

# PLANNING AND ZONING BOARD

APRIL 12, 2000

## 1. ROLL CALL

The meeting was called to order at 7:37 p.m. Board members present were Vice-Chair Michael Davenport, Larry Davis, John Pisula and Jay Stahl. Also present were Board Attorney Suzanne McLean, Planner Jason Eppy and Secretary Alina Medina recording the meeting. Chair George Greb was absent.

## 2. PLATS

2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1) (tabled from March 22, 2000)

Vice-Chair Davenport noted that this was the second tabling request and asked what the reason was. Mr. Eppy responded that staff was working with the petitioner in trying to allow the plat to work along the newly established Griffin Road Corridor District and he explained why the petitioner had requested a tabling to April 26, 2000.

Mr. Stahl made a motion, seconded by Mr. Pisula, to table to April 26, 2000. In a voice vote, with Chair Greb being absent, all voted in favor. **(Motion carried 4-0)**

2.2 P 7-1-99, The Edjeslan Plat, one block west of the southwest corner of Nob Hill Road and State Road 84 (A-1 and B-3)

Neal Janov, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: approval, subject to the conditions as outlined in the report).

Mr. Pisula made a motion, seconded by Mr. Stahl, to approve subject to the planning report. In a roll call vote, the vote was as follows: Chair Greb - absent; Vice-Chair Davenport - yes; Mr. Davis - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 4-0)**

2.3 P 2-3-00, Davie-Berman Plat, northwest corner of SW 58 Avenue and Stirling Road (B-2)

Jane Storms, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: approval subject to the condition as noted in the planning report).

Mr. Stahl made a motion, seconded by Mr. Pisula, to approve subject to the planning report. In a roll call vote, the vote was as follows: Chair Greb - absent; Vice-Chair Davenport - yes; Mr. Davis - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 4-0)**

## 3. PUBLIC HEARINGS

### *Rezoning*

3.1 ZB 12-2-99, Laystrom/95 Whse, Inc., northeast corner of 71 Terrace and Nova Drive (from R-4A and Old Code M-1 to RM-16) (tabled from March 22, 2000)

Bill Laystrom, the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: denial).

Mr. Laystrom provided historical information and indicated that he had met with neighboring residents five or six times over the past year. He summarized the intent of the project and presented his viewpoint that RM-16 was compatible with the existing surroundings and best served as a transition into the existing industrial. Mr. Laystrom went through the

standards of approval and debated the traffic issue. It was his contention that apartments would generate less traffic trips than industrial and this complex would enhance the tax base.

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Mr. Eppy explained that the Town did not have an RM-15 zoning district implemented within the Code. He added that additional research showed there may have been additional restrictions previously adopted that limited the density in the area. Mr. Eppy explained that the R-4A zoning district was further scrutinized, and the petitioner was seeking a zoning designation that no longer existed, namely RM-16. He discussed the history of the zoning and explained the changes that had been adopted in regard to this zoning district. Mr. Eppy stated that this was not an issue of land use, but rather of the zoning that was being requested and the restricted number of units. He indicated that the land use allowed for 22 units per acre, but because of previous ordinances, this property was limited to 15 units per acre. Mr. Eppy clarified that although Mr. Laystrom was seeking a rezoning to RM-16, he would be limited to 15 units per acre. He added that although many documents had been destroyed since the 1972 amendments, available evidence was consistent and identified the 15 units per acre maximum allowed under the RM 16 zoning district.

Mr. Davis asked if any traffic studies had been done with the assumption that the zoning would remain as it was. Mr. Laystrom stated that no traffic studies had been done as such.

Mr. Pisula asked if the petitioner could build M-1 on the back two and one-half acres and put 15 units per acre "on the front" which would amount to 105 garden apartments, without requiring a variance. Mr. Eppy agreed.

Vice-Chair Davenport asked how Mr. Laystrom came to the conclusion that if the density was reduced to 10 or 12 units, as the residents had requested, how would it not make a difference in the traffic as opposed to RM-15 zoning. Mr. Laystrom explained that the majority of the traffic on Nova Drive was from the educational complex. He calculated the difference between the various numbers of units and explained that it would not make a significant difference.

Vice-Chair Davenport asked if anyone wished to speak for or against this item.

Carol Kukin, 7363 SW 26 Court, described the various additions that were being made to Nova Southeastern University and the entire educational complex. She was concerned with the increased traffic and the safety of children in the neighborhood. Ms. Kukin recommended adding a four-way stop sign so that residents could have reasonable access onto Nova Drive and that the traffic would be slowed down. She urged the Board to prepare for the future where traffic was concerned.

David Freemont, 2605 SW 73 Way, indicated that neighboring residents did not want warehouses in the area as had been indicated to Mr. Laystrom on many occasions. He stated that his community was in favor of 10 units per acre, rather than 16, especially because of traffic congestion.

Norm Blanco pointed out various complexes in the area and the number of units each complex had. He stated that there was a serious traffic problem in the area already and was not opposed to the new complex, but was against the number of units Mr. Laystrom proposed.

Alma Gagnon, 2340 SW 70 Terrace, stated that Mr. Laystrom's intention had not been clear as his plans had changed many times. She reiterated that the community was not against the complex, but against the number of units being proposed.

Kathy Summers, SW 72 Avenue, spoke of the children in the area and the concern with increased traffic. She was also concerned that no traffic study had been done. Ms. Summers felt that Mr. Laystrom was threatening the community by stating that if they opposed the complex, then industrial would be built.

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Anthony Asciossi could not understand why the property was purchased if the buyer knew the zoning had to be changed to meet his needs. He stated that the traffic was horrendous in this area and was opposed to the fact that a traffic study had not been done.

Nick Williams, 2501 SW 71 Terrace, was a courier in the area and spoke about the traffic problems, especially in the morning hours where he found it very difficult to leave his complex and turn onto Nova Drive. He was concerned with the amount of children in this area and their safety in regards to the traffic congestion. Mr. Williams urged this Board to strongly consider the community, their future, and their safety.

Herty Halperin, 7514 SW 28 Street, asked that the Planning and Zoning Board look at this as a self-imposed hardship to the developer.

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

Mr. Laystrom responded to the concerns verbalized by the previous speakers. He reminded that this meeting was for rezoning and other issues not related to the rezoning would be addressed at platting. Mr. Laystrom explained that the zoning in place and the proposed zoning were almost identical and it was not necessary to do a traffic study because the traffic was determined by a mathematical equation. Finally, Mr. Laystrom clarified that the RM-16 zoning district was the appropriate district and staff had indicated that it was the closest to RM-15.

Mr. Stahl agreed that there was not a problem with the residential development, but with the numbers. He was opposed to the petitioner building a complete RM-16, since the RM-15 was not available. Mr. Stahl stated that although the surrounding parcels had RM-16 zoning, they had never built to capacity. He stated that if he had assurances that the petitioner would build closer to an RM-12, he would be more agreeable to this petition. Mr. Stahl stated that he would not be agreeable to RM-16 and if the petitioner did not change his proposal, he would vote for the portion of the property to remain industrial, although he did not want to see it as industrial property.

Mr. Pisula stated that the public had not addressed the fact that they did not want M-1 in this area. He did not want industrial in this residential area and stated that as it was, the petitioner could build both industrial and residential without rezoning. Mr. Pisula asked Mr. Laystrom if his petitioner was willing to stipulate that he would not build more than 15 units per acre. Mr. Laystrom stated that this discussion with residents had been ongoing for a long time and that he would not consent to this at this level, adding that it would be addressed at Council level.

Vice-Chair Davenport asked Mr. Eppy if Nova Drive was in the Broward County plans for improvement. Mr. Eppy deferred to Planning and Zoning Manager Jeff Katims, who described future proposed changes, adding that they were neither funded nor programmed at this point.

Vice-Chair Davenport asked Ms. McLean if the community's traffic concern were part of the application this Board needed to consider. She responded that traffic conditions were part of one of the criteria this Board was to follow.

Vice-Chair Davenport was concerned that the traffic problem already existed in this area and there was no relief expected. He felt that the residents were looking for a voluntary resolution by the petitioner to limit the number of units to be built on this property if it was accepted for RM-16 rezoning.

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Mr. Stahl pointed out that the six developments on Nova Drive averaged 11 units per acre despite that they were zoned RM-15. He suggested that the owner of this property develop it in conformance with the neighboring developments.

Mr. Stahl made a motion, seconded by Mr. Davis, to deny. In a roll call vote, the vote was as follows: Chair Greb - absent; Vice-Chair Davenport - yes; Mr. Davis - yes; Mr. Pisula - no; Mr. Stahl - yes. **(Motion carried 3-1)**

The Board recessed at 8:55 p.m. and reconvened at 9:02 p.m.

3.2 ZB 1-1-00, Sinalovski Guterrez Architects, Inc./Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., Edjeslan Enterprises, Inc., 10200 State Road 84 (from A-1 to B-3) (tabled from March 22, 2000)

Carlos Gonzalez, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: approval subject to conditions as outlined in the report).

Vice-Chair Davenport asked how many square feet the child care center would be. Mr. Gonzalez stated that between Phase I and Phase II, there was approximately 16,000 square feet. Mr. Gonzalez explained that the right-of-way in question was discovered during the platting process. Mr. Eppy further explained how this came about, clarifying that both Phase I and Phase II of this project had been previously approved.

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

Mr. Pisula made a motion, seconded by Mr. Stahl, to approve subject to vacation of right-of-way, declaration of restrictions, and conceptual master plan. In a roll call vote, the vote was as follows: Chair Greb - absent; Vice-Chair Davenport - yes; Mr. Davis - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 4-0)**

*Variance*

3.3 V 3-1-00, Pilar Dev. Inc./Frazer, 12710 SW 34 Place (R-1)

Jay Evans, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Mr. Evans clarified that there was 50 feet between the property in question and the adjacent lot.

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

Mr. Pisula made a motion, seconded by Mr. Davis, to approve. In a roll call vote, the vote was as follows: Chair Greb – absent; Vice-Chair Davenport – yes; Mr. Davis - yes; Mr. Pisula - yes; Mr. Stahl – yes. **(Motion carried 4-0)**

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**4. OLD BUSINESS**

Mr. Stahl praised the petitioner for item 3.2 for having brought in a site plan that was clear.

Mr. Stahl advised that Council had directed Mr. Zimmerman to present a more comprehensive plan of his project than had been submitted and that a traffic study needed to be conducted as well.

**5. NEW BUSINESS**

5.1 Review of a proposed ordinance providing for Yacht Manufacturing and repair in the M-2, Medium Industrial Density

Planner Marcie Nolan indicated that the intent of the proposed ordinance was to amend M-2, Medium Industrial District, and allow for yacht manufacturing and repair uses. She explained that there were currently three parcels of land adjacent to the New River that would be impacted, and these parcels were under the old Hacienda Village and Broward County Codes. Ms. Nolan further explained that the existing uses would be put into the current land development Code to allow them to operate legally and to eventually rezone to M-2 classification.

Vice-Chair Davenport asked if this land development change was for waterside properties only, or if inland properties were included. Ms. Nolan responded that it was for both.

Vice-Chair Davenport asked if a recommendation was expected from the Board. Ms. Nolan explained that a recommendation could be made; however, the presentation was mostly informational. Mr. Stahl commented that if this was ready to go before Council at the upcoming meeting, he would have liked to read the report before taking action on it.

Mr. Pisula made a motion, seconded by Mr. Stahl, to recommend approval to Council. In a roll call vote, the vote was as follows: Chair Greb - absent; Vice-Chair Davenport - yes; Mr. Davis - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 4-0)**

**6. COMMENTS AND/OR SUGGESTIONS**

Mr. Pisula advised that he would be resigning from this Board effective April 13, 2000. He felt that the Board needed representation from the east side of Davie and indicated that he had expressed this concern to Councilmember Clark.

**7. ADJOURNMENT**

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

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member