

PLANNING AND ZONING BOARD
JANUARY 26, 2005

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: June 9, 2004
December 8, 2004

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the minutes of June 9, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to approve the minutes of December 8, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARING

Rezoning

3.1 ZB 8-1-04, Laystrom/Regency Square, 4900 SW 148 Avenue (from PUD, Broward County to B-3, Planned Business Center District)

Bill Laystrom and Manny Torrez, representing the petitioner, were present. Mr. Gratz summarized the planning report.

Mr. Laystrom indicated that he had agreed with the planning report and would voluntarily deed restrict "adult" uses from this project. Regarding a "sound wall" which had been requested by the residents, Mr. Laystrom advised that the item was in the "costing out" process. He indicated that he could not commit to an undetermined expense at this point in time; however, neither was he opposed to the proposal - it was being researched. Mr. Laystrom pointed out that the rezoning request was merely to be in the Town of Davie's B-3 zoning district rather than being in Broward County's more liberal PUD. He provided a site plan for further clarification of the project.

Ms. Lee asked what uses were allowed in B-3 as opposed to B-2 and Mr. Gratz indicated which they were. Mr. Torrez stated that with the exception of one unit containing 1,000 square feet of retail use, the remainder was to be office use.

Mr. McLaughlin asked if there were any other legal, non-conforming uses in the proposed rezoning area other than the ones Mr. Gratz had mentioned. Mr. Gratz responded negatively. Upon Mr. McLaughlin's inquiry, Mr. Gratz indicated that if those legal, non-conforming uses were to make major modifications, they would have to be brought up to the current Code. Mr. Laystrom interjected that the Town would be facing these issues frequently as rezonings to the Town's Code were initiated, especially on the east side.

Ms. Lee asked if the rest of this shopping center, which was approximately 12 years old, would be brought up to the current Code. Mr. Gratz indicated that the center would be checked before any certificates of occupancy were issued and that dead and damaged plants would have to be replaced.

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

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Keith Poliakoff, representing the residents of Chelsea at Ivanhoe, acknowledged that he had been in constant communication with Mr. Laystrom. He spoke of how the residents would be adversely impacted and was surprised that staff had not recommended certain conditions to help minimize those issues. Mr. Poliakoff indicated that the residents would be okay with the build out on the shopping center if it were protected by a sound wall such as what was to be installed on the Warren-Henry site. Although he was not opposed to the development, he could not support it as presented.

David Welborn, 4940 SW 151 Avenue, spoke of the problems that existed regarding the noise and believed that a sound wall would be beneficial to both parties.

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

Board members discussed the height, length and design of the wall. Mr. Laystrom reiterated that he was sensitive to the homeowners' concerns and was in the process of researching cost, as well as placement expectations. For the Board's better understanding, Mr. Laystrom pointed out the area where the proposed wall from Warren Henry was to be installed and the area where the residents were asking for this sound wall to be installed.

At Mr. McLaughlin's inquiry, it had been confirmed that the shopping center existed prior to the residential development and, therefore, the wall was not required by Code. A discussion ensued.

Chair Bender indicated that he had no problem with the rezoning and would like to see a sound wall go up for the residents as a condition of approval.

Ms. Lee expressed that the landscaping in the shopping center needed to be enhanced as it was presently dilapidated.

Vice-Chair Turin understood the noise issues, especially reflecting off the lake. She believed that anything a developer could do to minimize the impact would be appreciated by neighboring residents. Mr. Laystrom reiterated that he was sensitive to the issue and that there should be an amicable compromise upon completion of further research.

Mr. McLaughlin agreed that although the wall would probably be a good thing and worth looking into, the residents knew what they were getting into when they bought behind a shopping center.

Mr. Stevens agreed with Mr. McLaughlin that installing a wall would be a nice thing if it was cost effective; however, he too was not prepared to require the developer to install the wall for a rezoning which the Town was requiring of the developer.

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve with no restrictions. In a roll call vote, the vote was as follows: Chair Bender - no; Vice-Chair Turin - no; Ms. Lee - no; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion failed 2-3)**

Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping. 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. OLD BUSINESS

There was no old business discussed.

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5. NEW BUSINESS

Ms. Lee advised that she would be encouraging developers to maintain their sites whenever possible in her capacity as an advisory board member. She explained why this would be her mantra.

A brief discussion ensued regarding Code enforcement policies.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 7:50 p.m.

Date Approved: _____

Chair/Board Member