

PLANNING AND ZONING BOARD
JANUARY 11, 2006

1. ROLL CALL

The meeting was called to order at 7:15 p.m. Board members present were Chair Mike Bender, Marlon Luis, and John Stevens. Also present were Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planner Ingrid Allen and Board Secretary Janet Gale recording the meeting. Vice-Chair Scott McLaughlin and Mimi Turin were absent.

2. APPROVAL OF MINUTES: December 14, 2005

Mr. Stevens made a motion, seconded by Mr. Luis, to approve the minutes of December 14, 2005. In a voice vote, with Vice-Chair McLaughlin and Ms. Turin being absent, all voted in favor. **(Motion carried 3-0)**

3. PLAT

3.1 P 8-3-04, Lorson Estates, 1275 SW 130 Avenue (A-1) (tabled from December 14, 2005)

Chair Bender asked Mr. Kiar and Mr. Synalovski if items 3.1 and 4.1 could be addressed together since it was the same petitioner and project. Mr. Synalovski, representing the petitioner, indicated that he had no objections. Mr. Dell read the planning reports.

Chair Bender asked if meetings with the residents had taken place. Mr. Synalovski responded affirmatively and thanked those homeowners who hosted the meetings.

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

Harry Hausman, 13251 SW 14 Street, was opposed due to the traffic stress on SW14 Street and the strain on Flamingo Elementary School. He indicated that he would like to see less houses.

Tracy Egan, 12860 SW 11 Place, was opposed.

Dianne Payne, 13000 SW 14 Place, was opposed because she moved into a one-unit-per-acre neighborhood and felt that it should remain that way.

John Gillan, 13101 SW 14 Place, was opposed due to traffic, two-story homes looking onto his property, the drainage, the lake, and future development if the zoning was to be changed. He had been misinformed about the removal of public sidewalks.

Erin Houston, 12870 SW 11 Place, was opposed.

Theresa Gillan, 13101 SW 14 Place, was opposed. She read an article from the December 23, 2001, Sun-Sentinel newspaper, regarding the preservation of open space and the \$25,000,000 bond. Ms. Gillan was opposed to the five-units per acre as that was not what the Town of Davie was about.

James Taylor, 13121 SW 14 Place, was opposed because he moved from Pembroke Pines to Davie in order to enjoy the open space.

George Gall, 12951 SW 13 Street, was opposed for previously stated reasons.

Danny Eaheart, 13021 SW 14 Place, was opposed and requested that there be no more than two units per acre at that location.

Richard Ludwig, 13430 SW 14 Place, was opposed. He was raised in Davie and because of the open space lifestyle, now owned his own home and business in the Town.

Dennis Morgan, 1110 SW 129 Way, was opposed and concerned with his property value.

Scott Olson, 13420 SW 16 Court, was opposed. He moved to the Town because of the open space and believed that the two-story complex was aesthetically out of place.

Ana Chavez, 12921 SW 13 Manor, was opposed because of previously stated reasons. She asked that the Board only recommend a plan that was responsible.

Laura DellaPenta, 12900 SW 13 Manor, was opposed. She asked that the Board not approve the five-units-per-acre as it did not fit the methodology of keeping the open space and spending tax dollars on open space which she had always supported.

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Chris Galbraith, 13501 SW 14 Place, was opposed because of previously stated reasons. She spoke of the Davie Oaks community and its development over the past 25 years.

Rob Muccio, 13501 SW 14 Place, was opposed to the R-5 rezoning because it was inconsistent.

Robert Gaines, 13510 SW 14 Place, was opposed for previously stated reasons.

Chip Osborn, 1301 SW 129 Way, was opposed and asked about the term “build-out”.

Anne Goldberg, 13430 SW 16 Court, was opposed and stated that only the developer gains.

Barbara Swanson, 13011 SW 14 Place, was opposed and pleaded not to have the zoning changed.

Mr. Synalovski responded to the abovementioned concerns in an attempt to clarify the intent of the project. He spoke of the improvements which would be made to the north side of SW 14 Street and indicated that he would make the same improvements to the south side of that street as well. Mr. Synalovski advised of the Broward County School Board requirements which amounted to providing the equivalent of a class room. He assured that he had addressed and resolved all the on-site drainage issues and indicated that some of the engineering improvements would help to alleviate existing drainage problems in the neighborhood. Regarding the views of this project from existing homes, Mr. Synalovski offered to mitigate a landscape buffer so that neither homeowner was looking into the others yard. He reaffirmed that the lake had nothing to do with any future development to the north and it was designed to satisfy conditions set by the appropriate drainage district.

Mr. Synalovski stated that he held no interest in the property to the north of his project. He indicated that the Town had requested that a north-bound road be installed on his property in order for there to be “future connectivity” and he was compelled to comply.

Mr. Synalovski clarified that the R-5 zoning would allow for 25 houses to be built on this five-plus acre site; however, he would provide a restricted covenant which would guarantee that no more than 11 single-family houses would be built on the site. He spoke of what he did and did not have control over insofar as this project was concerned. According to Mr. Synalovski’s calculations, there would be two-and-a-half units per acre with this proposed plan. He understood that R-5 was the next category above R-1, and that was why he had applied for it. Later in the meeting, Mr. Synalovski learned about the option of an R-3 zoning category.

Mr. Stevens asked Mr. Kiar what was the best way to insure that agreements as stated by the petitioner were guaranteed should this item be moved forward. Mr. Kiar suggested that the legal methods such as deed restrictions and/or restrictive covenants listing stipulations and codified with the recording of the documents.

Mr. Synalovski reiterated the improvements which would be made to the community and agreed to a note on the plat for a restrictive covenant.

Chair Bender asked for the average square footage of the lots as well as the average square footage of the houses. Mr. Synalovski provided him with the information.

As there were no other speakers, Chair Bender closed the public hearing and invited discussion by the Board.

Mr. Luis believed that this was the wrong project for the area. He specified that there was no place to keep a horse and that the project would radically and dramatically change the Davie Oaks area.

Chair Bender expressed that the traffic on SW 130 Avenue was not bad – it was brutal! He believed that when the R-5 zoning was planned, no one could foresee what the community would be like at that time. Chair Bender believed that the zoning request would “open a can of worms” and that Davie Oaks had the right to keep its character protected from this high density. He projected that there would be many variance requests made by homeowners because of the “giant homes” on smaller lots.

Chair Bender advised that whatever the vote was on this item, it had to be unanimous since there were only three members present.

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Mr. Stevens expressed his mixed feelings about this project. He credited the developer for his efforts in meeting with neighbors, his provisions for improvements, and his willingness to commit to deed restrictions. Mr. Stevens, however, believed that there were a few too many houses for this project. He asked if the number could be toned down two or three houses in order for him to agree with this project.

Mr. Sinalovsky asked for a few minutes in order to confer with his client.

The Board recessed at 8:35 p.m. and reconvened at 8:40 p.m.

Mr. Sinalovsky stated that his client would consider reducing the number of houses to eight and explained how they could be arranged on the site. As he had learned about the R-3 zoning density, he asked about the process to move the item forward with eight units and keeping the deed restrictions he had heretofore agreed to make.

Mr. Kiar asked if Mr. Sinalovsky was willing to voluntarily amend the application to be an R-3 as opposed to an R-5. Mr. Sinalovsky responded that he had no problem since eight units would be less than the R-3 level. Mr. Dell and Ms. Nolan concurred that the R-3 zoning would work.

Mr. Stevens asked if an application had to be resubmitted or if Mr. Sinalovsky could amend this application. Mr. Kiar responded that that was a good question which had not been answered.

Chair Bender explained that he needed to see the reconfiguration of the plans before he could decide one way or another.

Mr. Kiar indicated that in the time it would take to prepare a new rendering, staff could research what the process would be regarding the change to an R-3 rezoning request instead of R-5.

Mr. Dell asked that if there were only the eight units built, could Mr. Sinalovsky eliminate the need for future variances. Mr. Sinalovsky responded that he could not assure anyone that some property owner would not come up with some idea which would require a variance in the future. He could, however, assure that the project he was proposing met all the requirements of the Land Development Code and that there was some flexibility in the design to allow growth without effecting setbacks.

Mr. Stevens made a motion, seconded by Chair Bender to table item 3.1 to February 8, 2006. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – absent; Mr. Luis – yes; Mr. Stevens – yes; Ms. Turin – absent. **(Motion carried 3-0)**

Mr. Stevens made a motion, seconded by Chair Bender to table item 4.1 to February 8, 2006. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – absent; Mr. Luis – yes; Mr. Stevens – yes; Ms. Turin – absent. **(Motion carried 3-0)**

4. PUBLIC HEARING

Rezoning

4.1 ZB 8-2-04, Lorson One, LLC/POA/Acecon Construction Corp., 1275 SW 130 Avenue
(from A-1 to R-5) **(tabled from December 14, 2005)**

Earlier in the meeting, this item was tabled to February 8, 2006.

4.2 ZB 7-3-05, Town of Davie, (Eight (8) Existing Parks to Recreation/Open Space RS)

Ms. Allen, representing the petitioner, summarized the planning report.

Chair Bender asked if anyone wished to speak on this item.

Brent Adrian, 5600 SW 48 Street, spoke about the Sunny Lake Bird Sanctuary. He suggested that staff research whether or not a corner of the park would be needed as road right-of-way for access off of SW 53 Avenue when the parcel to the south was eventually developed. Mr. Adrian was also concerned about the tree species and their impending removal as they were listed as nuisance trees. He cautioned that the removal of trees would severely impact the bird rookery.

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Joyce Steward, 10850 SW 25 Street, spoke in support of the item.

Anne Goldberg, 13430 SW 16 Court, spoke in support of the item. She requested that the Van Kirk Groves be designated as a passive park for wetlands preservation and that the parking lot be reconfigured to be sensitive to the neighboring residents. Ms. Goldberg asked that something be done about the grass overgrowth that existed.

Scott Olson, 13420 SW 16 Court, was pleased with the prospect and curious as to how it would be designed as he too was concerned with the location of the parking lot.

Chair Bender asked if public participation would be expected in planning out the design of the parks. Mr. Dell responded affirmatively, noting that they would go through the site plan process and public notice. He explained the intent of the rezoning which was to make it consistent and that it was more of a "housecleaning" measure.

Chris Galbrith, 13501 SW 14 Place, spoke in favor of the item. She asked for assurances that Van Kirk Groves be more in line with a passive park in the RS zoning range. Ms. Galbrith asked that the design for the park direct parking and lighting so as not to adversely impact residents on any of the four sides of the park.

Marguerite Prema, 13511 SW 16 Court, was in support of the item and asked that the residents be kept in mind when designing the parking area.

Mr. Dell reiterated that residents should look for the notice postings because it was during that process when their input was needed.

Robert Gaines, 13510 SW 14 Place, stated that his property bordered the canal just east of SW 136th Avenue. He heard that there were plans to move the canal eastward which would take away property from his backyard. Mr. Gaines asked why those plans were being entertained and that he was opposed to that plan. Board members and staff knew nothing of that plan. It was recommended that Mr. Gaines contact Councilmember Crowley as this may have been an issue which the Central Broward Water Control District knew something about.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, was in favor of this item; however, she had two concerns. The sign posting regarding the East Davie Nature Park had not been posted properly and secondly, she believed that the mitigated site had been deed restricted to be a passive park only.

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

Mr. Stevens made a motion, seconded by Mr. Luis, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – absent; Mr. Luis – yes; Mr. Stevens – yes; Ms. Turin – absent. **(Motion carried 3-0)**

Variance

4.3 V 7-3-05, DuPont, 3344 Meadowbrook Way (AG) **(tabled from December 14, 2005)**

Earlier in the meeting, Chair Bender announced that staff had submitted a request to table this item to March 8, 2006.

Mr. Stevens made a motion, seconded by Mr. Luis, to table to March 8, 2006. In a voice vote, with Vice-Chair McLaughlin and Ms. Turin being absent, all voted in favor. **(Motion carried 3-0)**

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

There was no new business discussed.

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7. COMMENTS AND/OR SUGGESTIONS

Chair Bender asked that the packets be delivered to Board members in a timely fashion so as to allow a thorough review of its contents. Board members agreed that when the material was voluminous and/or contentious, they needed more than a few days to scrutinize the material.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:25 p.m.

Date Approved: _____

Chair/Board Member