

**LOCAL PLANNING AGENCY
MAY 9, 2001**

1. ROLL CALL

The meeting was called to order at 7:35 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, Edna Moore and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. PUBLIC HEARING

2.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-32.100 THROUGH 12-32.106 ENTITLED "COMMUNITY BUSINESS CENTER DISTRICT"; PROVIDING FOR DEVELOPMENT REGULATIONS FOR THE COMMUNITY BUSINESS CENTER ZONING DISTRICT; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO THE CREATION OF THE COMMUNITY BUSINESS CENTER DISTRICT; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Nolan provided background information and explained the intent of the ordinance. She explained that this was an additional zoning category, summarized the regulations, and listed the permitted uses. Ms. Nolan indicated that any uses not listed were prohibited and that the Town was more restrictive than the County, which was within its right to be. She answered questions as posed by Agency members.

A lengthy discussion ensued regarding such topics as the differences between fabrication and manufacturing; setbacks for satellite dishes; and special permit requirements and setbacks for telecommunication towers. Mr. Davis stated that language clarification needed to be made under "Limitations of Use" in section 2, subsections (b) and (d). Ms. Nolan agreed and noted what changes to make.

Chair Greb asked if anyone wished to speak for or against this item.

Bill Laystrom asked that there be some flexibility in the ordinance which allowed mixed-uses with a small percentage designated for commercial/retail. He provided examples of scenarios to better illustrate the benefit of this inclusion. Mr. Davis agreed with Mr. Laystrom as he believed showrooms were the trend and it would enhance market conditions. Chair Greb asked Ms. Nolan why commercial/retail had been omitted from the ordinance. Ms. Nolan explained that staff was concerned that the percentages would grow over time and become retail in nature whereas that would not meet with the intent of the employment center. She indicated that staff had considered the proposal and was working on language which would permit showrooms.

As there were no other speakers, Chair Greb closed the public hearing.

At Chair Greb's inquiry, Ms. Nolan identified the locations in the Town where community business centers would be appropriate. A brief discussion followed.

Mr. Davis made a motion, seconded by Mr. Waitkus, to approve with the comments made for clarification. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - no; Mr. Waitkus - yes. **(Motion carried 4-1)**

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to recommend to staff that there be reference to the limitation on the location of telecommunications towers, such that they did not "end up" on the perimeter of the property if the property adjoined a residential property. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - no; Mr. Waitkus - yes. **(Motion carried 4-1)**

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Ms. Moore made a motion to recommend to staff that the "ordinance for the CBC [Community Business Center] district be amended to include a certain percentage of the land use that may be used for retail purposes at 20 percent." The motion died for lack of a second.

Mr. Davis made a motion, seconded by Mr. Waitkus, to reconsider his first motion. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to rescind his first motion. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to approve the proposed ordinance with the changes that had been made for clarification and to include that 20 percent retail be allowed as an incidental accessory to the primary permitted use within the same bay.

Chair Greb asked Ms. Nolan if 20 percent retail was reasonable. Her reply was that 10 percent was more appropriate. A discussion ensued regarding how much space should be allowed for retail use.

In a roll call vote, the vote was as follows: Chair Greb - no; Vice-Chair Stahl - no; Mr. Davis - no; Ms. Moore - yes; Mr. Waitkus - no. **(Motion failed 1-4)**

Mr. Davis amended his motion, seconded by Vice-Chair Stahl, to include that 10 percent retail be allowed as an incidental accessory to the primary permitted use within the same bay. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-375 THROUGH 12-379 ENTITLED "MASTER PLANNED DEVELOPMENTS"; PROVIDING MASTER PLANNED DEVELOPMENT GUIDELINES; AMENDING SECTION 12-54 ENTITLED "NONRESIDENTIAL PERFORMANCE STANDARDS"; TO REFLECT THE NEW MASTER PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Nolan briefly explained the intent of the ordinance and stated that it was basically to create master plan development for vacant lands of five acres or greater for commercial property and ten acres or greater for residential property. She indicated that these plans would address site design, tree preservation and relocation and site access issues.

Ms. Nolan indicated that the same approval process would be used that was currently in effect for site plan, Code Section 12-371 through 12-387; however, all requirements were included and designed beforehand in a complete package.

Vice-Chair Stahl stated that historically, those under the B-3 zoning brought conceptual site plans that were a "joke." He suggested that this ordinance be applied to the B-3 zoning as well. Ms. Nolan stated that the master plan came after the zoning stage and before the site plan stage.

Chair Greb asked what the cost would be to go through this process for a developer. Ms. Nolan indicated that the cost would be the same as it would if the plan was presented in phases as all required elements would have to be provided at one time or another. Chair Greb asked if a property owner wanted to build one house on a ten-acre parcel, would they be responsible for the same master plan. Ms. Nolan replied affirmatively and stated that it would not be on the same scale as a multiple dwelling development.

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Mr. Davis felt it was not fair for a property owner who intended to build one home on ten acres to have to provide the Town with a traffic study and landscape plans. Ms. Nolan explained that one house on five acres of land was exempt from a traffic study by Broward County; however, one house on ten acres had to be platted, which would then trigger the traffic study from the County.

Mr. Davis felt the ordinance was overwhelming and would deter development. Chair Greb agreed; however, he felt it would not be a problem for big developers. Ms. Nolan indicated that it would be very easy for the Town to exempt one dwelling unit on ten acres of land.

Ms. Moore agreed that this plan would be overwhelming if it all had to be provided simultaneously and that it would deter future development. She referred to a discussion by the Joint Economic Development Steering Committee where it was believed that the Town was not development friendly.

Mr. Waitkus felt this plan was the first step in assuring that builders would not cut corners; however, he agreed that it would be difficult for small developers.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Discussions continued among Agency members and staff regarding the impact of this ordinance on the Griffin Road Corridor, building permit procedure, and the time element of implementing the ordinance and its effects on present applications. Mr. Kiar felt that the permitting process had moved expeditiously in the past. Ms. Nolan added that there was a schedule already incorporated within the Planning and Zoning Division and she explained the process. Ms. Moore felt that if a plan met the Code, there should be a process in place that assured the plan would be approved within 30 or 60 days. She believed that there had been too many arbitrary decisions made over the years which prolonged the permitting process and that it needed to be changed to help the developer. This point was debated at length.

Mr. Davis made a motion, seconded by Mr. Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - no; Mr. Waitkus - yes. **(Motion carried 4-1)**

2.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTION 12-33(II) ENTITLED "CLEARING AND GRUBBING", AMENDING CHAPTER 26, BY CREATING ARTICLE IV, ENTITLED "CLEARING AND GRUBBING OF LAND", AND SECTION 26-45, ENTITLED "PERMIT PROCEDURES PRIOR TO CLEARING AND GRUBBING OF LAND", PROVIDING FOR INTENT, APPLICABILITY, PERMIT PROCEDURES, PERMIT APPLICATION, AND REQUIRED DOCUMENTATION PRIOR TO THE ISSUANCE OF A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Nolan explained that this ordinance tied together all of the different sections of the Code to insure that permits were in place prior to property being cleared. She reviewed the sections that included wildlife ordinance, tree preservation, wetlands preservation, and sediment and erosion control.

Mr. Davis asked if the term "tree removal permit" should be changed to "clearing and grubbing permit." Ms. Nolan clarified that the clearing and grubbing permit was an addition. She stated that she would clarify the language in the ordinance so that there was no confusion.

Mr. Davis referred to the Wildlife Protection Plan and asked whom the affidavit was from. Mr. Kiar explained that the ordinance required a sworn affidavit from the Chief Executive Officer of the developer. Ms. Nolan explained the process and requirements that needed to be met, adding that this was a federal issue, not a local one. Mr. Kiar explained that if the affidavit was falsified, the penalty was perjury.

Ms. Moore asked about the costs for the permits. Ms. Nolan explained there were application fees for all permits and the Town had to legally justify all application fees. Mr. Davis indicated that there should

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be a penalty for non-compliance with this ordinance and that a violation section should be included in the ordinance. Ms. Nolan indicated that the Code Enforcement Division in the Code of Ordinances was an effective tool to deal with such matters.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. Davis made a motion, seconded by Mr. Waitkus, to approve with corrections made for clarification. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - no; Mr. Waitkus - yes. **(Motion carried 4-1)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

Chair Greb stated that he might not be reappointed to this Board. He spoke of the history of this Board and his involvement and he thanked all those who supported him through his years on this Board.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:28 p.m.

Date Approved: _____

Chair/Agency Member