

**PLANNING AND ZONING BOARD**  
**JANUARY 9, 2002**

**1. ROLL CALL**

The meeting was called to order at 7:03 p.m. Agency members present were Chair Jay Stahl, Vice-Chair Mike Bender, Edna Moore, Mimi V. Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

**2. APPROVAL OF MINUTES:** December 12, 2001

Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve the minutes of December 12, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

**3. PUBLIC HEARINGS**

*Vacation/Abandonment*

3.1 VA 11-1-01, Miller, Legg & Assoc., Inc/Space Development, Ltd., 8100 SW 36 Street (R-5)

Dawn Sonneborn, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Ms. Sonneborn clarified the necessity to vacate the two easements.

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

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

*Rezoning*

3.2 ZB 11-1-01, Town of Davie/ChelseaLynn Corp., 12100 State Road 84 (from R-3 to CF)

Mr. Gratz and John Voight, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

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

Neal Kalis indicated that he was the attorney for Young at Art and urged the Board to support the request.

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

Vice-Chair Bender and Ms. Turin disclosed that they had spoken with Mr. Kalis on this issue. Chair Stahl, Ms. Moore and Mr. Waitkus disclosed that each had received a message on their answering machines from Mr. Kalis and were unable to return his calls.

There was a brief discussion about building projections and Mr. Voight provided the information requested.

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

*Variances*

- 3.3 V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, LTD, northwest corner of SW 136 Avenue and Financial Boulevard (B-2) **(tabled from November 28, 2001)**

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Bonnie Miskel, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

Ms. Miskel provided an overview of the plan using the aid of graphics. She explained her contention that by having developed this parcel in sections, there was no consideration being given to succeeding businesses located on the balance of the parcel to have free standing signage placed where it would be most visible on 136th Avenue. Ms. Miskel read a section of the Code and provided her case in support that the request to reduce the separation between a fast food use and residential use met the spirit and intent of the Code. She also addressed the parking and traffic projections and spoke of the advantages which this project design offered.

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

Robin Day, 620 Lowell Lane, spoke in opposition of this variance request with her concerns being traffic issues, loitering, odors and varmints. She indicated that Shanendoah residents were not provided adequate notice of this project.

Kendell Day, 620 Lowell Lane, spoke in opposition and cited traffic concerns.

Bill Keeley, 6594 SW 46 Street, spoke in opposition.

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

Ms. Miskel and other representatives of the petitioner were given the opportunity to rebut the concerns expressed by the abovementioned residents.

A lengthy discussion ensued with Board members asking questions of the petitioner and expressing their concerns, particularly on the issue of traffic which would be generated at peak hours and on insufficient roadways to handle the situation.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - no; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-1)**

- 3.4 V 9-4-01, Ruden, McClosky, Smith, Schuster & Russell, P.A./Home Depot USA, 5801 South University Drive (B-2)

Stephanie Toothaker-Walker, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

Using elevations which she provided, Ms. Toothaker-Walker demonstrated why she disagreed with staff's recommendation.

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

A lengthy discussion ensued in an exchange of information and expression of views.

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

- 3.5 V 11-1-01, Jonaitis, 3152 SW 147 Avenue (R-1)

Mark Jonaitis, the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

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Mr. Jonaitis explained the circumstances which led to the conversion of this structure from a game room/storage area to a living space for his mother to occupy. He provided a petition from some neighbors and offered to make deed restrictions for approval of this variance request.

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

Phillip Bussey, 837 SW 120 Way, spoke in favor of this item in consideration that it was for a family member and on a large piece of property.

Elizabeth Cullenane, 3102 SW 147 Avenue, spoke in opposition of this item as the next-door-neighbor. She indicated that she was not familiar with any of the names on the petition which the applicant had provided.

Helen Lacy Warner, 2801 SW 145 Avenue, spoke in opposition of this item.

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

The Board members deliberated at length in an effort to reach a fair and amenable resolution for this situation.

Ms. Moore made a motion, seconded by Vice-Chair Bender, to approve subject to the applicant voluntarily agreeing to a deed restriction to run with the land which would impose a requirement that all guest facilities be removed upon any transfer of title, whether it be by sale or gift, and that the guest facility would only remain in tact as long as Mr. Jonaitis' mother or sister-in-law were alive and residing there. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - no; Mr. Waitkus - no. **(Motion carried 3-2)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

Mr. Waitkus commented that the allowed size of the guest facility was very small. Board members agreed and Chair Stahl explained why it was exceptionally restrictive.

Mr. Waitkus questioned if it was staff's intention to review the signage issue regarding the size of the lettering as had been discussed earlier in the meeting. Mr. Gratz responded that he was hoping for some direction which should come from the Town Council when it reviewed the Home Depot variance.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:15 p.m.

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

\_\_\_\_\_  
Chair/Board Member