

LOCAL PLANNING AGENCY

MAY 26, 2004

1. ROLL CALL

The meeting was called to order at 8:05 p.m. Agency members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Town Attorney Monroe Kiar, Planning Supervisor Marcie Nolan, Planner Brad Swing and Board Secretary Janet Gale recording the meeting.

2. PUBLIC HEARING

2.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 04-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TEXT TO INCREASE THE MAXIMUM HEIGHT LIMIT FOR INDIVIDUAL STRUCTURES WITHIN THE REGIONAL ACTIVITY CENTER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Swing summarized the planning report and explained the intent of the ordinance.

Mr. Stevens asked if the ordinance was consistent with the Land Development Code which had been heard at a previous meeting. Mr. Swing responded affirmatively.

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

Mr. McLaughlin disclosed that he had a conflict as the proponent for this item was a client and, therefore, would abstain from voting on this issue.

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

2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, SECTION 12-32, "TABLE OF PERMITTED USES"; AMENDING JUNKYARDS AS AN EXISTING LEGAL USE IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Nolan represented the proponent and summarized the planning report. She explained the intent of the ordinance and asked for comments and feedback on its content.

Members of the Agency asked questions for clarification, expressed concerns and discussed proposals.

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

Suzanne McLean on behalf of Joseph Danielle, 4126 SW 47 Avenue, advised that she had proposed language that would address the concerns which members of the Agency had expressed. She itemized those proposals and explained the reasoning from Mr. Danielle's perspective.

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Charlie Danielle disagreed with the limited "20% expansion" language. He spoke of his junkyard business which had existed for over 30 years and expressed his concerns regarding the ordinance. Mr. Danielle also spoke about the changes in technology and that he could not predict what the restrictions may be in the future regarding his business.

Once again Agency members discussed striking a balance between existing landowners' rights and reasonable restrictions in order to implement a consistent land development Code for the Town. They asked to be provided with a list indicating the existing uses in the subject area in order to discuss them at the next meeting.

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

Ms. Nolan summarized the issues and direction staff was to take and what information the Agency requested in order to discuss this item at its next meeting. She indicated that she would be communicating with the landowners and their attorneys throughout the process.

Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to deny and bring back as old business at the next meeting. 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)**

3. OLD BUSINESS

There was no old business discussed.

4. NEW BUSINESS

Ms. Nolan advised that the Town would be holding workshops regarding the creation of a land trust in order to preserve open space and farm land. She distributed literature indicating the dates and places of the workshops and briefly explained the objective of the program.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

6. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:13 p.m.

Date Approved: _____

Chair/Agency Member