

PLANNING AND ZONING BOARD
JULY 28, 2004

1. ROLL CALL

The meeting was called to order at 7:02 p.m. Board 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 and Zoning Supervisor Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: July 14, 2004

Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve the minutes of July 14, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLAT

3.1 P 5-2-03, Chemin Des Palms II, 5559 SW 61 Avenue (R-2)

John Boden, representing the petitioner, was present. Ms. Nolan summarized the planning report and clarified the ingress/egress issue. She noted the suggestion that the dollar amount be omitted regarding the applicant's contribution for a traffic calming device. Mr. Stevens requested that the planning report contain information of whether or not the applicant had complied with the stated recommendations such as in the "Significant Development Review Agency Comments".

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve subject to staff's comments. 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)**

4. PUBLIC HEARING

Variances

4.1 V 6-2-04, Stiles Corporation/Wolf, 5480 SW 76 Avenue **(tabled from July 14, 2004)**

Bonnie Miskel and Jason Howe, representing the applicant, were present. Ms. Nolan provided background information and explained the intent of the variance requests. Using a display of the project's site plan, Ms. Miskel demonstrated that in order to accommodate residents located to the east of this project with an extraordinary buffer, everything was moved to the west thereby necessitating the variances.

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

Harry Stanford, 5800 Pepper Tree Circle West, indicated that he was representing the Exotic Acres Homeowners' Association and spoke in support of this request on behalf of the Association.

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

Mr. McLaughlin disclosed that he would abstain from voting on this item as he did a lot of work for the Stiles Corporation. He did, however, ask several questions and suggested that in the parking area, the pedestrian crosswalks be indicated with "paver bands" or stamped concrete to denote those walkways. Ms. Miskel and Mr. Howe responded positively to the suggestion. Mr. McLaughlin had the applicant assure that the quantity and quality of the landscaping materials along University Drive would be equal to or above that required by Code despite that it would be planted in the Department of Transportation's right-of-way.

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Mr. McLaughlin requested that in the future, when a site plan was available for a project, that it be given as backup material to Board members.

In the lengthy discussion which ensued, the following subjects were clarified: 1) the median break on Stirling Road; 2) allocated parking for the outparcels; 3) that the width of the outparcel building mass would not exceed 20% frontage; and 4) overall parking spaces.

Chair Bender expressed his reasons for not being comfortable with granting these variances. He indicated that since three Board members were voting and, therefore, the vote had to be unanimous, he, therefore, would vote with the majority only to move the item forward before the Town Council.

Vice-Chair Turin and Mr. Stevens expressed that their main concerns were for the Davie residents living to the east moreover than the general public traveling along University Drive.

Ms. Lee reiterated her declaration to abstain from voting as her employer, Dixie Landscape, had presented a proposal to the developer for the landscaping of this project.

Variance One - Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve variance from Section 12-107(D)(5)(a) of the Town of Davie Land Development Code subject to the developer obtaining permission from the Department of Transportation for planting within the right-of-way. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - abstained; Mr. McLaughlin - abstained; Mr. Stevens - yes. **(Motion carried 3-0)**

Variance Two - Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve variance from Section 12-108(C)(4) of the Land Development Code subject to an agreement to stamp or designate pedestrian crossings. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - abstained; Mr. McLaughlin - abstained; Mr. Stevens - yes. **(Motion carried 3-0)**

4.2 V 6-3-04, Stiles Development/Wolf, 5480 SW 76 Avenue (tabled from July 14, 2004)

This item was discussed simultaneously with item 4.1; however, as it was a public hearing, Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, the public hearing was closed.

Vice-Chair Turin made a motion, seconded by Mr. Stevens, to approve variance request involving Section 12-33(Q)(11) of the Town of Davie Land Development Code to allow the proposed outparcels to be diminished, as agreed in a proposed Deed Restriction to be no more than 20 percent of all "building frontage" as presented on the site plan; and subject to the further stipulation of the developer that the parking for each outparcel would be wholly contained within that outparcel. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - abstained; Mr. McLaughlin - abstained; Mr. Stevens - yes. **(Motion carried 3-0)**

5. OLD BUSINESS

There was no old business discussed.

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6. NEW BUSINESS

There was no new business discussed.

7. COMMENTS AND/OR SUGGESTIONS

Ms. Lee reiterated Mr. McLaughlin's comments regarding site plans. She believed it would be extremely helpful in answering some of the questions that the Board members had if site plans were made available.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:15 p.m.

Date Approved _____

Chair/Board Member