

**PLANNING AGENCY
SEPTEMBER 24, 2003**

1. ROLL CALL

The meeting was called to order at 9:10 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Board Attorneys Andre Parke and Martin Kiar, Planning and Zoning Manager Fernando Leiva, Planners Deborah Ross and Brad Swing, and Board Secretary Janet Gale recording the meeting.

2. PUBLIC HEARING

Chair Bender announced that item 2.2, LA 03-06, had been tabled to October 22, 2003. There were no objections. He advised that due to the crowd of people in the audience, he wanted to take item 2.3 out of order. As there were no objections, this item was addressed first.

2.3 LA 03-07

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 03-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO "EMPLOYMENT CENTER - LOW"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Bonnie Miskel, representing the applicant, was present. Mr. Swing was reading the planning report when Chair Bender interrupted. He advised that it would be necessary to review item 2.4 first, in order to establish the land use category, before item 2.3 was heard. There being no objections, the Board proceeded to review item 2.4.

2.4 LA(TXT) 03-08A

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 03-08A AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND PERMITTED USES AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY AND PERMITTED USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross, representing the petitioner, explained that the intent of the ordinance was to bring the uses in concert with the Land Use Plan. She read the planning report and pointed out the differences between the uses in an "employment center-low" and "employment center-high". She answered questions posed by Agency members.

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

Rebecca Miele, 5251 SW 49 Street, questioned when the zoning was changed from an open space. Chair Bender dispelled her confusion and assured her that she would have an opportunity to voice her opinion on item 2.3 when it was to be reviewed.

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

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In the brief discussion that followed, Agency members suggested other uses to be removed from the "employment center-low".

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve with the following uses being deleted from employment center-low: fabrication and assembly; hotels, motels and similar lodging; and community facilities. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 5-0)**

2.3 Mr. Swing continued reading the planning report from where he left off earlier.

Ms. Miskel provided a presentation and pointed out the benefits of the project as well as the compatibility of the location. She emphasized that there would be no access on SW 58 Avenue and dispelled the rumor that there would be five-story buildings. Ms. Miskel used renderings and other graphics to project various visual perspectives from different vantage points.

Robert Bowman, 5500 SW 55 Avenue, spoke in opposition. He felt it was not compatible next to residential and indicated that several similar propositions had been "shot down" before.

Michael Gati, 4770 SW 57 Avenue, spoke in opposition and wondered where the secondary access would be located and what would be the impact on the residential community.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, spoke in opposition. She believed this project should be placed in similar zoning and not be located next to residential. Ms. Stenzel-Nowicki was also concerned with the impact of this development on the 58th Avenue canal.

Jeff Flaherty, 5380 SW 58 Avenue, spoke in opposition for similar reasons as stated by others.

Janice Vliet, 5630 SW 54 Street, spoke in opposition.

Angelo Miele, 5281 SW 49 Street, spoke in opposition. He pointed out where he anticipated a "traffic nightmare".

Rebecca Miele, 5251 SW 49 Street, spoke in opposition as she recalled that the Town Council had promised the property would be designated open space. She pointed out that the project was not located on a major road.

Dan Cunningham, 5347 SW 48 Street, spoke in opposition due to traffic concerns.

Paul Humann, 4980 SW 61 Avenue, spoke in opposition and was concerned about emergency vehicular access and that other developers would seek zoning changes if this were to pass.

Kathryn Holmes, 5700 SW 54 Street, spoke in opposition.

Paula Schenk, 5401 SW 49 Street, spoke in opposition.

Sherill Freeman, 5750 SW 48 Street, spoke in opposition, agreed with others and specified that her three issues were traffic, safety and noise.

Valerie Losio, 5740 SW 54 Street, spoke in opposition and clarified that restaurants and food service were not excluded and could be opened past 5 p.m.

Matt Murphy, 4800 SW 59 Terrace, spoke in opposition.

Carol Sattler, 4900 SW 58 Avenue, spoke in opposition and read from the Davie Update regarding the open space policy.

James Brown, 5741 SW 54 Court, spoke in opposition.

Chris Murphy, 4800 SW 59 Terrace, spoke in opposition.

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Darlene McClure, 5051 SW 58 Avenue, spoke in opposition.

Jack Antoinete, 5721 SW 57 Street, spoke in opposition.

Christopher Harrington, 5701 SW 58 Street, spoke in opposition.

Rolyce Jacque Daniels, 5621 SW 54 Court, spoke in opposition.

Jim Moore, 5602 SW 57 Place, spoke in opposition.

Rafael Gonzalez, 5500 SW 48 Street, spoke in opposition.

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Robert Myers, 5740 SW 56 Street, spoke in opposition and stated that his experience as a delivery person was that these employment centers received deliveries as late as midnight.

Norman MacKinnon, 5357 SW 48 Street, spoke in opposition.

Jean Simmons, 5357 SW 48 Street, spoke in opposition.

Michael Rose, 5750 SW 55 Street, spoke in opposition.

Michael Deruytter, 5463 SW 60 Avenue, spoke in opposition.

Nicole Colette, 5291 SW 48 Street, spoke in opposition.

Michael Cohen, 5500 SW 58 Court, spoke in opposition.

Linda Brown, 826 SW 11 Court, spoke in opposition. As a member of the Sierra Club, she spoke of a "well field" area nearby which this project would impact.

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

Ms. Miskel responded to the major concerns that had been expressed by the residents. She assured that there would be no access from SW 58th Avenue; she addressed the drainage and indicated that the development would not add to the existing problem and may correct some issues; that the extensive buffer would encourage pedestrian and equestrian travel; and, that since the property was not designated open space, it was private property and the owners wished to have it developed. Ms. Miskel also spoke of the planned utilities and sewer system.

Chair Bender disclosed that he had received a call from Debbie Orshefsky on the applicant's behalf. He expressed that as far as lost revenues were concerned by not having an employment center, he could not put a price on the quality of life.

Ms. Lee expressed her disfavor and believed it had no useful purpose next to residences.

Vice-Chair Turin pointed out the positives and negatives and took exception with the planning report which noted that the location of the property was at the intersection of Griffin Road and the Florida Turnpike. She believed neither 52nd Avenue nor 58th Avenue could handle the traffic impact. Vice-Chair Turin agreed that the concept was good but the location was not appropriate for that kind of use.

Both Mr. McLaughlin and Mr. Stevens expressed their concerns regarding the poor choice of location.

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to deny. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 5-0)**

The Agency recessed at 11:35 and resumed at 11:45.

2.1 Telecommunications Ordinance

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(tabled from August 27, 2003)**

Ms. Ross explained the intent of the ordinance as the applicant had to leave the meeting.

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

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Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – yes. **(Motion carried 5-0)**

2.5 LA(TXT) 03-08B

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 03-08B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO ESTABLISH A “LOCAL ACTIVITY CENTER” LAND USE CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained why staff was requesting a tabling to December 10, 2003.

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to table to December 10, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. OLD BUSINESS

There was no old business discussed.

4. NEW BUSINESS

There was no new business discussed.

5. COMMENTS AND/OR SUGGESTIONS

Mr. McLaughlin commented that the setup for speakers to sign-in was working out well.

6. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 11:50 p.m.

Date Approved: _____

Chair/Agency Member