

TOWN OF DAVIE
PLANNING AND ZONING BOARD
JANUARY 8, 2014

1. ROLL CALL AND ANY MOTION TO EXCUSE COMMITTEE MEMBERS

The meeting was called to order at 6:33 p.m. Board members present were Chair Ken DeArmas, Vice Chair Todd Evans, Jodi Davidson, and Tom Jacob. Also present were Assistant Town Attorney Daniel Stallone, Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson, and Lisa Edmondson recording the meeting.

2. APPROVAL OF MINUTES

2.1 December 11, 2013, Meeting

Motion made by Vice Chair Evans, seconded by Mr. Jacobs, to approve the minutes of the December 11, 2013, meeting. In a voice vote, the motion passed unanimously.

3. PUBLIC HEARING

Quasi-Judicial

3.1 Rezoning (ZB) 13-105 The Astor (Shalimar) at Davie

5001 University Drive (A-1)

3.2 Plat (P) 13-106 The Astor (Shalimar) at Davie

5001 University Drive (A-1)

Mr. Stallone stated that the applicants have waived the quasi-judicial status of the proceedings.

Mr. Abramson announced the case: the first request is to rezone the property from A-1 to RM-16 (medium high dwelling district); the second request is to allow a boundary plat restricted to garden apartments/town home units and accessory uses as well.

[Ms. Davidson arrived at 6:37 p.m.]

Marcie Nolan, attorney with Becker & Poliakoff, One Broward Boulevard in Fort Lauderdale, began a PowerPoint presentation at 6:37 p.m. She highlighted the location of the project, history of the property, shared access with The Atrium, current land use designation and use, and economic impact analysis. Ms. Nolan demonstrated the site's compatibility with the surrounding area and activities. She also reviewed their community outreach and showed diagrams of the apartments, town homes and site plan.

Rene Gutierrez, TM Residential, 2665 South Bayshore Drive, Coconut Grove, addressed the arsenic that was found on the property. He reported that they have provided all the soil and water table studies they have been asked to provide by the local Department of Environmental Resource Management (DERM); these have been approved, and they are now waiting for a soil management plan. Mr. Gutierrez said there was soil testing done in the areas where the lake/retention area will be dug and there was no arsenic in the soil or water table. They will also test wells for 12 months.

Ms. Nolan distributed a letter of support from the residents of Madison Lake, which was sent after a series of meetings.

Ms. Davidson expressed her concern regarding the lack of proximity of a park to the project. She also expressed concern about building residential units on ground that contained arsenic. Arsenic mitigation was explained to her.

Chair DeArmas then opened the public hearing.

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Judith Bezark, 7781 South Southwood Circle, asked why the arsenic was retained instead of removed and if they had checked for radon. Ms. Bezark did not understand why there was no access to 82 Avenue. Mr. Abramson detailed the 82 Avenue roadside improvements required of the applicant in terms of swales, etc., and noted that the applicant is not required to have access to 82 Avenue. Ms. Bezark also expressed concern about the future use of the road with more projects coming in the future; but it was pointed out that this hearing is only concerned with the current project, and future changes will be duly investigated.

Chair DeArmas then closed the public hearing.

Ms. Davidson spoke again about the lack of proximity of a park or place for children to play. Chair DeArmas reminded the Board that when they vote, they are voting on the rezoning and the plat, not on a part of a site plan. He reiterated the mission of the Board.

Motion by Mr. Jacob, seconded by Vice Chair Evans, to approve Item 3.1. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Ms. Davidson - no. **(Motion carried 3-1)**

Motion by Mr. Jacob, seconded by Vice Chair Evans, to approve Item 3.2. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Ms. Davidson - no. **(Motion carried 3-1)**

3.3 Variance (V) 13-263 Tower Shops – Phase II
1902 University Drive (B-3)

3.4 Variance (V) 13-264 Tower Shops - Phase II
1902 University Drive (B-3)

Mr. Stallone stated that all applicants have waived the quasi-judicial status of the proceedings.

Mr. Abramson announced the case. The first variance (13-263) is to increase the maximum allowable height of a free-standing monument sign from 15 feet to 17 feet, 7 inches. They wish to increase the number of businesses listed in a free-standing monument sign from 10 to 12. Mr. Abramson continued that the second variance (13-264) is to allow 98 parking spaces with no landscape median, thus allowing them to maintain the same layout of the existing parking within the Tower Shops shopping center.

Scott Backman, of Federal Realty (who owns the property), presented an aerial view of the project. He also presented a PowerPoint about the history of the land and showed renderings, elevations, site plan, pedestrian connectivity and improvements, covered arcades, and the parking configuration. He mentioned that the car show will still be held, although in a different area.

Mr. Backman also showed photos of the current sign and its surroundings, noting that the vacant outparcels are a key element of their hardship in relation to the signage. He explained the hardship in more detail, including competing signage.

Regarding the parking in the second variance, Mr. Backman explained they aligned all the drive aisles and improved the safety.

In response to a question, Mr. Backman stated that there are no walking paths from the outparcels to the shopping center. He described the new pedestrian connections.

Regarding the sign, Mr. Backman said they could not make the improvements to the sign at the height it now is. They are limited to 10 names regardless of the size of the sign box.

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Referring to the aerial view, Mr. Backman pointed out the change they are making to the parking lot. The existing trees will remain.

Chair DeArmas then opened and closed the public hearing.

Motion by Mr. Jacob, seconded by Ms. Davidson, to approve Item 3.3. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Ms. Davidson - yes. **(Motion carried 4-0)**

Motion by Ms. Davidson, seconded by Vice Chair Evans, to approve Item 3.4. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Ms. Davidson - yes. **(Motion carried 4-0)**

3.5 Variance (V) 13-276 Hedrick
8711 Southwest 27th Street (R-3)

Mr. Stallone stated that all applicants have waived the quasi-judicial status of the proceedings.

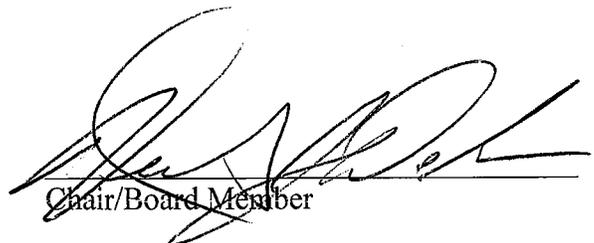
Mr. Abramson announced the project. Ms. Hedrick, property owner, is requesting a variance to reduce the front and side setback to the existing single-story building, and she wishes to add a second-story to her house. She has received letters of no objection from her two adjacent property owners. Two similar variances in the neighborhood were approved in the past.

Ms. Hedrick, 8711 Southwest 27 Street, did not get letters from her neighbors to the rear because she was informed she did not have to do that.

Motion by Ms. Davidson, seconded by Vice Chair Evans, to approve Item 3.5. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Ms. Davidson - yes. **(Motion carried 4-0)**

4. **OLD BUSINESS** - None.
5. **NEW BUSINESS** - None.
6. **COMMENTS AND/OR SUGGESTIONS** - None.
7. **ADJOURNMENT**
Hearing no further business, Chair DeArmas adjourned the meeting at 7:49 p.m.

Date Approved: 2-12-2014


Chair/Board Member