

CITY OF GREENACRES

FEB 17 2017

OFFICIAL MINUTES TRACKING

Council/Board: Planning Commission

Meeting Date: 9-21-16

Transcribed by: mel No. of Pages: _____ Transcription Time: _____

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>Jana JC</u>	<u>10/6/16</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: 2-1-17

Motion By: Clements Seconded By: Chambers

Check One: Approved Tabled Denied Vote: 6/0

Changes requested by Council or Board? Yes No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



CITY OF GREENACRES, FLORIDA

**OFFICIAL MINUTES
PLANNING COMMISSION**

Wednesday, September 21, 2016

1. Call to Order and Roll Call.

The Planning Commission meeting was called to order on Wednesday, September 21, 2016 at 7:00 p.m., with Chairwoman Edmundson presiding. Melody Larson, Assistant to the City Clerk called the Roll.

ROLL CALL:

Commissioners Present:

Ann Edmundson, Chair
Wilneeda Emmanuel, Vice Chair
Estelle Friedman
Robert Clements
Larry Tronco

Staff Present:

Kara Irwin-Ferris, Zoning Administrator
Osniel Leon, Senior Planner
Joanna Cunningham, City Clerk
Melody Larson, Assistant to the City Clerk

Public Attendance: 9

Press Attendance: 0

Absent:

Tacara Chambers
Jack Buzek

2. Agenda Approval: Additions, deletions, or other revisions to the agenda.

Chairwoman Edmundson asked if there were any additions, deletions, or revisions to the agenda; hearing none, the agenda was approved.

3. Approval of Minutes: July 20, 2016 and August 3, 2016.

Chairwoman Edmundson asked if there were any additions, deletions, or revisions to the minutes of July 20, 2016 and August 3, 2016; hearing none, she called for a motion.

MOTION: Commissioner Clements made a motion to approve the Planning Commission minutes of July 20, 2016 and August 3, 2016. Commissioner Tronco seconded the motion.

VOTE ON THE MOTION: In favor: Chairwoman Edmundson, Vice Chairwoman Emmanuel, Commissioners Friedman, Clements, and Tronco.

Motion: 5 – 0.

4. Cases:

- A. SE-16-02 Res. 2016-41** **Get Hooked Arcade** - A request by the petitioner for a Special Exception for an indoor recreational amusement establishment in a Commercial Intensive zoning district. The site is located at the southwest corner of Bowman Street and South Military Trail at 3769 S. Military Trail.

Zoning Administrator Kara Ferris introduced Senior Planner Osniel Leon to the Board.

Senior Planner Leon described the special exception request to allow an indoor recreation amusement facility in the Warbanks Plaza located on the southwest corner of Bowman Street and South Military Trail.

He reported that the applicant is not proposing any changes to the exterior of the building and a video game arcade is a permitted use in the Commercial Intensive (CI) zoning district pursuant to Sec. 16-1 of the City Code and Florida Statutes. The arcade will cater to adults 18 years of age and older; it will have 50 amusement machines and payout will be in the form of printed vouchers redeemable as merchandise or additional games; not cash. He stated staff recommends approval of SE-16-02, subject to staff's twenty (20) conditions of approval.

Chairwoman Edmundson called on board members for comments.

Commissioner Tronco asked if the owners have prior experience with this type of business and have they experienced any disturbances. He asked if the Palm Beach Sheriff's Office (PBSO) had any concerns about the facility.

Kenneth Woo, agent for the owner, stated he has been in the arcade business since 2003. He was aware of other arcade operators who had problems, but he had not experienced any. He reported that PBSO did inspect his facility to ensure that the correct security system had been installed.

Zoning Administrator Kara Ferris added that PBSO also attends Land Development Staff meetings where departments review these petitions for compliance and provide comments that are incorporated into the Staff Report.

Commissioner Clements wanted assurance that no one younger than 18 years of age would be allowed in the facility.

Chairwoman Edmundson wanted assurance that security was available at the door.

Mr. Woo explained security would be available on weekends after 9:00 pm.

Commissioner Friedman asked if food would be served.

Mr. Woo explained if more than 10 patrons are in attendance, the arcade will order

pizza or sandwiches; but noted there would be no cooking on the premises.

Vice Chairwoman Emmanuel asked if the 18-year age requirement would change over time.

Mr. Woo explained HB 641 mandates the age requirement.

Chairwoman Edmundson questioned the hours of operation from 10 a.m.- 12 p.m. and asked if it was necessary to stay open so late during the week.

Mr. Woo explained those hours are the allowable times and it is up to each business operator to establish their own hours. He confirmed that the arcade would be open until 12 a.m. on Fridays and Saturdays.

Chairwoman Edmundson pointed out that only one (1) handicap parking space is being provided and asked if at least one more space could be added.

Mr. Woo offered to request additional handicap spaces from the plaza owner and noted that her request could easily be accommodated.

Zoning Administrator Ferris explained that this parcel was annexed from the County and currently does not meet the City's parking regulations. As part of the annexation process, the City accepted the existing building in its current condition. She noted if the applicant desires to add additional handicap parking in the future, permits would be required.

Chairwoman Edmundson believed it was important especially for wheelchair-bound customers. She asked if any external improvements would be made.

Mr. Woo reported that the plaza had recently been renovated with some bays receiving new shutters.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to Resolution No. 2016-41 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Tronco made a motion to recommend approval of SE-16-02 (Get Hooked Arcade), subject to staff's twenty (20) conditions of approval. Commissioner Clements seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Vice Chairwoman Emmanuel, Commissioners Friedman, Clements, and Tronco.

Motion: 5 – 0.

- B. SE-81-06A Res. 2016-38 Legacy Church Ministries (fka Evangelical Bible Chapel)** A request by the owner for a Special Exception to expand the existing House of Worship at 400 and 420 Jackson Avenue in a Residential Low-3 zoning district.

Zoning Administrator Ferris described the special exception request to expand an existing house of worship in a Residential Low-3 zoning district located at 400 and 420 Jackson Avenue.

The church was approved and built in 1974 as the Evangelical Bible Chapel and later expanded in 1981. The main chapel is 2,201 sq. ft. in size with parking in the rear. Directly east and across South Haverhill Road, is another site that serves as a private school K-12 built in 1990.

Zoning Administrator Ferris noted that this special exception request is to expand the existing house of worship to include a 0.2-acre site with an existing home built in 1960 as an accessory use that will not be used as part of the assembly, but will be part of the overall campus. The two lots combined total 3,389 sq. ft. She noted that a Unity of Title for the two sites will be required as one of the conditions of approval to create the Legacy Ministries Chapel. The existing crosswalk at the intersection of Jackson Avenue and Cambridge Street will remain. She stated the proposal meets the twelve (12) special exception criteria; therefore, staff recommends approval of SE-81-06A subject to staff's eight (8) conditions of approval.

Chairwoman Edmundson called on board members for comments.

Commissioner Friedman asked, "What is an accessory building; what will the accessory building be used for, and what is the name of the school?"

Zoning Administrator Ferris explained that with regard to a house of worship, an accessory building could be a daycare facility, a school, a pastor's home, etc. that does not generate as much traffic as the main assembly building. Its intended use is for bible studies.

Billy Fritch, representative for Lori Williamson, explained that the church in question is the Greenacres Christian Academy.

Commissioner Clements asked about children crossing the street to get to the accessory building.

Mr. Fritch explained that crossings will be few and with small groups of children.

Chairwoman Edmundson pointed out that Greenacres Elementary School is a highly trafficked area that requires significant supervision. She complimented the appearance of the building and believed it already looks like it is part of the church.

Mr. Fritch explained that for every 10 children there is one adult.

Commissioner Friedman asked if bible school would be held on weekends.

Mr. Fritch said yes, during the week it would be used sparingly and mostly on the weekends.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to Resolution No. 2016-38 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Friedman made a motion to recommend approval of SE-81-06A (Legacy Church Ministries), subject to staff's eight (8) conditions of approval. Commissioner Clements seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Vice Chairwoman Emmanuel, Commissioners Friedman, Clements, and Tronco.

Motion: 5 – 0.

- C. **SP-15-02C Greenacres Nissan** - A request by the owner for site and development plan amendment to construct a parking garage for the motor vehicle dealer to be added to the previously approved site plan. The site is located at 5385 Lake Worth Road.

Zoning Administrator Ferris described the site plan amendment request to construct a 4-story inventory parking garage as part of the approved Nissan site. This would add 325 new parking spaces to the overall site for a total of 538 spaces and increase the overall square footage of the dealership to 50,745 sq. ft.

She noted that the proposed parking garage will be setback 76 ft. from the nearest residential structure. The landscape plan was revised adding more trees for screening in the front and rear of the site. The landscape buffer along the western perimeter will remain and tree species will be added.

Zoning Administrator Ferris stated that the proposed 4-level parking garage totals 149' x 210', and has two tower features: one at the northwest corner that serves as a stairwell; the second on the east side that will serve as a stairwell and elevator. The rear of the garage will provide additional screening from the residential units. A 6 ft. CBS wall will serve as the first level screening for the garage with shrubs on the exterior and 18 ft. Southern Magnolia trees. The total number of trees were increased from eleven to eighteen to provide additional screening as well as additional 22-26 ft. Sabal Palms throughout the landscape islands.

Zoning Administrator Ferris showed the elevations and the proposed color scheme. LED lighting requirements will be less impactful to residential units to the north to provide a shield. Drive aisles (ramps) are being proposed for the north side of the garage to allow lighting to be directed southward.

Zoning Administrator Ferris reviewed the 35 ft. building height requirement for CI zoning districts pursuant to Code, noting that the vertical distance measured from point 18 inches above grade to the highest finished roof structure falls well within the 35 ft. height requirement of the Code.

She stated the proposal meets the twelve (12) special exception criteria; therefore, staff recommends approval of SE-81-06A, subject to staff's twelve (12) conditions of approval.

Chairwoman Edmundson called on board members for comments.

Chris Barry of Urban Design Kilday Studio explained that the purpose of this request is to provide for additional inventory; the public will not have access to the garage area.

Commissioner Friedman asked how many buildings are on-site and if the City had anything as high as the proposed parking garage. She said she lives nearby and the site seems to be growing larger and larger. For the sake of the neighbors to the north, many are concerned.

Zoning Administrator Ferris pointed out that the original parking garage was a much larger footprint. It was a 3-story parking garage but much wider. Based on the concerns of neighboring property owners, the applicant withdrew the original request and submitted a new site plan amendment reducing the overall size, setting it back 76 ft. from residential properties and adding one level. Public notices were mailed to surrounding property owners.

Mr. Barry provided a history of approvals for the Greenacres Nissan from August 2015 to present. He discussed the variances and Class III site plan amendments approved to date. He concluded by stating that the applicant is in agreement with staff's twelve (12) conditions of approval and is working with staff on Condition #7 to add trees to ensure that the garage and lighting are screened following construction.

Chairwoman Edmundson called on board members for comments.

Commissioners questioned the intensity of the garage lighting and neighbors being able to enjoy the use of their backyards; the lighting being a nuisance to residents after certain hours; loudspeakers and noise levels; and security.

Chairwoman Edmundson noted that although this was not a public hearing, the Board wanted to hear from attendees.

Margaret Wagner, a long-time resident of 129 Fleming Avenue, stated that she resides directly behind the new structure. She voiced her objection to the Greenacres Nissan project and the parking garage. Mrs. Wagner pointed out that when the broker was assembling lots for purchase, he under-purchased. It was her belief that Nissan unjustly received a variance to build this dealership next to her property. The City worked hard to create a commercial overlay at which time her family was informed it would make their property more valuable. However, as time progressed, Nissan devalued their property by blocking them off. The Wagner family was instrumental in building Greenacres and have been a part of the City for many years. They felt disrespected by the City, the Mayor, the boards and committees and were not taken seriously when they attempted to negotiate the sale of a portion of their property so they would not lose the value of their home. She objected to how this entire project was handled.

Husband Joe Wager explained that none of his family was approached to sell their property. Nissan claimed they made us an offer, but did not. When the total number of lots were assembled and totaled 6+ acres instead of 7 acres, the dealership requested a variance from the lot size. Instead of spending the money to build a 4-story parking garage, they could have purchased our property. We were given a 30-day lull to negotiate a price and yet Nissan would not even acknowledge our real estate agent. My family was stonewalled and considered a nuisance. I feel that

Nissan mowed over residents and now act like nothing has happened. No one has given us a voice. We attended all the public hearings and all we wanted to do was to sell our property. Our property has been for sale at the same price for the past 10 years. We hired an attorney to negotiate with Nissan but the negotiations had already happened. We wanted to sell strictly for personal reasons and we were very disappointed in how the City handled this project. We object to SP-15-02C.

Martin Perry, attorney for the applicant, acknowledged the Wagner's emotional statement and respected their feelings. He reported meeting with the Wagner's land attorney Michael Weeks and their real estate broker, Lance Birch. He got involved during the last variance that was filed to increase the drive aisle width and reduce the lot size following receipt of a lengthy letter written by Mr. Weeks threatening litigation. It was then that Mr. Perry recommended that Nissan withdraw their request to increase the lot coverage because it exceeded the lot size requirement and they would lose the suit. Statements and serious allegations were made impugning the Zoning Board of Adjustment and Appeals and the City Council. From his perspective, there has been no behind-the-scenes discussions with property owners. He pointed out that he was aware that the offer the Wagner's were making was coupled with another family members' parcel and they would only sell all or nothing. In addition, the asking price was more than double what Nissan had paid for the other lots. There was no need to buy the Wagner's parcels and it is not the subject of discussion of this meeting.

Marco Ruiz, property owner of 144 Perry Avenue, asked if Nissan's wall will include a gate. It was his understanding that it would remain as a continuous wall. As for the construction of the wall, vibrations from Nissan's construction machinery had caused cracks in his windows. He spoke to the contractor and showed him the damage.

Zoning Administrator Ferris agreed that originally it was to be a continuous wall, however due to utilities, an access gate was required. She added that the wall will be completed before a final CO is issued.

Attorney Perry confirmed inspecting Mr. Ruiz' property where he verified there are hairline cracks and that Nissan would take care of the repairs after the wall was constructed. He pointed out that the wall was originally planned to be built directly on the property line, but was later moved further back with landscaping facing Mr. Ruiz' property. He offered to inspect Mr. Ruiz' property again to resolve the issue.

Vice Chairwoman Emmanuel asked Mr. Barry what happens to the residents following the City's recommendation of approval?

Mr. Barry advised Board members that before them tonight was a request for a site plan amendment; the special exception was granted in 2015. He noted that the Wagner's have attended the public hearings related to this project. He disclosed attending school with several of the Wagner family members and has a personal connection to them. He personally reached out to the Wagner's, but was not part of the sale. Once the Wagner's hired a land use attorney the situation became more formal and that is also when Attorney Perry got involved. The application before the Commission is what his client intends to construct. Upon the Local Planning Agency's recommendation, the proposal would go before the City Council.

Commissioner Friedman voiced her concerns for the residents who were affected by this project and wished the Board could do more. She explained to the Wagners that the Board must adhere to the Code when reviewing such cases.

Chairwoman Edmundson called for a motion.

MOTION: Commissioner Tronco made a motion to recommend approval of SP-15-02C (Greenacres Nissan), subject to staff's twelve (12) conditions of approval. Vice Chairwoman Emmanuel seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Vice Chairwoman Emmanuel, Commissioners Friedman, Clements, and Tronco.

Motion: 5 – 0.

- D. **ZTA-16-02** **Zoning Text Amendment** - A city-initiated request for a text amendment to revise Chapter 12, Article III, Section 12-58(c)(1) to provide a one foot "freeboard" requirement for the finished floor elevation of residential and commercial buildings.

Zoning Administrator Ferris described the code text amendment modifying land development regulations following adoption of Ordinance No. 2016-14 that established a floodplain management program and enables the City to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The CRS recognizes and encourages communities that engage in floodplain management activities that help mitigate flooding. She reported that the City currently has no special flood hazard areas; however, that could change in the future.

Zoning Administrator Ferris noted that the City is adding a freeboard requirement by adding one (1) foot to the finished floor elevation found in Chapter 12, Article III, Sec. 12-58(c)(1). She stated staff recommends approval of ZTA-16-02.

Chairwoman Edmundson called on board members for comments.

Commissioner Friedman commented that she has lived in Lake Worth Hills since 1988, and now learns that her development has been deemed a flood zone. She asked if the City will be offering any assistance to homeowners.

Zoning Administrator Ferris explained that all properties fall into a flood zone designation and some are more hazardous than others; they are called "special flood hazard areas". She emphasized that the City does not have any special flood hazard areas. Property owners in a special flood hazard area are required to purchase flood insurance. She reported that the City is working to ensure impacts are lessened through capital improvement projects such as installing stormwater drainage. The NFIP CRS will provide up to a 5% discount on flood insurance policies.

Chairwoman Edmundson opened the floor to the public. She asked if anyone was in favor of, or opposed to Ordinance No. 2016-28 to come forward. Seeing no one come forward, she closed the floor to the public and called for a motion.

MOTION: Commissioner Clements made a motion to recommend approval of ZTA-16-02 (Chapter 12 Freeboard Requirement) as presented by staff. Commissioner Tronco seconded the motion.

VOTE ON THE MOTION: **In favor:** Chairwoman Edmundson, Vice Chairwoman Emmanuel, Commissioners Friedman, Clements, and Tronco.

Motion: 5 – 0.

5. Discussion Items:

Zoning Administrator Ferris announced there were no petitions scheduled for October 5th. Chairwoman Edmundson informed Board members of the resignation of Assistant City Manager Thomas J. Lanahan and his new endeavor with the Treasure Coast Regional Planning Council.

6. Concluding Remarks:

7. Adjournment of Planning Commission.

Commissioner Clements moved to adjourn the meeting, seconded by Commissioner Tronco. The meeting adjourned at 8:33 p.m.

Planning Commission



Ann Edmundson, Chairwoman

Respectfully submitted:



Kara Irwin-Ferris
Zoning Administrator



Joanna Cunningham
City Clerk

Date of Approval: 2-1-17



/mel