

PLANNING AND ZONING BOARD
JANUARY 22, 2003

1. ROLL CALL

The meeting was called to order at 7:01 p.m. Board members present were Chair George Greb, Vice-Chair Mike Bender, Casey Lee, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: January 8, 2003

Mr. Waitkus made a motion, seconded by Vice-Chair Bender, to approve the minutes of January 8, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARINGS

Rezoning

3.1 ZB 12-1-02, Rodriguez/ Averbuj, 5150 SW 64 Avenue (from RO and A-1 to RM-5)

Rodger Averbuj, the petitioner, was present. Ms. Nolan read the planning report (Planning and Zoning Division's recommendation: suitable for consideration).

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

Mr. Averbuj presented a conceptual site plan as an exhibit since it had been commented that the narrow and deep property appeared awkward to develop. Upon Chair Greb's inquiry regarding emergency vehicle access, Mr. Averbuj stated that the issue had been resolved and he pointed out the access route on the site plan.

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

Variances

3.2 V 11-1-02, Garcia, 9060 Lake Park Circle (PRD)

Cesar Garcia, the petitioner, was present. Ms. Nolan read the planning report (Planning and Zoning Division's recommendation: suitable for consideration).

As Mr. Garcia was applying for this variance after the slab had been installed in violation of the setback restrictions, he was asked to explain how that happened. Mr. Garcia indicated that he had a building permit and an approved "form inspection" and he was unaware that there had been a problem. After having the cement poured, and upon his final inspection, it had been discovered that the slab was two feet over the required setback. He had been advised that he needed to apply for a variance because of this violation. Mr. Garcia provided the building permit for the Board's review.

Mr. Kiar questioned Mr. Garcia on the actions taken at a Special Master Hearing regarding this issue. Mr. Garcia acknowledged that there had been testimony presented at the hearing and that the Special Maser found against him based on the credible evidence that had been presented. Mr. Kiar suggested that the Board either consider the staff's report or table this matter in order to get a further determination from the Special Master as to why he ruled against Mr. Garcia.

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Ms. Nolan advised that the Town had the original permit application, one of the two original building permits and a copy of the second original building permit which had been given to the applicant. She passed copies of these documents to the Board members for their review and comparison was made to the building permit that Mr. Garcia had just provided. Upon examination of the documents, it was noted that there was a contradiction in the number of feet designated as the setback. Ms. Nolan clarified that the discrepancy was between Mr. Garcia's "in the field" building permit which denoted a three-foot setback and the building permit held by the Town as a permanent record which denoted a five-foot setback.

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

A lengthy discussion ensued with Mr. Garcia and Ms. Nolan answering a multitude of questions to help determine the correct course of action. The Board agreed that it would like to see the original file and to have clarification from the Code Enforcement Officer with regard to the Special Master Hearing in order to make a recommendation. Ms. Turin indicated that if there had been "findings of fact" by the Special Master and/or conclusions summarizing that hearing, she would like to have a copy.

Vice-Chair Bender made a motion, seconded by Ms. Turin, to table to February 12, 2003, for more information. In a voice vote, all voted in favor. (Motion carried 5-0)

3.3 V 12-1-02, RHG/TKO Joint Venture, LLP, 3550 Rolling Hills Circle (PUD)

Dick Coker and Howard Jabon, representing the petitioner, were present. Ms. Nolan read the planning report (Planning and Zoning Division's recommendation: suitable for consideration).

Using the aid of a site plan and other graphics, Mr. Coker emphasized several points of the physical limitations of the site. He clarified the mitigation aspects of the request which resulted with the applicant providing double the quantity of trees in the parking lot islands as well as increasing the quality of the selection. Mr. Coker indicated the intent of the neighboring hotel's uses for the existing parking lot. At Ms. Lee's inquiry, Mr. Coker explained his commitment to preserve and/or relocate existing Live Oak trees at the site. He assured the Board that the Site Plan Committee had been sensitive to this issue and that it had placed additional requirements for the application to proceed. Mr. Coker provided other details which were recommended by the Site Plan Committee.

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

Ed Stacker, an attorney on behalf of the Grand Oaks Country Club, clarified the proper provision of the Code to which this issue was related and a correction had been noted. He expressed his concerns about this request and believed that the hardship was self-imposed.

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

Mr. Coker responded to Mr. Staker's comments and a lengthy discussion ensued regarding the configuration of the site, the overflow parking lot and the "shifting around" of landscape requirements. Board members discussed the issues and expressed their opinions.

Mr. Waitkus made a motion to approve. The motion died due to the lack of a second.

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

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4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

Ms. Nolan announced that the Development Services Department would be holding a public workshop January 30th on the cost recovery program that had been recently adopted by the Town Council. She provided the particulars.

Ms. Nolan updated the Board on the status of past recommendations regarding certain Code amendments which were being processed through the system.

6. COMMENTS AND/OR SUGGESTIONS

Chair Greb commented that he appreciated the continuity of having the same staff representative serve as Board Advisor. Ms. Nolan explained the reasons for there being two planning supervisors and indicated that she would convey the Chair's comment to Development Services Director Mark Kutney.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:35 p.m.

Date Approved _____

Chair/Board Member