

PLANNING AND ZONING BOARD
AUGUST 13, 2003

1. ROLL CALL

The meeting was called to order at 7:07 p.m. Board members present were Chair Mike Bender, Casey Lee, Scott McLaughlin, and Mimi Turin. Also present were Vice Mayor Susan Starkey, Attorneys Andre Parke and Martin Kiar, Planning Supervisor Marcie Nolan and Board Secretary Janet Gale recording the meeting. Vice-Chair Bob Waitkus was absent.

2. APPROVAL OF MINUTES: June 25, 2003

Chair Bender advised that the spelling of a person's name on page 2 should be "Tam" instead of "Camb". Ms. Gale indicated that she would make that correction.

Mr. McLaughlin made a motion, seconded by Ms. Turin, to approve the minutes of June 25, 2003. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor. **(Motion carried 4-0)**

3. PLATS

3.1 P 7-2-02, Woodbridge, 1750 SW 136 Avenue (A-1)

Bill Laystrom and Carlos Ballbe, representing the petitioner, were present. Ms. Nolan read the planning report.

Chair Bender asked that if the Town was in negotiations for purchasing the property, why was it being platted for homes. Mr. Laystrom responded that he didn't know that sale negotiations was a criteria for plat consideration; however, he explained the situation from the developer's perspective and what the agreement had been between the developer and the Town. Mr. Laystrom believed that the platting should be accomplished in case the property did not close on October 15th.

Ms. Turin disclosed that she had conversations with Vice-Mayor Starkey regarding this plat. She also asked why platting needed to move forward at this time. Mr. Laystrom reiterated the developer's position and added that the sale "keeps not closing" and they were incurring the "interest carry" on the property. He clarified that approvals took time and he wanted them in place should the closing on the property not occur.

Referring to the plat, Mr. McLaughlin stated that he would recommend "corner cords" at specific locations. Mr. Laystrom indicated that he concurred.

Ms. Lee asked Vice-Mayor Starkey if she believed that the Town would meet the October deadline. Vice-Mayor Starkey responded that the Town and the Trusts for Public Land were ready and willing to move forward on that project. She added that various other agencies were willing to move forward with the preservation efforts as of May 9th. Vice-Mayor Starkey indicated that for the past two years, all parties were acting in good faith; however, at this point in time, she personally believed that this platting request was not an effort in good faith.

Mr. Ballbe expressed his opinion that platting the property would not have any "detrimental" effects on the property.

Mr. Laystrom renewed his objection that these discussions were not relative to the plat. He indicated that he would relay to Mr. Garcia that Vice-Mayor Starkey believed he was acting in bad faith; however, he stated that he believed he was entitled to the Board's approval as all platting and zoning requirements had been met. Mr. Laystrom indicated that he would interpret a denial as an effort to gain some kind of "contract advantage" as this item could be moved forward for the Town Council's ultimate decision.

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Ms. Turin stated that as a taxpayer, her concerns were for all the resources and expenditures which had been dedicated in an effort to make this acquisition possible going down the drain. Mr. Laystrom again asserted his objection that this argument was not the criteria for the plat approval.

Ms. Lee expressed that she would prefer to see this site become a park and was not in favor of the plat.

Ms. Turin made a motion, seconded by Ms. Lee, to deny. In a roll call vote, the vote was as follows: Chair Bender - no; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - no; Ms. Turin - yes. **(Motion failed to carry 2-2)**

As a tie vote required that this item be tabled, Mr. Laystrom asked that it be reconsidered so that those who voted for him could vote against him and, therefore, have the item moved forward to Council.

Mr. Parke opined that the prevailing side was the one which stopped the motion and, therefore, a motion to reconsider would have to be made by Mr. McLaughlin.

Mr. McLaughlin made a motion, seconded by Ms. Lee, to reconsider. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - no. **(Motion carried 3-1)**

Mr. McLaughlin made a motion, seconded by Ms. Lee, to deny. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

3.2 P 10-2-02, Pine Meadow Estates II, southwest 136 Avenue at Pine Meadow Court
(R-1)

Ms. Nolan advised that the applicant and staff were working on the equestrian trail location and, therefore, was requesting a tabling to September 10, 2003.

Mr. McLaughlin made a motion, seconded by Ms. Lee, to table to September 10, 2003. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor. **(Motion carried 4-0)**

4. PUBLIC HEARINGS

Special Permit

4.1 SE 7-1-03, Somerset in Davie Charter School/Deutsch, generally located at the northeast corner of Orange Drive and Pine Island Road (B-3)

Veronica Rives, representing the applicant, was present. Ms. Nolan read the planning report.

Ms. Rives briefly provided historical information on the Somerset Academy Family of Schools and believed it would be a great school for the community.

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

Vicki Augustus-Fidelia, 4271 SW 82 Way, stated that if a trailer was to be located at the site, it should not be there for more than 12 months.

Joe Salvana, a resident of Pine Island Bay Community, relayed a recommendation for a traffic circle which was made by the Town's Engineer Larry Peters and with which the community favored.

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

Ms. Rives responded to the concerns stated by the previous speakers and answered questions posed by the Board.

Ms. Turin disclosed that she had spoken with Vice-Mayor Starkey regarding this application. She was concerned about the distance between this site and a gas station. Ms. Nolan advised that this item had received site plan approval and that since the school was coming in after the gas station, it was all right.

Mr. McLaughlin expressed his considerations and a concern for landscaping around the trailer. Ms. Rives indicated that applicant would agree to place trees where Mr. McLaughlin recommended.

Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve subject to providing landscaping with trees on the east and west sides of the trailer. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

Variances

4.2 V 5-2-03, Progressive Development Group, Inc./ExxonMobil Fuel Marketing Company, 2399 South University Drive (B-2)

Brett Nevaril, representing the petitioner, was present. Ms. Nolan summarized the planning report, provided a history of the site, and explained the four variances.

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

Robbie DiMaio, 7 South Valencia Drive, was in favor of the "face lift"; however, she was concerned with noise and safety.

Doreen DeLuca, 10 South Valencia Drive, was concerned with the safety of having gas pumps closer to the residences.

Mr. Nevaril clarified that the gas pumps would be approximately the same distance as present. He provided a site plan map and pointed out the locations of the various items mentioned by the residents.

Mr. McLaughlin asked about the block wall and the proposed landscaping. Mr. Nevaril indicated that landscaping would go on both sides of the wall and that exotic trees would be removed. He also agreed to provide landscaping on the west side of the entrance road towards the shopping center if it was agreeable with the property owner.

The Board agreed that a separate motion would be made for each variance.

Mr. McLaughlin made a motion, seconded by Ms. Turin, to approve variance one subject to working with the adjacent property owners to provide landscaping on the other side of the access road. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor except Ms. Lee who was opposed. **(Motion carried 3-1)**

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

Ms. Lee made a motion, seconded by Ms. Turin, to deny. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor except Mr. McLaughlin who was opposed. **(Motion carried 3-1)**

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Mr. McLaughlin made a motion, seconded by Ms. Turin, to approve variance three. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor except Ms. Lee who was opposed. **(Motion carried 3-1)**

Mr. McLaughlin made a motion, seconded by Ms. Turin, to approve variance four. In a voice vote, with Vice-Chair Waitkus being absent, all voted in favor except Ms. Lee who was opposed. **(Motion carried 3-1)**

4.3 V 6-2-03, Marker, 1554 East Harmony Lakes Circle (PRD-5)

Patrice Marker, the petitioner, was present. Ms. Nolan read the planning report.

Ms. Marker indicated that the deck and gazebo were lovely and she would hate to have to tear it down.

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

Mr. McLaughlin asked if the structure was solidly built and Ms. Marker responded affirmatively.

Mr. McLaughlin 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 - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

Mr. McLaughlin mentioned that a preliminary site plan would be beneficial in some instances. Ms. Nolan explained that variances had to stand on their own; however, if the Board required one, she would provide it. Ms. Lee suggested that for variances, she would appreciate a current "survey" and a "survey" of what was proposed. Ms. Nolan indicated that she would try to accommodate the request; however, it was not always possible.

7. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:40 p.m.

Date Approved _____

Chair/Board Member