



TOWN OF DAVIE
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES

July 11, 2023

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ROLL CALL

| | |
|--------------------------|---------|
| Lisa Alvarez | Present |
| Mike Crowley, Vice Chair | Present |
| Ken DeArmas | Absent |
| David Donzella, Chair | Absent |
| Casey Lee | Present |
| Thomas Patrick | Present |

STAFF PRESENT

David Quigley, Planning & Zoning Manager
Navael Fontus, Planner I
Abidemi Ajayi, Assistant Town Engineer
Philip Sherwin, Assistant Town Attorney
Bill Tesauro, Town Landscape Consultant
Lorraine Robinson, Administrative Secretary

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

1. ROLL CALL

Roll was called and a quorum was established.

Mr. Sherwin explained to the Board how voting would work with (4) members present:

- 3-1 vote in favor of the request, the motion passes.
- 3-1 vote against the request, the motion to deny passes.
- 2-2 tie vote, the motion fails.

Mr. Sherwin suggested that if the Board would like Town Council to revisit the voting rules when all of the Board members are not present, the Board could recommend that during the comments portion of the agenda.

2. APPROVAL OF MINUTES

3.1 June 13, 2023 Meeting Minutes

Motion made by Ms. Lee, seconded by Ms. Alvarez, to approve the June 13, 2023, meeting minutes.

In a voice vote, the motion carried 4-0 (with Chair Donzella and Mr. DeArmas absent).

3. DEVELOPMENT APPLICATIONS (Quasi-Judicial except as noted)

Mr. Sherwin stated that all quasi hearings have been waived.

MIDTOWN DAVIE

Generally located on the northwest corner of Orange Drive and Southwest 61st Avenue

3.1 Plat (P21-090) Midtown Davie [tabled from 06-13-23]

3.2 Site Plan (SP21-089) Midtown Davie [tabled from 06-13-23]

Mr. Quigley stated that the applicant has requested that these applications be tabled.

Motion made by Mr. Patrick, seconded by Ms. Alvarez, to table P21-090 and SP21-089 to the August 8th, 2023 meeting.

In a roll call vote, the vote was as follows: Chair Donzella – absent; Ms. Alvarez – yes; Vice Chair Crowley – yes; Mr. DeArmas – absent; Ms. Lee – yes; Mr. Patrick – yes.

Motion carried 4-0.

KC EXPRESS CAR WASH

Generally located on the southside of State Road 84, approximately 1,100 feet west of Hiatus Road

3.3 Site Plan (SP22-062) KC Express Car Wash

3.4 Special Permit (SE22-063) KC Express Car Wash

Mr. Fontus provided the staff report for site plan and special permit applications. The site is generally located south of State Road 84, a quarter mile west of Hiatus Road, on an outparcel of the Plaza Shopping Center. The site plan request is to allow for the development of a car wash building, including an employee equipment room and outdoor vacuum stations. The special permit would allow for the use of the outdoor vacuum stations. A special permit is required to allow outdoor uses not otherwise allowed by Code. The site plan proposes (19) total parking spaces, including (15) spaces that serve as drive-up stalls with vacuums. The applicant is providing (3) parallel parking spaces for employee parking and (1) handicap parking space. The development also includes landscape buffers with (50) new trees. The items were reviewed by the Town's Development Review Committee, and they had no objections. Staff finds the request complete and suitable for further review.

There were no questions for staff.

John Voight, Doumar Allsworth, appeared on behalf of the applicant. He provided a description of the services provided and location.

Vice Chair Crowley asked if the car wash at the Mobil station would be torn down. Mr. Voight stated that it would remain.

Ms. Lee asked if there would be stacking issues. Mr. Voight responded that there were none.

Ms. Lee asked if this would be open 24 hours. Kevin Cook, applicant, stated that he has been operating the Mobil Station for 35 years. The property next to the existing station has been vacant for some years. He negotiated a lease with the car wash company and worked for two years to get this approval. He said the hours would be 8am-6pm, 7 days per week.

Ms. Lee suggested that the landscaping on both parcels be spruced up.

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

Motion made by Ms. Alvarez, seconded by Ms. Lee, to approve SP22-062.

In a roll call vote, the vote was as follows: Chair Donzella – absent; Ms. Alvarez – yes; Vice Chair Crowley – yes; Mr. DeArmas – absent; Ms. Lee – yes; Mr. Patrick – yes.
Motion carried 4-0.

Motion made by Ms. Alvarez, seconded by Ms. Lee, to approve SE22-063.

In a roll call vote, the vote was as follows: Chair Donzella – absent; Ms. Alvarez – yes; Vice Chair Crowley – yes; Mr. DeArmas – absent; Ms. Lee – yes; Mr. Patrick – yes.
Motion carried 4-0.

DELIGIO (SOBE BUILDERS)

14000 Southwest 14th Street

3.5 Variance (V23-070) Deligio (Sobe Builders)

Mr. Quigley provided the staff report. The subject property is owned by Sobe Builders LLC, located at 14000 Southwest 14th Street in the neighborhood known as Oak Hill. The lot is 35,670sf in size and zoned R-1. The proposed variance would allow an accessory structure 4.51ft. from the rear property line and 9.44ft. from the side. The R-1 district requires a minimum rear yard of 30ft. and a minimum side yard of 25ft. The landowner applied for an after-the-fact building permit and provided the same construction drawings in support of this variance application. The permit cannot be approved at this time due to the minimum yard issue. Note that there may be other issues involved such as floodplain management, that cannot be resolved by the proposed variance. Provided in the backup is a Notice of Violation dated April 4, 2023, and Notice of Appeal. Criteria for variances is set forth in Sec. 12-309(B)(1). The applicant's justification letter is provided in the backup. Staff finds there are no special circumstances or conditions in this situation that do not generally apply to areas in the R-1 district. The variance is not necessary for the reasonable use of the land as it is developed with a single-family home. The granting of the variance would not be in harmony with the general purpose and intent of the Land Development Code because the Code sets forth reasonable standards for minimum yards and provides appropriate exceptions for small buildings like garden sheds and other accessory structures. In this case this is not an unoccupied building but is designed for occupancy.

Vice Chair Crowley asked about the official order from the Building Official. Mr. Quigley confirmed the document was in the backup. Ms. Lee said that it came from the Unsafe Structure Board.

Ms. Lee asked if there were other code violations. Mr. Quigley responded that he wasn't sure, but this violation is an actual order that has been executed and under appeal. He added there may be other compliance issues.

Cheryl-Dene Spring, Sobi Law Group, appeared on behalf of the applicant.

Ms. Spring provided the history of the property. The applicant purchased the property (2) years ago and commenced with construction. He received a notice of violation that permits were required. He applied for an after-the-fact permit. She stated that the hearing resulted in an order that the property had to be brought into compliance. Engineering required swales when building the house due to flooding issues. She stated that the swales limit the placement of the shed. Ms. Spring said there was a concrete slab where the previous shed was placed and that the slab was enclosed. She said that Planning & Zoning denied the permit because the shed is a bigger building. She stated that the existing carport is cost prohibitive to move.

Ms. Lee stated the shed is the size of a house. Ms. Spring said the carport was enclosed and interior

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was built with a bedroom, A/C and bathroom with the intent to be a workshop. She added that the bathroom and A/C can be removed and should not require the demolition of the entire structure.

Ms. Lee asked if the owner was a general contractor. Ms. Spring confirmed he was.

Ms. Lee asked how long the owner has lived in the home. Antonio Deligio, owner, stated that he purchased the property 2.5 years ago and built it. Ms. Lee stated that as a contractor he should know the building code and permit requirements. Mr. Deligio said that this was built during covid and couldn't get a permit. Ms. Lee responded that permits were issued during that time period.

Vice Chair Crowley opened the public hearing.

Eric Swalley, resident, stated that this should be an easy no. The owner is a contractor and should know better.

Vice Chair Crowley closed the public hearing.

Motion made by Ms. Lee, seconded by Ms. Alvarez, to deny V23-070.

In a roll call vote, the vote was as follows: Chair Donzella – absent; Ms. Alvarez – yes; Vice Chair Crowley – yes; Mr. DeArmas – absent; Ms. Lee – yes; Mr. Patrick – yes.

Motion carried 4-0.

4. OLD BUSINESS – N/A

5. NEW BUSINESS – N/A

Vice Chair asked the members if they were in favor of recommending that Council review the voting requirements when all Board members were not present. All were in favor.

Ms. Lee requested that if there are no additional items besides Midtown Davie at the August meeting, that it be postponed until the following meeting.

6. COMMENTS AND/OR SUGGESTIONS – N/A

7. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 6:58 p.m.

Date Approved

Chair/Board Member