

LOCAL PLANNING AGENCY

JUNE 9, 2004

1. ROLL CALL

The meeting was called to order at 7:03 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Town Attorney Monroe Kiar, Attorney Andre Parke, Planning and Zoning Supervisor Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: November 12, 2003

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve the minutes of November 12, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARING

- 3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE; AMENDING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES" PROVIDING FOR HOME OCCUPATION REGULATIONS; AMENDING SECTION 12-34(N) ENTITLED "HOME OCCUPATION" PROVIDING FOR INTENT, ZONING DISTRICT LIMITATIONS AND USE CRITERIA FOR MUSIC LESSONS IN SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS; AMENDING SECTION 12-503 ENTITLED "DEFINITIONS" PROVIDING FOR DEFINITIONS FOR HOME OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Chair Bender advised that this item was requested to be tabled to June 23, 2004.

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to table to June 23, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. OLD BUSINESS

- 4.1 Review Modifications to Section 12-32 of the Land Development Code, Table of Permitted Uses for M-3

At the Agency's request, Ms. Nolan identified the existing legal non-conforming uses currently in Zoning Conformance Area One, which would be allowed in M-4 (County and Hacienda Village) and which would not be allowed in the Town's M-3. Those uses were salvage yard/junkyard/auto wrecking yard/recycling yard, oil recycling/petroleum refinery/oil reclamation, movie theater/adult use, and truck/freight terminal. She clarified that the intent of the Code amendment was to allow those uses currently in the Town to continue as legally permitted uses and not to increase the number of additional non-conforming uses. Ms. Nolan also advised that staff had recommend that there be no expansion of uses into adjacent parcels of land; however, if a property owner was leasing an adjacent property, then the use of the adjacent property should not be considered an expansion. She explained the reasons behind these recommendations.

Chair Bender advised that although this was not a public hearing, he would open to public comments.

Larry Danielle pointed out some discrepancies in the map used by Ms. Nolan and she noted the corrections. He clarified that the transfer station was not an issue in Zoning Conformance Area One and Ms. Nolan agreed. Mr. Danielle indicated that the only problem he

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had was the setback issue. Ms. Nolan responded that staff would do further research and that these existing uses would most likely not be bound by the 200-foot setback.

Suzanne McLean and Joseph Danielle discussed his interest in the Code amendment and proposed that the term "junkyard" be updated to "salvage recycling."

Michael Manes, representing Mr. Danielle, asked to consider creating an M-4 zoning category for this area which would maintain the existing setbacks since that was an issue for his client.

Richard Valiga indicated that the definitions needed to be broadened to include some minor reclamation pertaining to oils. He advised that within the process of vehicle salvaging, other fluids were recovered such as gasoline, antifreeze, and transmission fluid.

Ms. Nolan explained that the intention was to address three of these uses in the M-3 district as a separate section of the Code as "uses that have additional requirements" and to elaborate on the definitions, sales and transfer procedures. She pointed out the issues regarding expansion and "trading uses across parcels" which were addressed in the ordinance.

Mr. Manes opined that what was proposed was to allow legal conforming uses that could never change or not allow a change in uses, although they were allowed to intensify. Mr. McLaughlin agreed with Mr. Manes and clarified that his perception of the proposed direction was to eliminate those uses from M-4 which the Town did not want and to allow that all the approved, existing uses continue to operate within Zoning Conformance Area One and that anyone could use them.

A lengthy discussion ensued among Boardmembers regarding the balance between the needs of existing landowners and the need of the Town to address the future compatibility of development and redevelopment in the industrial area. Messrs. Stevens and McLaughlin agreed that they had reservations regarding not being allowed to trade uses across parcels which were represented at this meeting. Ms. Lee also agreed and, therefore, Ms. Nolan noted that the Board recommended that the subject uses should be permitted to be exchanged among the landowners under discussion. The Board's recommendations were noted by Ms. Nolan who indicated that a draft would be completed within four weeks for review.

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to give direction to staff to prepare an ordinance regarding the rezoning of the M-4 District in Zoning Conformance One to M-3 Town of Davie. Included in that ordinance would be clarification regarding the setback requirements; changing the definition of junk yard or salvage yard and to include within that definition "accessory uses" such as minor oil reclamation, antifreeze, gasoline and transmission fluid; to permit as legal uses salvage yard, junkyard, auto wrecking yard, recycling yard, oil recycling, petroleum refinery, oil reclamation and truck/freight terminal; to allow on these parcels within Zoning Conformance One that are currently being used as one of these three uses that were previously mentioned, to allow that the uses be traded amongst these parcels; and to not allow further expansion on adjoining parcels unless that parcel was currently leased or owned by one of these parties and currently being used as one of the three uses described. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - no; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 4-1)**

5. NEW BUSINESS

There was no new business discussed.

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6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:38 p.m.

Date Approved: _____

Chair/Agency Member