

PLANNING AND ZONING BOARD
MARCH 8, 2006

1. ROLL CALL

The meeting was called to order at 7:05 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Marlon Luis, John Stevens and Mimi Turin. Also present were Attorney Andre Parke, Planner David Abramson and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: February 8, 2006

Mr. Luis made a motion, seconded by Mr. Stevens, to approve the minutes of February 8, 2006. In a voice vote, all voted in favor. **Motion carried 5-0**

3. PUBLIC HEARING

Rezoning

3.1 ZB 1-1-06, Laystrom & Voigt/NationsRent, 6850 State Road 84 (from Broward County M-4 to Town of Davie M-3)

John Voigt and Michelle Kuper, representing the petitioner, were present. Mr. Abramson read the planning report.

Vice-Chair McLaughlin asked what the difference was between M-3 Old Code and M-3 New Code. Mr. Abramson advised that the uses were different. Vice-Chair McLaughlin asked when the Code was revised and it was thought to have been done approximately two years ago.

Mr. Voigt explained that the intent of the rezoning was to be in compliance with the site plan modification that was being made. He advised that there were no changes to the uses, only that he was connecting two buildings for offices and reconfiguring the building for a better flow of pedestrian traffic. Mr. Voigt indicated that the M-3 zoning with the Town was more restrictive and less intensive than the M-4 County zoning.

Mr. Stevens noted that in the justification statement, the applicant wished to retain its rights for an existing 75-foot height restriction and have that “grandfathered” into the new zoning district. He asked how that could be done since the applicant had not built a structure of that height.

Mr. Voigt responded that the applicant would like to keep that option open since the site was being improved and some day in the future, corporate quarters may need to be built and that option implemented. As Mr. Stevens pointed out, the Board did not have the ability to guarantee that this option would be available to Mr. Voigt’s client under the new zoning.

Mr. Voigt indicated that he would be asking the Town Council what needed to be done to preserve that right and that it was put into the justification statement so as to point it out. Mr. Parke had heard of similar situations and stated that he would have to look into it. Mr. Voigt acknowledged that he did not think this Board would be making any determination on the issue, only that he wanted everyone to be aware that they were going to raise this request. Mr. Parke indicated that other than a developer’s agreement or a variance request, he was not sure how the 75-foot option could be preserved. Chair Bender suggested that between now and the time it went to Council, maybe Mr. Parke could research the matter in order to advise Council.

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

Vice-Chair McLaughlin 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 – yes; Mr. Luis – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Variances

3.2 V 7-3-05, DuPont, 3344 Meadowbrook Way (AG) **(tabled from January 11, 2006)**

Chair Bender advised that the applicant requested that this item be tabled to April 12, 2006.

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Vice-Chair McLaughlin made a motion, seconded by Ms. Turin, to table to April 12, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3.3 V 1-1-06, Carrasco, 10456 Canterbury Court (AG)

Gabriel and Jackie Carrasco, the applicants, were present. Mr. Abramson read the planning report.

Chair Bender asked if there was a Homeowners' association approval for the record. Mr. Carrasco provided a letter of approval for the Board's review.

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

Mr. Stevens indicated that he was concerned because the approval letter submitted by Mr. Carrasco was from the Architectural Design Review Committee rather than the Homeowners' association Board of Directors. He went on to advise that the letter addressed the pool, pavers, cabana, planters and trellises, and not the gazebo or the addition. Mr. Carrasco stated that he would obtain the required documentation and the Board specified what was needed.

There was a brief discussion about alternative plans and the arrangement of the elements in order to be more in alignment with the setback restrictions. Once the details were settled, Boardmembers indicated that they would be included in the motion.

Vice-Chair McLaughlin made a motion, seconded by Mr. Luis, to approve the 25-foot setback on the pool; the 27-foot 2-inch (27'2") to be in line with the existing structure on the gazebo and the addition; and all was contingent upon producing a letter from the Homeowners' association denoting the addition, the gazebo and the pool in the site plan. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Luis – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

4. OLD BUSINESS

Mr. Luis questioned what the perimeters were regarding the Board being in opposition with the Land Use Plan as had been in the case of Lorson Estates. This led to a lengthy discussion with Boardmembers expressing their opinions and recalling historical instances where the Town had been sued by the developers. The outcome was that as an advisory board, it was their responsibility to judge the evidence and make the best recommendation to Council for it to make a decision.

5. NEW BUSINESS

There was no new business discussed.

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