

**PLANNING AND ZONING BOARD
MARCH 28, 2001**

1. ROLL CALL

The meeting was called to order at 7:30 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, Edna Moore and Bob Waitkus. Also present were Town Counsel A. Thomas Connick, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: January 10, 2001

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to approve the minutes of January 10, 2001, with the following changes: page 2, item 3.6, paragraph 7, change the word "work" to the word "word" in both cases; page 5, item 3.4, paragraph 3, change the word "appealing" to "repealing;" and page 5, paragraph 4, to add commas before and after the phrase "to consider a tabling." In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Greb indicated that three items were to be tabled and he requested a motion to take those items out of order.

Mr. Davis made a motion, seconded by Ms. Moore to take items 4.3, 4.4 and 4.5 out of order. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Variances

4.3 V 1-3-01, The Costoya Group, Inc./Carmco Inc., 3500 SW 130 Avenue (R-1) (tabled from March 14, 2001)

Chair Greb requested information from staff as to why this item was being tabled. Mr. Gratz advised that the applicant had requested the tabling until April 11th, which would be after a vested rights determination was made by the Town Council.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to table to April 11, 2001. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.4 V 2-1-01, Willow Acquisitions, L.L.C., 15700 Pointe West Drive (BP)

Chair Greb requested information from staff as to why this item was being tabled. Mr. Gratz advised that there was a difference in opinion regarding the open space requirements for this site and, therefore, staff was requesting the tabling to April 11th, in order to work out this problem with the applicant.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to table to April 11, 2001. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Special Permit

4.5 SE 1-2-01, Crown Castle/AMF Bowling Centers, Inc., 8200 West State Road 84 (B-2) (tabled from March 14, 2001)

Chair Greb requested information from staff as to why this item was being tabled. Mr. Gratz advised that staff was requesting this tabling due to an error he had inadvertently made in "lumping" two items together to be tabled from the last meeting. He clarified that the request for tabling this item should have originally been made to April 11th.

Mr. Connick explained that the applicant was not at fault and that since staff had made an error, the item must be tabled. He stated his concern that the Planning and Zoning Board and the Council were to be fair to the applicants as well as to those in favor and against this item. Mr. Connick suggested that if the applicant had no objections to allowing the public to express their feelings, it would be a benefit to know their concerns in order to address them.

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Mr. Waitkus stated that he agreed with Mr. Connick and that more information would be helpful to the Board. The applicant, Susan Trevarthen, indicated that she voluntarily agreed that this item be discussed by the public despite the fact that it had been requested to be tabled.

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to table to April 11, 2001. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLATS

3.1 P 9-2-00, Perez Estates, SW 23 Street, west of Hiatus Road (A-1)

The petitioner was not present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Mr. Davis advised that there was a typographical error in the dedication section of the plat noting that a ten foot landscape easement was indicated for lots one and two whereas it should have been for lots two and three. Mr. Gratz agreed that Mr. Davis' observation was correct.

Mr. Davis questioned that a homeowners association was to be formed for three homes and asked Mr. Connick if that was correct. Mr. Connick clarified that it was unusual and correct.

Mr. Davis made a motion, seconded by Ms. Moore, to approve subject to the correction of the "typo" in the plat; subject to an executed Recreational Impact Fee Agreement; and approval for sufficient capacity of the regional road network as determined by Broward County. 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)**

3.2 P 11-1-00, Glen's Automotive Center, Reese Road at southwest corner of State Road 84 intersection with Florida Turnpike (M-3, County)

Oscar Fuller, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Davis questioned if the words "warehousing" and "storage" were interchangeable. Mr. Fuller and Mr. Gratz responded affirmatively.

Ms. Moore 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 - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

4. PUBLIC HEARING

Rezoning

4.1 ZB 1-1-01, Crown Castle/AMF Bowling Centers, Inc., 8200 West State Road 84 (from B-2A, Old Code to B-2) (tabled from March 14, 2001)

Susan Trevarthen, representing the petitioner, was present. She requested that the zoning request be granted in accordance with the staff's report. Ms. Trevarthen stated that the property was improperly zoned under the current scheme and needed to be rezoned under the current commercial zoning category.

Mr. Connick stated that the purpose of this rezoning was to make it consistent with other similar type zonings in the Town. He clarified that this was not to deal with a specific item, however, it allowed for development uses of the property within that zoning category.

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Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Vice-Chair Stahl asked for clarification that if this was left as B-2A zoning, nothing would change. Mr. Gratz stated that he was correct. Mr. Waitkus indicated that it would be helpful to know what would be permitted in the new zoning as opposed to the present zoning. Mr. Gratz responded that while both were basically the same, in the old Code, it did not specifically state that telecommunications towers were to be permitted in the district whereas the new Code did address such structures.

Mr. Davis stated that it would be helpful to distinguish between a special permit and a rezoning. Chair Greb responded that this was strictly regarding rezoning from the old Code to the new Code and would not in itself allow a tower to be installed. He added that a special permit would have to be granted to allow a tower and that that would be addressed at the April 11th meeting.

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

Steven Dambra, 1794 Southwest 81 Lane, spoke in opposition of the rezoning. He took issue with the statement that the old Code did not address radio communications towers and stated that cell phones had been around since before then. Mr. Dambra stated that his residence should not be referred to as a condominium, but as a townhome.

Keith Force, 1890 Southwest 81 Way, spoke in opposition of this item. He stated that he lived in a townhouse and many babies and children resided in Arrowhead. Mr. Force discussed that a 150 foot tower would not look good and its effects on the residents were unknown.

Lee Weissman, 8060 Southwest 18 Place, stated that he had been a resident of Arrowhead for almost 13 years. He spoke in opposition of this item and stated that when he purchased his home, it had been a quiet residential area that was being encroached upon by nearby businesses. Mr. Weissman felt that the proximity of the proposed tower was too close to homes and would diminish property values as well as aesthetic values. He spoke of the danger if there were a hurricane or any similar act of nature. Mr. Weissman declared that there were bad medical effects from the emitted radio waves and constant noise from an electrified tower and pleaded that this area not be rezoned.

Ira Moskowitz, 1769 Southwest 81 Lane, resided directly behind the proposed tower location and spoke in opposition of this item. He advised that he had twin boys and a five-week old baby and stated that his bedroom would be right next to the tower and did not want his family jeopardized.

Elliot Frimmer, 1830 Southwest 81 Way, stated that he was a member of a Practical Engineering Firms of the World and the National Academy of Science, and he was in opposition of this item. He stated that he wanted the zoning to remain the same. Mr. Frimmer further explained how the tower operated and the potential health hazards it could cause. He stated that the tower could have been placed 10 to 20 miles from the switching station and there was no reason to erect it in the proposed location.

Camille Foss, 1819 Southwest 81 Way, spoke against this item. She stated that a board meeting had been "crashed" by the representatives promoting the tower. Ms. Foss spoke of the differences in B-2 and B-2A zoning and had researched the effects of the tower; however, representatives at her meeting came without a technical engineer to answer specific questions. She did not want the tower in her neighborhood.

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George Miller, 1819 Southwest 81 Lane, stated his opposition to the rezoning and questioned what was allowed. Mr. Gratz replied that currently, all commercial zoning categories permitted telecommunications towers with a height limit of 150 feet. Mr. Miller stated that these towers were an eyesore, were unstable during bad storms, could cause health problems, and real estate values would depreciate. He advised that Cooper City residents were opposed to this tower which had been proposed to be 350 feet from houses, yet, this tower was going to be 20 to 30 feet from houses in Davie. Mr. Miller stated that this was not the way for a city to plan its development and urged the Planning and Zoning Board to disapprove on behalf of Arrowhead residents.

Andrea Moskowitz, 1819 Southwest 81 Lane, spoke against this tower stating that she had three children and did not want a tower in her backyard where they played.

Edie Morgenstern, (no street address) Southwest 81 Lane, stated that she was opposed to items 4.1 and 4.5.

Andrew Killiam, 1829 Southwest 81 Way, stated that he was opposed to the tower. He stated that everyone would "know" the Board members because he and other residents were "getting the word out" via the Internet, e-mail, and meetings.

Charles Anthony Golden, Sr., 1820 SW 81 Terrace, spoke in opposition of the proposal. He expressed that it would be a huge eyesore to the neighborhood.

Scott Starr, 1820 SW 81 Terrace, was opposed to the proposal and questioned if the zoning was commercial or residential. Chair Greb replied that it was commercial and would stay commercial.

Mr. Frimmer spoke again stating that not getting this tower would not have a negative effect on the bowling alley owner's livelihood. He further stated that Europeans have abandoned the tower system due to health reasons. Mr. Frimmer stated that Motorola was using satellite systems to accommodate cellular phones and that the tower would be a hardship for no reason.

Steve Dambra, 1794 SW 81 Lane, stated that there was a playground right behind the proposed rezoning area which needs to be considered.

Ms. Foss added to her previous statement that these homes were situated in a flight path and she had observed that the "landing gear goes down behind her house" and that 251 flights went above Arrowhead daily. Ms. Foss felt that the antiquated cell tower would cause a plane to come down in her back yard.

Chair Greb closed the public hearing.

Ms. Trevarthen stated that the Town had decided that it would be appropriate to have telecommunication towers as a use in its commercial zoning districts. She continued that the reason this rezoning had been requested by staff was that the Town was attempting to bring all the properties into the current zoning Code which allowed that telecommunication towers would be specifically permitted in B-2 zoning. Ms. Trevarthen continued stating that previously, communication and utility uses were allowed; however, in the new zoning development standards addressed telecommunications towers. She noted that good points had been raised tonight and they would be addressed on April 11th when the engineer and others were to be available to present more details.

Ms. Moore reiterated the point that it was her understanding that this was a rezoning issue and that for a telecommunications tower to be built, it would require a special permit.

Vice-Chair Stahl spoke briefly of his opposition to cell phone towers and noted that there were no towers on the City of Plantation side of I-595. He stated that since he would not be allowed to deny the tower, he was opposed to the rezoning.

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Mr. Davis asked if the statement made by the petitioner that "staff and requested this rezoning" was accurate. Mr. Gratz confirmed that when the petitioner came in for a special permit, the rezoning was encouraged as it was not allowed in the current zoning.

Mr. Waitkus stated his belief that cell phones were a way of life and towers had proper places; however, there were other locations that were more appropriate. He confirmed that he was against this rezoning. Chair Greb concurred adding that the proximity to residential homes was too close.

Mr. Davis stated that the Board was governed by ten standards and felt that the proposed change would have adverse affects on the neighborhood and property values. He stated that there had been no objections to the way the property was being used presently.

Ms. Moore questioned staff as to why towers were permitted in B-2 as she felt they should be located away from commercial areas which served the public. Mr. Gratz responded that they were only permitted with the consideration of a special permit and that this situation was unique because the residential houses were actually located in commercial zoning.

Vice-Chair Stahl made a motion, seconded by Mr. Waitkus, that on the basis of the residents' objections, the Town's guidelines, and his feelings, to deny. 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)**

The Board recessed at 8:53 p.m. and resumed at 9:00 p.m.

4.2 ZB 1-2-01, Ramos/Parkway Christian Church, 1200 South Flamingo Road (CF to CF, amending Declaration of Restrictions) (tabled from February 28, 2001)

Arnold Ramos, representing the petitioner, was present. He indicated that subsequent to the last meeting, he had met with the homeowners association to discuss the project. Mr. Ramos stated that before moving forward and presenting the site plan, he would meet with the homeowners again to be sure that there was agreement on the landscaping and architectural features. He indicated that in reviewing the minutes of previous meetings before the school had been started, it was the Council's suggestion that they begin with 140 students and revisit that number after a "track record" had been established. Mr. Ramos clarified that he was willing to fence off an area on 121 Avenue to assure that there would be no future use for vehicular traffic. He addressed concerns regarding a landscape buffer and a portion of the canal stating that it had been cleared out and would be maintained by the church although it was the property of the Central Broward Water Control District. Mr. Ramos stated that he was requesting to change the restrictive covenants in order to allow for a kindergarten through fifth grade to operate on the property.

Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Mr. Ramos wanted to emphasize that there would be no loud classroom bells nor would there be loudspeakers utilized for the school. At Mr. Davis' inquiry, Mr. Ramos used a site plan to indicate the area that was fenced off across the culvert.

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

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Kenneth Engel, 1175 SW 120 Way, stated his opposition. He stated that the petitioner had not met the landscape plans and the building proposed building looked like a warehouse. Mr. Engel claimed that a three-car garage had been constructed without having obtained the appropriate building permits.

Libby Bryan, 1211 SW 120 Way, provided pictures that were taken on March 15, 2001 in order to indicate her visual prospective. She stated that the petitioner did not live up to the expectations in the past and she did not believe that they would in the future. Ms. Bryan commented that there were other issues such as the Boy Scouts camping on the lake, fairs which created noise and traffic, and joint ventures with Triple Cross Ranch, which have caused misrepresentation or misunderstanding. Ms. Bryan discussed the concern of decreased property value and used a map to show the proximity of her phase of townhouses. She advised that at her Homeowners Association meeting, 90% of those in attendance voted against the expansion.

Cheri Dieringer, 1170 SW 118 Terrace, spoke in favor of the expansion. She stated that the church sites were in order and that there was no view on SW 121 Avenue. Ms. Dieringer felt that the school expansion was needed to help with the overcrowded school situation.

Julie Thompson, 11905 SW 13 Court, spoke in opposition of the expansion due to the loss of tranquility and erosion of the area. She anticipated it would cause additional traffic on SW 121 Ave and State Road 84.

Sylvia Weiss, 1217 SW 120 Way, indicated that she had been a resident of Village Lake Pines II since 1984 and was opposed to the expansion. Ms. Weiss stated that Mr. Ramos did not live up to his promises before and she believed he would not do so now.

An unidentified resident of 1216 SW 120 Way, spoke in opposition of the expansion. He stated that if this expansion was to be approved, who was to know how much more would be requested in the future.

Phillip Harwick, 1205 SW 120 Way, spoke against the school expansion and commented that Mrr. Ramos had not produced what he promised. He stated that the church had a warehouse look and he did not want to open his front door to that view. Mr. Harwick said that the church expansion had no beneficial impact on Davie as it would not be taxed, but had a negative impact on the neighboring homes. He resented that the canal had not been cleared until today, prior to this meeting.

Linda McDaniel, 7441 SW 15 Street, Plantation, stated that she understood the feelings of residents; however, one-fourth of the population of Broward County was 18 years of age or less and schools like this were needed. She asked for the approval of the expansion.

Mike McDaniel, 7441 SW 15 Street, Plantation, spoke in favor of this item. He stated that as property manager of Parkway Christian Church and past Scoutmaster of the Boy Scout troop that was formed about four and one-half years ago, this troop never camped on the lake. Mr. McDaniel claimed that residents east of the lake had never complained about it and, therefore, he was in favor of this item. He addressed maintenance issues and indicated the difficulties he had in arranging for the property to be cleared.

Karen Ramos, 5681 SW 9 Street, Plantation, commented that the building was to be used to educate children and that the issue was children. She believed that the school would only be a benefit to the children and that it would be an asset to the Town. Ms. Ramos indicated that the volunteers in the church had other occupations and would remedy situations as quickly as was possible considering that they had other jobs. Ms. Ramos asked for approval from the Board and was in favor of the expansion.

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Sharon Goldstein, 1301 SW 118 Terrace, stated that everyone here was concerned about the welfare of their children; however, that was not the issue. She stated that her concern was that what had been promised had not been delivered. Mrs. Goldstein confirmed that although there were no formal complaints, a lot of things have happened and she wanted assurances before this project was to move forward

Cheryl Beale, 11903 SW 13 Court, stated that she was a board member of Village Lake Phase II. She indicated that there was a large response to the last meeting at that approximately 80% of the residents were opposed and concerned about the road problems at SW 121st Avenue. Ms. Beale stated that her concerns were based on past promises that have not been kept traffic issues on SW 121st Avenue.

Nazia Kline, 121922 SW 11 Court, stated his opposition to the expansion because he was concerned that the increased number of students would impact traffic on SW 121st Avenue.

Mr. Harwick asked about the maximum allowed square footage and if there was a dedicated site for the sanctuary on the southwest corner of the property. He proposed that the school be built where the sanctuary was supposed to go.

There being no further comments, Chair Greb closed the public hearing.

Mr. Ramos agreed that some of the landscaping had not been maintained and the ditch was unsightly; however, this was now cleared and would be properly maintained in the future.

Ms. Moore made a motion to recommend approval of the extension of the Deed of Restrictions. She indicated that there were too many restrictions for churches which did good things and that this church had been there long enough to be well established and needed to be given a "break". The motion died due to a lack of a second.

Mr. Waitkus stated that while he was not opposed to schools, he thought it could have been done while satisfying neighbors. Mr. Waitkus questioned if there could be a compromise. Chair Greb responded that the Board was to be voting on the proposal that was before them as presented by the petitioner. He further explained that a Declaration of Restrictions was a legal document between the petitioner, the surrounding community, and the Town. Chair Greb commented that the biggest problem he had was changing a declaration which he likened to breaking a promise; however, if both sides were to agree, then he would agree.

Mr. Waitkus agreed with Chair Greb and inquired why the property had not been kept up. There was no response. Mr. Davis recommended that Mr. Ramos take an independent approach and have a representative deal with the surrounding community in order to understand their perspective and to obtain a consensus in order to have this move forward. He commented that he understood how after a passage of time a declaration may need to be changed; however, this was not done at the "whim" of the petitioner. Mr. Davis stated that the effected parties needed to have input and there was a correct way to have this facility done, which was with the accord of the neighbors.

Ms. Moore disagreed stating that the neighbors would object anyway because while they were not opposed to schools, they did not want a facility in their backyard. Vice-Chair Stahl recalled that the Board had rezoned several properties and approved churches in the past year. He stated that the Town was objecting to was the rezoning to "CF" on commercial land. Vice-Chair Stahl agreed with Mr. Davis that perhaps outside intervention was needed to resolve the problem. Discussions continued in an effort to offer a compromise to which all parties would be agreeable.

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Vice-Chair Stahl inquired if a tabling would allow time to work out the problems. Mr. Ramos indicated that he thought he had addressed all the problems and needed to have the covenant changed.

Mr. Davis made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - no; Mr. Davis - yes; Ms. Moore - no; Mr. Waitkus - yes. **(Motion carried 3-2)**

4.5 SE 1-2-01, Crown Castle/AMF Bowling Centers, Inc., 8200 West State Road 84 (B-2)
(tabled from March 14, 2001)

Chair Greb inquired if anyone from the public wished to speak on this item and opened the public hearing. There being no comments, the public hearing was closed.

Although this item had been tabled earlier in the meeting, Susan Trevarthen, representing the petitioner, was present to speak with the public if she was needed. Chair Greb thanked Ms. Trevarthen for staying through the meeting.

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

There was no new business discussed.

7. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

8. ADJOURNMENT

There being no objections, the meeting was adjourned at 10:10 p.m.

Date Approved _____

Chair/Board Member