



TOWN OF DAVIE  
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES  
November 13, 2019

**1. ROLL CALL**

The meeting was called to order at 6:31 p.m. Board members present were Chair Donna Evans, Lisa Alvarez, Christopher Cory and David Oakes. Vice Chair Tom Jacob was absent. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Planner II Matthew Coyle, Board Attorney Allan Weinthal, and Lorraine Robinson, Board Secretary.

**2. APPROVAL OF MINUTES**

**2.1 October 10, 2019 Meeting Minutes**

**Motion** made by Mr. Cory, seconded by Ms. Alvarez, to approve the October 10, 2019 meeting minutes. In a voice vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

**3. PUBLIC HEARING**

Quasi-Judicial

**3.1 Variance (V19-133) Gleason  
11345 Earnest Boulevard**

Ms. Lisa Lewis, Greenspoon Marder LLP, appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Abramson provided a brief staff report. The variance being requested would allow a 1,440-foot pre-fabricated detached garage to be placed 10 feet from the side (west) property line (a 25-foot side yard setback is normally required). The applicant has stated that the commercial truck on the aerial view would be stored off-site.

Mr. Oakes asked is any trees would be impacted. Mr. Abramson stated that it didn't appear on the aerial but would make that a condition on the permit. Ms. Lewis agreed to the staff condition.

Mr. Cory had concerns because the original request was for 10 feet and now it is 12 feet for a massive metal building. Ms. Lewis stated that it was needed for storage. Mr. Cory added that it would not be uncommon to have it on the side. Ms. Alvarez said the shed was the size of a house. Ms. Lewis said that they could look at a smaller storage unit.

Chair Evans asked what the purpose of the building and why it was so large. Ms. Lewis said her client needed it for additional storage space.

Mr. Cory said that the storage building could be shifted over and meet the setback requirement. He questioned why they were asking for a variance when it could be placed elsewhere on the property.

There was more discussion on the size of the metal building. Mr. Abramson advised the board that the variance request was for setbacks. He added that the size of the structure couldn't be larger than the main structure and this met the criteria for size allowance.

Ms. Lewis requested to table the item and have their engineer review the plans to see if it can be relocated.

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

**Motion** made by Mr. Cory, seconded by Mr. Oakes, to table V19-133 until the December 11, 2019 meeting.

In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

### **3.2 Variance (V19-197) Yancey 14000 Southwest 24<sup>th</sup> Street**

Mr. Allen Yancey appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Abramson provided a brief staff report. The variance being requested would allow the following within the front setback (Town code limits the height of fences and columns within the front setback to 4 ft. within the first 40 ft.).

- A 5 ft. high decorative black powder coated picket style along the front property line.
- Two 5 ft. 6 in. high columns along the front property line.
- Two 6 ft. high gates along the front property line
- A 5 ft. high black vinyl clad chain link fence along the first 40 ft. of the sides

Mr. Cory asked if the variance was only for the height and not the materials. Mr. Abramson confirmed.

Mr. Oakes asked what the typical height was in the district. Mr. Abramson responded that Code requires 4 feet in front.

Mr. Oakes asked if other variances had been approved in the area. Mr. Weinthal responded that every variance should be approved on its own merits.

Mr. Yancey stated that they had dogs that can jump a 4-foot fence plus he wanted to beautify to match the rest of the house. He added that many neighboring fences were 5 foot or higher.

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

**Motion** made by Mr. Cory, seconded by Mr. Oakes, to approve V19-197.

In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

### **3.3 Variance (V19-224) Ocampo 14705 Via Tivoli Court**

Ms. Alba Ocampo appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding. She stated that more space was needed for their children to play.

Mr. Abramson provided a brief staff report. The variance request would allow a pool and deck to be 5 ft. 1 in. from the east side property line and 5 ft. 3 in. from the rear property line (Town code normally requires a 10 ft. setback from the side and rear). The community was developed pursuant to a 1992 variance that allowed each dwelling to provide a zero-foot setback on one side with a minimum 10 ft. building separation from any other dwelling unit. That variance did not specifically address setbacks for pools and similar accessories.

Mr. Cory asked if there was a rear easement. Mr. Abramson responded that the survey showed something. He added that building on an easement wouldn't be permitted.

Mr. Cory added that he had no objection as this didn't block any views.  
Chair Evans open and closed the public hearing as there was no one wishing to speak.

**Motion** made by Mr. Oakes, seconded by Mr. Cory, to approve V19-224.  
In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

**3.4 Variance (V19-268) Big Bear Academy Broward LLC**  
4701 South State Road 7

Mr. Jose Suarez appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Abramson provided a brief staff report. The variance would allow a lot size of 40,343 sf. and a lot depth of 161.48 ft. The variance is necessary for the use of medical office use within the Griffin Corridor District. (Town code requires a minimum lot size of 64,000 sf. and a minimum lot depth of 250 ft. Approval of a variance requires super-majority vote of the council for the reductions of minimum lot size requirements per Town code.

Mr. Oakes asked if the property was purchased by the applicant. Mr. Abramson stated it was a lease.

Chair Evans asked why they selected this location and if traffic was a concern. Mr. Suarez said they required a self-standing building. He added that their Miami location was also located on a busy street and have encountered no problems. Mr. Suarez said that most of the children would be transported in the facility van.

Chair Evans asked if this was a preschool or a medical office. Mr. Suarez said this was a medical facility for special needs children offering extended pediatric extended care which requires different licensing than a daycare. Mr. Cory asked how this differed from a daycare. Mr. Suarez said the staff was comprised of nurses. Mr. Oakes asked what the ratio was staff to child. Mr. Suarez responded that there would be 1 staff for 3 children and expected to have approximately 12-15 staff. He added that the facility would be open 12 hours weekly with limited hours on Saturday.

Mr. Cory asked if the children would be able to get out. Mr. Suarez said they planned on an outside play area.

Ms. Alvarez asked how long the Miami facility has been open. Mr. Suarez responded that it has been open 2.5 years.

There was a brief discussion the easy access to Griffin Road by Mr. Cory and Mr. Oakes. Both had no issues with this request.

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

**Motion** made by Mr. Oakes, seconded by Mr. Cory, to approve V19-268.  
In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

**3.5 Rezoning (ZB18-164) Four D's Industrial Yard**  
**Variance (V18-166) Four D's Industrial Yard**  
4771 Southwest 51st Street, 4802 Southwest 51st Street, 4761 Southwest 51st Street

Mr. Jason Wilson, Pillar Consultants, appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Weinthal advised the board that both items would be heard at the same time with voting on each item separately.

Mr. Coyle provided a brief staff report. The rezoning request is to rezone the subject property from Light Industrial (M-1) and Medium Industrial (M-2) to Planned Industrial Park (M-3) District. The proposed variance would allow a 5-foot landscape buffer along the south and west property lines (Town code normally requires a 10-foot landscape buffer). The property owner is proposing the following improvements: construction of a parking lot, associated stormwater management system, perimeter wall and outdoor storage area for storage yard use.

Mr. Cory asked what the reason was to rezone to M-3. Mr. Wilson responded that M-3 made more sense since the surrounding properties were zoned M-3 and would make it uniform. Mr. Coyle stated the M-3 on the northside of the property was rezoned about ten years ago, and as part of that rezoning, Town Council asked them to do a Declaration of Restrictive Covenants that ran with the land and said they wouldn't do most of the uses allowed in M-3 but not M-2. Mr. Cory stated the board could also make that a condition of approval.

Chair Evans asked what the reason was to reduce the landscape buffer. Mr. Wilson said this was a modification to an existing site in which they were demoing a small building, adding a small parking lot, adding a wall, and landscaping. There is existing drainage and they didn't want to impact that with a wall on the inside. He added that there was quite a bit of existing landscaping on the property and adding more than required number of trees. Mr. Oakes asked if adding the wall as proposed would affect the existing drainage. Mr. Wilson said that it wouldn't and that they were making minor drainage improvements. Chair Evans asked if the wall was is not affecting drainage why not add higher trees to beautify the site. Mr. Wilson responded that they were placing the required height of the trees which will be taller than the wall.

Mr. Oakes asked what the use of the property was. Mr. Wilson said this is a storage yard and paving equipment. He added that an 8-foot wall would screen the sight better and provide security.

Chair Evans asked what the benefit of a reduced buffer was. Mr. Wilson stated that it would maintain the drainage flow.

A brief discussion on the landscape plans.

Chair Evans opened the public hearing.

Phyllis Herndon stated she resided next to the property for 54 years and expressed concerns about the possibility of a sexually oriented business. Mr. Wilson stated they would voluntarily add a restrictive covenant. Mr. Coyle said there was a restriction on the property to the north with a caveat for restriction on sexually oriented businesses. Ms. Herndon also was concerned about drainage and runoff that could affect her property and the trucks beating up the roadway. Mr. Wilson addressed the drainage concerns by showing her by putting in a berm and wall surrounding the property.

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

**Motion** made by Mr. Oakes, seconded by Mr. Cory, to approve ZB18-164 to change to M-3 zoning with the caveat to restrict sexually oriented business.

In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

Chair Evans wanted assurances this property will be nice looking and had concerns about changing the buffer. Mr. Wilson responded that he would look to see if anything additional could be added but they may be maxed out. He added there would be ongoing maintenance.

**Motion** made by Mr. Oakes, seconded by Mr. Cory, to approve V18-166.  
In a roll call vote, the motion passed 4-0 (with Vice Chair Tom Jacob absent).

**4. OLD BUSINESS** – none

**5. NEW BUSINESS**

**5.1 2020 Calendar**

**6. COMMENTS AND/OR SUGGESTIONS** – none

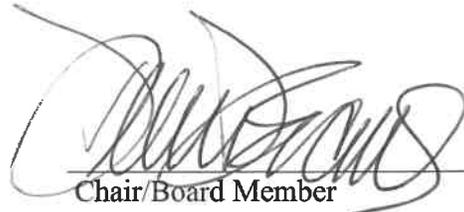
Ms. Alvarez stated that they can't always get in gated communities to look at the properties in advance of the meeting. Mr. Quigley said that board members can contact him and will coordinate access for them.

**7. ADJOURNMENT**

Hearing no further business, the meeting was adjourned at 7:45 p.m.

Date Approved: \_\_\_\_\_

12/11/19

  
Chair/Board Member