



TOWN OF DAVIE
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES

August 8, 2023

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ROLL CALL

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

STAFF PRESENT

David Quigley, Planning & Zoning Manager
David Abramson, Deputy Planning & Zoning Manager
Matthew Coyle, Planner III
Abidemi Ajayi, Assistant Town Engineer
Philip Sherwin, Assistant Town Attorney
Bill Tesauro, Town Landscape Consultant
Moshuir Rahman, Town Traffic Consultant
Lorraine Robinson, Secretary

Chair Donzella called the meeting to order at 6:31 p.m.

1. ROLL CALL

Roll was called and a quorum was established.

2. APPROVAL OF MINUTES

2.1 Revision to May 9, 2023 Meeting Minutes

Motion made by Mr. DeArmas, seconded by Vice Chair Crowley, to approve the May 9, 2023 revised meeting minutes.

In a voice vote, the motion carried 4-0.

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

3.2 Site Plan (SP21-089) Midtown Davie

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

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Motion made by Vice Chair Crowley, seconded by Mr. DeArmas, to table P21-090 and SP21-089 to the September 12th, 2023 meeting.

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

Motion carried 4-0.

AB FIRST REAL ESTATE

5337 Orange Drive

3.3 Site Plan (SP21-340) AB First Real Estate

Mr. Coyle provided the staff report. The site plan application is being reviewed by the Board for recommendation to Town Council. The property is located at 5337 Orange Drive. In 2004, Town Council approved a site plan (SP05-09-04) to convert the existing single-family home to an office building. The existing office building is used by Alen Construction as a contractor office. This is a RO zoning district which allows “contractor, office only”. The proposed site plan would allow after-the-fact approval for a concrete pad, shed, concrete walkway and a 1,019 square foot metal storage building. It also includes landscaping, drainage, lighting improvements, and the reconfiguration of the parking lot to add (6) spaces and room for a fire truck turnaround on the property. A Notice of Violation (NOV), Case No. 21-002767, was issued to the property owner on January 26, 2021. A copy of the NOV is included in the attachments to the staff report. The Development Review Committee (DRC) members have no objection to the site plan. Public Participation information is included as part of the attachments. Staff finds the application complete and suitable for further review.

Vice Chair Crowley asked if drainage had been reviewed by Engineering for all violations. Mr. Coyle said that was part of the DRC review. Vice Chair Crowley stated that when he worked for Central Broward Water Management District, they were called out to look at the site and met with Engineering as they added a lot of fill on the property. Mr. Ajayi responded that this was addressed. Frank Costoya, Architect, appeared on behalf of the applicant.

There were no questions for the applicant.

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

Motion made by Vice Chair Crowley, seconded by Mr. Patrick, to approve SP21-340 AB First Real Estate.

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

Motion carried 4-0.

DAVID INDUSTRIAL CENTER

3055 Burriss Road

3.4 Site Plan (SP22-133) Davie Industrial Center

Mr. Coyle provided the staff report. The property is located at 3055 Burriss Road. The proposed site plan would allow the property to be redeveloped with an industrial park consisting of (2) warehouse buildings totaling 226,142 square feet and 12.39 acres of paved area for outdoor storage. The property was previously developed as an RV Park known as Twin Lakes Travel Park. The property is zoned

M-4 (County) and is subject to the “Forman Settlement Agreement” and has been reviewed using the Broward County Code requirements stipulated in the agreement. The site design includes (3) driveways along the east side of the property that connect to Burris Road. The site plan has a total of 377 parking spaces including 254 standard spaces, 10 accessible spaces, and 123 oversized spaces. The landscape design includes the installation of 280 trees, shrubs, and ground cover. The property owner will pay \$43,045 in the Tree Preservation Fund. The property is located within the Tindall Hammock Irrigation and Soil Conservation District. The drainage design includes berms and swales along the perimeter of the property and catch basins and ex-filtration trenches within the internal roadways and paved outdoor storage area. There is an outfall to the lake on the southwest side of the property. The property owner has dedicated 25-feet of right of way along the north side of the property for the future development of Southwest 30th Street between Burris Road and Southwest 50th Street. The Development Review Committee (DRC) members have no objection to the site plan. Public Participation information is included as part of the staff report. Staff finds the application complete and suitable for further review. If approved staff has two recommendations included in the staff report.

Chair asked what the two recommendations were by staff. Mr. Coyle read them into record.

Chair Donzella asked the reason for the traffic concern that resulted in staff conditions. Mr. Rahman stated as per the traffic study, intersections 6,7, and 8, which are Orange Drive and Southwest 47th Avenue, State Road 7 & Orange Drive, and State Road 7 & Griffin Road, showed failing in the existing background and total traffic conditions. The level of service of those intersections are either E or F. Level of service A means the best and level of service F means the worst condition. The Town of Davie’s adopted level of service is D. We have recommended to the applicant to do further analysis of those intersections and provide mitigations in the form of optimization and signal modification. He stated that also suggested was to coordinate with the Broward County Traffic Engineering Department to provide modified and acceptable signal timing plans.

Dennis Mele, Greenspoon Marder, appeared on behalf of the applicant.

Mr. Mele provided a presentation with an overview of the site location and access. He stated that complying with the staff recommendation for traffic signal timing isn’t an issue. He said that the project was well received when they first approached the Town.

Josh Nichols, Schmidt Nichols, Landscape Engineer, provided the landscape plan for the project. He provided renderings, stating this was a modern building design and discussed the buffers and elevations.

There was discussion on the number of bays.

Chair Donzella asked for more information on the traffic pattern and voiced concerns over the number of tractor trailers. Mr. Mele said that Southwest 30th Street will be created to connect Burris Road to Southwest 50th Avenue. Chair Donzella commented that he frequently is in the area and there is a lot of traffic backup. Jame Wills, Keith Engineering, answered questions on the traffic pattern. Mr. Mele stated that the study indicated there will be less traffic generated than the previous trailer park.

Mr. DeArmas asked about the condition of Burris Road paving and maintenance. Mr. Quigley would look into this.

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

Motion made by Vice Chair Crowley, seconded by Mr. DeArmas, to approve SP22-133 Davie Industrial Center with the following staff recommendations:

1. *Prior to issuance of a building permit, the property owner must dedicate additional right-of-way to the Town necessary for the development Southwest 30th Street.*
2. *Prior to issuance of a building permit, the developer must coordinate with Broward County Traffic Engineering Department (BCTED) to develop acceptable signal timing plans to ensure the effectiveness of the proposed signal timing optimization as shown in the analysis of intersections 6, 7, and 8. The BCTED implementation of the signal timing optimization must occur within one year of issuance of the final building Certificate of Occupancy.*

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

Motion carried 4-0.

4.1 Land Development Code Amendment (ZBXT23-066) Community Residences and Recovery Communities

Dan Lauber, Attorney, provided a presentation on the proposed amendment for community residences for people with disabilities and recovery communities. The intent of the presentation was to provide the context of the zoning approach of the study, recommendations being codified in the land development code, and why it is necessary.

Mr. Lauber emphasized the importance of having a study done to justify the zoning. The recommended approach is based on sound Planning & Zoning practices that implement the Fair Housing Amendments Act of 1988 that added handicap (disabilities) to the list of protected classes. Within this context the proposed zoning amendment will seek to protect community residents, occupants, and surrounding neighborhoods. This prevents group home clusters. There is a state statute that covers some community residences and disabilities but doesn't cover them all. The proposed ordinance provides a reasonable accommodation for homes for disabled persons.

Mr. Lauber stated that the zoning code needs to define what constitutes a family, otherwise community residences can't be regulated. The definition in the land development code allows (2) unrelated people living as a single housekeeping unit to be "family". He outlined the requirements for a Family Community Residence occupied by more than the (2) unrelated individuals that constitutes a family; relatively permanent tenancy, no time limit on length of residency, typically at least a year; permitted use in districts where residences are allowed only when: A) located more than 660 feet or 7 lots, whichever is greater, from the closest existing community residences, recovery community, or special living facility; B) licensed or certified. If A or B is not met, they would need to apply for a special permit.

Chair Donzella about the acre neighborhoods and the distances between properties that are more linear than deep. He wanted to clarify that it was 660 feet or 7 lots, whichever is greater. Mr. Lauber responded that was correct.

Mr. Lauber stated that transitional community residences cannot be excluded from residential districts and can be done with a special permit. He said that if the proposed community residence would house more than 10 residents and is not a state licensed "Community Residential Home" for 7 to 14 residents, they would need to apply for a special permit. He provided details on proposed land use regulations related to community residences and recovery communities. Examples of residences were

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provided, and he said that success rates were high. To comply, they must receive a license, certification, or recertification from the designated state entity by March 1, 2024. The proposed amendments should include provisions that rescind zoning approval if license or certification is revoked, suspended, or not granted; require placing residents in safe and secure living environment when a recovery community or community residence closes.

Mr. Lauber discussed what constitutes a recovery community.

Chair Donzella commented the location of Palm Beach in relation to Broward County needed to be corrected on the summary.

Chair Donzella asked if HOA limits were not pre-empted from this proposal. Mr. Lauber said that the Fair Housing Act prohibits any attempt to apply a restrictive covenant to community residences.

Mr. Quigley stated that is land development regulation and the minimum action from the Board is to find that it is consistent and furthers the Town comprehensive plan.

There was no further discussion.

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

Motion made by Vice Chair Crowley, seconded by Mr. Patrick, to find the proposed ordinance ZBTXT23-066 is consistent with and furthers the comprehensive plan.

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

Motion carried 4-0.

5. OLD BUSINESS – N/A

6. NEW BUSINESS – N/A

7. COMMENTS AND/OR SUGGESTIONS

Chair Donzella asked about the newly appointed board member. Ms. Robinson advised that Nicholas Noto would begin serving at the September meeting.

8. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 7:41 p.m.

Date Approved

Chair/Board Member