

**PLANNING AND ZONING BOARD  
DECEMBER 13, 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, Philip Busey, John Stevens and Mimi Turin. Also present were Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planners David Abramson and Ingrid Allen, and Board Secretary Janet Gale recording the meeting.

**2. APPROVAL OF MINUTES:** November 8, 2006

Mr. Busey made a motion, seconded by Mr. Stevens, to approve the minutes of November 8, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**3. PLATS**

3.1 P 1-4-06, Trotters Chase, 5820 Griffin Road (Griffin Corridor and A-1)

Linda Strutt, John Bronco and Frank Armedia, representing the petitioner, were present. Mr. Abramson summarized the planning report.

Mr. Busey expressed concern about the potential traffic impact. Mr. Abramson explained that there would be access points at 61st Avenue and at Griffin Road. He elaborated that the applicant did not exceed what was allowed for the land use and at the time of the site plan process, the applicant would be required to show the amount of trips created by the mixed-use development.

Ms. Strutt provided background information and indicated that the petitioner would be returning for rezoning when project details were developed. Since Mr. Busey was concerned about an access point on 58th Avenue, she explained that the “tick” line on the plat represented a non-vehicular access point at that location.

Ms. Turin, Mr. Busey, Mr. Stevens and Vice-Chair McLaughlin provided disclosures.

Vice-Chair McLaughlin noticed a bus shelter on Griffin Road and asked if a “bus bay turnout” was planned at that location. Ms. Strutt replied that traffic engineers were not asking for one.

Mr. Busey had a map taken from the developer’s web site and he asked that the applicant verify the accuracy of the site plan. Mr. Bronco indicated that the site plan was inaccurate as it had been the first rendition prior to their first public participation meeting. Mr. Busey, however, asked about a road access point indicated on 58th Avenue and Mr. Bronco responded that it was a restricted access for residential traffic only. Mr. Armedia elaborated on the plans which shared three access points with most traffic being directed at the Griffin Road access point.

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve subject to staff’s recommendations. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

3.2 P 4-1-06, Lorson Plat, 5355 SW 76 Avenue (CC)

Mikki Ulrich and Manny Synalovski, representing the petitioners, were present. Mr. Abramson summarized the planning report.

Ms. Turin noticed that an equestrian trail was to be developed on the east side of the property; however, in the Engineering Department’s comments, it spoke of the west side. Mr. Dell clarified that it was to be located on the east side of the property which was on the west side of 76th Avenue.

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

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3.3 P 6-2-06, Colonnades at University, 5480 SW 76 Avenue (CC)

Jay Evans, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Ms. Turin asked if the proposed equestrian trail was contiguous to the Lorson Plat. Mr. Abramson responded that this property was not contiguous; however, the equestrian trail would eventually connect.

Vice-Chair McLaughlin expressed concern that two consecutive projects had access points directed onto 76th Avenue. In the past, commercial projects had directed traffic onto University Drive because of the equestrian trails and because the local road was under sized and under managed. Vice-Chair McLaughlin foresaw safety issues with cars and horses mingling on that small road. Mr. Evans explained that there was a large buffer area along 76th Avenue and that the access was mostly for utilitarian purposes. He showed how much more convenient the access from University Drive would be in an effort to encourage its use.

Mr. Busey was concerned with the height of the three-story building and how the neighboring residents would react to it. Mr. Evans explained that the tallest building was on the west side of the project nearest to University Drive with the two-story buildings being a buffer on the residential side.

Vice-Chair McLaughlin made a motion, seconded by Chair Bender, to approve subject to staff's recommendations. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – out of room; Ms. Turin – yes. **(Motion carried 4-0)**

**4. PUBLIC HEARING**

*Variance*

4.1 V 9-1-06, Fuentes and Gerald/Fuentes and Sarmiento, 5501 SW 38 Street (R-5)

Billy Fuentes and Ledy Sarmiento, the petitioners, were present. Ms. Allen summarized the planning report.

Vice-Chair McLaughlin asked what the side setbacks were prior to the Code changes. Ms. Allen advised that it had been 15-feet and that the applicants were requesting to go to ten-feet.

Ms. Turin asked if other similar variances had been granted in that neighborhood. Ms. Allen responded affirmatively.

Mr. Busey asked about the impact to a driver's line of vision for vehicles making a left turn. Mr. Dell advised that the site triangle was supposed to be 40-feet from the intersection and he believed the variance request would not put the house in the site triangle.

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 expressed that this request went beyond the Code and he believed that the architect would be able to design an addition to comply with the old Code with a 15-foot setback.

Chair Bender commented that he did not have a problem with the request since it was such a small house to begin with and the addition would make it livable.

Mr. Busey expressed that he did not have a problem with it either because he could see the constraints that they were working with and that reconfiguration may result with the addition being on top of the neighbors.

Mr. Stevens believed that the addition could be reconfigured fairly simply to get the same square footage and comply with the "old Code."

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

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**5. OLD BUSINESS**

There was no old business discussed.

**6. NEW BUSINESS**

Mr. Dell discussed the last item and explained to the Board that in the future, there should be less variance requests. He advised that because of the way a section of the Code was written, nonconforming buildings and structures were not allowed to increase its nonconformity. Mr. Dell indicated that Council would be addressing this issue in the near future. Discussion continued regarding interpretations of the Code on this issue.

**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 7:56 p.m.

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

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Chair/Board Member