

PLANNING AND ZONING BOARD
OCTOBER 27, 2004

1. ROLL CALL

The meeting was called to order at 7:04 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, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

- 2. APPROVAL OF MINUTES:** January 14, 2004
March 24, 2004
April 28, 2004
May 12, 2004
September 22, 2004

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

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the minutes of March 24, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve the minutes of April 28, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Stevens made a motion, seconded by Ms. Lee, to approve the minutes of May 12, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve the minutes of September 22, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARING

Rezoning

- 3.1 ZB 5-3-04, Doumar, Allsworth, et al/Matrix University, LLC, 5250 and 5270 University Drive (from B-3 to RM-10 only on portion that has a future land use of RM-10) **(tabled from September 22, 2004)**

John Voigt, Jill Cohen and Chris Wallace, representing the petitioner, were present. Mr. Gratz summarized the planning report.

Using a site plan rendering and color coded maps, Mr. Voigt explained how this awkward piece of land had been zoned B-3. He demonstrated how combining it with a residential piece of land would make it workable for the residential project he was proposing. Mr. Voigt contended that the vacant land had not been developed with a B-3 use with its present constraints and that this proposed project would be amenable to the residential neighbors as well as making it a viable tax revenue source instead of a stagnant eyesore. He clarified points regarding the "flex" units. Mr. Voigt reiterated that the site had not been developable for 18 years and that this proposal was the solution.

Mr. Wallace provided an annual revenue analysis comparison between the B-3 and RM-10 zonings which indicated that the proposed project would be an equal benefit to the Town.

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

A discussion ensued whereby Boardmembers expressed their opinions. Chair Bender indicated that he agreed it would be difficult to develop the site as B-3; however, he asked that since the proposed lake was so sizeable, that a tree island be placed in the center to serve as a bird habitat as well as for aesthetics. Mr. Voigt said that he was amenable to the suggestion since they were already considering something of the kind.

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve. 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)**

Variance

3.2 V 9-1-04, Mira Group, Inc./Garcia, 3692 Churchill Downs Drive (AG)

Pedro Mirabal, representing the petitioner, was present. Mr. Gratz read the planning report.

Mr. Mirabal explained the intent of the request and the predicament which made the request necessary.

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

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve. 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)**

Vacation

3.3 VA 6-1-04, Mellgren & Associates/Young and Lawson, 4900 South University Drive

Jeff Katims, Stephen Young and Christopher Lawson, representing the petitioner, were present. Mr. Gratz summarized the planning report.

Chair Bender circulated a letter from Phyllis Spivak which had been given to him by Vice-Mayor Paul.

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

Phyllis Spivak, 4975 SW 76 Avenue, spoke in opposition of this item. She explained how she would be impacted and that there could be future plans to develop the site.

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

Mr. Katims countered Ms. Spivak's remarks by clarifying the intended use of the property.

Ms. Lee indicated that she would abstain from voting on this item as she was a consultant for Michele Mellgren and Associates. She asked Mr. Gratz if once the roadway was vacated, could the entire parcel, including the nursery, be used for townhouses. Mr. Gratz responded affirmatively adding that it would have to be replatted, rezoned and go through the site plan process.

A discussion ensued and Chair Bender indicated that he was not in the habit of giving public property away and could not vote in favor of this item.

Mr. McLaughlin was not in favor of hammerhead turns, the way the property had been utilized in the past, and would prefer to see it be platted with a proper cul-de-sac and go from there.

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Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to deny. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - abstained; Mr. McLaughlin - yes; Mr. Stevens - no. **(Motion carried 3-1)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

5.1 November and December Meeting Schedules

Following a brief discussion, Ms. Lee made a motion, seconded by Mr. McLaughlin, to have one meeting in November and one in December 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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 8:00 p.m.

Date Approved _____

Chair/Board Member