She indicated that newcomers should be required to accept the rural character and lifestyle and abide with maintaining it.

Renee Pardo, 2670 South Flamingo Road, suggested "rest stops" for horses along the trail system and indicated that she also wanted to see land on the East side of Davie preserved. She recommended creating alternatives to road widening. Ms. Pardo advised that she also liked the idea of "cluster" development, whereby homes would be concentrated on half the property and the other half would be open space for the entire community. She encouraged Council to take immediate action on this issue.

Penny Lockhart, 14940 SW 31 Court, felt the Town needed to be cognizant of the types of developments being constructed in the Town. She referred to the Town seal and encouraged Council to maintain the rural ambience which that seal represents.

Michael Williams, 13342 SW 40 Street, referred to the Flamingo Road/Pines Boulevard intersection, which was found to be the most dangerous intersection in the United States. He was concerned that the Town was headed in the same direction with overcrowded roadways. Mr. Williams referred to the mall that was proposed for Shotgun Road and felt it was unnecessary as there were enough malls in the vicinity. He encouraged Council to maintain the rural character of the Town.

Guy Amato, SW 20 Street, advised that he recently relocated from North Carolina and was pleasantly surprised with the rural lifestyle of the Town. He indicated that he was concerned about future development near Highland Lakes Estates and encouraged Council to maintain the rural character of the Town. Mr. Amato asked about the proposed Neiman Marcus mall.

Mayor Venis stated that this was only in the exploratory stage. He stated that there would be community meetings regarding this matter and it would be at least one year before the proposal came before Council. Mayor Venis stated that this type of project would require changing land use and it would take a super-majority vote of Council to be passed.

Kim Fernandez, 15876, SW 17 Street, was concerned about the prospect of development along Shotgun Road, especially the Neiman Marcus mall. She urged Council to preserve the rural character of the Town.

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Ron Phillips, 15851 SW 15 Street, stated that his community was not an equestrian community, but it was a "recreation community" that enjoyed the rural lifestyle. Mr. Phillips asked that the traffic light at Shotgun Road and SW 14 Street be changed as there was a great deal of traffic congestion there and it was very dangerous. Mr. Willi stated that he would address this concern. Mr. Phillips, the President of the Homeowner's Association at Highland Ranch Estates, stated that his community was under the impression that the land along Shotgun Road would remain residential. Vice-Mayor Paul stated that she was at the Association meeting and had passed on information to Mr. Willi regarding their recommendation that a horse trail was included along the east side of the Highland Ranch Estates property.

Vicki Bodstrom, 15554 SW 16 Street, advised that she had moved from Hawkes Bluff to escape the traffic congestion in that area. She was concerned about increased traffic in the Town, especially the proposed widening of I-75.

Ms. Aitken stated that the Agricultural Advisory Board agreed to ask for zoning in progress with a view to an overlay district. She referred to traffic and suggested alternatives for roadways. Ms. Aitken referred to cluster development and suggested various layouts and potential benefits to both the developer and the community. She urged the community and Council to continue to brainstorm which would afford the maintenance of the rural character and lifestyle of the Town. Ms. Aitken added that it was most important to put something in place so that there was time to work out the details.

Bruce McGee, 14181 SW 18 Court, stated that there was a dangerous traffic situation on SW 14 Street and stated that the traffic pattern in that area needed to be "broken up" so that there were more "detours" which would deter speeders from entering the area. He hoped that there would be no commercial development to the east on I-75. Mr. McGee stated that this issue not only affected the equestrian and agricultural communities, but also those who chose to live in Davie for its rural ambience.

Arthur Hurley, 4601 SW 128 Avenue, felt that there were three issues at hand: encouraging agricultural businesses to remain in Davie; the construction of homes in "rural" neighborhoods that did not have "country" character; and the future development of the few remaining parcels of undeveloped land in the Town. In regards to the latter, he suggested encouraging developers to design communities that included some agricultural and equestrian components. Mr. Hurley reiterated that the agricultural businesses in the Town needed to be encouraged.

Councilmember Truex asked how the agricultural component could be incorporated in a residential development. Mr. Hurley suggested having equestrian trails passing through, rather than around, a development. He made mention of an Oak Hill type of neighborhood, rather than one that was closed off by berms, landscaping, or walls. He stated that "closed off" communities were not "friendly" to the community at large.

Mr. Bender referred to the County's \$400 million bond issue, stating that it was not guaranteed and the Town needed to proceed one way or another. He stated that the future Land Use map was an important tool that would offer protection where future development was concerned.

Debbie Apolinario, 14650 SW 29 Place, suggested developments like Blue Waters Farm be considered for future residential areas as it incorporated the agricultural component. She stated there was a serious problem with the Building Division. Ms. Apolinario felt that the Division did not distinguish between a rural area and "normal" developments. She

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referred to road widening in her neighborhood and stated that a more narrow road discouraged traffic and speeding. Ms. Apolinario indicated that the Building Division had forced situations such as street lights and wider roads, which the community, especially Oak Hill, did not want. She stated that the Building Division needed to join forces with the rest of the community and address the needs of the residents, especially where maintenance of the rural lifestyle was concerned.

Compton Callendar, 15857 SW 20 Street, advised that he had relocated from California and was concerned with the density that further development would cause.

Ms. Yoder stated that another factor which needed to be considered was school overcrowding. She stated that voters were clear on what they wanted and that was why the referendum was passed. Ms. Yoder strongly urged Council to take action before the land was overdeveloped.

Richard Weiner, 10244 SW 18 Street, stated that a zoning in progress needed to be addressed immediately.

Ms. Alonso stated that the older communities had character as the styles of the homes were unique and those properties were just as costly, if not more so, as those in the new developments

Mayor Venis closed the public input portion of the meeting.

Mayor Venis asked Development Services Director Mark Kutney how long it would take to prepare a zoning in progress ordinance. Mr. Kutney explained that there was no time frame and that the Town's Code provided for various methods to initiate a zoning in progress. He stated that if the goal of the zoning in progress could be more clearly defined, it could be done relatively soon.

Mayor Venis advised that he had attended a meeting with the Florida Department of Transportation (FDOT) regarding traffic in the western area. He stated that FDOT was "shelving" original plans as it wanted more input from the residents in the communities that were affected. FDOT wanted to have this meeting before July 31st, because they wanted to bring it before the Metropolitan Planning Organization for a vote by the end of the year. Mayor Venis felt that this was not going to happen this year, but anticipated this meeting with members of the western district and FDOT would occur some time in September. He stated that the position of Council was that the Town should not be used as a shortcut for non-resident traffic. Mayor Venis indicated that a zoning in progress would be an asset when addressing the FDOT.

Mayor Venis referred to the Plaza Center, stating that it would negatively impact Hiatus Road. He agreed that a zoning in progress needed to be addressed immediately. He also felt that traffic issues, maintaining rural character and design features of developments were also issues that needed to be expeditiously addressed.

Councilmember Truex asked Mr. Kutney to define a zoning in progress. Mr. Kutney explained that it was similar to a moratorium, but was used as a planning tool to delay development while the process was being worked on, rather than completely stopping it. He further explained that the language should be specific so that it was not construed to be arbitrary and capricious.

Vice-Mayor Paul agreed that a zoning in progress needed to be initiated as soon as possible, stating that it had been discussed repeatedly and it was time to take action. She asked if it could be processed by July 2001. Mr. Willi clarified that Council could take action at the July 3, 2001 Council meeting and request that the zoning in progress was in place

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immediately. He added that staff could prepare the necessary documents in time for that meeting. Vice-Mayor Paul stated that Mr. Willi's commitment to this process would be greatly appreciated by the community. Mr. Kutney outlined the Code to insure proper protocol was followed.

Councilmember Truex asked Mr. Kutney if he had enough information and direction to proceed with a defensible ordinance. Mr. Kutney stated that he felt prepared to move forward.

Vice-Mayor Paul spoke about the changes that had taken place in the Town. She referred to the Land Preservation bond, stating that municipalities were rejecting identified properties for land preservation because they wanted it for commercial development. Vice-Mayor Paul stated that the Town made a commitment to preserve land, yet they were being left out of the loop because they had the foresight to do so. She recommended that the Town look for alternative means to preserve land, such as grants or agricultural incentives for agricultural property owners. Vice-Mayor Paul stated the Land Preservation Board was meeting on July 19th and encouraged the community to attend this meeting to speak out on this issue.

Vice-Mayor Paul referred to the site plan for GL Homes, stating that the speed with which this project moved forward was unprecedented. She was concerned with the type of development that was proposed because it did not address the rural character of the Town. Vice-Mayor Paul addressed the issue of roadways and referred to the City of Wellington's road system in the equestrian community. She stated that roadways needed to be built inward, more mass transit needed to be included, and building of asphalt roads needed to be held to a minimum.

Councilmember Starkey stated this workshop was successful because it allowed Council the opportunity to clearly see how the community envisioned future land use for the Town. She was concerned with cluster zoning, but felt there were alternative means to address these issues and indicated that she felt it was important to maintain the one house per acre rule. Councilmember Starkey also felt that the zoning in progress was necessary and should be immediately addressed. She stated that land west of Nob Hill Road should remain rural, rather than planned residential communities.

Councilmember Truex thanked Ms. Aitken, Mr. Curtis, and Mr. Hurley for their involvement on the Charter Review Board and their insight into the possibilities for change. He disagreed with cluster zoning, adding that the one house per acre rule should remain as is. Councilmember Truex also agreed that it was imperative to expeditiously move forward with the zoning in progress ordinance.

There being no further business to discuss, Mayor Venis adjourned the meeting at 7:25 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk