

**LOCAL PLANNING AGENCY**  
**JULY 11, 2007**

**1. ROLL CALL**

The meeting was called to order at 8:15 p.m. Board members present were Vice-Chair John Stevens, Philip Busey and Dan Pignato. Also present were Attorney DJ Doody, Acting Planning and Zoning Manager Marcie Nolan, Acting Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet, and Board Secretary Janet Gale recording the meeting. Chair Mike Bender and Mimi Turin were absent.

**2. APPROVAL OF MINUTES: June 13, 2007**

Mr. Busey made a motion, seconded by Mr. Pignato, to approve the minutes of June 13, 2007. In a voice vote, with Chair Bender and Ms. Turin being absent, all voted in favor. **(Motion carried 3-0)**

**3. PUBLIC HEARING**

*Text Amendment*

3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 5-2-07)  
**(tabled from June 27, 2007)**

Ms. Gale read the ordinance by title. Ms. Nolan advised that no changes had been made since the tabling of this item on June 27th. She planned an open forum discussion as to what the Agency's concerns were regarding identifying who would be able to apply to make an amendment to the Land Development Code. Ms. Nolan spoke of surveying other municipalities as well as other counties in order to find out what the trends were. She found there was no set rule as to whom may apply and no language in the Code addressing the matter; therefore, the staff's proposal was that the Town Council, the Community Redevelopment Agency representing the CRA district, and the Town Administrator would be eligible to apply for the Land Development Code to be changed. Staff's proposal would not include a resident of the Town to petition to change the Land Development Code. Regarding residents or developers who wished to petition for a change, they would raise their issue before Council either collectively during comments at the open public meeting or approach Councilmembers individually. Then, upon the judgment of those who were eligible to petition for amendments, they would then direct staff to initiate the process to amend the Land Development Code.

In the discussion which ensued, Mr. Busey expressed that there was not sufficient justification to warrant the proposed exclusion to prevent a resident from making an application. Vice-Chair Stevens concurred and did not believe that tax-paying land owners' rights should be limited from petitioning.

Mr. Doody suggested that a fee be charged in order to submit an application, thereby avoiding frivolous proposals which did not have a legal basis or which became an expense when staff was assigned to analyze it. Another consideration he pointed out was that the proposed amendment may benefit the applicant, but not the community as a whole. It would, therefore, be possible for staff to be working on ten various applications with ten changes to the Land Development Code, and nothing would get done. Mr. Doody believed that charging a fee would ensure that a request was made on a legitimate basis and that the applicant was sincere since they would be willing to incur the costs associated with having staff direct their energies toward their proposed change.

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Mr. Pignato understood Mr. Doody's point and added that with the current situation regarding budget cuts, the Town did not have the money to do the "running around for private individuals." He did not object to requiring a fee. Vice-Chair Stevens also did not have a problem with associating a fee

Ms. Nolan reiterated Mr. Doody's comments in that what may be good for one may not be good for all. She delineated the process for amending the Code which involved much of staff's time and efforts. Vice-Chair Stevens had no objection to charging a fee and asked Ms. Nolan what she thought would be fair. Ms. Nolan suggested it be based on a cost recovery basis; however, that was not quite the goal. She believed it would be best coming from those who had the best interest for the Town as opposed to those who could afford to amend the Code for their own interests.

A lengthy discussion ensued in an effort to "level the playing field" for which several scenarios were discussed. It was suggested that a mechanism be developed or a process be created whereby a resident could submit an application for a reasonable fee and the application would be reviewed by the Local Planning Agency for a recommendation to be made to Council. Council would then decide if the item was worthwhile and then direct staff to write the amendment.

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

It was the consensus of the Agency to have staff work with the suggestions that were expressed and bring back the item for review.

Mr. Busey made a motion, seconded by Mr. Pignato, to table this item for two meetings [August 8, 2007]. In a voice vote, with Chair Bender and Ms. Turin being absent, all voted in favor. **(Motion carried 3-0)**

**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 8:55 p.m.

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

\_\_\_\_\_  
Chair/Agency Member