

TOWN OF DAVIE
PLANNING AND ZONING BOARD
JUNE 10, 2014

1. ROLL CALL

The meeting was called to order at 6:30 p.m. Board members present were Chair Ken DeArmas, Vice Chair Todd Evans, Jodi Davidson, and Christopher Cory. Also present were Planning and Zoning Manager David Quigley; Deputy Planning and Zoning Manager David Abramson; and Lisa Edmondson/Prototype Inc. recording the meeting. Tom Jacob was absent.

2. MOTION TO EXCUSE COMMITTEE MEMBERS

Motion made by Vice Chair Evans, seconded by Ms. Davidson, to excuse Mr. Jacob. In a voice vote, the motion passed unanimously.

3. APPROVAL OF MINUTES

3.1 May 28, 2014

Motion made by Vice Chair Evans, seconded by Ms. Davidson, to approve the minutes of the May 28, 2014, meeting.

4. PUBLIC HEARING (Quasi-Judicial)

4.1 Rezoning (ZB) 13-22 Sierra Ranch

Generally located on the east side of Hiatus Road, south of State Road 84

Mr. Abramson announced the case, stating that it involves a new residential community and of 79 single-family dwelling units. The rezoning request is to change from Agricultural A-1 District to Estate Dwelling R-1 District and Low Density Dwelling R-2 District. The applicant met the public participation requirements. Staff had one recommendation of approval pertaining to pests and animals.

Dennis Mele, petitioner, stated they will comply with the staff request for lot clearing and protection of animals. He reviewed the background of the site, including rezoning and lot size variance requests. Instead of pursuing the variances, they decided to request the current zoning changes.

Mr. Mele showed diagrams of the site and surrounding areas and the previous site plan. He continued his presentation, addressing a comparison of the previous site plan with the current site plan. He explained that any site larger than 10 acres requires 25% dry/wet retention per the Central Broward Water Control District. Additionally, there are wetlands onsite, and he explained the requirements pertaining to them. Due to the mitigation involved, the lots are of a smaller size.

Mr. Mele continued, showing and describing the open spaces on the site plan, lot sizes and quantities, buffers, cross-sections approved by the Site Plan Committee, entrance and exit, preserve area adjacent to Northstar Street, survey, and matching of entrance features of other developments along Hiatus Road. He shared a letter of endorsement from the Crystal Grove Estates homeowner association.

In response to a question, Mr. Mele stated that if all the lots were 35,000 square feet, there would be approximately 62 lots.

Chair DeArmas then opened the meeting to public comment on the item.

Kurt Shaw, 1861 Southwest 405 Avenue, Davie, was curious if the proposed rezoning if approved is contingent on the site plan, or would it go with the property. Mr. Quigley responded that the applicant had agreed to do a deed restriction which would tie the rezoning to the

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particular site plan or at least the proposed lot sizes. Mr. Shaw also asked who would be responsible for maintaining the wetland/preserve and who would oversee that maintenance. Mr. Quigley replied that Central Broward Water Control District has easements over the lakes and maintenance areas, so they are responsible.

Chair DeArmas then closed the meeting to public comment on the item.

Chair DeArmas commented on the increasing density in developments in the Town, predicting over-population and loss of the rural lifestyle. He said he was in favor of R-1, but no higher than that, citing traffic concerns on Hiatus Road. Chair DeArmas also spoke of the rising costs of new homes and advocated remaining with the current Land Use Plan.

Mr. Mele referred to the Land Use map, pointing out that the current land use designation is one unit per acre, which allows 89 units. They are only asking for 79 units. He explained that the reason they could only fit 62 units with 35,000 square feet would be because of the 25% open water requirement of the Central Broward Water Control District and the wetlands, not because of the regulations that Davie has enacted. Mr. Mele said that the results of their traffic analysis were the same for 62 units as for 79. He added that doing the project with only 62 units would render the project financially unfeasible.

Mr. Cory thought there was a decent balance between this project and what exists to the north.

Mr. Mele stated that this meeting has been notified to residents and appeared in the newspaper; they had one public speaker, and he felt both of his questions were answered. Mr. Mele reiterated that the deed restriction goes with the plan; the wetland maintenance will be permitted by the Army Corps of Engineers, the South Florida Water Management District and the Broward County EPD. All three agencies will regulate how the wetlands are planted and maintained.

Mr. Mele clarified that the traffic analysis (based on the Institute of Transportation Engineers Manual) showed that the difference between 62 and 79 homes is 12 trips in the morning peak hour and 17 in the afternoon peak hours. The variation is due to the fact that people leave and return to their homes at different times.

Ms. Davidson was curious if they planned to post a bond for future improvements, and Mr. Mele responded that the property is platted. Under platting regulations, they are required to post letters of credit/bonds for all infrastructure improvements made.

Ms. Davidson wondered what the developer could build right now and what the process would be for that. Mr. Abramson responded that since the developer had approached the Town multiple times and has entitlements for single-family involvements, there would have to be some type of amendment to any application, probably through the Site Plan Committee. The current request is to amend the initial approvals. Mr. Mele added that the old site plan approval had expired, so they would have to go back to the Site Plan Committee even if they wanted to build from the old site plan.

Ms. Davidson also mentioned that Northstar came to the last meeting and the applicant had complied with their demands for buffers.

Discussion ensued about allowing more development, with the point being made that development was allowed in the past under a different set of economic circumstances in the Town. Also expressed was that future R-1 developments would have to struggle to get improvements in roadways and accommodate larger entrances/exits.

Vice Chair Evans felt that this project would only encourage more R-2 developments, while Mr. Cory held that the concerns about more traffic are unfounded.

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In response to a question, Mr. Abramson stated that the higher density plans to the north of this project were approved approximately 40 years ago, and the Town's E District was repealed within the last 10-15 years.

Mr. Mele maintained that they are not asking to change the land use - they are requesting a change in zoning.

Chair DeArmas wondered at what point the Town will say "enough is enough" and stop such projects. Mr. Cory responded that he would object to this project at any other location on the map, but did not see a problem with the current site because of the clusters of townhomes to the north.

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

- 4.2 Platting (P) 14-43 Bridge Point Davie
3501 Burris Road
- 4.3 Rezoning (ZB) 14-47 Bridge Point Davie
3501 Burris Road
- 4.4 Variance (V) 14-49 Bridge Point Drive
3501 Burris Road

Chair DeArmas explained they would cover the three above items together, but vote on them separately. It was established that the applicant waived the quasi-judicial procedure.

Mr. Abramson presented the case. The overall project includes the development of a one-story warehouse building, and the site plan has been approved with recommendations by the Site Plan Committee. There were no staff conditions of approval. All applications were found to be in technical compliance with the code by the Development Review Committee.

Nectaria Chakas, with Lochrie and Chakas, spoke on behalf of Bridge Development Partners. She noted they are requesting plat approval, rezoning and two variances.

Ms. Chakas stated they are required to plat the property under the Land Development Code and also rezone the property, which is currently under County M-3 zoning. Due to differences in the Town's M-3 and the County's M-3 designations, they are essentially "down zoning." She stated the rezoning would be a benefit to the Town. The differences are the Town's height requirements, and the Town's maximum individual building size requirements. However, there is no building separation requirement.

Ms. Chakas reviewed the site, pointing out it is surrounded by heavy industrial uses. It is designated as part of the TOC and also for industrial uses in the future. She highlighted the location of the access points and truck entrances, and showed a rendering of the building and its landscaping. She stated they need the height variance in order to make the exterior of the building more attractive and also facilitate stacking of materials inside the facility up to 32-35 feet.

Vice Chair Evans was curious what type of buffers were on the Twin Lakes side, and what type of public participation, if any, there was with Twin Lakes. Ms. Chakas replied that they noticed everybody in Twin Lakes but no one showed up from there to the public participation meetings which were held in March.

Ms. Chakas added they have parking lot lighting which complies with the Town code. They also have a 10-foot buffer along the border that is shared with Twin Lakes, in addition to

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Twin Lakes' own buffer. She was not certain about the hours of operation, but noted that whoever occupies the building will have to comply with noise and other ordinances.

Chair DeArmas then opened and closed the meeting to public comment on the item.

Motion made by Ms. Davidson, seconded by Vice Chair Evans, to approve the platting (Item 4.2). In a voice vote, the motion passed unanimously.

Motion made by Vice Chair Evans, seconded by Ms. Davidson, to approve the rezoning (Item 4.3). In a voice vote, the motion passed unanimously.

Motion made by Vice Chair Evans, seconded by Ms. Davidson, to approve the variances (Item 4.4). In a voice vote, the motion passed unanimously.

5. PUBLIC HEARING

5.1 Land Use Amendment (LA) 13-327 Trotter's Chase *5800 Griffin Road*

Mr. Abramson announced the item, mentioning that since the property is over 10 acres in size, it will be processed as a large-scale amendment, necessitating it being transmitted to the State Board Review before the Town Council can adopt the amendment. He said there is one condition of approval pertaining to the petitioner's volunteer commitments.

Mr. Mele outlined the current approvals for the property for residential and retail development. He showed a diagram of the property and its location. He described a site plan that was approved in 2007, but has expired; the land use, plat and zoning are still in effect.

Mr. Mele reported they had three citizen participation meetings that were very well attended, and as a result, they modified their plan. They dropped the number from 204 townhomes to 188, changed the shape of the lake, moved the entrance on Southwest 58 Avenue further north, and moved the lift station more to the interior of the site.

Mr. Mele spoke about the traffic analysis and plans for recreational open space. He explained the cross sections of the various parts of the property. Mr. Mele added they plan to put a sidewalk connection to Sunny Lake Park.

Mr. Mele listed their volunteer commitments:

- Declaration of Restrictive Covenants to limit units to 188
- Restrict driveway on Southwest 58 Avenue so that there is no left turn for outbound traffic
- Return reserve flex units back to the Town; units will be created instead by adjustment to the Land Use Plan
- Construct right turn lane on Southwest 58 Avenue at Griffin Road subject to approval by permitting authorities
- Construct multi-purpose recreational trail going around the lake
- Construct sidewalk along Southwest 58 Avenue going to Sunny Lake Park subject to right-of-way being there
- Post security for possible traffic signal at the corner of Southwest 58 Avenue and Griffin Road

In response to a question, Mr. Mele remarked that the 2007 site plan had 128,000 square feet of retail, 4,000 of which was for a bank.

Chair DeArmas opened the meeting to public comment on the item.

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Harry Schaefer, 4940 Southwest 61 Avenue, Davie, spoke in opposition to the project, citing traffic concerns.

Robert Menconi, 4906 Southwest 61 Avenue, Davie, was opposed to the project because of traffic ramifications for Southwest 61 Avenue, in particular regarding neighboring schools. He distributed handouts of the area, showing future developments in the area.

Eric Swalley, 4680 Southwest 61 Avenue, Davie, spoke in opposition to the project, citing traffic concerns, allocation of resources (such as water), and threat to horse safety and horse owners' convenience.

Patrice Hannemann, owner of 4710 and 4740 Southwest 61 Avenue, Davie, was not in favor of the project for reasons already stated by others, mainly the increased density and loss of rural lifestyle.

Chair DeArmas then closed the meeting to public comment on the item.

Mr. Mele emphasized that they plan 19.7 acres at 10 units per acre, and 10.4 acres of recreational open space where nothing can be built. He stated that the prior approved site plan had 6 times the amount of traffic. Mr. Mele added they have removed all commercial and reduced the number of dwelling units. He concluded by saying that if this plan is not approved, the previously approved plan is still in effect and can be built, if they come back in for site plan approval and match the approved plat and zoning and allocation of flex and reserve units.

Ms. Davidson commended the developer for working with the Town, but would still like to see lower density. She objected to the entrance on Southwest 58 Avenue, wondering if people might mistakenly turn right when they want to go left; turning around near there is very unsafe.

Vice Chair Evans disliked the entrance on Southwest 61 Avenue. He also brought up traffic, noting that Sterling Ranch on Southwest 58 Avenue will compound the increased congestion. Ms. Davidson pointed out there was a traffic light on each end of Southwest 61 Avenue, but not on Southwest 58 Avenue. Therefore, she thought Southwest 61 Avenue would make a more appropriate entrance than Southwest 58 Avenue. Vice Chair Evans advocated having the entrance on Griffin Road.

Mr. Cory brought up the traffic situation if they build what was already approved, and Mr. Mele commented there would not be any commercial trucks on the two streets in question. Mr. Abramson clarified that the original application (existing approved plan) was more intense in density and would bring higher traffic with the commercial aspect. There were access points on Griffin Road and Southwest 61 and 58 Avenues. Mr. Abramson continued that if they proceeded with the original application it would not come before this board for any variances unless they did not meet the land development code for some design reason.

Mr. Mele commented that the only reason the exits on Southwest 58 Avenue was restricted to right-turns only is that they were asked to do so. He added they will install guardrails anywhere along the property line where it is adjacent to water. In addition, Mr. Mele stated that the sidewalk could be a trail or a sidewalk.

Regarding access points on Griffin Road, Mr. Mele advised that FDOT will not grant two access points. They could have one such point for the public and another for emergency vehicles; he showed how they could do that without reconfiguring the site. The entrances on Southwest 61 and 58 Avenues could be eliminated.

Chair DeArmas asked how many in the audience would agree to the project if there were no access on Southwest 58 or 61 Avenues. By a show of hands, many indicated they would agree.

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Ms. Davidson advocated for further reducing the density. She was curious how to add stipulations such as the trail. She was advised how to proceed.

Motion by Vice Chair Evans, seconded by Mr. Cory, to deny. Mr. Cory subsequently withdrew his second, and the motion died for lack of a second.

Motion by Mr. Cory to approve, subject to no access on Southwest 58 and Southwest 61 Avenues. Ms. Davidson offered an amendment to reduce the density and include the stipulations, including the verbiage of trail or not sidewalk. The motion died for lack of a second.

Motion by Ms. Davidson, seconded by Mr. Cory, to approve, with the following conditions:

- less density than 188
- no access to Southwest 61 and Southwest 58 Avenues
- with all of the recommendations that the applicant brought forward in the letter of June 6, 2014
- and with the stipulation that the word “sidewalk” will be changed to “trail”

In a roll call vote, the vote was as follows: Chair DeArmas - no; Vice Chair Evans - no; Mr. Cory - yes; Ms. Davidson - yes. (**Motion failed 2-2**)

Chair DeArmas explained it will go forward to the Town Council as voted with neither a pass nor a fail and the public may speak at the meeting on July 30, 2014.

5.2 Land Use Amendment (LA) 14-9 Saddle Bridge

Generally located on the south side of Griffin Road between Southwest 76 Avenue and Southwest 78 Avenue

Mr. Abramson presented the case. The request is to amend the land use designation of the subject site from "Commercial" to "Residential 10 DU/Acre" on both the Town and County Comprehensive Plans. Citizen participation requirements have been met.

Scott Backman spoke on behalf of Standard Pacific Homes, the applicant. He showed a PowerPoint presentation including a history of the project, zoning background, neighboring area, plans for the property (townhomes), and an overview of the public participation.

Chair DeArmas opened the meeting to public comment on the item.

Joseph Cosner, 4451 Southwest 77 Avenue, Davie, spoke in opposition to the project, citing traffic noise, density, and the need for commercial rather than residential. He gave a history of the property and the corridor.

Michael Goldberg, 4732 Sundance Way, Davie, said he had mixed emotions about the project and was concerned about parking congestion on the street.

Chair DeArmas then closed the meeting to public comment on the item.

Mr. Backman pointed out that traffic decreases substantially when going from commercial to residential. He stated they marketed the commercial aspect aggressively, but got no response. Regarding parking, Mr. Backman mentioned that three out of every seven units have double driveways and double garages.

Chair DeArmas remarked that water and sewer use is less in commercial than it is in residential.

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Vice Chair Evans was curious if anything was proposed for the out lot (that was supposed to be a bank), and Mr. Abramson replied nothing is under review at this time. He added that the area in the back that is marked "out" on the drawings is a single-family home.

Ms. Davidson wondered who would want to live so close to Griffin Road.

Mr. Cory thought the property should be left as is because of the proximity to University Drive.

Chair DeArmas recounted that the corridor was set up for commercial use.

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

6. **OLD BUSINESS** - None

7. **NEW BUSINESS** - None

8. **COMMENTS AND/OR SUGGESTIONS**

Chair DeArmas thanked the Board for their participation and emphasized that everyone's opinion is respected.

There was a discussion initiated by Mr. Cory about the protocol of making motions.

Chair DeArmas observed that more of the public are coming to meetings now to express their opinions. Discussion ensued about the future of Davie.

9. **ADJOURNMENT**

Hearing no further business, Chair DeArmas adjourned the meeting at 9:26 p.m.

Date Approved:

6/25/2014


Chair/Board Member