NOTICE OF MEETING
PLANNING & ZONING BOARD
MARCH 9, 2021 - 6:30 PM
Location: Town of Davie - Pine Island Multipurpose Center
3801 South Pine Island Road, Cypress Room, Davie, Florida 33328

*** AGENDA ***

1. ROLL CALL

2. APPROVAL OF MINUTES
   2.1. January 12, 2021 Meeting Minutes

   Documents:

   DRAFT MINUTES 01-12-21.PDF

3. PUBLIC HEARING
   3.1. Code Amendment (ZB-TXT21-028) Alcoholic Beverages In RAC-TC

   Documents:

   ZB-TXT21-028 PLANNING REPORT.PDF

4. OLD BUSINESS

5. NEW BUSINESS

6. COMMENTS AND/OR SUGGESTIONS

7. ADJOURNMENT

Members of the Town Council may be present

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact
the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).
1. **ROLL CALL**

The meeting was called to order at 6:30 p.m. Board members present were Chair Donna Evans, Vice Chair David Oakes, Lisa Alvarez, Michael Crowley, and Tom Jacob. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Board Attorney Philip Sherwin, and Board Secretary Lorraine Robinson.

Mr. Sherwin stated that Mr. Oakes completed a Memorandum of Voting Conflict from the December meeting. Mr. Oakes read the memorandum for the record and stated he was advised to amend the language by the Town Attorney. Mr. Sherwin reminded the Board to contact him in advance of a meeting if they felt there may be a conflict for his determination.

2. **APPROVAL OF MINUTES**

2.1 **December 3, 2020 Meeting Minutes**

Motion made by Mr. Crowley, seconded by Vice Chair Oakes, to approve the December 3, 2020 meeting minutes. In a voice vote, the motion passed 5-0.

2.2 **December 2, 2020 Meeting Minutes**

Motion made by Mr. Crowley, seconded by Ms. Alvarez, to approve the December 8, 2020 meeting minutes. In a voice vote, the motion passed 5-0.

3. **PUBLIC HEARING**

Quasi-Judicial

3.1 **Variance (V20-065) Murphy Express**

3.2 **Variance (V20-148) Murphy Express**

3.3 **Variance (V20-149) Murphy Express**

5999 South University Drive

Mr. Duane Dickerson, Dunay Miskel & Backman, spoke on behalf of the applicant and waived quasi-judicial. He introduced Julian Plata, Murphy Oil USA, and Andrew Deegan, CPH Corporation, Engineer of record.

Mr. Abramson provided a staff report for all (3) variances together:

- Variance V20-065 would allow the use of a gas station on a 0.98-acre site; Town Code requires a minimum lot size of 1 acre.
- Variance V20-148 would allow 7 accent trees and 0 canopy trees within landscape buffer adjacent to the east property line; Town Code requires a total of 2 accent trees and 5 canopy trees for the eastern landscape buffer.
- Variance V20-149 would allow 10.2% open space and 7 trees within the vehicular use area; Town Code requires 15% open space and 9 trees within the proposed vehicular use area.

There were no questions for staff.
Mr. Dickerson provided a PowerPoint presentation and described the zoning and location of the proposed site. It would contain a gas station and slightly larger 2500sf convenience store. They have worked with the existing shopping center infrastructure. He said all access works perfectly for all types of situations such as refueling trucks and emergency vehicles. Town Code requires a 52,000sf minimum lot size in the B-2 Zoning, this existing lot is 41,433sf and legally non-conforming. The reduction of lot size was due to County rights-of-way.

Mr. Dickerson pointed out the landscape reduction variance was due to the Central Broward Water Control District easement and that no trees are allowed in that easement. In addition, no canopy trees are allowed in the FPL easement due to wires. He said they would replace the existing retaining wall. The plat shows an ingress on the south side and the stop sign placement and markings make it confusing to the public.

Mr. Quigley stated he did not believe this was not a nonconforming lot. The dedications for the rights-of-way occurred when it was a boundary plat.

Mr. Jacob asked if the berm on the east side of the property would be properly irrigated. Mr. Dickerson said that anything that can be done without violating the right-of-way restrictions that landscaping would be added to enhance this.

Ms. Alvarez asked how the fueling truck would be able to access the gas station. Mr. Dickerson stated there was a plan that both Fire and Engineering reviewed and approved. Stating that the truck enters from University and turns right into the station, fueling is done from the passenger side. Mr. Crowley commented that it is a very tight location especially for larger vehicles. Access for Fire Trucks in case of emergency was discussed.

Mr. Crowley asked if all the existing oak trees were to be removed. Mr. Deegan stated that they would be and not in good health. There was discussion about the tree mitigation details and removal.

Mr. Crowley asked if the shopping center property owner was consulted regarding the changes to the ingress/egress. Mr. Dickerson said there was no objection.

Chair Evans had concerns about the busy hours for the existing businesses and traffic. Mr. Dickerson said that arrangements have been made with vendors to make deliveries in off hours and during the night unless there was an emergency.

Chair Evans opened and closed the public hearing as there was no one wishing to speak.

**Motion** made by Mr. Crowley, seconded by Vice Chair Oakes to approve V20-065.  
In a roll call vote, the motion passed 3-2 (with Chair Evans and Ms. Alvarez opposed).

**Motion** made by Mr. Crowley, seconded by Ms. Alvarez to deny V20-148.  
In a roll call vote, the motion passed 4-1 (with Mr. Jacob dissenting).

**Motion** made by Ms. Alvarez, seconded by Mr. Crowley to deny V20-149.  
In a roll call vote, the motion passed 3-2 (with Mr. Jacob and Vice Chair Oakes dissenting).

4. **PUBLIC HEARING**

4.1 **Land Use Amendment (LA19-116) Daystar**

Mr. Quigley stated the applicant made a request to table until the February 9, 2021 meeting.
Motion made by Mr. Crowley, seconded by Ms. Alvarez, to table until February 9, 2021. In a roll call vote, the motion passed 5-0.

4.2 Code Amendment (ZB-TXT20-284) Signs

Mr. Quigley provided details on the items included in this amendment for sign code. There was a brief discussion about political signs.

Motion made by Ms. Alvarez, seconded by Mr. Jacob, to approve ZB-TXT20-284. In a roll call vote, the motion passed 5-0.

4.3 Code Amendment (ZB-TXT20-285) Various

Mr. Quigley provided a summary of each of the various code amendments listed.

Item #2 Food Trucks- Mr. Quigley stated this was withdrawn as there was new statute and under review by the Town Attorney.

Item #1 Mr. Crowley asked if pre-k/daycare/adult facility should be included in the amendment. Mr. Quigley responded that he would look into it.

Item #9- Liquor License; Mr. Jacob asked if this would make it easier to obtain a license. Mr. Quigley said that it would reduce the separation restrictions due to the plan for Downtown Davie to be mixed use with restaurants and residential.

Motion made by Mr. Jacob, seconded by Vice Chair Oakes, to approve ZB-TXT20-285. In a roll call vote, the motion passed 5-0.

4. OLD BUSINESS – none

5. NEW BUSINESS – none

6. COMMENTS AND/OR SUGGESTIONS – none

7. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 7:32 p.m.
MEMORANDUM

TO: Planning & Zoning Board
FROM: David Quigley, Planning & Zoning Manager
DATE: February 22, 2021
SUBJECT: Land Development Regulations Amendment – Alcoholic beverages in the RAC-TC District (ZBTXT21-028)

BACKGROUND

The proposed ordinance would create special regulations for alcoholic beverage establishments within the Regional Activity Center-Town Center district (RAC-TC). The purpose of this is to ensure compatibility of uses within the RAC-TC area, which is critical to the success of the larger Regional Activity Center development effort.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town’s comprehensive plan and make such recommendation to Town Council.

ATTACHMENTS

A. Draft Ordinance
ORDINANCE NO. __________

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE XVIII, ALCOHOLIC BEVERAGES, SECTION 12-603, ZONING STANDARDS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the RAC-TC zoning district allows for a variety of uses, including residential uses and is a critical part of the Town’s redevelopment effort; and

WHEREAS, it is important that the RAC-TC district be developed with a compatible mix of residential and non-residential uses; and

WHEREAS, at a public hearing on March 9, 2021, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as with Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town’s residents; and
WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.
SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF______________, 2021

PASSED ON SECOND READING THIS _____ DAY OF______________, 2021

___________________________
MAYOR/COUNCILMEMBER

ATTEST:

___________________________
TOWN CLERK

APPROVED THIS _____ DAY OF______________, 2021

Approved as to Form and Legality:

___________________________
TOWN ATTORNEY
CHAPTER 12. LAND DEVELOPMENT CODE

ARTICLE XVIII, ALCOHOLIC BEVERAGES

Sec. 12-603. - Zoning standards.

(A) Package liquor stores. Package liquor stores shall be subject to the following limitations and requirements:

1. The premises shall be separated at least one thousand two hundred (1,200) feet from the premises of any other package liquor store.

2. The premises shall be separated at least one thousand two hundred (1,200) feet from any elementary, middle or high school, whether public, private or parochial, or any place of public assembly. The required separation shall be measured in a straight line from the furthest extension of the premises of the package liquor store to the nearest primary or accessory building associated with an elementary school, middle school, high school, or place of public assembly.

(B) Consumption on-premises. Places for the sale and consumption on premises of alcoholic beverages shall be subject to the following limitations and requirements:

1. Any portion of the premises which is not fully enclosed (with solid roof, walls, windows and doors) shall be separated at least five hundred (500) feet from any lot zoned or used for residential purposes. The distance requirement shall not apply in cases where the unenclosed portion of the premises is separated from residential property by a street or by an intervening building which effectively acts as a sound barrier. For purposes of this paragraph, a premises is considered unenclosed if doors or windows are left in the open position on a continual basis during operating hours.

2. The premises shall be separated at least one thousand two hundred (1,200) feet from any elementary, middle or high school, whether public, private or parochial, or any freestanding place of public assembly. The required separation shall be measured in a straight line from the furthest extension of the premises to the nearest primary or accessory building associated with an elementary school, middle school, high school or place of public assembly.

(C) Exceptions.

1. Paragraph (B) above, shall not be applicable to establishments which are part of and inside of a hotel having more than fifty (50) guest rooms, the entrance to the premises [of which] is from within the hotel with no outside direct entrance to the establishment and there is no sign or other indication of the existence of the establishment visible from the exterior of the building.

2. Paragraph (B) above, shall not be applicable to private clubs where only members and their guests are served and there is no sign or other indication on the exterior of the building that alcoholic beverages may be served therein.
3. Paragraph (B)1, above, shall apply to lands within a Regional Activity Center or Transit Oriented Corridor zoning district except that the separation distance shall be one hundred (100) feet from any lot used exclusively for residential.

4. Paragraph (B)2, above, shall not apply to lands within any Regional Activity Center zoning district or the Griffin Corridor Downtown Zone.

5. Paragraph (B)2, above, shall not apply to restaurants which:
   a. Operate pursuant to a 2COP (beer and wine) license from the State of Florida.
   b. Offer, serve or sell alcoholic beverages (beer or wine) only to patrons who have also purchased a meal at the establishment.
   c. Offer, serve or sell alcoholic beverages (beer or wine) while meals are being served in the restaurant.

6. Paragraph (B) shall not apply to any one-, two- or three-day state license issued to a bona-fide non-profit civic organization pursuant to F.S. § 561.422, provided that the premises is on a lot zoned for commercial or institutional purposes.

7. None of the foregoing exceptions are intended to supersede the provisions of section 562.45(2)(a) concerning minimum distance separations from schools.

(D) Application to new schools, places of public assembly and residential districts. Where an establishment as defined under paragraph (A) or (B) above is located and begins operation in conformity with the separation requirements applicable at that time, the subsequent locating of a school, place of public assembly or residential district within the currently required separation zone shall not be construed to put such existing establishment in violation of this section, unless the alcoholic beverage establishment is discontinued for a period of more than one (1) year.

(E) Measurement. Where distance separation requirements apply, the applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed premises and any other specified uses. In lieu of a survey, the applicant may furnish a map acceptable to the Town Administrator or designee, provided that such map is scalable and utilizes the current parcel boundaries as provided by the Broward County Property Appraiser.

(F) Special Regional Activity Center standards. In addition to all other standards of this Article (XVIII), establishments within the portion of the RAC-TC and RAC-TOS districts lying between SW 39th Street and Orange Drive, shall be subject to the following:

1. Package liquor stores are prohibited.

2. No establishment shall provide liquor for consumption on premises unless the establishment is a bona fide restaurant, as defined in Sec. 12-601, or meets the criteria for one or more of the exceptions set forth in Sec. 12-603(C)1, 2 or 6.
GIS MAP DISCLAIMER
The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.