

**PLANNING AND ZONING BOARD  
MARCH 10, 2004**

**1. ROLL CALL**

The meeting was called to order at 7:05 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Town Attorney Monroe Kiar, Planner Deborah Ross and Board Secretary Janet Gale recording the meeting.

**2. APPROVAL OF MINUTES: February 25, 2004**

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve the minutes of February 25, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**3. PUBLIC HEARING**

*Special Permit*

3.1 SE 8-1-03, Lethbridge/Madeira Limited, Sunny Lake, 5400 Griffin Road (Florida Turnpike Node, R-O) **(Tabled from February 25, 2004)**

Bill Laystrom, representing the petitioner, was present. Ms. Ross summarized the planning report.

Mr. Laystrom provided background information in order to better explain the intent of the project. He advised that although the property was being considered for a park site, the permit would be necessary to fill a portion of the lake for development, should the plans for a park not come to fruition. Ms. Lee asked how much of the lake would be filled and Mr. Laystrom responded that approximately half of it would be filled. Mr. Stevens questioned where in the process were they in the discussions for the park idea and was anything currently scheduled for the Town Council to consider. Mr. Laystrom advised of the status of the proposed park within Broward County and indicated that the park issue was not currently scheduled to be addressed by Council.

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

Philip Busey, 837 SW 120 Way, spoke in opposition and read a letter by Harold Hancock, Chair of the Sierra Club in Broward County.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, expressed her concerns regarding the impact on the flora and fauna and spoke in opposition.

Mitch Topal, 12720 SW 13 Manor, cautioned that the fill could enable trucks to have access to the "IDI" complex and he spoke in opposition.

Vince Orrico, 4630 SW 54 Terrace, was concerned about property value and his existing way of living and spoke in opposition.

Dennis Rogers, 14421 SW 24 Street, spoke in opposition.

Michael Deruytter, 5463, SW 60 Avenue, was concerned about drainage loss and spoke in opposition.

Daniel Cunningham, 5347 SW 48 Street, showed photographs of the lake and was concerned about ground tremors due to fill compacting. He spoke in opposition.

Nicole Coletti, 5291 SW 48 Street, spoke in opposition.

Roderick Tirrell, 2101 NE 55 Court, spoke as a member of the Broward County Land Preservation Advisory Board and urged that the Town apply for funds to support a park site at the next opportunity.

**PLANNING AND ZONING BOARD  
MARCH 10, 2004**

Judy Price, 5201 SW 48 Street, expressed concerns about the eco system and traffic and spoke in opposition.

Genia Simmons, 5357 SW 48 Street, spoke in opposition.

Norman McKinnon, 5357 SW 48 Street, spoke in opposition.

Marie Brakebill, 4730 SW 54 Terrace, spoke in opposition.

Karin Schade, 5460 SW 55 Avenue, spoke in opposition.

Fred Schenk, 5401 SW 49 Street, spoke in opposition.

Donald Turner, 4601 SW 54 Terrace, was concerned about foundations sinking and cracking and spoke in opposition.

Betty O'Connor, 5280 SW 48 Street, was concerned that the structural integrity of the homes surrounding the lake could be compromised and spoke in opposition.

Doris Monier, 5305 SW 48 Street, spoke in opposition.

Kasey Cunningham, 5347 SW 48 Street, spoke in opposition and provided a video of the lake which displayed its wildlife and ambiance at this point in time.

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

Mr. Laystrom addressed the residents' desire to have this site be a park. He encouraged them to contact Council and the County Preservation Board to let them know of their requests. Mr. Laystrom advised, however, that the Town had designated this as a turnpike node and the zoning was compliant. He indicated that many of the concerns regarding drainage would be improved and were site plan issues. Mr. Laystrom offered a compromise of not moving forward with filling for 90 days except for doing the wildlife surveys and tree surveys in order to give the Town the opportunity to make an initial determination as to whether or not it wanted to purchase the site. He clarified that this project had nothing to do with the IDI project. Mr. Stevens asked if the applicant was willing to extend the 90 days to 120 days and Mr. Laystrom responded affirmatively.

Chair Bender disclosed that he had spoken with Doris Monier. He sincerely believed that habitat had made a home at this lake and a change would be "criminal". Chair Bender also was concerned that the residents on the east side should not be "short changed" and was opposed to this project.

Vice-Chair Turin maintained that the evidence showed there was significant wildlife in the area which was part of the living conditions of the neighborhood and that approval of the application would not be consistent with Section 12-308(A) (1) (a) (iii) of the Code.

Ms. Lee indicated that she was not in favor of the project and that the owner had been aware of what the site was when it had been purchased and that it should remain that way.

Mr. McLaughlin indicated that this project would interfere with natural habitats and would not be conducive to the neighborhood and he was opposed to this project. He suggested that residents make the effort to pursue officials in behalf of making this area a park.

Mr. Stevens believed that this site would be most beneficial to the Town as a park and encouraged the residents to contact the County and Town officials to make their desires heard. He believed that contrary to Section 12-308, the proposed permit would create an unrelated and incompatible use of the lake and the surrounding properties as it currently stood; that the proposed change would adversely affect living conditions in the neighborhood or Town; and that the proposed change would adversely affect surrounding property values. Mr. Stevens indicated that he would have to vote to deny the special permit as he believed the applicant did not comply with the Code.

**PLANNING AND ZONING BOARD  
MARCH 10, 2004**

Vice-Chair Turin made a motion, seconded by Mr. Stevens, to deny on the basis that the evidence presented had shown that this area definitely had significant wildlife and protected wildlife; that the requested permit would cause an adverse affect on the living conditions in the neighborhood subsection (iii); that it would be in violation of subsection (ii) which would be to create an unrelated and incompatible use; and furthermore that the evidence has shown that it would be in violation of subsection (v), adversely affecting property values; and, therefore, this application did not meet the criteria for a special permit under Section 12-308(A) (1) (a) of the Code. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 5-0)**

The Board recessed at 8:32 p.m. and resumed at 8:42 p.m.

*Variance*

3.2 V 1-3-04, Woodlief, 13800 SW 37 Court (R-1)

Lou Woodlief, the applicant, was present. Ms. Ross summarized the planning report. Mr. Woodlief indicated that he concurred with staff's findings.

Ms. Lee disclosed that she had spoken with the applicant many times when she was a Town employee. She recalled that there had been many lots in the area with the same conditions and wondered why this applicant needed a variance since all the homes in that area were on small lots. Ms. Ross responded that all future applicants would have to go through the same process.

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

Bill Sharp, 13661 SW 37 Court, provided historical information and indicated that if this variance was allowed, other homeowners would split their lots. He was opposed.

Kathleen Sharp, 13661 SW 37 Court, believed that the homes should be built on 35,000 square-foot properties and that this reduction would set a precedent.

Lawrence Manion II, 13630 SW 36 Court, was opposed and cited examples of other residences which could do the same thing.

John Auriemma, 13621 SW 36 Court, was concerned that a vacant lot next to his home would also be allowed to be platted for a house and where would it stop. He was opposed.

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

Mr. Woodlief responded that the property in question consisted of two 75-foot lots which amounted to 29,850 square feet and on which size other houses had been built. He clarified that the lots were next to his home and were bought at a later date with the intention of building a home for his son. Mr. Woodlief believed it would be allowed since his home was on a 29,850 square-foot lot and did not require any variances.

A lengthy discussion ensued regarding the construction of homes in the area that were built as "non conforming lots of record". Mr. McLaughlin asked the applicant if he would agree to not applying for further variances on this site and Mr. Woodlief responded affirmatively. Mr. McLaughlin indicated that this was an example of poor planning on the part of the Town at a time when platting was not required. Vice-Chair Turin commented that two wrongs did not make a right and at some point mistakes had to stop. Mr. McLaughlin contended that poor planning on behalf of the Town should not be the reason for denying a person the right to build on property which was the same size as the one that did not need a variance and which was in an unrecorded sub-divided area.

**PLANNING AND ZONING BOARD  
MARCH 10, 2004**

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

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

Mr. McLaughlin advised that due to a prior engagement, he would not be able to attend the next meeting.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:10 p.m.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member