



PLANNING & ZONING ADVISORY BOARD

Minutes of July 18, 2011

Meeting Called to order at 7:01p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	7/18/11	6/20/11	5/16/11	4/25/11	4/4/11	3/7/11	2/7/11	1/18/11	1/3/11	12/20/10	12/6/10
Marianne McCoy	P	P	P	P	A	P	P	A	C A N C E L L E D	P	P
Diane Sori	P	P	P	P	P	P	P	P		P	A
Helen Cohen	A	P	A	P	P	***P					
Michelle Keirnan	P	P	P	P	P	P	P	P		P	A
Craig Konhauzer	P	P	P	P	P	P	P	P		P	P
Mark Aronson, Chair	P	P	P	P	P	P	P	P		P	P
Ben Schulman, V/Chair	P	P	P	P	A	P	P	P		P	A
David Nall	P	P	P	A	A	***P					
John Valenti	P	P	P	P	P	P	P	P		P	P
Bart Roper	P	P	A	P	P	P	P	P		P	P

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: *Matt Wood, Director*
Trevor Markley, Senior Planner
Jason Chockley, Planner
Ro Woodward, Administrative Coordinator

APPLICANTS: *Chaim Gidaldi, Stirling Town Center*
Henry Mayor, Timberlake Plaza
Brent Ginsburg, Beef O'Brady's Stirling Town Center

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – JUNE 20, 2011 MOTION TO WAIVE READING OF MINUTES OF 6/20/11:** Motion to waive the reading of the minutes made by Mr. Valenti and seconded by Ms. Sori. All ayes on voice vote. **APPROVE:** Motion to approve made by Ms. Sori and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**
None.

4. **NEW BUSINESS:**

Mr. Aronson commented there were several things on the agenda that all relate to the same topic. He remarked that they would be discussing changes to our code relating to B-1 and B-2 zoning districts and asked that the Board combine items 4-A and 4-B together.

4-A. and 4-B. DISCUSSION FOR POSSIBLE CHANGES TO AMEND SECTION 23-46 AND SECTION 23-48 B-1 AND B-2 ZONING DISTRICT ACREAGE

Mr. Wood asked Mr. Markley to read the Staff Report.

Mr. Markley explained that various reviews have contemplated the distinction between the B-1 Planned neighborhood business district and the B-2 Planned community business district. A particular regulation of each district is the required size of the parcel. Part of the intent to include a minimum parcel size would be so that the parcel would be appropriate for the level of commercial use of the zoning district. For this purpose the involvement of adjacent roadways may be considered as influential on the appropriate level of commercial development as compared to the importance of size. Consequently, when a parcel has multiple road frontages and frontage of specific characteristic it may be appropriate for a smaller parcel.

Therefore, a proposed change to City Code is attached. The B-2 district currently requires a minimum of ten acres. The proposed Code would allow B-2 development with a minimum of six acres when it has frontage on two roadways with one of the roadways being classified as a collector or higher and the other roadway being classified as an arterial or higher. Although the allowance does not require the streets to form an intersection, the circumstances would be most commonly applicable at intersections and would be applied to properties that are being considered for rezoning pending this Code change.

The B-1 district currently requires a minimum of five acres and minimum street frontage of 300 feet. The proposed Code would allow B-1 development with a minimum of three acres with a minimum frontage of 300 feet on one roadway and frontage with another adjacent roadway to combine to a minimum of 600 feet of frontage.

Mr. Markley concluded that the Planning & Zoning Board and the Business Advisory Board are requested to discuss the potential changes to Code or other methods of enhancements to maintain community standards to lead to a recommendation for a direction in policy on Code.

Mr. Markley mentioned that this was the same staff report for both code changes and advised the Board they could make separate recommendations on each of the code changes.

Mr. Roper commented that they would be reducing the size of the acreage for B-2 zoning district, which would increase the permitted uses.

Mr. Wood responded that it would reduce the size for a minimum threshold size for B-2 from 10 acres to 6 acres. The permitted uses are still going to be a function of that zoning district. It just doesn't require the 10 acres if this passes.

Mr. Roper remarked that if they go by the old B-1 as it exists now, it has a reduced number of permitted uses that is what a B-2 would have. They would be increasing the uses for a smaller amount of space.

Mr. Wood clarified that the B-1 is proposed to change from a minimum of 5 acres to 3 acres and the B-2 from 10 acres to 6 acres.

Ms. Sori commented that some businesses who want to open in the City specifically want to go into either a B-1 or a B-2 district. She remarked that they would be turning both these things into

one district. They would not be discriminating enough by reducing the acreage by such a large percentage. You would almost be cutting it in a third of a half. You are blurring the distinction and it is actually going to become business unfriendly because the people that wanted to go into a certain area and were expecting 10 acres or 6 acres or whatever and now they are being crammed in areas they might not wanted to have gone to. She thought this works against bringing businesses into the City.

Mr. Markley responded that as a matter of background that may be helpful to the Board is that the majority of centers in the City are the B-2 district. There is a few that are in the higher B-3 district, but the majority of them are in the B-2 district. There are only 4 current areas of development that have the B-1 zoning.

Ms. Sori interjected that was why they needed to keep them because they have enough anymore. There are some businesses that strictly want to go into the B-1 district.

Mr. Aronson remarked that he knows that businesses care what the zoning district is that they are in and care what are permitted use within the appropriate district. Whether it is B-1 or B-2, he didn't think that a particular operator of a business cares. They just want to know that they can operate within certain.....

Ms. Sori interjected that if you are blurring the lines here what is coming next is blurring the lines in the permitted use. She remarked that we have so few B-1 areas left and asked why they were taking them away.

Mr. Markley commented that as an example of the majority of the B-2 centers are on some kind of corner. A classic example of a B-1 would be McPherson's Mini Mall, which is a classic example of something people would go to for daily use, something you would walk to or kids bicycle to and is very much a neighborhood business district as opposed to a center that looks to have a wider market area than just what someone might walk to.

Mr. Konhauzer remarked that he was not sure that he sees a negative to this. He asked Staff what negatives and/or positives would be to this.

Mr. Markley explained that with regard to the center and the businesses there it opens up greater versatility. As far the actual code change it does not require that just because someone has 6 acres that they would be automatically be given the B-2 district. There would still be evaluation through the rezoning process and that there is compatibility with surrounding land uses and all the parts of the justification of a rezoning would still be met.

Ms. Sori commented that you would be going from 10 acres to 6 acres there are very few parcels left in the City that are 10 acres. You would be allowing businesses to go into areas that they wouldn't have gone into before namely residential areas. By going from 10 to 6 you are not taking into consideration the homeowners around the areas. Maybe those homeowners don't want a business slammed right up against them where before they would have gone to a 10 acre

parcel, but now they can go to a 6 acre parcel. She said that she wouldn't want a business slammed into her backyard.

Mr. Aronson interjected that this change would not prevent that. It may prevent a certain type of business from going on that 6 acres and not preventing a business from going on. He thought this was an updating technical correction of the code.

Mr. Wood commented that is there is a piece of property that is not currently zoned as business, by merely changing the code and lowering the minimum site size for those zoning districts doesn't automatically grant any rezoning. If there is a piece of property that did want to rezone to B-1 or B-2, they would still have to go through that review and analysis process through that rezoning with an accompanying site plan that would have to show there was adequate buffering, separations and a nice layout. For the 2 centers that are on the agenda tonight are already zoned B-1 and the intent is to allow them to rezone to B-2 with a recognition that the B-1 that was put into place for those 2 centers at the time didn't have the function of classification of surrounding roadways that it does today. In effect those centers have outgrown the neighborhood orientation that the B-1 zoning district was intended to serve.

Ms. Sori expressed that she was afraid this was going to open up a can of worms and people will be coming in here with variances that have 5 and 6 acres surrounding them and they want to put something in.....

Mr. Aronson interjected that they could do that today with the existing B-1 and B-2 zoning.

Ms. Sori commented that there is a big difference between building on a 10 acre parcel and building on a 6 acre parcel.

Mr. Aronson remarked that you can still build on a 6 acre parcel.

Mr. Konhauzer pointed out that you could still build on 6 acres now and you could still say no. He commented that it is more business friendly with controls.

Mr. Markley clarified the concern for being adjacent to residential again a large part of the justification of a rezoning would have to be compatible with surrounding land uses and they will still have to abide by anything in the Comprehensive Plan as far as the underlying future land use. If something is not something future land use or commercial, it wouldn't go to B-1 or B-2 without addressing that.

Ms. Sori remarked that she was looking down the road and could see what was going to happen.

Mr. Wood explained that along with the code change is not just simply the acreage change, but it also requires adjacent roadway status. For the B-1 it is requiring the 600 foot minimum frontage which says that you can't take a little in-fill parcel like Ms. Sori mentioned in the middle of a neighborhood because it probably wouldn't meet that 600 feet of frontage requirement. You

have to consider that as well. The B-2 requires a minimum of an adjacent collector and arterial roadway. It is not just the acreage.

Mr. Aronson remarked that there is a variance today they could take into consideration. This is not going to permit a “B” type use in an area that is not presently zoned for a “B” use. There will not be businesses bumping up to residential communities where they already couldn’t do that.

Ms. Sori again thought that this was opening up a can of worms.

Mr. Aronson remarked that he understands Ms. Sori’s concerns, but she has not demonstrated how that would do that. He said that to him, Ms. Sori has not demonstrated her point to be valid. He commented that he did understand her concern, but hasn’t told him how her concern was manifested.

Ms. McCoy commented that in order to go from a B-1 to a B-2 they would have to be both on a collector and arterial roadway.

Mr. Markley responded that would be the requirement with this code change as well as filing for a rezoning.

Ms. McCoy then asked what was considered an arterial roadway, University Drive and what is considered a collector.

Mr. Wood responded that a collector would include Hiatus Road or Palm Avenue.

Mr. Markley commented that is most commonly shown on the Broward County Trafficways Plan.

Ms. McCoy remarked that would be Stirling Road or Pine Island Road.

Mr. Markley mentioned that one is a collector and one is an arterial.

Ms. Sori asked what 106th Avenue would be considered.

Mr. Wood responded that 106th would be considered maybe a collector, but it is definitely not an arterial road.

Ms. Sori pointed out that if 106th was a collector and that was where there are vacant parcels and that was also where some more expensive homes are located.

Mr. Aronson remarked that if they are not already zoned in a “B” zoning it won’t matter. You can’t just take a residential parcel and say that now that this code change is in place I will apply for new zoning. You still would have to come back for a zoning change if it was residential or agricultural.

Mr. Wood interjected that if it is residential on our future land use map you would first need a land use plan amendment to change it to commercial in order to even be considered.

Mr. Markley commented that this would not apply for anything in the middle of 106th because it requires 2 roadways. You would only be talking about 106th and Stirling Road or 106th and Griffin Road if everything else fell into play.

Ms. McCoy referred to the permitted uses and that there would only be 5 additional uses allowed, which would be the hotel/motel, recreation in-door, retail community, special residential facility and veterinary service, so theoretically there could be a single use on 6 acres that fit into those permitted uses.

Mr. Aronson responded that you could have that now.

Ms. McCoy then commented that basically there is a setback issue and there would be lesser setback requirements that would be required by switching from the B-1 to B-2 on 6.5 acres or less.

Mr. Markley responded that Ms. McCoy was correct and there are not that many different permitted uses. There are those uses that maybe important to some of the centers that are looking to rezone.

Ms. McCoy wanted to know what parcels would this effect that is currently zoned B-1 and are undeveloped.

Mr. Markley responded that there are currently no zoned B-1 parcels that are undeveloped. All 4 of the current B-1 zones are already developed.

Ms. McCoy asked what the benefit is for the existing centers who are already built out who won't have to take advantage of the 6.5 acres and what is the advantage for them to switch from a B-1 to B-2.

Mr. Wood commented that it would be those 5 uses Ms. McCoy just mentioned. He then commented the other one is the classification of alcohol sales and the B-2 permits a 4COP liquor license, which is the full liquor bar as opposed to beer and wine, which would be permitted in the B-1 zone.

Mr. Schulman wanted to know what the purpose of decreasing the size in B-1 was.

Mr. Markley responded that it is recognizing that if they are changing the standards in the B-2 in recognition that it is not size alone that matters, but size as well as adjacent roadways and it is appropriate at this time to look at the potential for the B-1 to also have that same consideration rather than size alone, it also looks at the potential of adjacent roadways. There is nothing currently proposed to take advantage of that, but consideration should be given to B-1 as well.

MOTION: TO APPROVE CHANGES TO AMEND SECTION 23-46 AND SECTION 23-48 RELATIVE THE B-1 AND B-2 ZONING DISTRICT ACREAGE. MOTION WAS MADE BY MR. KONHAUZER AND SECONDED BY MS. MCCOY. On roll call vote there were eight aye votes and one no vote made by Ms. Sori. Motion was approved.

4. C. *PUBLIC HEARING – TIMBERLAKE PLAZA REZONING PETITION # Z 5-1-11 – TO REZONE FROM B-1 TO B-2 – LOCATED AT 8600-8698 GRIFFIN ROAD

Mr. Wood asked Mr. Markley to read the Staff Report.

Mr. Markley explained that the subject site is an existing shopping center on approximately 6.2 acres. The existing structure and site plan of the center are not proposed to be changed. The property was rezoned to B-1 in 1977 when Griffin Road was a two lane road and was the only adjacent roadway to the property because Pine Island Road had not been built in that area at that time. Subsequently Griffin Road was widened to a six lane state arterial roadway which now forms an intersection at the corner of the property with Pine Island Road now running all the way from the north part of Broward County through to Miami-Dade County.

The property is bound to the north by Griffin Road and the C-11 canal. To the east is Pine Island Road. To the south is the Timberlake Homes development zoned R-1-A and Land Use designated L3, single family homes 1-3 units per acre. To the west is one single family home zoned A-1* (*County), Agricultural Estate, and Land Use designated E-Estate.

The subject site is designated C-Commercial on the City's Future Land Use Map. Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must be in compliance with, or be more restrictive than, the requirements of the City Land Use Plan. The subject request is consistent with Policy 1.4.4 in that the proposed B-2 zoning district is permitted under the Commercial designation. Accordingly, the request can be considered consistent with the Comprehensive Plan.

The proposed B-2 zoning district will not create an isolated or illogically drawn district which is unrelated or incompatible with land uses existing on or surrounding the subject site. The requested zoning does not change the existing zoning district boundaries. With Pine Island Road being completed, the subject site may now in fact be considered more integrated with surrounding roadways and land uses. The B-2 district may now be considered more appropriate for the area than the B-1 district that was more suited for the center prior to the development and increased traffic capacity of adjacent roadways.

There are no physical changes to the property proposed under the request and on-site landscaping and buffering will be maintained. Therefore, living conditions within the surrounding areas will not be adversely affected. To the contrary, property values could well be improved through the request as the plaza will have more flexibility in permitted uses which could improve occupancy rates and therefore living conditions in the neighborhood.

The subject site has met and will continue to meet all traffic concurrency regulations. Additional traffic on adjacent roadways has been addressed and offset through the platting process in order for the existing center to have proceeded through the permit process to have been built.

The rezoning request is not expected to increase traffic generation rates above which are already vested with the existing development. Located at a major intersection, the subject site is adequately suited for commercial use. The proposed community-serving commercial uses will provide needed support to the surrounding residential areas so that neighboring residents do not have to travel as far to meet their needs. This can be viewed as an asset to the City as a whole as the neighborhood trips to other commercial centers are then reduced on the City's roadway network.

Timberlake Plaza has outgrown the purpose of the B-1 zoning district as it can no longer be used to its full potential under the existing B-1 zoning. As a retail center at an entrance to the City and as a corner property on appropriately sized adjacent roadways, the B-2, Planned Community Business Center District is appropriate for its given location.

Mr. Markley concluded that Staff recommends approval of the rezoning request to the B-2 District based on a finding that the petition can be considered consistent with the Comprehensive Plan and compatible with the surrounding land uses.

Mr. Aronson said that since City Staff proposed this application he would dispense with the petitioner application.

Mr. Aronson then opened public hearing at 7:27 p.m. and seeing no one to speak he closed the public hearing at 7:28 p.m.

Mr. Markley mentioned there were representatives present from the centers, but no one from the public was present to speak.

MOTION: TO APPROVE BASED ON THIS BEING A CLEAR EXAMPLE OF THE CHANGING TIMES AND MOVING FORWARD WITH THEM. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. VALENTI FOR DISCUSSION.

Mr. Schulman asked how this works based on the previous discussion for a possible code change and it can't change until the code change is approved first.

Mr. Markley responded that was correct, and the City Commission would have to pass the code change before the rezoning was approved.

MOTION AMENDED: TO APPROVE SUBJECT TO THE CITY COMMISSION AMENDING SECTION 23-46 AND SECTION 23-48 RELATIVE THE B-1 AND B-2 ZONING DISTRICT ACREAGE - TIMBERLAKE PLAZA REZONING PETITION # Z 5-1-11 – TO REZONE FROM B-1 TO B-2 – LOCATED AT 8600-8698 GRIFFIN ROAD.

MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. VALENTI. There were all ayes on voice vote. Motion was approved.

4. D. *PUBLIC HEARING – STIRLING TOWN CENTER REZONING PETITION # Z 5-2-11 – TO REZONINE FROM B-1 TO B-2 ZONING DISTRICT – LOCATED AT 8631-8859 & 8626 STIRLING ROAD

Mr. Wood asked Mr. Markley to read the Staff Report.

Mr. Markley mentioned that this Staff Report largely has the same analysis of the Timberlake Plaza rezoning request with some slight differences. He then explained that this shopping center is on approximately 8 acres. It was rezoned the B-1 in 1978, but similarly, Pine Island Road was not a through road from Griffin Road to Stirling Road at that time. He referred to the Staff Report and pointed out the different designations it is bound by. It is a similar circumstance as far as the analysis.

Mr. Aronson then opened the Public Hearing at 7:30 p.m.

Mr. Markley mentioned that there are representatives from the Stirling Town Centers ownership as well as representatives from one of the businesses there.

Mr. Aronson then closed the Public Hearing at 7:31 p.m.

MOTION: TO APPROVE SUBJECT TO THE CITY COMMISSION AMENDING SECTION 23-46 AND SECTION 23-48 RELATIVE THE B-1 AND B-2 ZONING DISTRICT ACREAGE - THE STIRLING TOWN CENTER REZONING PETITION # Z 5-2-11 – TO REZONINE FROM B-1 TO B-2 ZONING DISTRICT – LOCATED AT 8631-8859 & 8626 STIRLING ROAD. MOTION MADE BY MR. ROPER AND SECONDED BY MR. VALENTI. There were all ayes on roll call vote.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood commented that the next regularly meeting would be August 1st and at this time there are no petitions scheduled for that meeting however, August 15th it does appear there will be a petition for this meeting at this time.

Mr. Wood then mentioned that the first meeting in September falls on Labor Day. He remarked that there may be some petitions that would be scheduled for that meeting and as an option would be for the Board to meet on Monday August 29th, 2011. He asked the Board members if they would be available for that meeting.

The majority of the Board did not have a problem with changing the meeting date to Monday August 29th, 2011.

Mr. Markley commented that at this time they do not have the Commission meeting dates set for September for their budget hearings and with the number of holidays in September he pointed out that the August 29th meeting date would still give 2 weeks between August 15th and August 29th and they would know that they would be avoiding a number of other conflicts.

Mr. Aronson remarked that August 29th would be a tentative meeting.

Ms. Sori asked if the Board was scheduled for any other meetings in September.

Mr. Markley responded that depending on what petitions come forward there could be a potential meeting on September 19th.

Ms. Sori mentioned that she would most likely not be here for the entire month of September.

Mr. Wood commented that there is a schedule meeting on the Monday the week of Thanksgiving, the Monday before that holiday and asked the Board if they would be available. Mr. Markley remarked that date would be Monday, November 21st and there is a petitioner who is determining that date in their schedule.

Mr. Wood asked the Board members who would not be available for that meeting.

The Board members responded that date would be a possibility for a quorum.

7. BOARD MEMBERS' CONCERNS:

None.

8. ADJOURNMENT:

The Meeting adjourned at 7:35p.m.