

TOWN OF DAVIE
PLANNING AND ZONING BOARD
JULY 9, 2014

1. ROLL CALL

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

2. MOTION TO EXCUSE COMMITTEE MEMBERS (none)

3. APPROVAL OF MINUTES

3.1 June 25, 2014

Motion made by Mr. Jacob, seconded by Vice Chair Evans, to approve the minutes of the June 10, 2014, meeting. In a voice vote, the motion passed unanimously. (5-0)

4. PUBLIC HEARING (QUASI-JUDICIAL)

4.1 Special Permit (SE) 14-105 (moved to later in agenda)

Generally located on the west side of College Avenue, North of Nova Drive

4.2 Variance (V) 14-146 Hooten

8231 Southwest 57 Street

The applicant agreed to waive the quasi-judicial process.

Mr. Abramson announced the case, noting it is for a patio addition with an 8.5 foot side setback - the Town of Davie code normally allows a 15-foot side setback.

Pam Wooten, 8231 Southwest 57 Street, Davie, explained they want to add a covered patio in line with the existing house footprint.

Motion made by Mr. Jacob, seconded by Ms. Davidson, to approve the variance. In a voice vote, the motion passed unanimously. (5-0)

4.3 Variance (V) 14-178 Cunningham

10320 Southwest 16 Place

The applicant agreed to waive the quasi-judicial process.

Mr. Abramson presented the staff report, saying the variance is for a second-story addition which would require a street-side 22.5-foot setback, instead of the normal 25-foot setback. The property owner provided letters of no objection from the Homeowners Association.

David Cunningham, 1320 Southwest 16 Place, Davie, explained he has a large side setback because his house is a corner property. He stated the addition is for his father. Mr. Cunningham noted he had spoken to only one of his neighbors present at this meeting regarding the project.

Mr. Cory wondered why he needed the extra 2.5-foot setback, and Mr. Cunningham explained that he also wants to install a pool and needs extra room in the garage/shop to be able to store his father's boat and trailer. Mr. Cunningham stated that if the variance is not approved, he will go ahead and build, but would not get full use of the downstairs. He added that the Engineering Department had already reviewed the plans and determined there were no issues with the line-of-sight restrictions.

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Mr. Jacob asked if there was a sketch of how the property would look facing the road. Mr. Cunningham said he has a site plan, but it was not with him. He said there are windows, a garage/driveway, and a door on the north side.

Chair DeArmas then opened the meeting to public comment.

Stevie Shatkin, 1633 Southwest 103 Lane, Davie, stated that she lives next door to the applicant and presented a signed petition opposed to the variance. The signers of the petition oppose the variance for the following reasons:

- Unsafe condition on the corner, congested visually and physically, no speed bumps
- There are no other two-story residences on any corners in the neighborhood
 - Don't want to set a precedent
- Addition is better suited for a larger neighborhood with ample space
- Application is premature
 - Applicant misrepresented the project - they were "duped" into signing the consent for the Architectural Review Board (ARB)
 - Blane Shatkin, 1633 Southwest 103 Lane, Davie, said they do not have any homes in the neighborhood with two driveways and two garages on opposite sides of the house. He also asserted that the applicant had not mentioned the proposed hydraulic lift to them. Ms. Shatkin requested that he obtain informed consent from his neighbors and resubmit his application to the ARB.

Mr. Abramson stated that this Board is only approving the street side setback of 2.5 feet.

Mitchell Chester, 10391 Southwest 16 Place, Davie, spoke in opposition to the variance, stating that the ARB action (which had only one member instead of three) violated their HOA documents. He also wanted to see a rendering of the project.

Rod Feiner stated he is a neighbor directly to the east of Mr. Cunningham. He spoke in favor of the variance, citing the presence of two-story homes in the neighborhood, and said ARB approval is irrelevant to this Board's actions.

Denis Bross, President of the HOA for Ridgeview Estates North, was concerned that there are no five-car garages in the neighborhood. He also said they were not provided with an artist's rendering of what the finished project will look like.

Diane and James Jeffers, 10423 Southwest 16 Manor, Davie, spoke in opposition to the variance, citing the potential noise from activities in the garage. Mr. Jeffers also wondered if there were laws against a hydraulic lift, but was informed that approval would be through the Site Plan Committee.

Mr. Cunningham stated he was "never untruthful" about anything connected to the project; he followed all the bylaws. He said that concerns about the line-of-sight issue are not founded, pointing out that when he removes a current chain link fence, the line of sight will improve by nine feet. He also said there are no rules about two-story additions on the corner. Regarding the lift, he stressed he will not be doing automotive work, but cars are his hobby.

Hearing no further comments, Chair DeArmas then closed the meeting to public comment.

Mr. Stallone advised that HOA approval is good, but not required. If a project meets the Town's rules and regulations, it can be heard by the Boards and the Town Council.

Mr. Cory said he did not want to change the established setback.

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Motion made by Vice Chair Evans, seconded by Ms. Davidson, to approve the variance. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Mr. Cory - no; Ms. Davidson - yes. (**Motion carried 4-1**)

4.1 Special Permit (SE) 14-105 SWS/Bergeron Off-site Pkg Lot/College Ave
Generally located on the west side of College Avenue, north of Nova Drive

The applicant agreed to waive the quasi-judicial process.

Mr. Abramson presented the case, noting the request is for a temporary parking lot along the front portion of the subject property. If approved, staff had two recommendations: one pertaining to an extension of the Special Permit, and the other accepting the applicant's voluntary Letter of Responsibility for traffic management and pedestrian safety provisions.

Marcie Nolan, representing the applicant, explained the need for the permit: their current location is becoming too crowded, so space is needed for employees to park across the street. They are building a new facility offsite; when it is complete, there will be no need for the temporary lot. She mentioned they will have a person escorting employees across the street. Ms. Nolan showed the area where the roll-off trucks will park.

Ms. Nolan continued that even though they held two public participation meetings, nobody came.

Mr. Jacob disclosed that he spoke with Ms. Nolan prior to this meeting; Mr. Cory, Ms. Davidson and Chair DeArmas also spoke with her over the phone.

Ms. Nolan explained that the parking lot will eliminate the parking on the street.

Chair DeArmas then opened and closed the meeting to public comment as there was no one wishing to speak on this item.

Motion made by Mr. Jacob, seconded by Ms. Davidson, to approve the Special Permit with staff recommendations. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Mr. Cory - yes; Ms. Davidson - yes. (**Motion carried 5-0**)

4.4 Variance (V) 14-179 David Posnack Jewish Day School
5810 South Pine Island Road

Mr. Stallone stated that the applicant had waived the quasi-judicial hearing.

Mr. Abramson provided the staff report, noting the request is for a maximum building height of 53 feet, 4 inches for a new classroom building.

Manny Sinalovski, architect, 1800 Eller Drive, Suite 500, Fort Lauderdale, stated that although the new building is for high school classrooms, a high school building currently exists on that campus. Mr. Sinalovski said he had two elevations and an aerial of the property, which were displayed for the Board.

Mr. Sinalovski pointed out the location of the present high school classrooms in the Federation Office building, which was meant to be temporary until a permanent building could be constructed. He proceeded to explain the layout according to the aerial. He said the roof line of the new building will be 44 feet, 4 inches with a 4-foot parapet across the top of the roof. There are two stair towers intended to service the roof of the building: those are 53 feet, 4 inches in height.

Mr. Sinalovski further described the building, showing the elevation. He asserted that floor-to-floor height needs to be greater than in the past due to technology, air conditioning, lighting, etc. The third (top) floor will have a higher ceiling to accommodate a tiered lecture

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hall, drama classroom, and library/media center. Mr. Synalovski also explained the need for the adjacent indoor gymnasium.

Mr. Synalovski reported they had three meetings with the community, which were positive overall. The major concerns expressed were traffic, which he felt had been addressed.

In response to a question, Mr. Synalovski said that the building to the north is a senior residential facility.

Chair DeArmas then opened and closed the meeting to public comment as there was no one wishing to speak on this item.

Mr. Jacob asked what year the 35-foot height restriction was made, and Mr. Abramson it was adopted in the 1960s.

Mr. Quigley pointed out there is some leeway for a roof peak - the roof line actually being measured at the midline of a peak roof.

Mr. Abramson also explained that schools have different construction/infrastructure requirements than office buildings.

Ms. Davidson disclosed she spoke with Eric Stillman, CEO of the Jewish Federation, about the project.

Motion made by Ms. Davidson, seconded by Vice Chair Evans, to approve the Special Permit. In a roll call vote, the vote was as follows: Chair DeArmas - yes; Vice Chair Evans - yes; Mr. Jacob - yes; Mr. Cory - yes; Ms. Davidson - yes. **(Motion carried 5-0)**

5. **OLD BUSINESS** - None.

6. **NEW BUSINESS** - None.

7. **COMMENTS AND/OR SUGGESTIONS**

Mr. Jacob wondered if the Town would revisit the 35-foot height restriction on such a large lot. Mr. Quigley said he would be concerned if the topic arose frequently, and felt they want to steer the taller buildings to areas such as commercial corridors that already have tall buildings.

8. **ADJOURNMENT**

Hearing no further business, Chair DeArmas adjourned the meeting at 7:35 p.m.

Date Approved: 7-23-14


Chair/Board Member