

**PLANNING AND ZONING BOARD
DECEMBER 13, 2000**

1. ROLL CALL

The meeting was called to order at 7:33 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Michael Davenport, Lawrence Davis, and Edna Moore. Also present were Town Attorney Monroe Kiar, Planner II Marcie Nolan, and Board Secretary Carole Stratman recording the meeting.

**2. MINUTES - July 14, 1999
February 9, 2000
July 12, 2000
July 26, 2000
September 13, 2000**

Vice-Chair Stahl made a motion to recommend approval of the July 14, 1999 minutes as amended (page 2, above ZB 6-1-99 - minutes indicate that the motion carried 4-1, however, the vote showed that it failed 3-2). Chair Greb stated that if the motion was denied, another motion would have been made. Vice-Chair Stahl withdrew his motion.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to table the minutes of July 14, 1999. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Davenport made a motion, seconded by Vice-Chair Stahl, to recommend approval of the February 9, 2000 minutes. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Ms. Moore made a motion, seconded by Mr. Davenport, to recommend approval of the July 12, 2000 minutes. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Vice-Chair Stahl stated that relating to the R-1E zoning, the July 26, 2000 minutes showed four different votes, which he DID not remember taking, plus the final vote indicated that the motion carried; however, his recollection was that it failed. Mr. Davenport thought this Board approved it, but the Town Council denied it. Mr. Davis remembered the same as Mr. Davenport.

Vice-Chair Stahl made a motion, seconded by Mr. Davenport, to table the minutes of July 26, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Ms. Moore made a motion, seconded by Mr. Davis, to recommend approval of the September 13, 2000 minutes. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Greb stated that items 3.2 and 3.6 had been requested to be tabled. Ms. Nolan explained that the applicant for Ross-Matz Investments was working on the items needed for their site plans and were requesting a tabling until January 10th.

3.2 V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from November 8, 2000)

Ms. Nolan stated that staff was requesting that this item be tabled to January 10, 2001 as site plan details were being worked out.

Mr. Davenport made a motion, seconded by Vice-Chair Stahl, tabling this item to January 10, 2001. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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3.6 MSP 8-1-00, Ivanhoe Planned Unit Development (PUD) (tabled from November 8, 2000)

Ms. Nolan stated that staff was requesting that this item be tabled to January 10, 2001 as the Town was considering purchasing this parcel of land.

Mr. Davenport expressed concern that public hearings were advertised, but when the residents came to the meetings they learned that their item of interest was being tabled. Ms. Nolan stated that whenever possible, homeowners' associations were notified of tablings to lower the number of residents who appeared. Chair Greb explained that many times, an item was requested to be tabled just before a meeting. Mr. Kiar confirmed that the petitioner's request to table was dated December 8, 2000.

Vice-Chair Stahl expressed concern that this was the sixth time this issue was tabled. He stated that the underlying issue was not the Town buying the property, but the density of the development. Vice-Chair Stahl stated that if the petitioner asked to be tabled again in January, he would move to deny the request and consider the issue. Chair Greb agreed.

Vice-Chair Stahl made a motion, seconded by Ms. Moore, tabling this item to January 10, 2001 time certain. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes; Mr. Davis, yes; Ms. Moore, yes. **(Motion carried 5-0)**

3. PUBLIC HEARING

3.3 V 10-3-00, Kalis/Ireland Davie, Ltd., 1801 South University Drive (B-2) (tabled from November 22, 2000)

Neal Kalis and Lou Orosz, representing the petitioner, were present.

Ms. Nolan read the planning report (Planning and Zoning division recommendation: denial). Mr. Kalis provided a history of the site and the negative impacts, such as the construction of roads like I-595 and the distance from University Drive to the western facade of the center, which resulted in an inability to maintain national tenants, such as Walgreens and Service Merchandise. He provided the tentative site plan and current photographs to orient the Board with the property. Mr. Kalis stated that Mr. Orosz had met with the Valencia Village homeowners' association and they had given their written consent to the request.

Mr. Kalis stated that Bed Bath and Beyond, the anticipated tenant, would normally have a sign of approximately 450 square feet; however, had agreed to reduce the sign to 310 square feet. Mr. Orosz explained that the sign's proportion to the space it would occupy was important, so the design and architecture would flow as one entity and be in harmony.

Vice-Chair Stahl asked if the billboard would be removed. Mr. Kalis replied that it was not the petitioner's decision, as it was tied in with the Boys and Girls Club and was a decision made by the Town many years ago.

Chair Greb asked if the entire facade was being upgraded. Mr. Kalis replied that K-Mart was not part of the upgrade, as the owner did not have control of that store, however, he was optimistic that K-Mart would also upgrade its look. He added that K-Mart had been asked to make its facade in accord with the rest of the center.

Mr. Orosz stated that the site would be ADA compliant, the curbing would be fixed, and landscaping would be done.

Mr. Davenport asked why staff had recommended denial when the planning report had many positive comments. Ms. Nolan replied that it was a self-created hardship. Mr. Davenport asked Mr. Kalis if the owner created the highways that blocked the center. Mr. Kalis replied negatively.

Chair Greb asked if there were any proposed out parcels. Mr. Kalis replied negatively.

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Ms. Moore felt that it was a good idea to cooperate with any good venture that may go into this shopping center, especially when it was not unattractive. She felt that this request was necessary for a reasonable use, as a shopping center that could not be seen would not have shoppers. Ms. Moore added that the Town did not increase its tax base from an empty store. Mr. Davenport strongly agreed.

Mr. Davis stated that Mr. Kalis had contacted him to see if he had any questions about the proposal. Vice-Chair Stahl, Chair Greb, and Mr. Davenport stated that they had also received such a call.

Chair Greb asked if anyone wished to speak for or against the variance. As no one spoke, Chair Greb closed the public hearing.

Chair Greb stated that the main argument in his opinion was the approximate 500 feet from University Drive to the center, especially for a major tenant. Vice-Chair Stahl agreed and thought Service Merchandise was not helped because most people did not know it was there.

Mr. Davenport made a motion, seconded by Mr. Davis, to approve. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes; Mr. Davis, yes; Ms. Moore, yes. **(Motion carried 5-0)**

Vacation

3.1 VA 11-1-00, Town of Davie, approximately 7.8 acres of land, located north of Stirling Road on the west side of Davie Road

Ms. Nolan read the planning report (Planning and Zoning division recommendation: approval).

Mr. Davis asked what the Town would gain by giving away 12,000 square feet of commercially developable space. Ms. Nolan replied that it did not connect to anything further on, and clarified that it was just the right-of-way that was being vacated.

Ms. Moore stated that it was adjacent to a mobile home park and asked what the intended use was. Ms. Nolan replied that it was planned to be an office building.

Ms. Davis asked when the Town determined to sell property instead of giving it away. Ms. Nolan could not recall a right-of-way ever being sold. Mr. Kiar explained that the property would have been acquired by the Town when the property was platted, with the intent of eventually extending NW 33rd Street; however, since the road was no longer planned to be extended, the right-of-way was no longer needed. Mr. Davis asked if the Town could legally sell the property. Mr. Kiar was unsure, but did not know of any instance of the Town doing so.

Chair Greb asked if anyone wished to speak for or against the vacation.

Lou Orosz, Growth Management Group, stated that Chris Kutrow had intended to attend this meeting to speak for Fletcher Sessoms, the owner of the property on the south side of NW 33rd Street. He stated that Mr. Kutrow had called from another meeting saying he could not attend, therefore asking Mr. Orosz to relay Mr. Sessoms approval of the vacation.

Chair Greb closed the public hearing.

Vice Chair Stahl made a motion, seconded by Mr. Davenport, to recommend approval. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes; Mr. Davis, yes; Ms. Moore, yes. **(Motion carried 5-0)**

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Variances

3.2 V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from November 8, 2000)

Earlier in the meeting, this item was tabled to January 10, 2001.

3.3 V 10-3-00, Kalis/Ireland Davie, Ltd., 1801 South University Drive (B-2) (tabled from November 22, 2000)

This item was considered earlier in the meeting.

3.4 V-10-2-00, Jazayri, 450 SW 130 Avenue (B-3)

Sam Jazayri, the owner, and Bill Laystrom, representing the petitioner, were present.

Ms. Nolan read the planning report ((Planning and Zoning division recommendation: denial).

Mr. Laystrom stated that the hardship was because over the years, State Road 84/I-595 corridors had constantly expanded on the northern border of this property, lessening the size of the property each time. He stated that the property was surrounded by a mobile home park and a shopping center and could not be expanded to its original size. Mr. Laystrom stated that the current zoning allowed a truck rental/repair/service type facility, however, the owner wished to redevelop the site with a user who would be friendly to its neighbors and impact only State Road 84 by restricting the repair/service use. Vice-Chair Stahl asked when the truck rental was previously approved, and what happened to it. Mr. Laystrom replied that Budget Rental had been approved approximately one and a half year ago, however, did not proceed because of access requirements. Chair Greb asked what types of trucks would be rented. Mr. Jazayri replied that the trucks were similar to Ryder trucks. Mr. Laystrom stated that the majority of the vehicles would be new, and mostly medium-sized panel trucks with only two axles. He added that the owner was willing to stipulate that no heavy equipment would be present on-site.

Ms. Moore felt this was the worse use possible for the site due to its proximity to a residential area. Mr. Davis expressed concern that the owners of the mobile home were notified; however, the tenants, who were the most affected, were not notified unless the owners notified them. He asked if there were any vacant parcels in the nearby proximity that were better suited for this use. Ms. Nolan replied that there were vacant sites to the west, although she did not know if they had plans for building.

Mr. Laystrom reminded the Board that the use was already permitted, and the owner was willing to place some restrictions that no service/repair would be conducted. Ms. Moore stated that the zoning allowed the use, but the size of the property did not.

Chair Greb asked if anyone wished to speak for or against the variance. As no one spoke, Chair Greb closed the public hearing.

Vice-Chair Stahl asked what the hours of operation would be. Mr. Jazayri replied that the hours could be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday.

Chair Greb felt that a larger, industrial property would be more appropriate for this use. He expressed concern that not only the adjacent residents, but also the entire corridor would be affected due to the property's high visibility. Chair Greb noted that this was originally a utility property, owned by Florida Power & Light.

Mr. Davenport stated that if the parcel already allowed truck rentals, he did not understand the problem in allowing sales too. He added that there was a buffer between this site and the property to the south, but larger sites to the west may not have buffers and would

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actually be worse since they were larger. Mr. Davenport stated that he would like to also see a restriction on the type of night-time lighting so it would not bother the neighbors. Mr. Laystrom stated that there were lighting fixtures that forced lighting down, as opposed to spilling over.

Chair Greb stated that even though the Code allowed rentals on the site, this application was for sales and that was what must be considered. Mr. Davis stated that he agreed with Chair Greb's concern that this was affecting both the residents and passers-by. He added that this was the Board's opportunity to make a difference. Ms. Moore stated that she was more concerned with the noise than the visibility, and the buffer would not keep the noise out.

Chair Greb asked what the two-story building would be used as. Mr. Laystrom replied that the building would be used for offices.

Vice-Chair Stahl felt that the Code was unfair in not requiring notice to be given to tenants. He added that he would not be as opposed to the use with the restriction of two-axle trucks; no service or repairs; and fewer hours of operation. Chair Greb felt that if this business was built next to any of their homes, they would be upset about it.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to recommend denial. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, no; Mr. Davis, yes; Ms. Moore, yes. **(Motion carried 4-1)**

Special Permit

3.5 SE 9-2-00, Nextel South Corp./Palm Peterbuilt-GMC Trucks, Inc., 2441 South State Road 7 (B-3)

Chris Persaski and Troyce Gill, representing the petitioner, were present.

Ms. Nolan read the planning report ((Planning and Zoning division recommendation: approval of variance requests 1 and 2 subject to staff recommendation; denial of variance request 3).

Mr. Persaski explained that the tower was needed due to a coverage problem in this area.

Mr. Davis asked why the newer flagpole style was not being utilized. Ms. Persaski replied that it was not best suited in this area, for aesthetic and technical reasons. Mr. Gill, an engineer for Nextel, explained that with a flagpole design, the antennae must be located inside the pole, which limited how many antennae could be placed on the tower, which limited the capability of how many calls could be processed. Chair Greb asked why the antennae was not located at the top of the pole. Mr. Gill replied that the FCC allowed a certain number of frequencies per carrier, and they must be allocated within a geographic area. He stated that the frequencies could only be used so many miles away, and the taller the tower, the farther it transmitted. Mr. Gill stated that it caused interference from within the system, similar to when you were listening to the radio while driving and started to receive interference from another radio station. Mr. Kiar asked if other carriers could utilize the 60 to 100 foot level. Mr. Gill replied affirmatively.

Chair Greb asked if any other carriers had a tower in the area. Mr. Gill replied that there were no towers within one mile of this site. Chair Greb asked if the Town was keeping track of towers as they were erected to make sure new towers were not built if an existing one had space. Ms. Nolan thought there was a 750 feet minimum distance the towers needed for coverage, regardless of the carrier. Mr. Gill stated that most carriers preferred to share a tower because it was faster and easier to use an existing site than to find land to build one on.

Chair Greb asked if anyone wished to speak for or against the special permit. As no one spoke, Chair Greb closed the public hearing.

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Vice-Chair Stahl made a motion, seconded by Ms. Moore, to recommend approval. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, yes; Mr. Davis, yes; Ms. Moore, yes. **(Motion carried 5-0)**

Master Site Plan

3.6 MSP 8-1-00, Ivanhoe Planned Unit Development (PUD) (tabled from November 8, 2000)

Earlier in the meeting, this item was tabled to January 10, 2001.

4. OLD BUSINESS

Mr. Kiar stated that the Board's opinions were being relayed to the Town Council by staff.

5. NEW BUSINESS

Vice-Chair Stahl asked that Council be provided with the minutes of January 10, 2001 meeting.

Ms. Nolan introduced Chris Gratz, a new Planner II.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

7. ADJOURNMENT

There being no objections, the meeting adjourned at 9:47 p.m.

Approved: _____

Chair/Board Member