

LOCAL PLANNING AGENCY
AUGUST 13, 2008

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Chair Scott McLaughlin, Philip Busey, Ken DeArmas and Mimi Turin. Also present were Vice-Mayor Marlon Luis, Attorney Thomas Moss, Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson, Planner Ingrid Allen and Board Secretary Janet Gale recording the meeting. Vice-Chair John Stevens was absent.

2. APPROVAL OF MINUTES: May 28, 2008 – Reconsider Approval
July 9, 2008

Ms. Turin made a motion, seconded by Mr. Busey, to reconsider the motion for the approval of the May 28, 2008, minutes. In a voice vote, with Vice-Chair Stevens being absent, all voted in favor. **(Motion carried 4-0)**

Chair McLaughlin advised that based on State Statute 286.012 – Voting requirement at meetings of governmental bodies – Agency members were not to abstain from voting on the approval of minutes.

Mr. Busey made a motion, seconded by Ms. Turin, to approve the minutes of May 28, 2008. In a voice vote, with Vice-Chair Stevens being absent, all voted in favor. **(Motion carried 4-0)**

Ms. Turin made a motion, seconded by Mr. Busey, to approve the minutes of July 9, 2008. In a voice vote, with Vice-Chair Stevens being absent, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARING

Text Amendments

- 3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE XI. DEVELOPMENT REVIEW PROCEDURES, DIVISION 1. CONSISTENCY AND CONCURRENCY DETERMINATIONS, SECTION 12-320(A) PURPOSE; ADDING DIVISION 6, SCHOOL CONCURRENCY, IN ORDER COMPLY WITH REQUIREMENTS TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB (TXT) 1-2-08)

Ms. Allen explained the intent of the ordinance.

Concerned with the formula used to determine a developer's exemption, Mr. Busey asked if collectively one and a half students could be generated from one development with a half student in each of the three levels, would the developer still be exempt. Ms. Allen responded affirmatively.

Mr. Busey pointed out a typographical error regarding the word "aged" which Ms. Allen indicated would be corrected. He asked who the three parties were as mentioned in the "tri-party" agreement. Mr. Busey believed that at the first mention of "tri-party," a definition of the three parties involved be indicated. Mr. Quigley agreed that it should be made clear.

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

Mr. Busey made a motion, seconded by Mr. DeArmas, to accept the ordinance with the stipulation that "tri-party" be "spelled out" as to whom the three parties were. Elsewhere in the document it did that; however, at first mention, it should clarify who was being referenced. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. **(Motion carried 4-0)**

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- 3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE III. USE REGULATIONS, DIVISION 2. GENERAL REGULATIONS, SECTION 12-33(Q) GENERAL PROVISIONS PERTAINING TO ALL BUSINESS DISTRICTS; PROVIDING DEVELOPMENT REGULATIONS FOR PERMANENT, FREE-STANDING AND UNOCCUPIED KIOSKS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB (TXT) 3-1-08, Kiosk)

Mr. Abramson advised that this was the first public generated request for a text amendment. He explained the intent of the ordinance as well as the specifications for the kiosks.

A discussion ensued regarding the “footprint” of the building including the roof and overhang; the purpose of setting a maximum of two kiosks per shopping center; the distance of separation between kiosks; and safety issues.

Mr. Busey believed that the distance requirements may have been “too restrictive” and wondered what the ramifications would be if it were set at 500-feet apart. Mr. Abramson explained that the intent was not to have a parking lot full of kiosks creating parking and traffic flow issues. Mr. Busey reiterated that he had wished there was some data available to suggest what the consequences would be if the kiosks were closer together.

In discussing safety issues, Mr. Abramson advised that kiosks were subject to review by the Site Plan Committee and the Police Department. Mr. DeArmas asked about buffers and bollards being placed around the kiosk to protect pedestrians from vehicle traffic. Mr. Abramson explained that the Engineering Department and site plan review would determine if bollards were required.

Ms. Turin clarified whether or not the petitioner had agreed with the proposed changes which augmented the ordinance as proposed by staff. Mr. Abramson responded that the petitioner had agreed with the changes.

Vending machines were discussed and the Agency members agreed with Mr. Busey’s suggestion that the words “free-standing” should be added before the words vending machines are prohibited. He expanded by stating, “If you really want to tighten it up, you could say no food or beverages...”

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

Maritza Fisher, representing Bank of America, indicated that Bank of America was the petitioner for the text amendment in order to install a free standing ATM in a kiosk. She had no problems with adding whatever language the Agency decided on since her sole purpose was to install an ATM.

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

Mr. Busey proposed that the item be approved, but that the words “free-standing” be added before the words vending machines and that it say “not for purposes of selling food.”

In discussion, Chair McLaughlin stated “free-standing vending machines for the purposes of the sale of food or beverage are not permitted.”

Mr. Busey interjected “nor for the use or sale of food or beverage.”

Chair McLaughlin asked if everyone was okay with that and Ms. Turin and Mr. DeArmas responded affirmatively.

Mr. Busey stated that he would like to make that as a motion, seconded by Mr. DeArmas. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. (**Motion carried 4-0**)

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4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

Chair McLaughlin welcomed Mr. DeArmas to the Agency.

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 7:35 p.m.

Date Approved: _____

Chair/Agency Member