

PLANNING AND ZONING BOARD

JUNE 14, 2006

1. ROLL CALL

The meeting was called to order at 7:06 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Karen Stenzel-Nowicki, John Stevens and Mimi Turin. Also present were Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planners Ingrid Allen and David Abramson, and Board Secretary Janet Gale recording the meeting.

2. SELECTION OF CHAIR

Ms. Turin motioned to reappoint Mike Bender, seconded by Mr. Stevens. There were no other nominations. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. SELECTION OF VICE-CHAIR

Mr. Stevens nominated Scott McLaughlin for Vice-Chair, seconded by Chair Bender. There were no other nominations. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. PUBLIC HEARING

Vacation

4.1 VA 8-1-05, RGH/TKO II Joint Venture, LLP/Broward Anchor International, LTD, 8100 SW 36 Street

Debbie Orshefsky, Tracy Lautenschlager, Jordan Klemow, Howard Jablon, Chris Lockett, Brian Gotfried and Midgley Jones, representing the petitioner, were present. Chair Bender asked Ms. Orshefsky if she minded addressing items 4.1 and 4.2 together. Ms. Orshefsky replied in the affirmative. Mr. Abramson read the planning reports for the vacation and rezoning.

Ms. Stenzel-Nowicki noted that part of the rezoning request increased in density to RM-12 subsequent to the item being deferred. Ms. Orshefsky explained that the RM-12 had been selected because it allowed the petitioner to realize the number of dwelling units that have been historically attributed to the site.

Vice-Chair McLaughlin asked about the southern portion of the lake parcel and if it was to be included in the net acres for rezoning. Mr. Abramson indicated that the total net acres needed to be corrected as the .605 net acres should not have been included.

Ms. Turin disclosed that she had a conversation about this item with one of the residents who lived next door to this project. Vice-Chair McLaughlin disclosed that he had called Mr. Stevens to see if he would be attending this meeting. Ms. Stenzel-Nowicki disclosed that she had spoken with some of the residents of Rolling Hills Estates.

Using aerials, site plans and other graphics, Ms. Orshefsky provided historical information in order to explain the evolution of the request. She spoke of the administrative rezoning in 2003 which developed a zoning district that recognized and acknowledged the previously attributed development rights. Ms. Orshefsky explained that the tax value would increase six-times that of the now derelict hotel. She maintained that the project created the appropriate transition from the very intense area to the north down to the single-family neighborhood to the south and considered the neighbors to the east as well.

Chair Bender asked if anyone wished to speak on this item.

Lisa Hermann, 8264 South Lake Forest Drive, submitted letters from homeowners to the Town. She took issue with the traffic study and believed that there would be traffic congestion emanated by this project and it would occur at peak times, unlike the hotel traffic impact. Ms. Hermann was opposed to the rezoning.

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Don Martin, 8343 North Lake Forest Drive, was opposed to this item based on its intensity. He spoke of the lake and the understanding that it was owned by the homeowners' association as it had been maintained by them for the past four years. Mr. Martin submitted photographs of the site as viewed from his backyard. He spoke of how the view would change should this project be approved. Mr. Martin reiterated the previously mentioned traffic concerns.

Joel Spiegelman, 4123 West Lake Estates Drive, was opposed due to traffic congestion on SW 36 Street. He was also concerned about emergency vehicles trying to gain access through the congestion.

Jamie Perkins, 3160 Fairway Circle, was opposed based on density, traffic and broken promises made by the developer.

Gregg Sanders, 8343 North Lake Forest Drive, bought because of the amenities of the pool, hotel, golf course and lake. He was opposed because of density and traffic, and he believed that the building design was not compatible.

Ed Balog, 3627 Amelia Island Lane, was opposed because his backyard would be facing a three-story building and vice-versa.

Barry Chapwick, 4081 East Lake Estates Drive, indicated that he represented the homeowners of Lake Estates. He was opposed for all the abovementioned reasons as well as due to the "greed" of the developer. Mr. Chapwick explained what he believed was the correct formula to determine the amount of units the developer was entitled to build. It was based on the Land Use Plan of 3.5 units per acre times the 15 acres and that the Development of Regional Impact no longer applied to the project.

Chair Bender closed the public hearing.

Ms. Orshefsky asked if the Board understood that the vacation request was a matter of "housekeeping." She explained the intent of the vacation request.

Ms. Orshefsky had a copy of a letter that had been sent to Mr. Kiar which was an extensive analysis and conclusions with respect to what the Dashed-Line area meant to the developer. As it had not been provided in the Board's backup, Mr. Stevens asked to read the letter. Later in the meeting, Mr. Kiar advised that this was the first time he had seen the letter and backup that had been sent to him by Ms. Orshefsky. He explained the process involved in giving a legal opinion and advised that he would look into the matter of this misunderstanding.

Ms. Orshefsky responded to the density issues which had been mentioned. She clarified the significance of the Dashed-Line area of the development and explained the clustering of units which was allowed according to definitions in the Code. Ms. Orshefsky addressed the amenities issue by indicating that she recognized that there had been a perception by homeowners that they had been entitled to use the facilities of the hotel. She indicated that although the developer Mr. Klemow had not participated in that activity and although it had been determined that there was no legal obligation, he elected that the pool and tennis court in the R-5 area would be open to the Lake Estates residents for their use. Ms. Orshefsky contended that the traffic analysis which had been done was based upon nationally accepted standards and that it clearly showed that there would be a significant decrease in the amount of traffic as generated by the existing use.

In response to Mr. Chapwick's remarks regarding the Development of Regional Impact, Ms. Orshefsky maintained that all the mitigation for the project had already been done in 1994 although it had never been built out to its maximum capacity. Regarding drainage issues which had been mentioned, she explained that the entire 300-acre site was an integrated drainage system that was approved by the Central Broward Drainage District in the mid-90's and aside from various maintenance obligations, this project would be allowed to go forward as an integrated development.

Ms. Orshefsky noted that the height limits in both the R-5 and the RM-12 was 35-feet in order to dispel any height issues. She concluded her response by advising that the RM-12 was the most appropriate valid zoning category for this project and location.

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In response to Mr. Balog's complaint regarding a three-story building overlooking his backyard, Ms. Orshefsky provided an aerial printout from the Broward County Property Appraiser's Office. It showed that Mr. Balog's property was the closest to the existing three-story portion of the hotel.

Ms. Turin questioned section (e) under Findings of Fact of the staff report. She asked if the trip generation study took into consideration the peak hours such as to and from school and to and from work which occurred at the same times each day. Mr. Abramson answered her question. When Ms. Turin asked about the national standards regarding traffic generation, Ms. Nolan responded that the Institute of Transportation Engineers compared numbers to numbers based on land use rather than location to location.

Mr. Stevens commented that the threshold question of this issue was the interpretation of the Comprehensive Plan and the Future Land Use Plan Map, specifically what the Dashed-Line meant. He tried to calculate numbers and if he accepted the petitioner's position, 538 units could be developed on the parcel according to their interpretation. Since those calculations would amount to 19-units-per-acre, Mr. Stevens was not confident in the petitioner's explanation of what the Dashed-Line meant. He indicated that he would have liked to have had the opportunity to review the legal documentation as well as the Comprehensive Plan in order to have independent clarification of what the Dashed-Line meant.

Vice-Chair McLaughlin agreed with Mr. Stevens' comments. Regarding traffic from trip generation, if the hotel was fully being used, he would agree with the standard by the traffic engineers that the hotel generated more trips. Vice-Chair McLaughlin indicated that he agreed clustering of units had a viable use based on the Development of Regional Impact if the petitioner owned all the property; however, since he believed they did not own it all, it had no bearing on it. Vice-Chair McLaughlin stated that the Development of Regional Impact impacts and drainage were based on an old standard and by the 2006 standard, a lot more area would be needed for drainage. He thought that the shared use for the amenities at the hotel was a nice sales point and it was nice that the residents could use them for the time they had; however, he did not believe it went beyond that. Vice-Chair McLaughlin indicated that this was a heavily dense project for the area and did not feel that the applicant would have a claim for an RM-12 and that it "fell back to the 3.5 land use as set forth in the Land Use Plan. Later in the meeting, Vice-Chair McLaughlin indicated that he would like to have seen a survey for the vacation request in order to know what was "out there" before making decisions.

Chair Bender was not in favor of vacations of public property, especially when it was to be developed on and someone else would profit from it. He was, therefore, opposed to the vacation. Regarding the rezoning, Chair Bender differed in opinion with items (d), (e), (h), and (i) in the staff report and he explained why.

Ms. Turin saw evidence that a traffic problem already existed and it was not logical to think that the additional dwellings requested in the rezoning would create less traffic in the neighborhood. She believed that traffic congestion at peak times affected the quality of life within neighborhoods and it could not sustain the increase. Ms. Turin agreed with Mr. Stevens regarding the letter to Mr. Kiar in that it was very intense material and should have been provided in the Board's backup packets. She believed it would have assisted the Board to have had the benefit of counsel's opinion.

Ms. Stenzel-Nowicki was concerned that 61 letters written by the residents who were opposed to the project had not been noted in the backup. She was particularly concerned that the Town Council be advised of the letters. Ms. Stenzel-Nowicki observed that three of the vacation requests involved drainage easements and many of the residents expressed concern about drainage issues. She too was troubled by the potential effects of the drainage vacations. Ms. Stenzel-Nowicki indicated that she had problems regarding development issues and broken promises with the property owners going back to the early 90's. She also had problems with the land use being 3.5 and that the proper documents had not been provided to the Town Attorney's Office for a determination of the Dashed-Line area prior to this meeting.

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Mr. Stevens reiterated the need for complete backup material in order to adequately review all sides of a project and the concerns of neighbors.

Mr. Stevens made a motion, seconded by Ms. Turin, to deny vacation VA 8-1-05. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Ms. Stenzel-Nowicki – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to deny ZB 7-1-05. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Ms. Stenzel-Nowicki – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

The Board recessed at 8:50 p.m. and reconvened at 8:55 p.m.

Rezoning

4.2 ZB 7-1-05, RHG/TKO II Joint Venture, LLP/Rolling Hills Hotel, Ltd, generally located at the intersection of Rolling Hills Boulevard and Rolling Hills Circle (from PRD 6.3 to RM-10)

This item was denied earlier in the meeting.

Variances

4.3 V 2-1-06, Hollingsbrook & Mather, Inc./O'Connor, 2273 SW 132 Way (A-1) **(tabled from May 10, 2006)**

Chair Bender advised that staff had requested that this item be tabled to August 23, 2006.

Vice-Chair McLaughlin made a motion, seconded by Ms. Turin, to table to August 23, 2006. In a voice vote, with Mr. Stevens being out of the room, all voted in favor. **(Motion carried 4-0)**

4.4 V 2-2-06, Hollingsbrook & Mather, Inc./Rousseau, 2461 SW 131 Terrace (A-1) **(tabled from May 10, 2006)**

Chair Bender advised that staff had requested that this item be tabled to August 23, 2006.

Ms. Turin made a motion, seconded by Ms. Stenzel-Nowicki, to table to August 23, 2006. In a voice vote, with Mr. Stevens being out of the room, all voted in favor. **(Motion carried 4-0)**

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 9:00 p.m.

Date Approved: _____

Chair/Board Member