

**City of Lauderdale  
Planning and Zoning Board  
Regular September Meeting  
Held  
September 27, 2016  
Commission Chambers  
5581 West Oakland Park Blvd.  
Lauderhill, Florida**

**MINUTES**

**A. CALL TO ORDER**

Chairman Melville B.Herron called the meeting to order at 7:30 p.m.

**B. PLEDGE OF ALLEGIANCE**

Chairman Melville B.Herron led those present in the Pledge of Allegiance.

**C. ROLL CALL**

**Ms. Ozegovich** called the roll and the following members were in attendance:

<b>MEMBER</b>	<b>PRESENT</b>	<b>ABSENT</b>
Chairman Melville B.Herron	X	
Vice-Chairman Yacinthe	X	
Ms. Ruth Roman Lynch	X	
Dr. Leland K. Hall, Sr.	X	
Mr. Win Hoffman	X	
Kenneth Lewis, Esq.	X	

**ALSO PRESENT:**

W. Earl Hall, City Attorney  
Stephen Tawes, City Planner  
Marilyn Ozegovich, Secretary to the Board  
Tears Johnson, Secretary to the Board

**D. PROOF OF PUBLICATION**

***MOTION by Mr. Win Hoffman***

To accept and file proof of publication.

***SECOND by Dr. Leland K. Hall***

The motion passed 6-0.

**E. APPROVAL OF MINUTES: JUNE 21, 2016**

***MOTION by Mr. Rene Yacinthe***

To approve the minutes of June 21, 2016

***SECOND by Mr. Kenneth Lewis.***

The motion passed 6-0.

**F. CITY PLANNER'S REMARKS**

**Mr. Tawes** welcomed the Board back from recess.

**G. PUBLIC HEARING**

- 1. A SITE DEVELOPMENT PLAN APPLICATION FILED BY TIMOTHY PATRICK DEVELOPMENT, LLC FOR APPROVAL TO CONTSTRUCT A WAWA GAS STATION AND CONVENIENCE STORE AND OPERATE IT TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK ON A 1.53± ACRE SITE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, LEGALLY DESCRIBED AS CITY OF LAUDERHILL SEC 1 PT OF TR H, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 4 MORE COMMONLY DESCRIBED AS THE NORTHWEST CORNER OF NW 44TH STREET AND NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA AND IDENTIFIED BY THE BROWARD COUNTY PROPERTY APPRAISER BY FOLIO**

**NUMBERS: 494116019252, 494116019251 AND A PORTION OF 494116019250.**

**Mr. Tawes** read the title.

**Chairman Melville B. Herron** asked if there were any questions of staff.

**Mr. Hall** swore in the applicants.

**Ms. Hope Calhoun, Attorney and Mark Hamilton** represented the applicant.

**Chairman Melville B. Herron** asked if there were any questions of staff.

**Mr. Hoffman** questioned the means of egress of the building. He said that he didn't see a dedicated second means of egress in case of fire emergency.

**Attorney Hope Colhoun and Mr. Mark Hamilton** explained there are overhead lighting exits signs that will guide customers on where to go in case of an emergency. Also, the fire department has signed off for approval.

**Chairman Melville B. Herron** questioned the hours of operations.

**Mr. Tawes** explained Wawa is a stand-alone in a general commercial zone. The mixed use rule for hours of operation is not applicable and Wawa will be open 24 hours.

**Mr. Hoffman** made a comment on the distance requirements.

**Mr. Tawes** confirmed the distance requirements were met.

**Chairman Melville B. Herron** questioned the gasoline storage tanks.

**Mr. Tawes** stated that the tanks were new.

**Chairman Melville Herron** asked if there were any further questions of staff. Hearing none, he opened and closed the discussion to the Public and called for a motion.

***MOTION by Mr. Yacinthe***

***SECOND by Dr. Hall***

**ROLL CALL VOTE**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>
<b>Chairman Melville B. Herron</b>	<b>X</b>	
<b>Vice-Chairman Yacinthe</b>	<b>X</b>	
<b>Ms. Ruth Roman Lynch</b>	<b>X</b>	
<b>Dr. Leland K. Hall, Sr.</b>	<b>X</b>	
<b>Mr. Win Hoffman</b>	<b>X</b>	
<b>Mr. Lewis</b>	<b>X</b>	

**The motion passed 6-0**

**2. AN APPLICATION FILED BY CHRISTINA BILENKI ON BEHALF OF TIMOTHY PATRICK DEVELOPMENT FOR A WAIVER FROM THE LAND DEVELOPMENT REGULATIONS :**

- a. FROM SECTION 2.4.2 TO ALLOW A MINIMUM 23.3% PERVIOUS AREA IN LIEU OF 30% REQUIRED;  
IN ORDER TO LOCATE A CONVENIENCE STORE - GAS STATION ON A 1.53± ACRE SITE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, LEGALLY DESCRIBED AS CITY OF LAUDERHILL SEC 1 PT OF TR H, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 4 MORE COMMONLY DESCRIBED AS THE NORTHWEST CORNER OF NW 44TH STREET AND NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA AND IDENTIFIED BY THE BROWARD COUNTY PROPERTY APPRAISER BY FOLIO NUMBERS: 494116019252, 494116019251 AND A PORTION OF 494116019250.**

**Mr. Tawes** read the title.

**Chairman Melville Herron** asked if there were any further questions of staff. Hearing none, he opened and closed the discussion to the Public and called for a motion.

***MOTION by Mr. Yacinthe***

***SECOND by Ms. Ruth Roman Lynch***

**ROLL CALL VOTE**

MEMBER	YES	NO
Chairman Melville B. Herron	X	
Vice-Chairman Yacinthe	X	
Ms. Ruth Roman Lynch	X	
Dr. Leland K. Hall, Sr.	X	
Mr. Win Hoffman	X	
Mr. Lewis	X	

The motion passed 6-0

3. AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE I., GENERAL PROVISIONS, SECTION 1.5., DEFINITIONS; AMENDING ARTICLE III., ZONING DISTRICTS, SECTION 5.2, REPEALING SECTION 5.2., ADULT ENTERTAINMENT USES, CREATING SECTION 5.2., SEXUALLY ORIENTED BUSINESSES; AMENDING ARTICLE IV., DEVELOPMENT REVIEW REQUIREMENTS, SECTION 4.10., CONVEYANCE OF USES THAT ARE SUBJECT TO SPECIAL EXCEPTION APPROVAL; AMENDING SCHEDULE A., LAND USE CLASSIFICATIONS; AMENDING SCHEDULE B., ALLOWABLE USES, TABLE B-2., USES ALLOWED IN NON-RESIDENTIAL DISTRICTS; AMENDING SCHEDULE I., SIGN REQUIREMENTS, SECTION 6.0, PROHIBITED SIGNS; APPROVING LOCATIONS FOR SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE (REQUESTED BY THE CITY MANAGER, CHARLES FARANDA).

**Mr. Tawes** read the title.

**Chairman Melville B. Herron** if there were any questions of staff.

**Mr. Hoffman** asked what the new regulations were being imposed

**Mr. Tawes** explained the Land Development Regulation is being consolidated the adult entertainment land use to the sexual orientated business and reducing the language by about 31 pages to be more explicit and defined.

**Mr. Lewis** asked for the repealed language and the opposed language.

**Attorney Hall** explained the section is quit lengthy because the appealed language is being quoted in its entirety and we are replacing it with new language. Mr. Hall also added, because we've been sued previously a special counsel out of Tennessee was hired to address the specifics on the law issues.

**Mr. Lewis** asked what the substance of the lawsuit was.

**Attorney Hall** stated it was first amendment right to free speech.

**Mr. Lewis** asked what the difference is between adult entertainment uses and sexual oriented business.

**Attorney Hall** stated there is no difference; it is language only.

**Chairman Melville B. Herron** asked if there were any more questions of staff.

**Chairman Melville B. Herron** opened and closed the discussion to the Public. He called for a motion.

***MOTION by Dr. Hall***

***SECOND by Mr. Hoffman***

**ROLL CALL VOTE**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>
<b>Chairman Melville B. Herron</b>	<b>X</b>	
<b>Vice-Chairman Yacinthe</b>	<b>X</b>	
<b>Ms. Ruth Roman Lynch</b>	<b>X</b>	
<b>Dr. Leland K. Hall, Sr.</b>	<b>X</b>	
<b>Mr. Win Hoffman</b>	<b>X</b>	
<b>Mr. Lewis</b>	<b>X</b>	

**The motion passed 6-0**

4. AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) SCHEDULE B - ALLOWABLE USES, TO FIX A CLERICAL ERROR WHICH INADVERTENTLY DELETED ALL REFERENCES TO THE ALLOWABLE USES FOR AUTOMOBILE SALES, CAR RENTAL (INDOOR); PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

**Mr. Tawes** read the title and stated this was a housekeeping item.

**Rev. Herron** stated this item seems as though it has been previously presented before the board.

**Mr. Tawes** clarified that the allowable uses for automobiles sales, car rental (Indoor) were left out in a previous amendment.

**Chairman Melville B. Herron** asked if there were any questions of staff. Hearing none, he opened and closed the discussion to the Public. He called for a motion.

**MOTION by Ms. Ruth Roman Lynch**

**SECOND by Mr. Yacinthe**

**ROLL CALL VOTE**

MEMBER	YES	NO
Chairman Melville B. Herron	X	
Vice-Chairman Yacinthe	X	
Ms. Ruth Roman Lynch	X	
Dr. Leland K. Hall, Sr.	X	
Mr. Win Hoffman	X	
Mr. Lewis	X	

**The motion passed 6-0**

- 5. AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) SCHEDULE A – LAND USE CLASSIFICATIONS TO MODIFY THE DEFINITION OF PERSONAL SERVICES TO INCLUDE HAIR AND NAIL SALONS, MASSAGE SERVICES, AND BODY WRAPPING FOR WEIGHT LOSS OR CELLULITE REDUCTION; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

**Mr. Tawes** read the title.

**Rev. Herron** asked if there were any questions of staff.

**Mr. Mike Hen**, business owner (Machismo) was present to support the item.

**Chairman Melville Herron** asked if there were any further questions of staff. Hearing none, he opened and closed the discussion to the Public and called for a motion.

***MOTION by Dr. Hall***

***SECOND by Ms. Ruth Roman Lynch***

**ROLL CALL VOTE**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>
<b>Chairman Melville B. Herron</b>	<b>X</b>	
<b>Vice-Chairman Yacinthe</b>	<b>X</b>	
<b>Ms. Ruth Roman Lynch</b>	<b>X</b>	
<b>Dr. Leland K. Hall, Sr.</b>	<b>X</b>	
<b>Mr. Win Hoffman</b>	<b>X</b>	
<b>Mr. Lewis</b>	<b>X</b>	

**The motion passed 6-0**

**H. NEW BUSINESS:**



## **1. Public comments on non-agenda items:**

**Mr. Tawes** announced the retirement of Marilyn Ozegovich, Board Secretary and introduced her placement, Tears Johnson.

**Mr. Hoffman** asked if we are in the process filling the board's vacant seat

**Mr. Hall** stated the appointment will most likely take place in November after the election.

## **2. Planning and Zoning Board member remarks:**

**Mr. Lewis** stated that it's good to be back from recess.

**Ms. Ruth Roman Lynch** stated she did her research on WAWA and thinks it's a really good idea and tremendous improvement.

**Chairman Melville B. Herron** said that he's also a member of the Citizen Observer Patrol and fellow member, John Fernandes passed away. Funeral services will be held at Saint Bernard Catholic Church (University & Sunset Strip) 11:00 A.M. on October 3, 2016 and he will be remembered.

**Mr. Hoffman** stated he was a dedicated volunteer

**I. UNFINISHED BUSINESS: NONE**

**J. NEXT MEETING DATE:** October 25, 2016.

**K. ADJOURNMENT**

The meeting was adjourned at approximately 8:00 P.M.