

PLANNING & ZONING BOARD

April 25, 2001

7:30 P.M.

1. ROLL CALL

The meeting was called to order at 7:36 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, Edna Moore, and Bob Waitkus. Also in attendance were Town Attorney Monroe Kiar, Planner Chris Gratz, and Board Secretary Janet Gale recording the meeting.

2. PUBLIC HEARING

Rezoning

2.1 ZB 3-1-01, M.A.F. Realty, Inc., 6101 Orange Drive (from RM-10 to B-2, Western Theme)

Marsh Ferrera, representing the petitioner, was present and deferred to staff's report. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Ferrera stated that the trailer was in good condition and that it was properly anchored and safe. He explained that he had no objection to removing the trailer; however, he was requesting more time to do so. Mr. Gratz explained that the trailer must be removed as it was a non-performing structure, adding that the applicant had 30 to 60 days to remove it. He further explained that there was nothing in the Code that allowed for it to remain on the site.

Mr. Ferrera reiterated that he needed more time to move the trailer and requested six months to do so. Mr. Ferrera shared pictures of the trailer with the Board to show its condition.

Mr. Davis asked if the trailer was empty. Mr. Ferrera stated that it was except for some file boxes and storage. He reiterated that the trailer was in impeccable condition and was not an eyesore to the community.

Mr. Gratz explained that the trailer was built illegally and was not allowed on the property.

Vice-Chair Stahl asked if a stipulation for time could be added to a motion. Mr. Kiar clarified that a special permit was considered, but the property did not meet the criteria. He further explained that the applicant was requesting a rezoning, adding that a recommendation could be made to Council regarding the time issue.

Mr. Kiar asked if the trailer was being used for sales purposes. Mr. Ferrera stated that it was being used as a play area for his children. Mr. Davis asked what Mr. Ferrera would do with the trailer if it was to remain on site. Mr. Ferrera stated he would use it for office space.

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

Mr. Waitkus was familiar with the site and stated that the trailer could not be seen from Orange Drive. Chair Greb clarified that the applicant was seeking a rezoning for the entire property, and the issue of the trailer remaining was not for this Board to decide.

Mr. Davis made a motion, seconded by Ms. Moore, to approve. Vice-Chair Stahl amended the motion to stipulate that the petitioner would have six months to remove the trailer. After some discussion regarding whether this stipulation should be included in the motion, it was agreed that this was not something for this Board to decide. Chair Greb also clarified that if a motion was made, it would not return to this Board for further hearing. Mr. Kiar clarified that this was a rezoning request and that removal of the trailer was not the issue at hand.

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Mr. Kiar asked if Mr. Ferrera had approached Council regarding this issue. Mr. Ferrera stated that Councilmember Truex was the attorney for the seller of the property. Again, he asked this Board to allow him more time to remove the trailer. Vice-Chair Stahl rescinded his amendment.

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)**

VariANCES

2.2 V 2-1-01, Willow Acquisitions, L.L.C./Rick Case Honda 15700 Pointe West Drive (BP) **(Reconsideration of South Florida Water Management District Landscape Plan)**

Bill Laystrom appeared on behalf of the petitioner. Mr. Laystrom stated that the planning report had been read at the previous meeting. He explained that originally the site was not sufficiently landscaped. Mr. Laystrom stated that his client had reworked the site plan and reduced parking. He showed a different exhibit than that which was previously shown, which depicted a possible solution to solve the parking space shortage.

Mr. Laystrom stated that his client had met with the Site Plan Committee. He explained that the two variances his client applied for effected the head-in parking areas and the six-foot green area around the service entrance.

Mr. Laystrom explained that additional trees were added along the building and showed an exhibit which depicted these changes. He also stated that the buffer (irrigation included) in the exhibit was in addition to the full landscape buffer already in place, and that it was off-site on the South Florida Water Management District easement. Also, Mr. Laystrom offered that his clients were planting larger trees than the Code required.

Mr. Davis asked if 14 trees were being installed in place of the original 54 trees. Mr. Laystrom replied affirmatively. He further explained there was landscaping on the other side of the lake. He pointed out the South Florida Water Management District's access area and the proposed bridal path, adding that his client would only be landscaping the portion that was along their property.

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 Vice-Chair Stahl, to approve. Mr. Kiar asked if this was a motion for reconsideration. Chair Greb replied affirmatively. In a voice vote, all voted in favor of reconsideration of this item. **(Motion carried, 5-0)**

Mr. Davis made a motion, seconded by Ms. Moore, to approve subject to all conditions approved last time but for this one change in the number of royal palms. 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)**

2.3 V 2-3-01, Neuhaus/Powers 4271 SW 54 Avenue (R-3) **(tabled from April 11, 2001)**

Doug Neuhaus, representing the petitioner, was present and deferred to the planning report. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

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

Vice-Chair Stahl 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)**

2.4 V 2-2-01, Evans/Archdiocese of Miami, 1301 SW 136 Avenue (CF)

Jeff Evans and Father Edmond Prendergast, representing the petitioner, were present and deferred to staff's report. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

Father Prendergast spoke of the history of the church and the tremendous influx of parishioners in recent years. His hope was to have a permanent church structure built for the community.

Mr. Evans described the area surrounding the church as quiet. He explained that the church had been established in 1985 and everything in the current plan was according to the original master plan approved by the Town. Mr. Evans further explained that subsequent changes to the Code were now the issue. Mr. Evans presented various renderings: one that showed the green space and the other that depicted the parking. The latter showed a paved drive and grass parking areas, and Mr. Evans explained that the goal was to keep as much grass as possible. He clarified that he could add more asphalt parking; however, he felt it was more important to be consistent with the open green areas in the neighborhood.

Mr. Evans described the layout of the campus, noting that the school was moved to the back of the site and the "elaborate" church building was at the forefront. He also pointed out the various facades, stating that the one facing the community was more beautiful than the one the parishioners would see.

Mr. Evans explained that one of the variances his client was seeking was for the steeple, which Mr. Evans clearly pointed out was centered in the building rather than at the front, and was "away from the community." Mr. Evans cited Code that supported the allowance of the steeple at the proposed height. He further explained that there were portions that were above and below the height requirement and that these elements balanced the building and highlighted the steeple.

Mr. Evans showed other renderings which depicted the various angles and perceptions. He realized it was difficult to request a variance based on architectural issues; however, Mr. Evans stated that the Code allowed for steeples, domes and other tall structures in the "Exclusion from Height Limits" section. He stated that "this was not an exclusion from height limit" but rather a height limit. Mr. Evans stated that a steeple could not be architecturally achieved at a 43-foot limit. Finally, Mr. Evans felt that the steeple was necessary as it was symbolic, adding that he had made a concerted effort to avoid having the steeple be the focal point of the entire site, especially from the roadway.

Mr. Evans explained that staff had suggested providing parking on the assumption that the school and the multi-purpose building would be used simultaneously. He explained that the original agreement with the Town stipulated the two buildings would not be used

simultaneously so that “parking could be cross-used,” and Mr. Evans wanted to keep that agreement.

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Mr. Evans proposed 251 paved parking spaces plus 98 grass spaces, which would meet the Code requirement. Additionally, Mr. Evans proposed adding an additional 93 grass spaces which were not required by Code, but which more than met the needs of the church even in its current growth. He stated that generally there were three times per year [holidays] that all the spaces would be used, and the rest of the time the additional grass area would serve as green space.

Mr. Waitkus asked where the additional grass spaces would be. Mr. Evans pointed out where the additional spaces would go. He added that he could pave more parking spaces, but that would eliminate green area. Mr. Evans referenced a church in Parkland where there were more than 300 grass parking spaces. He pointed out that environmentally and where drainage was concerned, grass parking was more suitable.

Chair Greb asked how traffic would exit on the west side of the property. Mr. Evans stated that it was a one-way drive and pointed out the traffic flow using the illustration. Chair Greb asked if there was a berm in that area and Mr. Evans stated there was a small berm.

Vice-Chair Stahl referred to the lots [homes] at Shenandoah and parking spaces on church property and asked what separated the church property and the utility easement from those lots. Mr. Evans explained that a wood fence was in place along that property line.

Chair Greb asked if the parking in the activity court area on the north side of the property would affect landscaping in place. Mr. Evans explained that it was an open field and that there were trees surrounding the dumpster as required by Code. Mr. Evans explained there were two gates coming into that area and it was fenced off. Also, during the week, that area was used for activities and on Sunday it was used for additional parking.

Vice-Chair Stahl asked if the basketball courts were paved and Mr. Evans replied affirmatively. He also explained that the basketball posts were removable.

Chair Greb asked if there were stops or bumpers in this area and wondered how parking was going to be managed. Father Prendergast explained that during the holidays, police officers were hired along with volunteers to direct parking.

Chair Greb referred to the planner’s report, which stated “existing use, three buildings,” and “proposed use, three building.” He asked staff for an explanation. Mr. Gratz explained that the elementary school comprised three buildings.

Ms. Moore referred to the staff analysis which stated approval with more than the required number of spaces. Mr. Gratz agreed with Ms. Moore’s clarification.

Mr. Waitkus asked what would prevent parking along the bridle path on Southwest 136 Avenue. Father Prendergast replied there was no way to restrict parking in that area; however, the police officers tried to direct parking traffic onto the property, rather than around the perimeter. Father Prendergast stated that he would encourage his parishioners not to park along the bridle path.

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

Arthur Joseph, 13700 SW 18 Court, spoke in opposition. Mr. Joseph felt the church was proposing more amenities than it was capable of offering within a small area. Mr. Joseph felt that this neighborhood was not appropriate for a church because the neighborhood was already

overwhelmed with congestion from Western High School. He felt that churches would be better suited for main thoroughfares. Mr. Joseph was also concerned with trash along the swale in front of the church.

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Mr. Joseph explained that during discussion with Mr. Evans, he learned that another church was being built in Weston. He felt that the other church could handle the increased church membership and therefore there would be no impact on this neighborhood. Mr. Joseph also stated that during heavy traffic periods at the church, he had only seen one police officer directing traffic and felt that more were needed. Mr. Joseph was also concerned with the sidewalks being cracked, although they had been repaired recently and pointed out that the sidewalks were damaged because of automobile traffic. He recommended that a fence be erected around the property so that automobile traffic was properly channeled through the designated ingress and egress routes. Mr. Joseph also recommended that the church work with the School Board of Broward County to allow parking on Western High School property during heavy traffic periods.

Bob Muccio, 13501 SW 14 Place, spoke in opposition to the variance. He disagreed with staff's report regarding vacant land on the south side of the church, stating that there were three homes there. Mr. Muccio stated he had seen barriers erected to deter parking in that area and believed the barriers were placed there by those homeowners. He indicated that during Catholic holidays, the traffic was backed up from SW 136 Avenue to past SW 139 Avenue on both the south and north side of the street. Mr. Muccio observed that parishioners preferred not to park in the playground area as it was not easily accessible. Mr. Muccio described other instances where traffic was cause for concern in this neighborhood. He presented photographs of high density traffic occurring for Western High School and stated that this community needed relief. Mr. Muccio was also concerned with the design of the church, especially since it was in a residential neighborhood, rather than on a main thoroughfare. He stated that the Archdiocese of Miami needed to expedite the construction of the Weston church as many of the parishioners were from the Weston area. Also, Mr. Muccio did not believe that there was enough space to properly accommodate the parking situation at the church. Finally, he stated that he would address the School Board of Broward County and urge them to not allow church parishioners to park at Western High School.

Frank Raganessi, 1401 SW 136 Avenue, spoke in favor of the variance. Mr. Raganessi felt that having a church and a school adjacent to each other was an excellent representation for the Town of Davie. He agreed that there was a traffic concern, but felt it was more important to have these safe facilities in the neighborhood, especially for children. Mr. Raganessi referred to Mr. Muccio's mention of a barrier located on his property and clarified that no barriers were put up and he actually invited churchgoers to park on his property. Finally, Mr. Raganessi stated that parking was a concern on holidays, but not on Sundays in general.

Kirk Linson spoke in favor of the variance.

Art Denunzio, 5200 King Arthur Avenue, spoke in favor of the variance. He stated that the church would enhance the neighborhood, and praised Mr. Evans for his architectural skills in designing this church.

John Mooney, 13700 [Rolling Oaks] Street, spoke in favor of the variance. Mr. Mooney was hopeful that the green space in the playground area would not be paved over for parking.

John Pisula, 2933 Southwest 136 Avenue, spoke in favor of the church. Mr. Pisula spoke of the history of the church from its inception, stating that the church had followed through with its original agreement with the Town. He stated that adding more asphalt would exacerbate the drainage problems this neighborhood already had. Mr. Pisula felt that having grass parking was more important for drainage and for maintaining the open space integrity of the Town. Also, Mr. Pisula urged consideration of the actual amount of parking spaces that

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were needed in general, not just on the holidays. He felt that once the parking was established, parishioners would not park outside of the complex because it would be more convenient to park inside.

Stan Overshevits, 14400 SW 20 Street, spoke in favor of the variance. He referred to the traffic problems in the neighborhood and stated that the church had participated in alleviating these problems. Mr. Overshevits stated that the Town was planning on widening Southwest 136 Avenue and discussed the various improvements that had been made regarding traffic in this area. He indicated that a concerted effort would be made to alleviate any traffic problems in the area.

Doug Neuhaus, 771 North Pine Island Road, spoke in favor of the variance. He stated that most of the problems in this neighborhood were parking enforcement problems and he felt that the church could handle them. Where the steeple was concerned, Mr. Neuhaus felt that there was no safety issue and clarified that it was not a commercial venture. Also, he felt the steeple would draw more attention to the church and the positive impact it had on the community.

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

Mr. Evans stated that the goal was to provide a permanent church for the community. He stated that the traffic problems would be alleviated when the Weston church was built. Also, Mr. Evans stated that a representative from the Archdiocese of Miami would be available at the Town Council meeting to address concerns at that time and to confirm that a church in Weston was going to be built. Mr. Evans addressed the concerns with parking and stated that the only issue was on holidays; otherwise, traffic was not a problem. He explained that the steeple was an architectural element and it was "very important to the symbolic quality of the church."

Vice-Chair Stahl asked if the playground could be legally paved for a parking lot and clarified that a variance was not necessary in that case. Mr. Gratz replied affirmatively to the paving, but stated the variance issue would be based on the actual numbers. Vice-Chair Stahl preferred the green spaces rather than paving that area, especially because the latter would cause additional drainage problems.

Mr. Kiar clarified that the playground area could accommodate 159 cars and Mr. Evans stated that it could actually accommodate more.

Vice-Chair Stahl asked staff if the parking requirements were different in 1985 than they were now for this site plan. Mr. Gratz replied affirmatively, stating that the requirement had increased. He added that there were also changes to "public assembly," but he would have to research that information.

Ms. Moore preferred grass parking and agreed that it would only be utilized during holidays. She also felt having a church and school in a neighborhood positively impacted the community. Ms. Moore felt that the steeple would not negatively impact the neighborhood, but it would be welcomed.

Chair Greb stated that steeples were traditional nationwide and felt that the architectural design of this church was more than acceptable. He agreed there were problems with parking and hoped the church could make an effort to help alleviate the parking problems. Chair Greb cautioned that the parking situation could become a Code Enforcement issue if it continued and if enough people were aggravated by it.

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Mr. Waitkus asked if there were safety issues regarding the steeple and Mr. Gratz stated that the only consideration in the Code was height.

Ms. Moore made a motion, seconded by Mr. Waitkus, to recommend approval of both variances. Mr. Davis requested voting on the two variances separately which led to a brief discussion. Ms. Moore felt there was no reason to amend her motion as she would motion to approve variance request number one and then motion to approve variance request number two separately. Chair Greb again asked if Ms. Moore wanted to withdraw her original motion, and Ms. Moore stated that she did not. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - no; Ms. Moore - yes; Mr. Waitkus - yes. **(Motion carried 4-1)**

2.5 V 3-2-01, MDM Services/BP/ Amoco, 11400 State Road 84 (B-3)

Paul Wingerfeld, representing the petitioner, was present and deferred to staff's report. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

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 Ms. Moore, 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)**

2.6 V 3-4-01, Seda, 7919 North Silverado Circle (RM-5)

Ramon Seda, the petitioner, was present and distributed photographs to the Board and deferred to staff's report. Mr. Gratz read the planner's report (Planning and Zoning Division's recommendation: approval).

It was clarified that Mr. Seda was only looking to add a screen enclosure to the slab which was already in existence.

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

Vice-Chair Stahl made a motion, seconded by Ms. Moore, 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)**

2.7 V 3-5-01, Toledo, 7913 North Silverado Circle (RM -5)

Ms. Toledo, the petitioner, was present.

Mr. Gratz stated the planner's report was the same as that for item 2.6. Chair Greb asked if Mr. Seda and Ms. Toledo were neighbors and Mr. Gratz replied affirmatively.

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

Vice-Chair Stahl 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)**

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3. OLD BUSINESS

Mr. Gratz stated that he had reported the parking problem regarding the car dealership which had cars parking in the canal easement to Code Compliance. Chair Greb stated he had not seen this problem recently and it usually occurred on Saturdays and Sundays.

Mr. Gratz stated that he had researched Chair Greb's inquiry of a bond being required for removal of a trailer which was temporarily placed on property while construction commenced at the site. He reported that the Building Division did have such a policy which was part of permitting and was now included in the South Florida Building Code.

4. NEW BUSINESS

Ms. Gale stated that the large joint agency meeting was scheduled for May 8, 2001, in the Community Room, and a representative from this Board was needed. Chair Greb indicated that all members were invited; however, he was not able to attend.

5. COMMENTS AND/OR SUGGESTIONS

Chair Greb stated that he had one more meeting before his term was up. Ms. Gale clarified that the new terms began the fourth Wednesday in May.

Ms. Gale asked for a volunteer from this Board to speak on Planning and Zoning Board issues at the large joint agency meeting. Mr. Davis indicated that he had planned on attending and if there were issues this Board wanted addressed, he would gladly act as the representative.

6. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:00 p.m.

Date Approved _____

Chair/Board Member