

**STAFF WORKSHOP MEETING
JUNE 13, 1996**

These minutes are for informational purposes only.

Present were Mayor Venis, Vice-Mayor Cox, Town Administrator Flatley, Assistant Town Administrator Rawls, Elliot Auerhahn and Town Clerk Gail Reinfeld who recorded the meeting.

Mayor Venis explained that the purpose of the workshop was to discuss the proposed site plan for the Ton Thumb Food Store. As Councilmember Kiar was unable to attend the meeting, Mr. Flatley read a letter from Councilmember Kiar expressing his opposition to having traffic entering Hawks Bluff Avenue from the store.

Mr. Flatley advised that discussions had been held with Broward County and related the County's decision to require a bond from the developer be reserved for a maximum of three years. If a safety hazard became apparent during that time, the County would require use of the bond to build a west bound, left hand turn into the Tom Thumb Food Store. Mr. Flatley said if no safety issues were realized, the bond would be returned to the developer. Mr. Flatley recalled that the Town had passed a resolution expressing total opposition to the development and added that the resolution had been sent to the County.

Mr. Flatley stated that the original plan for the property had funneled all the traffic onto Dykes Road; however, the County had amended the plat in 1991 to allow an entrance from the property onto Hawks Bluff Avenue. He described potential traffic flow challenges.

Mr. Rawls commented that preventing heavy traffic flow through residential areas was a primary concern and described the original design of Hawks Bluff Avenue which did not include truck traffic. He said that the Town's concerns had been voiced to the County with mild success. Mr. Rawls stated that the ideal desire was to eliminate access from the property in question onto Hawks Bluff Avenue. He advised that Dykes Road could support the heavy commercial activity and had been designed to do so; however, Hawks Bluff Avenue had not. Mr. Rawls said that further ideas and additional methods were still being reviewed to encourage the County to rethink the access issues.

Mr. Flatley related that Broward County Commissioner Lori Parrish was unable to attend this meeting, but that she had expressed her support for the Town's position.

Mr. Auerhahn explained that he was in charge of reviewing developments for Broward County and detailed his

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responsibilities. He said the issue had been in question for the past ten years and recalled that the County had changed the property to commercial at that time. Eight years later, the Town had requested that the County change the property zoning again. Mr. Auerhahn described the plat approved by the County in 1991, as 40,000 square feet for commercial use and said the access was still on Dykes Road at that time. Several months later, he said, the property owners had requested access for the property onto Hawks Bluff Avenue and had received permission. Mr. Auerhahn continued that in 1993, a site plan review had been conducted for construction of the convenience store. He said that the plan had met all conditions with only minor changes. Mr. Auerhahn recalled that Davie had expressed opposition at that time with little success. He said the developer had then become silent. Mr. Auerhahn stated that the developer had returned with the convenience store request as it had been proposed in 1993. He said the plan still met County standards with minor adjustments.

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Mr. Auerhahn advised that the access onto Hawks Bluff Avenue had been physically examined with County traffic engineers the previous day. He described the left turn issue and said no obstruction was apparent. Mr. Auerhahn stressed the legality involved in treating all developers equally and related court cases ruling in favor of the developer.

Mayor Venis invited a representative of the homeowner's association to speak on this matter.

Howard Nue, president of Hawks Bluff Homeowner's Association, said he had studied the issue at length. He related the lack of community input on site plans in Broward County.

Regarding the minor problems which Mr. Auerhahn referred, Mr. Nue said the law allowed those problems to be brought to the Broward County Commissioners. Mr. Auerhahn explained that there were no problems with the property in question which were included in that law and therefore, no basis to take the issue to the County Commissioners.

Mr. Nue inquired about the past problem of septic tank use. He recalled inclusion in the sewer system, installation of curbing and sidewalks had been required in the past. Mr. Auerhahn replied that sidewalks would be required and an easement to the sewer was included.

Mr. Nue recalled the developer's original opposition to the Dykes Road entrance had been because of the median and inquired if the median was now being built by the developer. Mr. Auerhahn responded that he believed construction of the median by the developer was a requirement of the site plan. Discussion of median location and traffic flow challenges ensued. Mr. Nue questioned the validity of the County's traffic engineering studies.

Mr. Nue inquired about the sign requirements. Mr. Auerhahn

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said he did not have that information. Mr. Nue asked about the size proposed for the sign. Mr. Auerhahn again stated he did not have that information. Mr. Nue asked if the landscaping requirements had been met. Mr. Auerhahn responded affirmatively. Mr. Nue inquired if a wall would be required when there was B-3 zoning in or near a residential area. Mr. Auerhahn replied that there was a buffering requirement when adjacent to a residential area, but that was not the case in the subject property. Mr. Nue recalled three recommendations which had been presented to the County Commissioner the year before. He said the Tom Thumb Site Plan had been one reason for the recommendations. Mr. Nue inquired if any of those recommendations had been accomplished. Mr. Auerhahn replied negatively, stating that the recommendations would be heard in August.

Mr. Auerhahn stated that notification had been accomplished without the use of signs. Discussion ensued.

Mr. Nue recalled two years earlier that Tom Thumb had not been the owner of the property and inquired about ownership status at that time. Mr. Auerhahn replied that Tom Thumb Food Stores had been named as owners on the application.

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Mr. Nue suggested that the property be annexed by the Town and condemned. Mr. Flatley explained that even if the Town were to have an opportunity for annexation, through an annexation bill that had recently passed, the ability to do so was a year and a half away.

Regarding the environmental problem, Mr. Nue questioned whether diesel fumes were a hazardous contributor to air pollution. Mr. Auerhahn responded that permits would have to be acquired for air quality control, underground fuel storage and all appropriate provisions to comply with County regulations.

Representative Debbie Wasserman-Schultz inquired if the property were annexed, would the owners have to comply with Davie zoning, signage and other requirements. Mr. Flatley responded that the legalities would have to be researched but he believed the Town would have control through regulation. He said that the idea was worth investigation. Forced annexation was discussed and explained.

Vice-Mayor Cox inquired about zoning in an annexation. Representative Wasserman-Schultz responded that the Town had more stringent zoning regulations than the County. She stated that the option would not necessarily make Tom Thumb withdraw, but some restrictions could be applied.

Mayor Venis opened the meeting to comments from the public.

Debra Ennoke described the traffic difficulty which existed during morning rush hour in the Hawks Bluff Avenue/Griffin Road area. Mr. Auerhahn acknowledged the traffic turning challenges and related the exact issue as had been requested by the Town. He said that he and County traffic engineers had determined no problem had existed in that matter. Ms. Ennoke explained other traffic problems. Mr. Auerhahn indicated that trucks attempting a turn in the area would have a problem and believed the only trucks would be construction traffic. It was stated that heavy equipment, construction related traffic was a concern for the residents.

Patricia DeMar suggested that the County examine the problems further north of the area. She predicted an increase in traffic and problems.

Mike Burns inquired about the possible installation of concrete turning barriers. Without them, he said the only way out of the area would be through the neighborhoods. He related his belief in the increase in development and traffic. Mr. Rawls responded that he could obtain the County's plans for the area and provide a more definitive answer. He said the area was currently painted to indicate lane designations and provided details. Mr. Rawls said that there was possibility of concrete barriers extending beyond Hawks Bluff Avenue in the future depending on increased traffic. He indicated that the future might bring a left turn impossibility.

An unidentified woman asked if a date had been set for construction. Mr. Auerhahn responded that the date was up to the developer. The woman inquired about the status of the road. Response was that it was a Town road.

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Vice-Mayor Cox commented that if the Town encouraged the County to install a concrete median on Griffin Road across Hawks Bluff Avenue, the only access to Tom Thumb would be from Dykes Road. She said the site plan would then be forced to construct the entrance desired by the Town and added that residential traffic would also be reduced.

Mr. Rawls detailed the future of the area and said that signalization of Dykes Road was scheduled. He predicted traffic increases and problems and suggested that the issue be addressed regarding Tom Thumb. He recommended that Tom Thumb be encouraged to make the commitment and build the driveway as the Town desired. Representative Wasserman-Schultz said she could assist in setting up meetings with the Department of Transportation and she mentioned cost issues.

An unidentified man inquired about the lack of gas pump information on the charts and asked how many were scheduled for installation. Mr. Auerhahn responded six islands and two diesel pumps were in the plan.

Mike Murphy stated that Mr. Auerhahn had the authority to bring the issue up to the County Commission if he desired. He said southbound traffic would travel through residential areas and detailed many safety hazards.

Mr. Murphy referred to the bond issue and the decision not to run two hundred feet of asphalt. Mr. Auerhahn said another turn lane would be required. Mr. Murphy discussed the loss of two parking spaces. Mr. Auerhahn said the property had two extra spaces. Mr. Murphy stated that a tractor trailer could totally block the area creating traffic problems. He suggested that the bond issue be reexamined and the money be pushed over to the residents of Broward County for an access road.

Mr. Murphy stated that the November 2nd election should provide the residents an opportunity to become informed about the options. He mentioned the gating system and said that research had proven that a manned gate would cost each household \$100 over a 15 year period.

Another possible solution, Mr. Murphy said, would be to make Hawks Bluff one way at the north end. An unidentified woman related her home was located at that end of the Avenue. Discussion followed.

Mr. Murphy stated that there were enough minor details in the Tom Thumb matter to bring the issue back to the County and listed several issues such as inadequate notice to residents. He urged the Town to consider the monetary investment and described the rural lifestyle. Mr. Murphy stressed protection of borders. Representative Wasserman-Schultz agreed with Mr. Murphy and suggested postponement of the site plan until review by the County Commission. She related truck traffic problems already in existence and said that options needed to be explored.

Mr. Auerhahn said he had a personal understanding of the challenges presented to the residents. He said the access to Hawks Bluff was the key issue and stated his legal responsibility in the treatment of the developer.

Mayor Venis inquired about the date of the last traffic study in the area with the response being 1991. Mayor Venis asked if any subsequent traffic studies had been conducted. Mr. Auerhahn responded that none was required from the developer.

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Mo Christie inquired about Mr. Auerhahn's reluctance to push the matter up to the County Commission. Mr. Auerhahn reiterated that the provision permitting submission to the Commission was very specific and explained the lack of ability to interpret provided the only legal opportunity. He restated that it was a legal question regarding what was allowed. Mr. Auerhahn related his deadline for decision making in the Tom Thumb matter was the following day.

Mayor Venis asked if Mr. Auerhahn would be willing to take the matter to the Commission if the Town paid for the traffic study. Mr. Auerhahn said he would discuss the input he had received at the workshop with his department director the next morning and a determination would be made.

Representative Wasserman-Schultz inquired if the County Commission could ask for a review. Mr. Auerhahn said he did not believe the ordinance allowed for that.

An unidentified man asked about the permit and trailer. An unidentified woman asked for a starting date. Mr. Auerhahn replied he would have to reexamine the documents for legal challenges such as unclear language. He reiterated the need to follow the legal guidelines.

Jeff Saxon mentioned the possibility of lawsuits by residents regarding the median and traffic problems. Mr. Nue stated his intention, as an attorney, to move forward with an injunction on an emergency basis against the County. He said he hoped the Town would join in that lawsuit.

Mayor Venis asked Mr. Auerhahn if Mr. Flatley, Mr. Rawls and he could be present when he spoke with his boss the next morning. Mr. Auerhahn responded affirmatively.

An unidentified man expressed his support for the Town to purchase the entire area. He said that would slow down development. Mr. Auerhahn predicted if they felt threatened, developers would obtain their building permits more quickly than they could be annexed.

Representative Wasserman-Schultz recalled the meeting two years prior with Tom Thumb where the owner said his primary source of income would not be the trucks. She suggested steps be taken to ensure that commitment be honored.

Jay Stahl related some portions of the 1986 minutes of the meeting which addressed the property and staff's objection at that time to commercial zoning. Mr. Auerhahn said that the property had been designated commercial and nothing could be done to change that.

Mr. Nue reiterated his belief that harm would be done to the community if the plan passed as proposed. He stressed the need to consider traffic and safety issues. Mr. Nue recommended a traffic study on Hawks Bluff Avenue be conducted. He reiterated that a lawsuit would be instituted against the County should the plan pass without significant changes.

Doris Ponche said that the real issues had been expressed by the public. She suggested Mr. Auerhahn consider these concerns. Mr. Auerhahn stated that he sympathized with the concerns but he had

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to judge the legal aspects.

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Mr. Murphy stated that the residents were not asking for denial, but for review by the County Commission taking the Town's desires into consideration. He requested that the Commission listen to staff before making a decision.

Several comments were made regarding the inflexibility of the County. Mr. Auerhahn was asked if he would earnestly review the statutes. He responded affirmatively.

Ms. Christie requested a copy of the minutes from the workshop be forwarded to the County. It was stated that a copy of the audio tape could be provided the following day.

Mayor Venis reiterated that he, Mr. Rawls, Representative Wasserman-Schultz and Mr. Flatley would attend the meeting that Mr. Auerhahn would be having the next morning with his supervisor. He said that the audio tape of the workshop, the concerns expressed and the Town's offer to pay for a traffic study would be presented.

Representative Wasserman-Schultz said she would look into the annexation issue.

Mayor Venis adjourned the meeting at 9:28 a.m.