

TOWN OF DAVIE  
PLANNING AND ZONING BOARD  
APRIL 13, 2016

**1. ROLL CALL**

The meeting was called to order at 6:30 p.m. Board members present were Chair Ken DeArmas, Vice Chair Tom Jacob, and Mike Bender. Also present were Planning and Zoning Manager David Quigley; Deputy Planning and Zoning Manager David Abramson; Allan Weinthal, Board Attorney; and Planning & Zoning Administrative Secretary, Lorraine Robinson recording the meeting. Christopher Cory and Jodi Davidson were absent.

**2. MOTION TO EXCUSE BOARD MEMBERS**

**Motion** made by Vice Chair Jacob, seconded by Mr. Bender, to excuse Mr. Cory and Ms. Davidson. In a voice vote, the motion passed unanimously (3-0).

**3. APPROVAL OF MINUTES**

3.1 March 22, 2016 Meeting Minutes

**Motion** made by Vice Chair Jacob, seconded by Mr. Bender, to approve the minutes of the March 22, 2016 meeting. In a voice vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**4. PUBLIC HEARING (QUASI-JUDICIAL)**

**4.1 Variance (V) 15-026 Pine Island Plaza**

**4.2 Rezoning (ZB) 15-027 Pine Island Plaza**

*8800-8970 State Road 84*

Janna Lhota, Holland & Knight LLP, waived the quasi-judicial process.

David Abramson, Deputy Planning and Zoning Manager, gave a summary of the staff report.

Ms. Lhota, addressed the Board and made a brief presentation on the shopping plaza stating that this rezoning was prompted by an application last year with the addition of a McDonalds. She added that McDonalds later withdrew their interest in the plaza. Chair DeArmas questioned if there were public participation meetings held. Ms. Lhota stated that there were two meetings held in March 2015 and no objections from the public. Mr. Abramson stated that the public participation meeting results were included in the staff report for Item 4.2 on Page 13.

Chair DeArmas then opened and closed the public hearing as there was no one wishing to speak on item 4.1 and 4.2.

**Motion** made by Mr. Bender, seconded by Vice Chair, to approve Item 4.1. In a roll call vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**Motion** made by Mr. Bender, seconded by Vice Chair, to approve Item 4.2. In a roll call vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**4.3 Plat (ZB) 15-348 Nova South**

*Generally located north of Southwest 39th Avenue and west of College Avenue*

Nectaria Chakas, Lochrie & Chakas, waived the quasi-judicial process.

David Abramson, Deputy Planning and Zoning Manager, gave a summary of the staff report.

Ms. Chakas, addressed the Board and spoke on behalf of the applicant. Vice Chair Jacob asked if this was to be used as a retention pond. Ms. Chakas stated the purpose of the plat application was to provide a drainage area which is a drainage lake to take care of current and future drainage. She added that this application also included an area not currently planned but opted to make it part of this

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application. Ms. Chakas commented that she met with the neighborhood association immediately adjacent to the area and they preferred looking at a pond instead of a building.

Chair DeArmas then opened and closed the public hearing as there was no one wishing to speak on item 4.3.

**Motion** made by Mr. Bender, seconded by Vice Chair, to approve Item 4.3. In a roll call vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**4.4 Variance (V) 16-043 Porsche**

*Generally 4641 West 148th Avenue*

Dan Taylor, Tripp Scott, waived the quasi-judicial process.

David Abramson, Deputy Planning and Zoning Manager, gave a summary of the staff report.

Chair DeArmas questioned if this originally came before the Board for a parking variance last year. Mr. Abramson confirmed that was correct.

Mr. Taylor addressed the Board and spoke on behalf of the applicant. He stated the variance was needed to increase the size of the sign from 150 feet to 580 feet.

Chair DeArmas then opened and closed the public hearing as there was no one wishing to speak on item 4.3.

Mr. Bender stated that an increase in size was needed in relation to the location and size of the building.

**Motion** made by Mr. Bender, seconded by Vice Chair Jacob, to approve Item 4.3. In a roll call vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**5. PUBLIC HEARING**

**5.1 Code Amendment - (ZB-TXT) 16-089 Land Development Code Amendment – Various Issues**

*Townwide*

Mr. Quigley provided a summary of the staff report for each item as follows:

- #1 - Drug and alcohol treatment centers
- #2 - Residential portable storage units for on-site storage
- #3 - Child Care, Day Nursery, Day Care facility
- #4 - Education K-12 development standards
- #5 - Residential/Office (RO) district
- #6 - Special Residential Facilities
- #7 - Vehicle sales and rental
- #8 - B-2M District uses
- #9 - Nonresidential performance standards
- #10 - Development standards for the SC, UC, FB and BP districts.
- #11 - Incorporate Ch. 26, Vegetation, into Ch. 12, Art. VI.
- #12 - Electric vehicle charging stations
- #13 - Restaurant and bar parking
- #14 - Dormitory parking rate
- #15 - Signs in shopping centers, office and industrial parks.
- #16 - Banner signs.
- #17 - Street lighting

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- #18 - No rezoning and similar applications when code issue pending
- #19 - Standards for moratorium.
- #20 - Public participation requirements.
- #21 - Development Review Committee (DRC) membership
- #22 - Projects excluded from site plan review.
- #23 - Site plan review.
- #24 - Site plan submission requirements
- #25 - Modification of site plan.
- #26 - Drive-through windows in RAC downtown
- #27 - Definitions
- #28 - Provide turning radii on site and landscape plans (not just fire plan).
- #29 - Ensure line of site, especially residential projects.
- #30 - In design manual, provide more examples of stack stone. Focus on use of natural materials.

#3 – Child Care, Day Nursery, Day Care facility

Vice Chair Jacob asked if existing schools like ones located in plazas would be affected by this change or would they be grandfathered in. Mr. Quigley responded that the change would apply unless someone proposed an expansion to how this was written.

#5 - Residential/Office (RO) district

Mr. Quigley stated that there are two areas of the Town zoned RO (Residential Office District) – located on Orange Drive and Davie Road (south of Griffin).

Vice Chair Jacob asked if a property is zoned RO if it can be five units per acre or office. Mr. Quigley responded that it could be either or a combination of the two.

Attorney Richard Coker, representative for property owner Peter Mineo, spoke on his behalf. He stated that his client owned a 1.3 acre parcel at 5600 Davie Road, purchased in March 2015 for the purpose of developing a law office. Mr. Coker stated that this proposal makes the parcel useless if the footprint cannot be more than a 2500 square foot building. He added that it cuts the value of the property because a substantial professional office can't be built. Mr. Coker stated that the property owners along Davie Road were unaware of this proposed change due to the notice requirements. He added that professionals make a great neighbor due to lack of noise or hours of operation.

#12 - Electric vehicle charging stations

Mr. Quigley stated that this item was brought forward by the Agricultural & Environmental Advisory Committee and other discussions. He stated that there were some projects that came before the Board the past couple of years that recommended or required electric charging stations and that this item was to create an across the board requirement. Mr. Quigley gave a brief overview of the proposal.

Mr. Bender stated that technology wasn't far enough along.

Vice Chair Jacob stated he thought the opposite and questioned if one space was enough especially considering the recent advance Tesla electric car orders. He commented that there will be more demand.

Vice Chair Jacob asked how the findings per unit was based. Mr. Quigley stated that he looked at other cities.

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#15 - Signs in shopping centers, office and industrial parks.

Mr. Quigley stated that the sign code in the nineties was outfitted to limit sign colors in industrial and strip centers and has proven to be problematic to enforce. He added that other cities don't have similar restrictions.

Chair DeArmas asked if modifications were made before. Mr. Quigley responded that about five years ago there was a provision to have a design variation to go before the Site Plan Committee and has determined it is best to eliminate.

#16 - Banner signs.

Chair DeArmas asked if this item had come before the Board previously. Mr. Quigley stated that during the recession a trial program was introduced to assist struggling businesses with the use of banners. He added that it is hard to enforce and impractical.

Vice Chair Jacob asked about "buy your house" signs. Mr. Quigley responded that those are in the right of way, illegal and subject to Code Enforcement.

Vice Chair Jacob asked if signs advertising stalls for rent are allowed. Mr. Quigley responded that agricultural properties have a statutory pre-emption.

#5 - Residential/Office (RO) district

Vice Chair Jacob asked if there were RO districts in other parts of Davie. Mr. Quigley stated that RO was on Davie Road, generally south of the power lines and Griffin Road on both sides of the road but predominantly on the east side. He added that it is mostly adjacent to single family.

Mr. Coker addressed the Board and provided a copy of an aerial view.

Peter Mineo, property owner, addressed the Board to state that the proposed building size was 14,000 square feet.

Mr. Bender commented that RO would be good for the tax base and that Mr. Coker made a good point about being a good neighbor.

Vice Chair Jacobs asked why the proposal was limited to 2,500 square foot building. Mr. Quigley responded that it was an attempt to fulfill what the plan requires to make it look like a residence. He added that a lot goes into the plan such as footprint, design, location of the parking which is behind the building and lighting.

Vice Chair Jacobs asked what prompted this change. Mr. Quigley stated that it was based on the type of proposals that were being submitted.

Vice Chair Jacob questioned if it was limiting too much at 2,500 square feet per acre. Mr. Quigley stated that Council would be interested to hear the Board's recommendation.

Mr. Bender commented that he would hate to scare off good business.

Chair DeArmas stated that this was only an advisory board and to make a motion to include a recommendation.

**Motion** made by Vice Chair Jacob, seconded by Mr. Bender, to approve Item 5.1 with reconsideration of square footage on #15. In a roll call vote, the motion passed (3-0), with Mr. Cory and Ms. Davidson absent.

**6. OLD BUSINESS** – none.

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**7. NEW BUSINESS**

Item 7.1 - May 2016 Meeting Schedule

**8. COMMENTS AND/OR SUGGESTIONS – none.**

Vice Chair Jacob discussed the popularity of propane and asked if the Town was looking into stations for that use. Mr. Quigley stated that there was a request recently and that it was considered the same as a gas station. He added that there are setback requirements in the zoning code. Mr. Quigley stated that it should be addressed.

**9. ADJOURNMENT**

Hearing no further business, Chair DeArmas adjourned the meeting at 7:40 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member