

PLANNING AND ZONING BOARD

MAY 28, 2003

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Vice-Chair Mike Bender, Casey Lee, Scott McLaughlin, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Attorney Andre Park, Planner Deborah Ross and Board Secretary Janet Gale recording the meeting.

2. SELECTION OF CHAIR

Mr. Waitkus made a motion, seconded by Ms. Turin, to nominate Vice-Chair Bender. There were no other nominations. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. SELECTION OF VICE-CHAIR

Chair Bender passed the gavel and made a motion, seconded by Ms. Lee, to nominate Mr. Waitkus for Vice-Chair. There were no other nominations. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. APPROVAL OF MINUTES: April 23, 2003

Vice-Chair Waitkus made a motion, seconded by Ms. Turin, to approve the minutes of April 23, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

5. PLAT

5.1 P 6-3-02, Millcreek Ranches, west side of SW 148 Avenue, between SW 26 Street and SW 36 Street (A-1)

Jane Storms and John Voigt, representing the petitioner, were present. Ms. Ross read the planning report.

Ms. Lee asked if the dedicated trail easement along 148 Avenue extended "all the way down on the same side of the street." Ms. Ross confirmed that it did.

Chair Bender raised a question regarding the 20-foot canal maintenance easement on the southern most portion of the property. He indicated that the property owners located adjacent and along the south side of the drainage ditch [canal], owned the property extending to the north side of that drainage ditch and he did not know how they would maintain that property. Mr. Voigt responded that no one had raised that issue to this point. Chair Bender indicated that it would be a problem for the residents on the north side of SW 31 Court. Mr. Voigt responded that the homeowners might have to arrange easements in order to maintain the canal as the Central Broward Water Control District required canal maintenance. Chair Bender understood and indicated that the homeowners would not be willing to give the property up. He further stated that the applicant needed to meet with these residents to find some kind of a solution for this problem.

Chair Bender disclosed that he owned property on SW 31 Court and indicated that in discussions he has had with these residents, they expected to have some kind of "recreational trail" provided along the plat's southern and western borders. He believed that this should not move forward until there was a discussion with the residents on SW 31 Court.

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Mr. McLaughlin indicated that it was his observation that the property line was south of the maintenance easement and within the developer's own boundaries. Chair Bender did not believe it was correct to have a canal maintenance easement on the developer's property when the north side of the canal was owned by the property owners situated south of the canal. Ms. Storms stated that the Central Broward Water Control District required that the 20-foot easement be designated as such. Chair Bender responded that it was not clear where the canal and the property line ended and it needed to be clarified with residents.

Ms. Lee asked about road improvements as she had experienced existing inadequacies that were also dangerous. Mr. Voigt indicated that Broward County would review that aspect. Ms. Ross clarified that the issue was addressed in the staff's recommendations.

Mr. McLaughlin made a motion to approve. The motion died due to the lack of a second.

Ms. Lee indicated that she would prefer time to research the point that Chair Bender made. She made a motion, seconded by Vice-Chair Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - yes; Ms. Lee - yes; Mr. McLaughlin - no; Ms. Turin - yes. **(Motion carried 4-1)**

6. PUBLIC HEARINGS

Rezoning

6.1 ZB 3-3-03, Miller Legg & Associates, Inc./Sheridan House, Inc., 1700 Flamingo Road (from AG, Agriculture District to CF, Community Facilities District) **(tabled from May 14, 2003)**

Dawn Sonneborn, representing the petitioner, was present. Ms. Ross summarized the planning report and reminded the Board members of the reason why this item had been tabled.

Using aerials and other graphics, Ms. Sonneborn provided a brief presentation in order to expound on the project.

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

Harry Schaefer, 4940 SW 61 Avenue, spoke in favor of the project.

Doug Johnson, 1521 SW 120 Terrace, spoke in opposition of the project. He indicated that he was given misinformation and had been advised that this item was to be tabled. Mr. Johnson spoke of a public hearing notice which publicized that this item would be before the Planning and Zoning Board on June 25, 2003. He asked that the Board uphold the notice in order to give homeowners an opportunity to organize, have questions answered by the developer, and discuss the issues.

John Tweeton, 1740 SW 120 Terrace, was in opposition of this item. He spoke of the meeting which had been held with the developer, neighboring homeowners and staff representative Roberta Moore. Mr. Tweet submitted copies of the Notice of Public Hearing On Petition for Rezoning and Notice of Public Hearing on Petition for Special Permit, both indicated that these items were to be heard on June 25, 2003. Board members reviewed the notices and discussed this development. Mr. Kiar questioned Ms. Ross about the confusion and opined that the Board had the option of tabling the item to the date as set forth in the public notices.

Ms. Lee made a motion, seconded by Ms. Turin, to table to June 25, 2003. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 5-0)**

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Special Permit

6.2 SE 1-1-03, Miller, Legg & Associates, Inc./Sheridan House, 1700 Flamingo Road (AG) **(tabled from May 14, 2003)**

Ms. Lee made a motion, seconded by Ms. Turin, to table to June 25, 2003. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

The Board recessed at 7:42 p.m. and reconvened at 7:50 p.m.

Variances

6.3 V 12-2-02, Miller Legg and Associates, Inc./Southwest Broward Theaters Holdings, Ltd., 15601 Sheridan Street (PUD) **(tabled from May 14, 2003)**

Dennis Mele, representing the petitioner, was present. Ms. Ross updated the Board and indicated that item two in this request had been approved. She summarized items one and three.

Using super imposed computer graphics, diagrams and an aerial, Mr. Mele explained the need for the two variance requests. A lengthy discussion ensued with concern being expressed on the aesthetics of the monument sign.

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

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve item one of the variance request. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – no. **(Motion carried 4-1)**

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve item three of the variance request. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

6.4 V 3-2-02, Miller Legg & Associates, Inc./GL Homes of Davie Associates II, Ltd, 10445 Canterbury Court (E)

Gladys DiGirolamo, representing the petitioner, was present. Ms. Ross read the planning report.

Using a graph, Ms. DiGirolamo demonstrated the different impacts between the required setback and the granting of the variance.

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

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

Vacation/Abandonment

6.5 VA 4-2-03, FLR Company/Landau, 5050 SW 82 Avenue

Mikki Ulrich, representing the petitioner was present. Ms. Ross read the planning report.

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

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

7. OLD BUSINESS

At Ms. Lee's inquiry, Ms. Ross indicated that any new quasi-judicial matters would be noticed at a 1,000-foot radius. She stated that staff would make the distinction at meetings as to whether an application had received 500 or 1,000-foot notices.

8. NEW BUSINESS

There was no new business discussed.

9. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions.

10. ADJOURNMENT

There being no objections, the meeting was adjourned at 8:45 p.m.

Date Approved _____

Chair/Board Member