

PLANNING AND ZONING BOARD
JUNE 13, 2001

1. ROLL CALL

The meeting was called to order at 7:30 p.m. Board members present were Vice-Chair Jay Stahl, Mike Bender, Edna Moore, Mimi Turin, and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: March 28, 2001

Mr. Waitkus made a motion, seconded by Ms. Moore, to approve the minutes of March 28, 2001. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. SELECTION OF CHAIR

Vice-Chair Stahl opened nominations for Chair. Mr. Bender nominated Jay Stahl, seconded by Ms. Moore. As there were no other nominations, nominations were closed. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. SELECTION OF VICE-CHAIR

Chair Stahl opened nominations for Vice-Chair. Mr. Waitkus nominated Mike Bender, seconded by Ms. Moore. As there were no other nominations, nominations were closed. In a voice vote, all voted in favor. **(Motion carried 5-0)**

5. PUBLIC HEARING

Rezoning

5.1 ZB 4-1-01, Evangelical Formosan Church/Daher, 1515 South Hiatus Road (from A-1 to CF) (tabled from May 23, 2001)

Robert Tsai, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to a Declaration of Restrictions).

Mr. Tsai distributed handouts to augment Board member's information packets. He briefly provided a history on the Church's efforts to locate within the Town four years ago at the northwest corner of SW 26 Street and Peaceful Ridge Road. Mr. Tsai addressed five issues concerning this rezoning and spoke on the positive points of this endeavor.

Vice-Chair Bender inquired on the current membership of the Church. Mr. Tsai responded that there were approximately 70 members, generally consisting of 35 families. Mr. Waitkus asked about projected growth. Mr. Tsai indicated that there was a very minimal growth due to language restrictions.

Chair Stahl questioned the process used in determining the amount of trips a church would generate for traffic calculations. Mr. Gratz responded that the generation rate was based on the square footage of the proposed building.

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

Barbara Snyder, a resident of Harmony Lakes, was opposed to the rezoning for the Church. She indicated that this location was one of the last vestiges of country and objected to the traffic it would generate on Hiatus Road. Ms. Snyder stated that she had not received a notification letter regarding this project and suggested that Flamingo Road, with its several lanes for traffic, was a more conducive location.

Fred Azrak, a resident of Harmony Lakes, was opposed to the rezoning for the Church. He indicated that a bridge was proposed at the north end of Hiatus Road which would link the City of Plantation with the Town and that traffic would be "humungus" as Hiatus Road

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would be utilized as a "short cut" despite the fact that the speed limit was 35 miles per hour. Mr. Azrak inquired if most of the patrons of the Church were local residents and he speculated that they were not.

Grace Chiang, 10865 SW 38 Drive, spoke in favor of the Church. She indicated that given the opportunity to participate in Sunday school and religious study fostered a positive influence on the youth and ultimately the community.

Donald Blond, 1426 West Harmony Lakes Circle, was opposed to the rezoning as he believed that it would set a precedent for commercial building to follow. He preferred that the location remain agricultural.

Victor Hirshkowitz, 1421 SW 109 Way, was opposed to the Church due to traffic backup for south-bound traffic on Hiatus Road.

Theresa Sung, 13879 SW 43 Street, spoke in favor of the Church which afforded its senior members an opportunity to worship without a language barrier. She spoke of the benefits and charitable donations the Church contributed to the community.

Huiling Chiang, 10865 SW 38 Drive, spoke in favor of the Church as it would be an improvement to the "eyesore" of the vacant, neglected site.

Song Lee, 3781 SW 106 Terrace, spoke in favor of the Church as he worked and lived in the Town and hoped he would be able to go to church nearby.

Thomas Ling, Miami, declared that he was one of the oldest members of the Church and was in favor of the rezoning. He addressed two points regarding property value and current land use and maintained that the Church would not conflict with either.

Daniel Shih, 2805 South Oakland Forest Drive, spoke in favor of the Church. He addressed the social aspects for the young members of the Church. Mr. Shih indicated that the building design had not been developed and that the members were open to suggestions and eager to have the building suit the surroundings and architectural esthetics of the community. He believed that traffic would not be an issue.

Mark Chang, 6401 NW 53 Street, spoke in favor of the rezoning for the Church as it did not conflict with the planned residential zoning. He expressed that traffic was not an issue with the construction of the Church; however, he believed it would become an issue when the proposed residential development of 400 homes commenced along Hiatus Road. Mr. Chang addressed the property value issue and indicated that the site had nearly doubled its value in the past three years with the onset of the Church being built.

Bonnie Wei, 931 Altavista Terrace, spoke in favor of the rezoning as she believed that the Church and its members would be an asset to the community.

Steve Suh, 8167 North Savannah Circle, was in favor of the Church rezoning. He did not believe that the small membership would create a traffic problem. Mr. Suh stated that he referred to this Church as a "Chinese Church" and that although he could not foretell the future, his experience was that there had not been an increase in membership of a "Korean Church" located in Hollywood, of which he had been a member for the past ten years.

Hsilin Sung, 13879 SW 43 Street, spoke in favor of the rezoning for the Church as traffic was limited to one day a week at off peak hours. He disputed the comment that this would set a precedent for commercial building to follow as this was an individual rezoning for a specific site and did not apply to the entire area along Hiatus Road.

Dan Sweeney, 1570 SW 115 Avenue, was opposed to the rezoning of this site. He indicated that his property was adjacent to the church site and he was concerned that the proposed 16,000 foot structure and parking lot would be a negative impact to his home and contradicted the country atmosphere he had sought by choosing to live in Davie. Mr. Sweeney stated that he understood that his neighbors were not in favor of the rezoning and

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indicated that he could rally their support with a "knock on the door". He indicated that there would be drainage issues in this area to be addressed.

Vice-Chair Bender inquired if any attempt had been made by the "church people" to discuss this proposal with neighboring residents. Mr. Sweeney responded negatively and indicated that he was made aware of this meeting through required mail notification and signage postings on the site.

Chair Stahl clarified that a Declaration of Restrictions was made a part of this proposal and that it addressed the concerns Mr. Sweeney had expressed regarding potential expansion. Chair Stahl read the pertinent text and explained the process that the applicant would have to follow in order to make a change in the Declaration of Restrictions. Mr. Sweeney indicated that he understood and that all he wanted was to be able to see the country out his back yard.

Sally Moh, 3989 SW 141 Avenue, spoke in support of the zoning change as she believed the embellished landscaping surrounding the Church would be a visual aesthetic improvement. She spoke of the many services that churches provided.

Andy Lee, 850 Greenbrier Avenue, spoke as a Sunday school student of the Church. He was in favor of the rezoning and indicated that he would appreciate being able to attend classes nearby.

Jonathan Wu, 5555 SW 61 Avenue, was in favor of the rezoning for the Church. He indicated that the members of the Church were peaceful, quiet people and that there would be 20 to 25 cars in the parking lot on an average Sunday. Mr. Wu stated that in his experience as a real estate salesperson, clients were happy to see a church in the neighborhood. He emphasized the point that the building structure would amount to 16% of the total land site.

Connie Middleton, 1424 SW 109 Way, spoke in opposition of the rezoning. She inquired on the security of the Church when it was not being used and spoke of her experiences with vandals at the pool area of Harmony Lakes. Ms. Middleton indicated that this would be a problem to be considered.

Johnny Chen, 13862 SW 39 Street, spoke in favor of the rezoning. He did not believe that the rezoning constituted a special privilege and that a community facility would be for the welfare of the general public.

Larry Davis, 10901 SW 42 Place, spoke in opposition of the rezoning. He indicated that although the focus had been on the good service that the Church would provide to the community, the issue was the impact that the change of zoning would have on the surrounding neighborhood and meeting a set of designated standards. Mr. Davis made the point that the present membership had no bearing on the issue as the Declaration of Restrictions did not signify that there would be a limited membership. He stated his concern that the petitioner had not contacted surrounding residents to discuss this petition. Mr. Davis anticipated that at the Town Council presentation of this application, there would be an outpouring of residents who were opposed to any zoning changes that were not consistent with low density, low traffic. Mr. Davis concluded that adding the use of a community facility would increase the amount of services that the Town needed to provide with no corresponding tax base increase.

Rose Valentino Samta, 7280 Stirling Road, spoke in favor of the Church rezoning. She stated that the congregation needed to be considered in the complete human picture, that there were many kinds of churches in Davie, and this one needed to be included. Ms. Samta stated that the structure would not be one to call attention to itself and would be made to "blend in."

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Ms. Samta indicated that she had interpreted a statement which had been made regarding vandalism, to be a threat. She implored the Board to consider and vote for her Church.

Tony Huang, 712 SW 88 Terrace, Plantation, spoke in favor of the zoning change. He addressed the standard traffic calculations designated by the square footage of the building and indicated that the impact was a "non issue".

Sue Chang, 12131 NW 23 Manor, Coral Springs, spoke in favor of the Church rezoning. She explained that when she showed real estate to clients, they liked having a church nearby. Ms. Chang believed that this Church would be built in a way as to increase property value.

Yung-Tien Liang, 11220 Renaissance Road, Cooper City, spoke in favor of the Church and in support of its membership. He indicated that these were good, respectful people who deserved a place to worship.

Kathy Hu, 1526 Whitehall Drive, Miami, spoke in favor of the Church and indicated that the membership consisted of loving, charitable people.

DeDe, Sunrise, spoke in favor of the Church rezoning. He referenced a civic center which had been built in his community and how it was enjoyed as a place to walk to in the neighborhood. Mr. DeDe believed that the landscaping and other considerations that would go into the building would be a mutual benefit to the community to be enjoyed in the same way as he had enjoyed walking to the civic center.

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

Mr. Tsai apprised the Board of the neighboring residents with whom he had spoken and with whom he had corresponded. He indicated that he had taken the advise from the Pastor of the Parkway Christian Church who had recommended that Mr. Tsai "reach out" to the neighboring residents. Mr. Tsai stated that he would be willing to work with neighbors to determine the kind of fencing to be installed and the types of trees that would be planted on the site.

Vice-Chair Bender indicated that although churches provided a great service to the community, this was a question of compatibility. He believed that placing a church on this corridor, in this neighborhood, was not what the neighboring residents had envisioned. Vice-Chair Bender recalled that this past March, the residents overwhelmingly mandated that the Council preserve and protect the rural character of the Town. He indicated that while he wanted this Church in this Town, he felt that this was the wrong location.

Ms. Moore had no doubt that this Church would be good for the community and believed that it would improve the property value. She spoke of its small size and minimal impact and stated that she was "all for it."

Mr. Tsai addressed Vice-Chair Bender's concerns regarding compatibility and read that compatibility was a condition in which the land use could coexist in relative proximity to each other and in a stable fashion over time. He provided two models of churches and asked that the Board tell him what was compatible, what was not feeling odd, and to "coach" him to provide a pleasing, compatible design. Chair Stahl clarified that this Board was to deal with the rezoning issue and that the questions Mr. Tsai was asking would be dealt with by the Site Plan Committee.

Ms. Turin inquired of staff whether there was to be a learning center or feeding center on the site as it had been mentioned in earlier testimony. Mr. Gratz responded that there was no consideration of these two elements as they had not been proposed by the petitioner. Mr. Tsai advised that there were no intentions to provide a learning center or feeding center and that only in reading the text book "text" of a community facility were these features mentioned.

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Mr. Waitkus indicated his agreement with staff's recommendation and traffic analysis. He inquired if the petitioner planned any weekday programs. Mr. Tsai stated that there was Bible study; however, for the present, the Church was intended only to be a "home". Mr. Waitkus clarified that there was a mandatory distance set between churches and that there was a building Code to be followed which would address drainage issues. He believed that since this was a small Church taking up 16% of the property, and since the petitioner was willing to work with the neighboring residents, he had no problem with the rezoning.

Chair Stahl considered that the development of GL Homes was a much greater impact and should be more of a concern to the Harmony Lake residents than the Church. He recalled having denied and approved churches and stated that a deciding factor had been the available access to a main road. Chair Stahl opined that the character of Hiatus Road would remain rural and that the impact of traffic would be minimal on the day of the week when there was the least amount of traffic.

Mr. Waitkus reiterated that this congregation intended to apply deed restrictions, build one facility, work with the neighborhood in design and landscaping, and he believed it would be an asset to the community based on what was presented this evening. Mr. Kiar advised that the deed restrictions would also stipulate that there would be a 25 foot landscaped buffer whereas the Code required 15 feet.

Chair Stahl disclosed that he had been contacted by Joyce Steward, 10850 SW 25 Street, who was in opposition of the rezoning and who had faxed a letter to Chair Stahl.

Mr. Waitkus made a motion, seconded by Ms. Moore, to approve subject to the Declaration of Restrictions. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - no; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-1)**

The Board recessed at 9:16 p.m. and reconvened at 9:26 p.m.

**5.2 ZB 4-3-01, Laystrom/Zacco Properties, Inc., 5011 State Road 7, Buildings 1 and 2,
(from M-2 to B-2)**

Bill Laystrom and Mario Zacco, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Laystrom provided a presentation using a pre approved site plan and a land use map. He pointed out that the two buildings facing State Road 7 were to be converted to retail use in order to take advantage of the existing "pass-by" traffic. Mr. Laystrom indicated that these two buildings would be upgraded with architectural designs conducive to commercial use and would be a "feeder" business off the traffic that existed today. He advised that State Road 7 had been expanded to a six-lane road at this location and asserted that this was a compatible use along an existing commercial corridor.

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

Wilson Atkinson, 1946 Tyler Street, indicated that he was representing Charles Rowar owner of Pelican Bays, located south of the subject site. Mr. Atkinson said he was concerned with the traffic that would be generated by the proposed changes. He emphasized that when the site plan had previously been discussed and approved, it was represented solely as "light industrial" use and was predicated on improvements being made by Mr. Zacco in order to have the intersection at State Road 7 and SW 51st Street operate at a "D" level traffic analysis. He questioned the status of a bond that was to be secured in order to assure that these improvements would be made, and the status of these proposed improvements. Mr. Atkinson stated that due to the short notification he had received regarding this meeting, he

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had been unsuccessful in his attempts to find out from the Town whether or not a bond had been posted.

Mr. Atkinson also took exception to the criteria that staff had used in its analysis of the proposal with regard to the adequacy of the site location being on a major arterial road. He maintained that further research of the Comprehensive Plan would have indicated that commercial zoning normally would be located at intersections where the traffic could flow in and out evenly. Mr. Atkinson demonstrated where he anticipated that traffic problems would occur and how it would impact his client. He proposed that the Board consider an alternative plan whereby the Town and property owners in this "geographical square" would work in conjunction to provide an access road linking them with Griffin Road. Mr. Atkinson emphasized that the only ingress/egress to his client's place of business was located on SW 51st Street. He maintained that his client could not afford to have more traffic coming through that intersection without the proper changes being made.

Mr. Atkinson indicated that there was not enough information presented to the Board for it to make an informed decision and requested that this item be tabled until such time as more information could be ascertained from the Engineering Department and from traffic analysts.

Mr. Zacco contended that his recollections of what had transpired between himself and Mr. Rowar was different than what Mr. Atkinson had represented. He provided his prospective and indicated that he had won the approval of Council and that he had widened SW 51st Street.

Ms. Moore inquired on the distance between the Griffin Road intersection and the entrance to Mr. Zacco's property. Mr. Zacco responded that it was approximately 1,400 feet to the south.

Chair Stahl inquired if the traffic analysis was based on the old State Road 7 or the newly improved State Road 7. Mr. Zacco believed that the analysis was based on the road prior to the improvements. He advised that he had widened SW 51st Street "contiguous" across the intersection and east of State Road 7.

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

Mr. Laystrom systematically addressed and clarified the issues of parking, traffic circulation, the bond provision, engineering comments, and site access.

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

5.3 ZB 4-4-01, Lammert/Florida Power & Light Company, 4900 Oakes Road and 3700 Kean Road (M-4 to U and M-2)

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

Mr. Lammert clarified that there was one access to this substation on Oakes Road and two accesses from Kean Road.

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

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

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5.4 V 4-1-01, Anthony-Sylvan Pools Corp./Adams, 13101 SW 16 Court (A-1)

Ken Leech, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

Mr. Leech explained that the original plans had indicated a 21.5 foot setback and that there was confusion on the deck setback which was part of the structure and only needed a five-foot setback. He provided two pictures in an effort to show that the pool was not visible from the street. Mr. Leech stated that the pool was level, that there were no raised areas, and that there was a solid vinyl fence on one side which would be continued on all sides when the pool was completed. He stated that had he known about the setback requirements during the earlier phase of construction, he easily could have moved the pool three-and-a-half feet. Mr. Leech indicated that a clerk in the Building Division allowed his permit person to "white out" the original 21.5 foot setback on the plans and change it to 25 feet. He added that this information had not been conveyed to his office. Mr. Leech indicated that the three-and-a-half foot mistake was discovered during the final inspection.

Mr. Waitkus asked what stage they were in regarding the pool construction. Mr. Leech responded that it was "signed off" on the deck and that everything was done, ready to finish. Mr. Waitkus inquired on the cost to move the pool. Mr. Leech responded that he did not think it could be moved; however, he would have to shorten the six-foot round spa which was encroaching the setback.

Ms. Turin asked how long ago this error was discovered. Mr. Leech stated that it was discovered when he called it in for a deck inspection. Ms. Turin inquired if any work had been done to finish the pool after the error was discovered. Mr. Leech responded that the deck had been "signed off" after the inspector found the error. He did not know if anything else had been done regarding the position of the pool subsequent to the error being discovered.

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

Bob Pelstram, 13151 SW 16 Court, spoke in opposition of the variance request. He provided pictures which had been taken today and stated that the pool was being used as of yesterday and that the deck was being painted. He stated that his concern regarded drainage as the pool property was at a higher elevation.

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

Vice-Chair Bender acknowledged that there was a slope coming from the pool towards Mr. Pelstram's yard and asked Mr. Leech if he was willing to provide a berm. Mr. Leech responded affirmatively and Mr. Pelstram was agreeable to the solution.

Mr. Waitkus inquired on Mr. Leech's statement that the pool had not been finished. Mr. Leech explained that he was not made aware that it had been finished; although, he had been advised by the deck inspector that the pool could be finished but a final inspection would not be made until the variance was approved.

Chair Stahl indicated that he believed this could have been corrected during "stage one" in the construction process. He clarified that the homeowner would not suffer a financial hardship; however, the spa would have to be reduced in size. Mr. Leech concurred.

Ms. Turin discussed the "hardship" aspect of the variance request. She concluded that the alleged hardship was created by the pool company's error who was acting as the agent for the homeowner, therefore, it was self-created and did not meet the requirement of a "natural hardship."

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

6. OLD BUSINESS

There was no old business discussed.

7. NEW BUSINESS

There was no new business discussed.

8. COMMENTS AND/OR SUGGESTIONS

Mr. Gratz commented that staff had done its "due diligence" in preparing the planning report for item 5.2, and that it was not "rubber stamped."

9. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 10:28 p.m.

Date Approved _____

Chair/Board Member