



**TOWN OF DAVIE
PLANNING & ZONING DIVISION**

**PLANNING AND ZONING BOARD MEETING MINUTES
MAY 11, 2021**

1. ROLL CALL

The meeting was called to order at 6:30 p.m. Board members present were Chair Donna Evans, Vice Chair David Donzella, Jimmy Aucamp, Robert Breslau, Jeff Dixon and Michael Crowley. Lisa Alvarez was absent. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Planner II Matthew Coyle, Board Attorney Philip Sherwin, Landscape Consultant Bill Tesauro and Secretary Lorraine Robinson.

2. APPROVAL OF MINUTES

2.1 April 13, 2021 Meeting Minutes

Motion made by Mr. Crowley, seconded by Mr. Aucamp, to approve the April 13, 2021 meeting minutes.

In a voice vote, the motion passed 6-0 (with Ms. Alvarez absent).

3. DEVELOPMENT APPLICATIONS (Quasi-Judicial)

3.1 Site Plan (SP20-227) Main Street Courts

3.2 Variance (V20-228) Main Street Courts

Generally located east of Davie Road and south of Southwest 42nd Street

Mr. Frank Costoya, architect, appeared on behalf of the Applicant and waived quasi-judicial.

Mr. Coyle provided the staff report. The site plan request consists of one five-story mixed-use building with office space on the ground floor and 38 residential units with amenities including a fitness center and community room on floors 2-5. The variance request would allow a 5-story development (Town Code normally allows 4-stories).

There was discussion about the variance request to increase the height. Vice Chair Donzella was concerned it would be too tall for the area. Chair Evans asked how the building height increased while the building height remained the same and how that affects the integrity of the building. Mr. Coyle stated the site plan was approved as a 4-story building. Mr. Costoya said the height of 55-feet is allowed by Code. He added that the number of units increased from 30 to 38. Mr. Bill Laystrom, Doumar Allsworth, said he was the representative for the original site plan approval and that Main Street Lofts would be similar in height. He added there were slight variations on the size of the units.

Mr. Crowley asked if there was public parking available nearby. Mr. Laystrom said there was some public parking in the area.

Mr. Dixon asked if there were any concerns for Fire access. Mr. Costoya stated that it was approved by Fire and would be equipped with voice activation in all stairwells.

Mr. Dixon asked about drainage and Mr. Jason Wilson, Pillar Consultants, stated the drainage system has more than what is required. Mr. Crowley asked if there were easements over the drainage area. Mr. Wilson said the drainage does not go under the building but is located to the east and is a loop system.

Mr. Breslau asked where loading zone for the retail business deliveries and box/moving trucks is located. Mr. Costoya responded that he did not see any listed on the plans. Mr. Coyle stated that that was not a Code requirement for a building of this size. Mr. Breslau had concerns about parking spaces being blocked to accommodate such vehicles. Mr. Laystrom responded that the Board could make this a condition.

Mr. Breslau asked if staff had concerns with the parking space #1 in close proximity to the parking lot entrance. Mr. Costoya stated this was previously approved by the Town Engineer and Site Plan Committee.

The board reviewed the elevations and color board presented.

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

Motion made by Mr. Breslau, seconded by Mr. Aucamp, to approve V20-228.

In a roll call vote, the motion failed 3-3 (with Chair Evans, Vice Chair Donzella and Mr. Crowley dissenting and Ms. Alvarez absent).

A failed motion to approve is a recommendation for denial.

Motion made by Mr. Breslau, seconded by Vice Chair Donzella, to approve SP20-227 subject to staff conditions and recommendations:

- 1. Signage installations consistent with the site plan shall be approved by separate building permits, provided that any modification to the murals and graphics shall require Town Council approval pursuant to the Western Theme Manual.*
- 2. Prior to the issuance of a building permit the property owner will provide a restrictive covenant, on a form acceptable to the Town Attorney, as necessary to restrict the 2 affordable housing units. The restrictive covenant shall be recorded in the Official Records of Broward County prior to the issuance of a Certificate of Occupancy for the building.*

And the following board recommendations:

- 1. Applicant to work with staff on a feasible truck loading area that the Town Engineer and Fire Department will accept.*
- 2. Applicant will work with staff on potential traffic conflicts for parking space #1.*

In a roll call vote, the motion to moved forward passed 6-0 (with Ms. Alvarez absent).

3.3 Special Permit (SE21-017) Rise To The Top 4495 Southwest 67th Avenue

Ms. Hope Calhoun, Dunay Miskel & Backman LLP, appeared on behalf of the Applicant and waived quasi-judicial.

Mr. Abramson provided the staff report. The request is to expand an existing first floor only childcare facility to the second floor of the building. Town Code limits childcare facilities to the ground floor of a building.

There was discussion on the life safety concerns with children on a second story and the Fire Department review of these plans. Mr. Fernando Riveiro, property owner, said that building is equipped with fire sprinklers and that there an additional stairwell is being added to provide egresses for each classroom. He stated that Broward County allows 2nd floor daycare and that classrooms would be restricted to 3 to 4-year-olds.

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

Vice Chair Donzella asked how security was set up for the building. Mr. Riveiro responded there are impact windows, self-locking doors and teachers have a buzzer they wear to enter.

Ms. Calhoun discussed the amendment requesting a modification to the 9-month restriction should ownership change as long as the use is maintained. She asked that this be part of the motion.

Motion made by Mr. Aucamp, seconded by Mr. Crowley, to approve SE21-017 with request to include the amendment and board recommendation:

1. Limit 2nd floor classrooms to children 4-year-olds or older.

In a roll call vote, the motion passed 6-0 (with Ms. Alvarez absent).

4. LEGISLATIVE ITEMS (Public Hearing)

4.1 Code Amendment – Vacation Rentals

Mr. Sherwin provided a summary of the item. The proposed ordinance creates health and safety regulations for vacation rentals and would require registration.

Vice Chair Donzella asked about the State law. Mr. Sherwin read into record the State Statute.

There was discussion on the restriction on length of stays.

Chair Evans opened the public hearing.

Ms. Karen Stenzil-Nowicki, resident, has had terrible experiences with rentals next to her residence including partying and speeding on the street. She would like monitored fire systems and sound levels.

Ms. Janice Olson, resident, said that home rentals include excessive noise, garbage and speeding on the street.

Mr. Diego Baezy, resident, said he lives next to a rental home and agreed on the issues stated by the other residents.

Chair Evans closed to the public portion of the hearing.

Motion made by Mr. Crowley, seconded by Mr. Dixon, to approve Code Amendment – Vacation Rentals with board recommendations:

1. Monitor fire alarms.

2. Sound meter readers.

3. Central number to take complaints.

4. More often code enforcement inspections.

In a roll call vote, the motion passed 6-0 (with Ms. Alvarez absent).

5. OLD BUSINESS

Mr. Sherwin stated there are three absences permitted within a 12-month period and the period began when the board was appointed in April.

6. NEW BUSINESS – none

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7. COMMENTS AND/OR SUGGESTIONS

8. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:11 p.m.

Date Approved: 6/8/21



Chair/Board Member