

**PLANNING AND ZONING BOARD**  
**JULY 26, 2006**

**1. ROLL CALL**

The meeting was called to order at 7:00 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, John Stevens and Mimi Turin. Also present were Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planner David Abramson, and Board Secretary Janet Gale recording the meeting.

**2. PLAT**

2.1 P 7-1-05, Flamingo Isles, 1380 South Flamingo Road (AG)

Gus Khavanin, representing the petitioner, was present. Chair Bender asked if it would be okay to address the plat and the rezoning at the same time. As Mr. Khavanin had no objections, Mr. Abramson proceeded to summarize both planning reports.

Mr. Khavanin indicated that he concurred with the planning reports.

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

Vice-Chair McLaughlin noticed that there was only one non-vehicular access line on the plat. Since Mr. Khavanin confirmed that two should be shown, he understood that the plat needed to be corrected. Vice-Chair McLaughlin also noted that on the second page, half of the legend did not print and, therefore, had to be reprinted to include the legend on the left-hand side. Mr. Khavanin agreed it would be done.

Vice-Chair McLaughlin was surprised that the Town did not request any rights-of-way along SW 14 Street. Mr. Khavanin explained why it was not necessary. When asked about the results of the public participation meetings, Mr. Khavanin advised that there were only a couple of phone calls regarding the plat.

Ms. Turin asked about item 3, of page 4, regarding a contribution to a local road and traffic calming improvement fund, and she wondered what happened with that issue which the Board had opposed. Mr. Dell advised that the Town was in the process of sending out a request for proposal for a Master Highway Plan and was simultaneously prioritizing road improvements throughout the Town. Once those two tasks were completed, the Town would be proposing a road impact fee since Broward County no longer provided funds for roads east of Flamingo Road and those funds collected by the County were being directed to the transit system instead. Mr. Dell further explained that until the correct Code language was in place, the Town was doing this in the interim and that the policy had been supported by Council. Ms. Turin questioned how the contribution amount was determined in this case. Mr. Dell spoke of the improvements to SW 121 Avenue and SW 14 Street which were requested by Engineering; however, the contribution would be based on two spaces per house. Board members expressed that they did not think they had the authority to enforce the contribution.

Mr. Stevens opined that it should be the policy of this Board to recommend to Council that the item be approved or denied without these impact fees until it has been codified. He did not feel comfortable assessing a fee that was not in the Code. A discussion ensued regarding this issue.

Vice-Chair McLaughlin made a motion, seconded by Chair Bender, to approve the plat subject to staff's recommendations less item number three under Engineering Division [page 4 of the staff report] and subject to Vice-Chair McLaughlin's comments regarding the plat legend and the non-vehicular access line. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

Mr. Stevens made a motion, seconded by Ms. Turin, to approve the rezoning. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

**PLANNING AND ZONING BOARD**  
**JULY 26, 2006**

**3. PUBLIC HEARING**

*Rezoning*

3.1 ZB 7-2-05, Khavanin/Landau, 1300 Flamingo Road (from AG to RM-5)

This item was approved earlier in the meeting.

*Variance*

3.2 V 2-3-06, Laystrom, Voigt/4400 South, Inc., 4300 and 4400 South University Drive (B-2)

John Voigt, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Mr. Voigt explained how this variance request evolved, expanded and was mandated by the Special Magistrate.

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

Gordon Bateman, 4341 SW 78 Drive, defined how the outdoor deck created a hardship to his home regarding noise, lighting and litter. He advised that three other homes were impacted and although the ten-foot wall would have little impact on the noise, it would help a great deal with the “visuals.”

There was a brief discussion with Mr. Kiar who advised that although it was an order by the Special Magistrate, the Board still had the discretion to make a recommendation to Council.

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

Mr. Abramson asked that when the applicant applied for a building permit for the ten-foot wall, that they show the exact location to determine if there was room for landscaping on both sides of the wall. Vice-Chair McLaughlin added that he would like to see the applicant obtain letters from the adjacent homeowners to show that they were in agreement to work with them on the landscaping and if the adjacent homeowner did not want landscaping, the applicant would not have to put it in there.

Vice-Chair McLaughlin made a motion, seconded by Ms. Turin, to approve subject to the staff’s recommendations; that a building permit be obtained for the wall; that there be a site plan and landscape plan to go through the site plan process for the purpose of reviewing the type of landscaping that would be provided; and that an “existing tree location survey” would be needed for the Site Plan Committee’s review. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**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 7:52 p.m.

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

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