



TOWN OF DAVIE
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES
January 12, 2021

DRAFT

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.

DRAFT

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.

Date Approved: _____

Chair/Board Member