

PLANNING AND ZONING BOARD
NOVEMBER 10, 2004

1. ROLL CALL

The meeting was called to order at 7:00 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 Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: October 27, 2004

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the minutes of October 27, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Bender advised that the petitioner had requested that items 4.1 and 4.3 be tabled to January 12, 2005.

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to table both items to January 12, 2005. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLAT

3.1 P 11-2-03, Regency Commons, 5251 S University Drive (B-3)

Gus Aguirre, representing the petitioner, was present. Mr. Gratz summarized the planning report.

Mr. McLaughlin 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 - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 5-0)**

4. PUBLIC HEARING

Rezoning

4.1 ZB 2-4-03, Hormazabal/Oak Scholar of Broward, LLC, 3655 SW 154 Avenue
(AG to CF)

This item was tabled earlier in the meeting.

4.2 ZB 7-1-04, Leigh Robinson Kerr & Associates, Inc./Herzig, 4621 SW 58 Avenue
(A-1 to R-3)

Dennis Mele, Alejandro Delfino and Mike Gai, representing the petitioner, were present. Mr. Gratz read the planning report.

Mr. Mele commented that the request was to rezone from A-1 to R-2 as indicated in the newspaper ad and public notices. Using a conceptual site plan and renderings, he provided historical information and detailed the intent of the development. Mr. Mele indicated that he had meetings with neighboring residents in order to address a variety of concerns which they had expressed. He explained what modifications and adjustments had been made and the positive impacts they would have on the neighborhood. Mr. Mele answered questions which Boardmembers posed specifically regarding open space and "flex" and "reserve" units.

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

Steven Fuller, 4875 SW 57 Terrace, spoke of his concerns regarding traffic. He and his wife, Terry, were opposed.

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Brent Adrian, 5600 SW 48 Street, believed that there should be some kind of a buffer wall between the residential and agricultural lots where SW 49th Street would be if it continued westward to 58th Avenue at the southern end of the project.

Dan Cunningham, 5347 SW 48 Street, indicated that the density should be reduced in order to make this a compatible project.

Barbara Del Nero, 4240 SW 74 Avenue, was opposed because she believed that the equestrian parks and the recreational walkway which was supposed to accommodate pedestrians, bicycle riders and horseback riders, were too much as a safety issue. She stated that it should be kept at one unit per acre.

Marie Kaplan, 5721 SW 54 Court, was opposed because of the increase in traffic.

James Brown, 5741 SW 54 Court, was opposed because 58th Avenue was already a problematic road which he believed would not carry the heavy workload from construction vehicles.

Valerie Losio, 5740 SW 54 Street, was opposed because of the aforementioned reasons and she agreed that the density should be reduced.

Carol Sattler, 4900 SW 58 Avenue, was opposed for the aforementioned reasons and that it would remove the rural character and open space qualities of the neighborhood.

Janice Vliet, 5630 SW 54 Street, spoke in opposition.

Marie Elianor, 4771 SW 57 Avenue, spoke in opposition because of the adverse effects in the property value and she wanted to know why it could not be developed R-1.

Betty O'Connor, 5280 SW 48 Street, was opposed to anything more than one unit per acre.

Rebecca Miele, 5251 SW 49 Street, spoke in opposition for the above mentioned reason. She spoke of the voter's mandate regarding maintaining the rural lifestyle.

Nicole Deruytter, 5291 SW 48 Street, spoke in opposition based on traffic concerns.

Doris Monier, 5305 SW 48 Street, spoke in opposition and distributed a letter stating her objections and which had the signatures of several residents who shared her viewpoint.

Genia Simmons, 5357 SW 48 Street, spoke in opposition regarding the impact on schools.

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

In a "housekeeping effort," Mr. Mele spoke of two letters which had been submitted by Karen Stenzel-Nowicki and asked that in the future, both letters be included in the backup material and not one without the other. He addressed the issue regarding flex and reserve units and stated that there were 115 reserve units and 101 flex units which totaled 216 units. Mr. Mele remarked that if 141 units were thought to be sufficient for this zone, then the larger amount would be "even better."

Mr. Mele pointed out the equestrian trails which were to be provided and the improvements that would be made to the SW 58th Avenue roadway in order to accommodate a second access for the project which had been requested by the residents on SW 52nd Avenue.

A lengthy discussion ensued among the Boardmembers. Chair Bender expressed that although this application had been better than anything which had been proposed, it still needed improvement. He believed that residents located on the east side of Davie were as entitled to maintaining their zoning as were the residents located on the west side. Chair Bender was unwilling to relinquish the reserve units and was opposed to the density. He provided examples of other one-unit-per-acre developments with equal expenses in developing million-dollar homes and advised that they had been sold out.

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Vice-Chair Turin expressed her reasons for concluding that the proposed development would adversely affect the living conditions in the neighborhood and indicated her opposition. She stated that this proposal was much better than those of the past; however, it needed to be less dense.

Mr. McLaughlin disclosed that he had spoken with Ms. Monier and Mr. Mele regarding this proposal. He agreed that although it was a big step in the right direction, it was still too dense. Mr. McLaughlin made several helpful points for all to consider and to clarify what he was opposed too. He also encouraged the residents to form a homeowners' association for clout.

Mr. Stevens agreed with the many concessions which had been made by the applicant and he opined that the matter should be tabled in order to work out some solutions following the recommendations which had been made, specifically those regarding density.

Ms. Lee expressed that the residents in the area had compromised enough and did not need to compromise further. She suggested that each bring another neighbor to the Town Council meeting when the matter would be presented.

Ms. Lee made a motion, seconded by Vice-Chair Turin, to deny. 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 - no. **(Motion carried 4-1)**

Vacation of Right of Way

4.3 VA 12-1-03, Oak Scholar of Broward, LLC, 3655 SW 154 Avenue

This item was tabled earlier in the meeting.

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

There was no new business discussed.

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 8:58 p.m.

Date Approved _____

Chair/Board Member