

**LOCAL PLANNING AGENCY**  
**JUNE 13, 2007**

**1. ROLL CALL**

The meeting was called to order at 8:30 p.m. Board members present were Chair Mike Bender, Vice-Chair John Stevens, Philip Busey, and Mimi Turin. Also present were Attorney DJ Doody, Redevelopment Administrator Will Allen, Acting Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet, and Board Secretary Janet Gale recording the meeting. Dan Pignato was absent.

**2. APPROVAL OF MINUTES:** May 9, 2007  
May 23, 2007

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve the minutes of May 9, 2007. In a voice vote, with Mr. Pignato being absent, all voted in favor. **(Motion carried 4-0)**

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve the minutes of May 23, 2007. In a voice vote, with Mr. Pignato 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 LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XIII, COMMUNITY REDEVELOPMENT, SECTION 388, TO ALLOW TOWN COUNCIL TO WAIVE THE PROVISION OF THE COVERED BOARDWALK AND SETBACKS ALONG THE FRONTAGE OF A STRUCTURE ALONG THE MAJOR STREET SIDE EXTENDING FROM THE FRONT BUILDING WALL TO THE PROPERTY LINE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. ZB (TXT) 5-1-07

Ms. Gale read the ordinance by title. Mr. Abramson read the planning report and clarified the intent of the proposed ordinance which was to allow more flexibility in the design of the front setbacks as well as to reduce the length of the covered boardwalks.

Mr. Busey could not recall seeing any development with the continuous covered walkway element. Mr. Abramson advised of a location where it had been implemented and agreed that there had not been any redevelopment subsequently; however, there was a new project that would try to implement the Western Theme Code.

Chair Bender believed this text amendment was proposed to avoid a variance procedure. He added that the Town worked very hard to develop the Western Theme District and he was reluctant to change it.

Mr. Allen explained that the Community Redevelopment Agency promoted the ordinance in order to allow a project that it supported to have outdoor seating by staggering the front setback requirement. He commented that the variance procedure required that a hardship be exhibited and that it could not be a self-imposed hardship. Mr. Allen displayed a site plan for a mixed-use building which contained retail, office, and residential which included a couple of affordable units which were sorely needed. He showed that the jogging in and out on the setbacks provided a variation on the three-story building. It didn't appear so "monolithic."

Although Mr. Busey did not care for the appearance of the project, he did not want to reject it outright without more public participation where he might hear more points of view.

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Vice-Chair Stevens did not think highly of the Western Theme District. Mr. Allen acknowledged those sentiments and advised that this was an attempt to build according to the design guidelines. He advised that the people who wrote this ordinance were the same people who were the proponents of the Western Theme.

Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, Chair Bender closed the public hearing.

Ms. Turin commented that although she appreciated all the effort and hard work that went into the design, when it was finally implemented, sometimes it needed "tweaking" or that an element had not been foreseen and needed improvement. She believed that what the CRA was saying that having a big "block" was also not consistent with the Western Theme.

Mr. Busey asked if tabling the item would allow more time for public participation. Agency members expressed the reasons why they believed that would serve no purpose.

Chair Bender commented that he was disappointed in the vision for the downtown. Ms. Turin responded that you had to start somewhere, that the CRA was trying to do something positive, and that the proposed design was pedestrian friendly.

Mr. Allen advised of the CRA's upcoming developments and challenges and asked that it be given the chance to implement the Western Theme.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 3-1)**

- 3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. ZB (TXT) 5-2-07

Ms. Gale read the ordinance by title. Ms. Bazinet read the planning report and clarified the intent of the proposed ordinance.

Ms. Turin took issue with including the Town Administrator and his or her designee as qualified applicants. She found that to be vague and expressed that while Council was held accountable to the residents at the ballot box and the CRA was a statutory agency, the Town Administrator was removed from accountability to the public because they were only accountable to Council. Ms. Turin asked why the Town Administrator had been included. Ms. Bazinet explained that in doing research with other municipalities, that sometimes staff members, city managers or administrators were included in initiating an amendment. Ms. Turin contended that under the auspices of the Town Administrator, there existed a power that may be intimidating to staff and, therefore, not be challenged. She was uncomfortable with that aspect.

Chair Bender agreed wholeheartedly and in the past, whoever proposed a text amendment, the Town had dealt with them as they came forward. He did not believe that this ordinance was necessary.

Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, he closed the public hearing.

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A lengthy discussion ensued regarding the Town's policies and practices for considering amendments to the Land Development Code. Chair Bender asked about a specific applicant and whether or not the implementation of this proposed ordinance would deny the public the ability to apply for amendments to the Land Development Code. Agency members were opposed to limiting the rights of citizens to petition their local government for a change to the Land Development Code. Chair Bender believed that you never know where a good idea may come from and that this ordinance only "closed doors." The Agency attempted to reword the ordinance in order to remove the objectionable aspects; however, after advising staff of their objections and recommendations, they decided it would be best to table the item and in the interim, ask staff to prepare an ordinance with the changes that were discussed.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table to the next meeting on June 27, 2007. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

**4. OLD BUSINESS**

Mr. Busey was concerned about the Western Theme discussion and wondered if all that was accomplished was putting a band aid on something that should be subject to a larger public hearing. He believed that given serious professional architectural attention, the downtown could have a new look available for the Town's consideration.

Chair Bender offered suggestions for Mr. Busey to express his concerns to Council. He too was disappointed with the downtown development and that maybe the plans should be looked at again.

**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 9:30 p.m.

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

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Chair/Agency Member