

PLANNING AND ZONING BOARD
SEPTEMBER 22, 2004

1. ROLL CALL

The meeting was called to order at 7:01 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee and Scott McLaughlin. Also present were Attorney Andre Parke, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting. John Stevens was absent.

2. APPROVAL OF MINUTES: August 25, 2004
September 8, 2004

Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve the minutes of August 25, 2004. In a voice vote, with Mr. Stevens being absent, all voted in favor. **(Motion carried 4-0)**

Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to approve the minutes of September 8, 2004. In a voice vote, with Mr. Stevens being absent, all voted in favor. **(Motion carried 4-0)**

3. PLAT

3.1 P 2-2-04, Lakeside Village at Davie, 6990 Griffin Road (Griffin Corridor, West Gateway: Zone 1)

Chair Bender advised that the applicant requested that this item and item 4.1 be presented together.

Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to review items 3.1 and 4.1 simultaneously. In a voice vote, with Mr. Stevens being absent, all voted in favor. **(Motion carried 4-0)**

Dick Coker, Jordan Klemow, Howard Jablon and Joe Thalenfeld, representing the petitioner, were present. Mr. Gratz summarized the planning report and emphasized that the applicant worked diligently with staff and neighbors to bring forth these proposals.

With the aid of graphics which included a conceptual site plan, renderings, and floor plans, Mr. Coker explained the intent of the plat and rezoning request.

A lengthy discussion ensued regarding access to Griffin Road, buffers between this project and neighbors, the sizes and locations of lakes and drainage areas, parking, the number of proposed units and tree conservation and relocation.

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

Gail Scopinich, 4810 SW 70 Avenue, wanted assurances from Mr. Klemow that there would be no traffic access on SW 70th Avenue, that there would be adequate buffering between this development and the neighboring residences and there would be no drainage problems.

Steve Lewis, 4800 SW 70 Avenue, was opposed to jamming houses on one-quarter of an acre when neighboring residences were at most one-unit-per-acre.

Dave Sexton, 6899 SW 50 Street, had questions regarding the length and depth of the southern buffer.

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

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Discussions resumed among the Board regarding the equestrian trail, fencing and road improvements to be made to a section of SW 70th Avenue. They expressed their opinions about the project and determined that they would first vote on the plat then the rezoning.

Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve item 3.1. 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 - absent. **(Motion carried 4-0)**

Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve item 4.1 subject to site plan approval. 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 - absent. **(Motion carried 4-0)**

4. PUBLIC HEARING

Rezoning

4.1 ZB 12-2-03, Klemow, Inc./Lakeside Village at Davie, LLC, 6990 Griffin Road (A-1 and West Gateway)

This item was approved earlier in the meeting.

The Board recessed at 7:38 p.m. and reconvened at 7:42 p.m.

4.2 ZB 5-3-04, Doumar, Allsworth, et al/Matrix University, LLC, 5250 & 5270 University Drive (from B-3 to RM-10 only on portion that has a future land use of RM-10)

John Voigt and Jill Cohen, representing the petitioner, were present. Mr. Gratz read the planning report and noted that there were deed restrictions on the property which related to the commercial element and limited the number of retail uses at the site.

Using a conceptual site plan, elevations and floor plans, Mr. Voigt explained the intent of the project and the specific considerations regarding the constraints of the property. He confirmed that there were to be 47 townhouses, horse stables, amenities and lakes.

A lengthy discussion ensued regarding the use of the property and Mr. Voigt asked that the Board consider that the property had been vacant for 18 years and that this was a much better alternative than having the property remain vacant. He also pointed out that this was the preference of neighboring residents, specifically the Saddle Up development.

Chair Bender was concerned with the loss of revenue going from a commercial to a residential property. He wondered if a comparison had been made to see the difference between the two uses. Mr. Gratz did not believe there would be much of a difference between the value of 47 units at \$350,000 each or a \$1,000,000 commercial building.

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

Board members debated the issue and expressed the advantages and disadvantages from their perspectives.

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Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve the rezoning. In a roll call vote, the vote was as follows: Chair Bender - no; Vice-Chair Turin - yes; Ms. Lee - no; Mr. McLaughlin - yes; Mr. Stevens - absent. **(Motion carried 2-2. This item was automatically tabled to the meeting of October 13, 2004, due to the tie vote.)**

Variances

4.3 V 5-1-04, Progressive Development Group, Inc./Mobil Oil, 2399 South University Drive (B-3) **(tabled from July 14, 2004)**

Tom Pressman, Brett Nevaril and Herman Steinberg, representing the petitioner, were present. Chair Bender recalled that this item had been reviewed approximately one year ago and asked about it.

Mr. Pressman provided an update since there had been previous variance requests made in August 2003. He stated that the plans had been changed as "driven" by the neighbors and a great deal had been learned subsequent to the previous variance requests. Mr. Pressman used renderings and a site plan to further clarify the variance requests. He indicated that this presentation was the result of one year's work and detailed the improvements.

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

A lengthy discussion ensued with Board members stating their concerns and how they were addressed by the applicant. While safety was always an issue, the site existed prior to the residences being developed and these renovations would be an aesthetic improvement and meet the new Code which was a safety improvement. It was clarified that the distance between the gas pumps and the nearest residential unit was approximately 200 feet.

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

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve variance one. 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 - absent. **(Motion carried 4-0)**

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve variance two. 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 - absent. **(Motion carried 4-0)**

Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve variance three. 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 - absent. **(Motion carried 4-0)**

Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve variance four. 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 - absent. **(Motion carried 4-0)**

Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve variance five as it reflects on the plan and that the landscape plan should meet or exceed 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 - absent. **(Motion carried 4-0)**

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4.4 V 8-2-04, Cantillo, 4032 East Ridgeview Drive (A-1)

Abelardo and Maria Cantillo, the petitioners, were present.

Mr. Gratz explained that the Code had changed in 2002 and now required a 30-foot setback. This caused a dilemma for the applicant who originally had a 25-foot setback and would be in keeping with that 25-foot setback for this improvement. He felt singled out as the houses currently being built in his development required only a 25-foot setback while his improvement would require a variance.

In the brief discussion which ensued, Board members understood the intent of the Code change and recognized that there would be instances such as this where exceptions were necessary.

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 Ms. Lee, to approve. 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 – absent. **(Motion carried 4-0)**

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

Ms. Lee commented that she appreciated having the color renderings and site plans to help visualize the projects and understand the presentations. She asked if it could be required background information for future meetings. Mr. Gratz responded that only conceptual plans were required and what had been presented at this meeting was above Code requirements. He contended that developers were encouraged by staff to provide the visuals to “help sell” their projects; however, they were not mandated.

7. COMMENTS AND/OR SUGGESTIONS

Mr. McLaughlin requested a full-size plat for future plat reviews.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:43 p.m.

Date Approved _____

Chair/Board Member