



TOWN OF DAVIE
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES
APRIL 12, 2022

DRAFT

ROLL CALL

Lisa Alvarez	Present
Robert Breslau	Present
Mike Crowley	Present
Ken DeArmas	Present
David Donzella, Vice Chair	Present
Donna Evans, Chair	Present
Casey Lee	Present

STAFF PRESENT

David Quigley, Planning & Zoning Manger
David Abramson, Deputy Planning & Zoning Manager
Lise Bazinet, Planner III
Navael Fontus, Planner I
Sylvia Myint, Planner I
Allan Weinthal, Town Attorney
Abidemi Ajayi, Assistant Town Engineer
Lorraine Robinson, Secretary

Chair Evans called the meeting to order at 6:30 p.m.

1. ROLL CALL

Roll was called and a quorum was established.

2. SELECTION OF CHAIR

Motion made by Mr. Crowley, seconded by Mr. DeArmas, to nominate Donna Evans as Chair.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

3. SELECTION OF VICE CHAIR

Motion made by Mr. Crowley, seconded by Ms. Alvarez, to nominate David Donzella as Vice Chair.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

4. APPROVAL OF MINUTES

4.1 March 8, 2022 Meeting Minutes

Motion made by Vice Chair Donzella, seconded by Mr. Crowley, to approve the March 8, 2022 meeting minutes.

In a voice vote, the motion carried 7-0.

Mr. Weinthal stated there were no requests for quasi-judicial and therefore waived.

5. DEVELOPMENT APPLICATIONS (Quasi-Judicial)

UTOPIA ACRES

2350 Southwest 112 Avenue

5.1 Site Plan (SP17-186) [Tabled from 2/8/22; Applicant requesting tabling to 5/10/22]

5.2 Rezoning (ZB17-185) [Tabled from 2/8/22; Applicant requesting tabling to 5/10/22]

5.3 Variance (V17-187) [Tabled from 2/8/22; Applicant requesting tabling to 5/10/22]

5.4 Plat (PB17-184) [Tabled from 2/8/22; Applicant requesting tabling to 5/10/22]

Motion made by Vice Chair Donzella, seconded by Mr. Crowley, to table SP17-186, ZB17-185, V17-187, P17-184 to 5/10/22.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

SUNSHINE GASOLINE

4450 South University Drive and 7851 Southwest 45th Street

5.5 Site Plan (SP18-262)

5.6 Vacation (VA18-265)

5.7 Special Permit (SE18-263)

5.8 Variance (V19-072)

5.9 Variance (V20-168)

5.10 Plat (P18-264)

Ms. Bazinet provided the staff reports. The site plan request is to allow the redevelopment of an existing of 8 fueling positions and a 722-sf. retail store. The vacation request is to vacate a 52 ft. wide portion Southwest 45th Street (Orange Drive) just east of University Drive. The proposed special use permit would allow the installation of outdoor self-service vacuum/air system (Town Code generally prohibits outdoor uses with only limited exceptions). The request for variance is to provide 0ft. distance between a lot with fuel pump islands and any residential lot (Town Code normally requires 250ft.). The second variance request is to provide a 10ft. high wall between commercial and residential uses (Town Code normally limits wall height to 8ft.). The request for a boundary plat restricts the site to a service station with 16 fueling positions.

Mr. Breslau asked how the 250ft was measured. Ms. Bazinet stated that is from the residential lot not structure.

Ed Stacker, Shutts Bowman, attorney for the applicant stated this was a unique lot and has historically been a service station since 1977. They agreed to all the staff conditions.

Also present were Paul Doss and Boris Belfer, MDM Services.

Mr. Breslau commented that the placement of the vacuum systems should be better shielded. Mr. Stacker that they would work with staff to provide coverage.

There was discussion about the radius for delivery and fuel trucks and the conflict of oncoming traffic on University Drive. Mr. Belfer responded that fueling will be restricted during the hours of 10PM-4AM and that the radius was taken into consideration.

Mr. Breslau requested that the wrap the base of the canopy columns with the matching stone that will be on the buildings. Mr. Doss agreed to add a 3-4 ft. high stone match.

Ms. Lee stated that the car wash should be better shielded. Mr. Richard Bartlett, Bartlett Landscaping, responded that they would put more Japanese blueberry trees with full-to-base size.

Vice Chair Donzella stated that the firetruck access appeared to come very close to the column at the westbound entrance. Mr. Belfer said that they used state of the art MCAD software which shows simulations confirming that the clearance is sufficient.

There was discussion on drainage and that it would go before the Central Broward Water Management District board.

Ms. Lee asked what material was planned for the wall. Mr. Belfer asked that this was FDOT approved material and will match with the neighboring restaurant.

The FPL boxes will be shielded, and lines placed underground.

The bus stop would remain. Ms. Lee asked if a tree could be placed on either side of the stop. Mr. Belfer said they would have to consult with Broward County Mass Transit.

Chair Evans said that there has been no mention of the equestrian community. She discussed that there is concern for the safety of horses crossing if the easement is vacated. Mr. Belfer said they could easily devote 6 ft. for equestrian. Chair Evans said that this needs to be discussed as to where the proposed crosswalk will be placed and how much space is needed.

There was discussion on the variance request to reduce the distance between the fuel pump islands and residential lots. Chair Evans commented this was so large. Mr. Belfer said that they have added retention areas and landscaping to both sides of the wall. Mr. Doss said that the design provides more of a buffer for noise. Vice Chair Donzella asked staff if the separation requirement was strictly in place for gas stations and Mr. Abramson confirmed.

Chair Evans opened the public hearing.

Jose Pezo, resident, stated that he was against this as it was too close to his house. He has concerns about the hours of delivery and too excessive. He also has concerns this will increase the existing homeless problem.

Jessica Mackey, resident, stated that she was speaking on behalf of fellow residents and herself. She was in favor of the space looking better but it would affect their quality of life. Noise is already a problem in the area. She stated that it will increase traffic. She was against the vacation of right-of-way and more of a buffer was needed.

Bruce Novak, resident, stated that he has concerns about the environmental impact and contamination of soil. He also feels that Orange Drive needs to be preserved. He had concerned with noise. Mr. Novak wanted them to recycle the carwash water.

Nelly Murray, resident, stated that she has concerns about an increase of noise. Also, the entrance and exits will increase traffic.

Heather Cady, resident, stated that she has concerns this will create a traffic issue like the Tower Shops Costco overflowing onto Orange Drive.

Chair Evans closed the public hearing.

Motion made by Ms. Lee, seconded by Ms. Alvarez, to deny V19-072.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – no; Ms. Alvarez – yes; Mr. Breslau – no; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 5-2).

Motion made by Mr. Breslau, seconded by Vice Chair Donzella , to approve V20-168.

In a roll call vote, the vote was as follows: Chair Evans – no; Vice Chair Donzella – yes; Ms. Alvarez – no; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - no. (Motion carried 4-3).

Motion made by Mr. Breslau, seconded by Vice Chair Donzella, to approve SP18-262 with the following staff recommendations:

1. Relocate the generator to the south side of the retail building to avoid disturbance to nearby residences.

And with Board recommendations:

1. Applicant agrees to add screen around the vacuum system and coordinate with staff.

2. Add 3-4 ft. stone base veneers on all columns in the gas pump area.

3. Change the plants on the berm that are green buttonwoods from 30” to 36”.

4. The Japanese Blueberries from treeform to full-to-base.

5. Add a tree on both sides of the bus stop if permitted by FDOT.

In a roll call vote, the vote was as follows: Chair Evans – no; Vice Chair Donzella – yes; Ms. Alvarez – no; Mr. Breslau – yes; Mr. Crowley – no; Mr. DeArmas – no; Ms. Lee - no. (Motion failed 2-5).

Motion made by Ms. Alvarez, seconded by Ms. Lee, to deny SP18-262.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – no; Ms. Alvarez – yes; Mr. Breslau – no; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 5-2).

Motion made by Ms. Alvarez, seconded by Ms. Lee, to deny VA18-265.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – no; Ms. Alvarez – yes; Mr. Breslau – no; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 5-2).

Motion made by Vice Chair Donzella, seconded by Mr. Breslau, to approve SE18-263.

In a roll call vote, the vote was as follows: Chair Evans – no; Vice Chair Donzella – yes; Ms. Alvarez – no; Mr. Breslau – yes; Mr. Crowley – no; Mr. DeArmas – no; Ms. Lee - no. (Motion failed 2-5).

Motion made by Mr. Crowley, seconded by Ms. Alvarez, to deny SE18-263.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – no; Ms. Alvarez – yes; Mr. Breslau – no; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 5-2).

Motion made by Mr. Crowley, seconded by Mr. Breslau, to approve P18-264.

In a roll call vote, the vote was as follows: Chair Evans – no; Vice Chair Donzella – yes; Ms. Alvarez – no; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - no. (Motion carried 4-3).

BRISTOL RESERVE

Generally located north of Southwest 26th Street, between South Flamingo Road and Peaceful Ridge Road (Southwest 121st Avenue)

5.11 Site Plan (SP21-101)

5.12 Rezoning (ZB21-098)

5.13 Variance (V21-102) [Withdrawn by applicant, see waiver request in SP21-101]

5.14 Variance (V21-103)

5.15 Plat (P21-099)

Mr. Abramson provided the staff reports. The site plan request is to allow the development of a new residential community consisting of 35 single-family homes and a park/conservation area on the south side of the site. The request is to rezone 31.35 acres from Agriculture (AG) District and 4.15 acres from Agricultural (A-1) District to Open Space Design Overlay District. The proposed variance would allow up to 75% of the single-family homes to have a front-loaded garage with no setback from façade of the principal building (Town Code normally 50% of garages to the front-loaded and requires all front-loaded to be set back from the front façade at least 15ft.). This plat request is for a boundary plat restricting the site to 35 single-family lots.

Jimmy Wright, CC Homes, appeared on behalf of the Applicant. He provided an overview of the site.

Vice Chair Donzella asked how wide the paved roadways were. Mr. Wright stated they were 28 ft.

There was discussion about Fire ladder trucks and tree clearance. Nicole Pastre, Craven Thompson provided details on the landscape plan. Mr. Wright stated they would not object to a condition concerning tree height.

Mr. Breslau recommended that driveways be as far away from intersections as possible. Mr. Wright said the housing plans could be flipped on those lots.

There was discussion on the model's roof style and architectural features. Mr. Breslau asked that the designs include the type of garage doors allocated for each lot. Mr. Abramson said that the Board could make this a recommendation in the motion.

There was discussion about landscaping approved on a site plan be adhered to.

Ms. Lee recommended a substitution for silver buttonwood hedges as they aren't long lasting. Mr. Wright said he would work with staff.

Discussion on relocation of existing trees and plans to move once and root pruning.

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 Donzella, to approve V21-103.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

Motion made by Mr. DeArmas, seconded by Vice Chair Donzella, to approve ZB21-098.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

Motion made by Mr. DeArmas, seconded by Vice Chair Donzella, to approve P21-099.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

Motion made by Mr. Breslau, seconded by Mr. DeArmas, to approve SP21-101 with the following staff recommendations:

1. *Prior to issuance of a building permit for the first single-family home, record a conservation easement, in favor of Davie Area Land Trust, Inc. or other entity acceptable to the Town Council, in accordance with Sec. 12-299.7 of the Town Code (document shall be in a form acceptable to the Town Attorney prior to recording).*
2. *Prior to issuance of a building permit for the first single family home, record the declaration of restrictions and other documents necessary to ensure proper maintenance and control of the common elements (documents shall be in a form acceptable to the Town Attorney prior to recording).*
3. *Prior obtaining a clearing and grubbing permit, add a note to the site plan indicating that all common areas identified as "open space" shall be maintained by the Homeowners Association.*
4. *Prior to issuance of a building permit for the first single-family home, record an access easement for the perpetual use of the public, which must be placed over the park/conservation area (document shall be in a form acceptable to the Town Attorney prior to recording).*
5. *Prior to the Town Council meeting, relocate stormwater retention/detention areas so that no waiver to the Scenic Corridor Buffer is required (Town code allows up to 15% of a Scenic Corridor Buffer to be used for stormwater retention/detention).*
6. *Prior to the Town Council meeting, remove the 11ft. right-of-way dedication along Frontage Road so that a waiver from the 100ft. Scenic Corridor Buffer requirement is no longer needed.*
7. *Prior to the Town Council meeting, eliminate the proposed Contemporary architectural design models.*
8. *Prior to issuance of a clearing and grubbing permit, provide a Florida Vernacular architectural design for the models. This option must be brought back to the Town Council for consideration.*
9. *Prior to the Town Council meeting, add a note to the site plan indicating that the developer will provide an option for solar power design to be incorporated into the models.*

And with Board recommendations:

1. *The applicant agrees that the anti-monotony regulations shall apply to the garage doors as to color and design.*
2. *The applicant agrees to ensure that trees on cul-de-sacs will not interfere with large fire trucks and confirm with staff that there are no conflicts of trees for those vehicles.*
3. *Lots 1, 10 and 35 driveways shall be placed furthest from intersections.*

4. Substitute silver buttonwood hedges on perimeter and coordinate with staff for alternatives.

In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Breslau – yes; Mr. Crowley – yes; Mr. DeArmas – yes; Ms. Lee - yes. (Motion carried 7-0).

6. NEW BUSINESS

Mr. Weinthal welcomed the new members and stated that they would need to attend training. He will coordinate with staff to add this to an upcoming agenda.

7. COMMENTS AND/OR SUGGESTIONS

Ms. Lee was hoping that the parcels along Flamingo Road remain as one-acre communities. Mr. Abramson responded that there are comprehensive policies in place to protect this area.

8. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:52 p.m.

Date Approved: _____

Chair/Board Member