

**SITE PLAN COMMITTEE
FEBRUARY 8, 2011**

1. ROLL CALL

The meeting was called to order at 4:02 p.m. Committee members present were Chair Michael Crowley, Vice-Chair Bob Breslau, Casey Lee and Harry Venis. Also present were Councilmember Caryl Hattan (arrived 4:44), Urban Forrester Tim Lee, Deputy Planning and Zoning Manager David Abramson, and Secretary Janet Gale recording the meeting. Gus Khavanin was absent.

2. APPROVAL OF MINUTES: November 9, 2010

Vice-Chair Breslau made a motion, seconded by Mr. Venis, to approve the minutes of November 9, 2010. In a voice vote, with Mr. Khavanin being absent, all voted in favor. **(Motion carried 4-0)**

3. SITE PLANS

Modification

3.1 SPM 1-7-10, Pet Paradise Resort, 10401 Orange Drive (A-1)

Nectaria Chakas, Fred Goldsmith, Bill Joel, Brian Kientz, Allan Iosue, Robert Allen Connor, John Cab McIvor, Alan Tinter and Bob Andres, representing the petitioner, were present. Mr. Abramson summarized the planning report.

Vice-Chair Breslau asked about the special permit which had been issued to the previous owner of the property allowing for a dog run. Mr. Abramson explained that the previous owner of the property had let the special permit expire and that it was not transferrable upon the sale of the property to the present owner. Vice-Chair Breslau asked if by confining the dogs within the proposed indoor addition, would it in Mr. Abramson's opinion, meet the intent of the Land Development Code. Mr. Abramson responded affirmatively.

Ms. Chakas provided a PowerPoint presentation to better explain the intent of the modification and furnish background information regarding the kennel's reputation. She advised that the facility was rated a "category three" hurricane facility and offered a program whereby in the event of a mandatory evacuation, they would take in pets free-of-charge until 72 hours after the mandatory evacuation was lifted. Also, they provided for pet shelter for victims of domestic violence free-of-charge. The PowerPoint presentation contained aerials in order to define the lay of the land and show what presently existed on the site.

Ms. Chakas pointed out that due to the expansion of approximately 11,000 square feet, additional parking was required by code; therefore, parking would be provided north of the addition. North of the parking would be utilized for water retention. The outdoor run was to be eliminated and all activities would be contained within the addition, therefore, minimizing noise. She explained that skylights were planned for the roof in order to provide natural light since there would be a minimal amount of windows where sound would escape. The building was designed for noise containment which Ms. Chakas indicated was a concern of the neighbors. She maintained that the addition would be an improvement compared to the outdoor run which presently existed.

Ms. Chakas stated that the Central Broward Water Control District had approved the plan. She stated that approvals from the Development Review Committee and Engineering Division had been received and that the project met with the Town's zoning requirements, the comprehensive plan, and was a permitted use in the district.

Mr. Andres explained how the proposed expansion would be adequately sound-proofed. He spoke on the building's windows, doors and insulation and opined that there would be a "low 50-55 dB at the property line."

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Ms. Chakas concluded the presentation by referencing another facility which had been completed in Tallahassee and which this project would duplicate including the projected noise levels.

Vice-Chair Breslau asked about the silencers on the exhaust fans which had not been indicated on the plans, but included in the PowerPoint presentation. Ms. Chakas indicated that silencers for the exhaust fans would be provided on the plans before they were presented to Town Council. Mr. Andres explained how selecting the correct fans and using the inline silencers would accomplish the noise mitigation they wanted.

Vice-Chair Breslau commented that there should be some architectural features along the sides of the buildings as there was in the front. He suggested some banding and artificial window treatments on the east and west elevations. Mr. Conner agreed.

Chair Crowley asked if the petitioner had ever considered installing a wall around the perimeter of the property in order to separate the adjacent residential properties from the commercial. He thought it was a requirement of the Code. Ms. Chakas responded that it was not considered a commercial use. Chair Crowley countered that it looked like commercial. Ms. Chakas indicated that landscaping worked better than a wall because the facility they were proposing would contain the sound very well. Her answer as to whether or not they had considered installing a wall was negative.

Mr. Andres explained how much more effective it was to place a barrier nearer to the noise source rather than further away from it such as a perimeter wall. He stated that the wall would not be necessary because the building would be designed properly.

Vice-Chair Breslau asked for a color board as there were paint numbers depicted on the plans. Ms. Chakas replied that the colors would match the existing building. She agreed that a color board would be provided to staff before they proceeded to Council.

Vice-Chair Breslau commented on the height of the light-poles and asked that they be reduced in height and be shielded. Mr. Kientz agreed that they could reduce the height, but they would have to increase the number of light-poles in order to meet the Town's code. Ms. Chakas agreed that they would reduce the height to 18-foot poles with shields and to shield the existing four poles in the front of the building. Vice-Chair Breslau noticed discrepancies in the photometric plan and asked that the plans be rechecked to assure accuracy of the light levels along the property lines.

Ms. Lee asked to defer her comments until after the public spoke about the project. Chair Crowley, therefore, asked if anyone wished to speak for or against this item.

Michael Bartlett expressed that this expansion would be a visual and audible intrusion upon the neighborhood and scenic corridor of Orange Drive. He believed this was a commercial enterprise and no small "mom and pop" kennel operation. Mr. Bartlett attended the public participation meetings in which many neighboring residents had expressed their opposition to the project.

Drew Gregg could not believe this was not a commercial operation. He advised that the previous owner of the kennel was a mom and pop operation which had been grandfathered in years ago. Mr. Gregg was concerned that the northern most portion of the property may end up being used as an outdoor facility in which close proximity to it would carry sound and smell. He was opposed.

Jane Wynn was opposed as it was a massive building with "lots of dogs." She believed it was inappropriate in the middle of a rural community.

Chair Crowley noted that he too had attended the March 17, 2010, public participation meeting in which there were many residents in opposition of the project.

Ms. Lee commented that the landscape was a nice plan. She disclosed that she had met with the landscape architect prior to the meeting and believed that while it was a nice plan, it was not adequate for residents who were concerned with noise or visibility. Ms. Lee had visited the site and the entire back was filled with Australian Pines and other invasive species which would have to be removed per code which would leave a wide-open space. The perimeter landscape plan just met code and was not the buffer residents needed to mitigate noise.

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Ms. Lee described the type of perimeter wall and canopy trees which would make an adequate buffer. She asked how many dogs were to be expected in the facility at any given time. Ms. Chakas responded that up to 220 dogs could be expected. Ms. Lee stated that as a resident of the Town, she would not want this project in her back yard without being heavily buffered. She recommended that the landscape plan be heavily enhanced in order to help with the sound and scene. Ms. Lee indicated that there were several mechanisms which could be used and she could recommend places to look at which implemented the wall and canopy barriers.

A discussion ensued among Committee members regarding the type of wall, its height, if a berm was also possible, the canopy trees and foliage to be planted. There was not much room for landscaping and a concern for shadowing on any new landscaping from neighboring Australian Pines.

Ms. Chakas stated that the rear property would not be completely wide open as the neighbors had abundant trees in their yards along their perimeters. Ms. Lee responded that the clearing of some Australian Pines could pose a liability and she explained that the remaining trees would be weakened and at risk.

Vice-Chair Breslau spoke of his experience in providing pre-cast walls as opposed to heavily landscaped berms and indicated it would be much cheaper to do the walls then providing the landscaping that was recommended. Discussion continued regarding a wall and if that should be the recommendation to Council. Several scenarios were discussed as well types of trees and distance for planting. Mr. Lee was asked about the Town's policy for the removal of trees which straddled property lines. He explained the Town's policy.

In response to some of the remarks which were made by the public, Ms. Chakas clarified the following points: 1) that they would not have trucks off-loading dog food as the people who brought their pets to the facility also provided the food; 2) that the existing building and kennel had not been grandfathered in as it was a permitted use then as it was now; and 3) that the addition would have adequate sound proofing. She understood that although the Committee may recommend additional buffering and landscaping, the project should not become so "cost prohibitive" as to defeat the whole purpose of making the expansion.

Mr. Venis asked that Ms. Chakas speak about their intentions for the northern acre. Ms. Chakas stated that it was more than one acre and would be used partly for a retention area for drainage. The other portion would remain vacant and they were willing to put that in writing.

Mr. Venis asked how the owner felt about the wall. Ms. Chakas stated that they felt a wall around the entire property was not necessary. They would contemplate a partial wall around the perimeter of the building and then landscaping; however, that proposal required discussion among her team of consultants.

Chair Crowley asked about waste removal. Mr. Goldsmith stated that the waste was double bagged and went into the dumpster enclosure.

Mr. Goldsmith spoke of the facility, the service that was provided, and the objective of the proposal. He indicated that the expansion was two years in the making and that during that time they were trying to address the concerns articulated by neighbors since the first public participation meeting. Mr. Goldsmith believed that they could build a better facility than what existed presently. He indicated that it was a good corporation which wanted to pay taxes, hire people, and provide the Town with a good product. Mr. Goldsmith stated that they would do what was necessary to satisfy Council and the residents.

Councilmember Hattan asked the Committee about the primary purpose of a wall and if a fence would suffice. Chair Crowley answered her question. Vice-Chair Breslau added that he and Ms. Lee felt it would be more of a visual issue and that either a wall or heavy landscaping would work best. He and Ms. Lee did not know how the applicant would be able to achieve a visual barrier with dense landscaping since there was only a ten-foot buffer between their curb and the west property line. Chair Crowley reiterated that he agreed it was a problem.

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Mr. Iosue advised that a required hedge of Viburnum and Florida Privet, placed three-feet on center, would be planted in the entire perimeter. That hedge would grow to six-feet plus and provide a visual barrier in a few years and would do better on the slope than trying to construct a wall.

Ms. Lee did not know how the neighbors felt about having a wall. Chair Crowley was not sure dense landscaping could be planted and that a partial wall and dense landscaping further in the back might be the solution.

Vice-Chair Breslau made a motion to approve subject to the following adjustments and changes to the plan: 1) that with regard to the exhaust fans shown on the plans, they would be low noise with silencers on all locations; 2) that on the architectural structure of the new 11,483 square-foot building would have banding, window elevations, and minor color variations on the east and west elevations (Note: The window elevations were not to be real windows, just window elevations made of any material that was architecturally appropriate); 3) the applicant would provide a color board which accurately demonstrates colors to match the existing palate of the current building; 4) that on the plans, the new light poles to be installed would be lowered to 18-feet with light shields, and the applicant would also install those light shields on the existing light fixtures of the existing structure and parking field; 5) in lieu of landscaping on the perimeter buffer, the applicant would install a six-foot high wall on a minimum one-to-two-foot berm with code compliant landscaping, with hard-wood trees 25-foot on center from the existing structure to the rear parking lot being proposed and thereafter on the balance of the perimeter; and 6) should submit a new landscaping plan with additional landscaping subject to staff review and for that landscaping plan to come back before the Site Plan Committee after Town Council for final review. The motion died for lack of a second.

Vice-Chair Breslau modified his motion, seconded by Ms. Lee, to keep the items in the previous motion and change the landscaping (5th) item which would be modified to: 5) that the applicant should install a six-foot high perimeter wall on the one- to- two-foot berm around the entire property with code compliant landscaping except for the hard-wood trees that were to be planted no more than 25-feet on center which was in addition to the code. In a roll call vote, the vote was as follows: Chair Crowley – no; Vice-Chair Breslau – yes; Ms. Lee – yes; Mr. Khavanin – absent; Mr. Venis - no. **(Motion tied 2-2 and was, therefore, tabled to the next meeting)**

Vice-Chair Breslau asked if anyone wished to reconsider and change their vote.

Mr. Venis indicated that there were so many major issues that the Committee had to consider that he could not give an affirmative vote.

Chair Crowley asked if Ms. Lee wished to change her vote in order to move the item on to Council. Ms. Lee declined with negative head shake.

Vice-Chair Breslau suggested that the applicants be asked if they would prefer to move forward to Council with a negative vote or to be tabled and come back to a full Site Plan Committee.

Mr. Venis suggested that since this application was a year old, that there be another public participation meeting in order for the residents to know what the Site Plan Committee had suggested.

Ms. Chakas responded that she was always happy to sit down with the residents and she would oblige the Committee if that was what it wanted.

Chair Crowley asked for a motion for the applicant to hold another public meeting prior to the next Site Plan Committee meeting.

Mr. Venis made a motion for a public participation meeting prior to returning to the Site Plan Committee as a tabled item. He then withdrew his motion before it was seconded.

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Mr. Goldsmith stated it was his understanding that what the public had been concerned about was the noise. He had committed to comply with all the recommendations except for the landscape issue. Mr. Goldsmith indicated that he would commit to a six-foot wall around the facility and then some type of code compliant landscaping for the remainder of the perimeter. He stated that he had not heard anything from the neighbors about “looking into the building.”

Mr. Goldsmith indicated that he would make the commitment to keep the noise level at 50 dB at the property line as he understood that the major complaint was the noise level.

Mr. Venis made a motion, seconded by Ms. Lee, to recommend that the petitioner conduct another public participation meeting before the next available Site Plan Committee meeting. In a roll call vote, the vote was as follows: Chair Crowley – yes; Vice-Chair Breslau – yes; Ms. Lee – yes; Mr. Khavanin – absent; Mr. Venis - yes. **(Motion carried 4-0)**

Vice-Chair Breslau explained to the petitioner that this was the one chance for the Committee to make sure that the project was done correctly and that Council would ultimately decide.

Mr. Goldsmith stated that the land to the north of the addition was his property and he was willing to make a commitment in writing that it would not be developed. He also agreed to follow the recommendation to put architectural details on the east and west façade of the addition. Mr. Goldsmith indicated that the property to the east has been for sale and on the west he was trying to work with the resident to take care of a bigger berm and move water from her property to their retention.

Vice-Chair Breslau indicated that his concern was for future residents who may have barbeques and pools backing up against his property. With this tabling, the petitioner had another shot at reapplying at the next meeting.

Design Variation

3.2 DV 1-1-11, Menchie’s, 4900 South University Drive (B-2)

Robert Schor, representing the petitioner, was present. Mr. Abramson summarized the planning report. He explained that this was a request for a change of colors on tenant signage and that the recommendation of the Committee would be applied directly to staff and not be going to Council.

Mr. Schor explained that Menchie’s was a chain of frozen yogurt shops and the sign represented the corporate trademark. He pointed out that other tenants in the shopping center had variations on their signs due to corporate logos.

Vice-Chair Breslau asked staff what was the allowable percentage of corporate logo on the signage. Mr. Abramson explained that 15% of the sign area was allowed for corporate trademarks.

Chair Crowley indicated that he had no opposition to this request and believed that small businesses needed to be supported.

Vice-Chair Breslau was concerned about not setting a precedent and how to avoid this shopping center from eventually looking like the one across from the Tower shops. Chair Crowley responded that if the colors were too loud and did not fit in, they could send the applicant back to make the appropriate changes as they had done in the past. He believed that it could be handled on a case-by-case basis.

Vice-Chair Breslau made a motion, seconded by Ms. Lee, to approve subject to: that the staff would submit any variations of the approved signage in the future to the Site Plan Committee on a case-by-case basis. In a roll call vote, the vote was as follows: Chair Crowley – yes; Vice-Chair Breslau – yes; Ms. Lee – yes; Mr. Khavanin – absent; Mr. Venis - yes. **(Motion carried 4-0)**

4. OLD BUSINESS

Ms. Lee pointed out that all the shopping centers along University Drive corridor from Griffin Road southward to Stirling Road were missing their perimeter hedges and trees out front. She wondered if the Code had changed and what could be done about it.

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Mr. Abramson stated that he would forward the information to the Landscape Division to see what could be done since the area was to be maintained according to site plan approval.

Councilmember Hattan asked if the Florida Intercultural Academy had been reviewed by the Committee. She had attended a grand opening of the Charter school and wondered how it obtained a certificate of occupancy. Councilmember Hattan advised that several Oak trees had been cut down at that site and she was curious about it. Committee members had not been apprized of the activities. Chair Crowley asked that Mr. Abramson look into the matter for Councilmember Hattan.

Vice-Chair Breslau expressed his opinion that applicants should be given clear direction by the Committee on what they needed to do in order to obtain approval for their projects. There was no disagreement.

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 6:02 p.m.

Date Approved: _____

Chair/Committee Member