

LOCAL PLANNING AGENCY
AUGUST 13, 2003

1. ROLL CALL

The meeting was called to order at 8:41 p.m. Board members present were Chair Mike Bender, Casey Lee, Scott McLaughlin and Mimi Turin. Also present were Board Attorneys Andre Parke and Martin Kiar, Planning Supervisor Marcie Nolan, and Board Secretary Janet Gale recording the meeting. Vice-Chair Bob Waitkus was absent.

2. APPROVAL OF MINUTES: May 14, 2003
July 23, 2003

Ms. Lee made a motion, seconded by Ms. Turin, to approve the minutes of May 14, 2003. In a voice vote, all voted in favor. **(Motion carried 4-0)**

Ms. Lee made a motion, seconded by Ms. Turin, to approve the minutes of July 23, 2003. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARINGS

3.1 ZB (TXT) 6-1-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Tabled from July 23, 2003)**

Ms. Nolan explained that this item was being presented as two ordinances, the first being the Town's proposal to amend the billboard ordinance and the second had been submitted by Jolmy Enterprises to amend the Land Development Code for the number of billboards. She reminded the Agency that it had heard this item on July 23rd, and had asked for information from Attorney Mike Burke. Ms. Nolan provided a memorandum from Mr. Burke dated February 8, 2002, regarding the Jolmy annexation and the billboard provision within that annexation. She proceeded to address the intent of the first proposed ordinance.

Ms. Turin disclosed that she had briefly discussed this item with Vice-Mayor Starkey.

Chair Bender asked if anyone wished to speak for or against this item.

Attorney Steve Moody, representing Jolmy Enterprises, expressed his confusion as to the approach of two separate ordinances. He encouraged the Agency to support the second proposal for 16 billboards, three of which would be Jolmy's, and to allow those billboards to be 90-feet high as were the existing ten billboards. Mr. Moody spoke of the annexation agreement which allowed for the three billboards; however, the height restrictions would counteract their effectiveness. Ms. Nolan clarified why the two issues had been separated and answered questions posed by Agency members.

As there were no other speakers, the public hearing was closed.

In the lengthy discussion which ensued, Ms. Turin expressed her objections to billboards in general. She did, however, suggest that if the Code were to be amended on this issue, it would be an opportune time to write in some kind of accounting measure so that the Town Council would have an idea of how much money was being generated for the non-profit organizations and could, thereby, take into consideration the proceeds from the billboards. Chair Bender expressed why he was not in favor of increasing the number of billboards.

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Ms. Lee made a motion, seconded by Ms. Turin, to deny proposal one [increasing from ten to 13 billboards]. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

Ms. Lee made a motion, seconded by Ms. Turin, to deny proposal two [increasing from ten to 16 billboards]. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

3.2 ZB (TXT) 7-3-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)7-3-03, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF DAVIE, AMENDING SECTION 12-503 ENTITLED "DEFINITIONS", AMENDING SECTION 12-33 ENTITLED "GENERAL REGULATIONS", PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Tabled from July 23, 2003)**

Ms. Nolan advised that staff had incorporated some of the recommendations previously made by the Agency at the last meeting when this item had been heard. She provided background information regarding portable storage units and explained the intent of the ordinance. A brief discussion ensued regarding time issues and the point was resolved with the consideration of offering a time extension.

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

Ms. Lee made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

3.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR ADULT ARCADE AMUSEMENT CENTER; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE LOCATION AND OPERATION OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF ARCADE OR GAME ROOM AND ADULT ARCADE AMUSEMENT CENTER; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Nolan prefaced her introduction by advising that there had been minor language changes incorporated to address State Statutes and handed out a draft of the revised edition. She provided background information and explained that the intent of the ordinance was to define and regulate the uses of the adult arcade amusement centers.

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Ms. Nolan read through the draft and explained the purpose of each section.

Chair Bender commented that there would be no good reason why arcades should be open until 2 a.m. and suggested that they be closed by 11 p.m.

Ms. Lee suggested that (DD) (4) Occupational License and Registration (a), should read "Chief of Police or designee" rather than actually having the Chief of Police make the inspections.

It was pointed out that in (DD) (6) Operations (b) the words "arcade or game room" was stated instead of adult arcade amusement center.

It was also recommended that (DD) (2) Additional Development Standards for Adult Arcade Amusement Centers (a) *Location*: should include the words "daycare center" insofar as distance restrictions were concerned. Ms. Nolan noted all recommendations to change or add language where appropriate.

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

Ms. Lee made a motion, seconded by Ms. Turin, to approve subject to the recommendations that were made during the course of the discussion. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - absent; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business discussed.

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 9:55 p.m.

Date Approved: _____

Chair/Agency Member