



**BOARD MEETING OF THE PLANNING AND ZONING BOARD -
MINUTES
Thursday, December 14, 2017 at 6:00 PM**

I. CALL TO ORDER

PLEDGE

Chairman Murray Zweig led the Pledge of Allegiance

ROLL CALL

Present were:

Lynne Fenoglio	Board Member
Murray Zweig	Chairman
Gina Stephens	Board Member
Joel Kaplan	Board Member
Nathaniel Klitsberg	Board Member
John Willis	Board Member
Gary Rosner	Board Member

Absent were:

Anthony Avello	Board Member
Andrew Klein	Alternate Board Member

Others Present were:

Michele Mellgren	Planning & Zoning Director
Jean Panebianco	Planning & Zoning Board Secretary
Andrew Maurodis	City Attorney

II. MINUTES APPROVAL

Planning and Zoning Board - Nov 9, 2017 6:00 PM

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RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Lynne Fenoglio, Board Member
SECONDER:	Gina Stephens, Board Member
AYES:	Fenoglio, Zweig, Stephens, Kaplan, Klitsberg, Willis
ABSENT:	Avello, Klein

III. COMMENTS FROM THE PUBLIC

Attorney Andy Maurodis administered the Oath to Gary Rosner, Planning & Zoning Board Member, Second Alternate.

The following residents spoke before the Board and felt that before Lennar proceeds to another subdivision, they need to finish their development first:

Andrew Yale - 9070 Cattail Run
Karen Johnson - 10321 Lake Vista Ct.
Michel Gmelch - 8450 Lakeside Dr.

The residents expressed their concerns regarding Lennar not being responsive to dealing with issues that have never been addressed which include:

Gates not working
Lighting by fountains not working
Front entrance lights are half out
Clubhouse smells like mold due to leaks
Tennis courts and basketball courts not working properly
Shortage of parking for Clubhouse
Road are not done

Board Member John Willis suggested to the residents to reach out to their Commissioner or Mayor in their district because they have more flexibility.

Commissioner Bob Mayersohn thanked the Planning & Zoning Board for their service and wished them all a Happy Holiday and a Happy New Year,

IV. COMMENTS BY THE CHAIR

Chairman Murray Zweig advised the Board that the petitioner is requesting to table the site plan and plat for the McJunkin parcel to a date certain of January 11, 2017.

V. APPROVAL OF AGENDA

Motion to approve agenda

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Fenoglio, Zweig, Stephens, Kaplan, Klitsberg, Willis
ABSENT:	Avello, Klein

VI. PUBLIC HEARING

A. NEW BUSINESS

- 1. VARIANCE TO REDUCE SETBACKS FOR AIR CONDITIONING UNITS IN CASCATA** Consideration of a resolution of the City Commission of the City of Parkland, Florida, approving a variance from Sec. 20-30 of the Land Development Code, which requires a 3-Foot minimum side setback for air conditioning units, to reduce the setback to zero inches from the side property lines for the 50-foot wide lots within the Cascata development, located at the Northwest intersection of Hillsboro Boulevard and Nob Hill Road; and providing for an effective date. Case No. V17-006.

Chairman Murray Zweig read all three variance petitions for the record. Board Member Gary Rosner disclosed that he might have a conflict of interest because he performs services to a parent company. Attorney Andy Maurodis suggested that Rosner abstain from voting this evening.

Director Michele Mellgren gave a PowerPoint presentation to the Board and read the Staff's recommendations. Mellgren states that this issue came to our attention by our landscaper. It is water under the damn, therefore, we are recommending approval. Mellgren stated that the intent of the Land Development Code is to maintain the beauty of the City, safe guard residents and keep noise levels to a minimum. The requested variance will not only be harmonious with the general intent of the Land Development Code, it will also be beneficial to the aesthetic character of the proposed development. The Code requires a 3-foot minimum setback from the property line. The applicant is requesting to allow placement of the air conditioning units to be located 7 inches from the side property lines for the 50-foot wide lots. The City Engineer and Building Official discouraged placement of air conditioning units on the same side of adjacent lots. This would minimize drainage issues. Yard fences that enclose the side yard will need to be placed a minimum of 5' behind the rearmost of the air conditioning unit. This will allow access to rear yards for either resident ,and also for maintenance purposes. Proper landscape screening is required for all air conditioning units.

Dennis Mele, representative for the applicant, also presented a PowerPoint presentation to the Board. Mele explained that this is addressing homes that are already built and homes that are going to be built. Mele showed diagram where air conditioning units would be placed and explained that the lots are being graded so the air conditioning units will be placed on the high point and then will slope to the street so water will drain properly.

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Board Member Joel Kaplan asked if the existing units are not to code. Director Michele Mellgren states they do not meet the setback. Attorney Mele explained that the builder submitted plans and they were approved by the City. Most codes do not have setbacks for air conditioning units. The City is talking about mending the code. If you cannot place the unit in the side yard, then you have to place it in the rear of the home where families gather and socialize.

Board Member Lynne Fenoglio asked if it is possible to approve the existing units and not the future. Attorney Maurodis stated that we are recommending the variance will apply to everything. If you reject, it would have to be raised individually and it will be an incredible burden on these homeowners. Give the existing homeowners the security, once they sell.

Board Member Nathaniel Klitsberg wanted clarification on the setbacks. Mellgren explained that it was advertised as zero setback. Attorney Maurodis stated that it would be his recommendation that we do apply to all existing homeowners. Grant to the old and new. Mellgren explained that she will have to change the code and will reference by date to protect homeowners in MiraLago east.

Board Member John Willis raised the issue that we have a lot of homes that are in violation and he doesn't like changing policy through a variance. Mele explained that the new homeowners should have the same rights of putting the air conditioning units on the side like the other homes, instead of putting it in the back. The right answer is to amend the homes. The problem we have is that we continue to build homes. Mellgren stated that they are proceeding at risk. If the variance is not approved, they have to put the air conditioning units in the back.

Board Member Gina Stephens would like to see the units placed closer to the garage. Mellgren explained that the City Engineer reviewed the plans and it need to be placed at the high point for drainage purposes. Stephens suggested a wing wall but Mele said it would encroach into the setback.

Chairman Murray Zweig stated that a variance is typically granted for a self-imposed hardship. He is concerned that other builders will take advantage and asked how fast can the code be changed. Mellgren explained that this will not be a precedent and she could change the code in January.

Board Member Nathaniel Klisberg has the same concern that this is a self-imposed issue, but if we do not approved this, the air conditioning unit will have to be moved from the side yard to the back yard.

Board Member Joel Kaplan asked if the builder can come up with a different air conditioning unit, like a mini-split unit. Mele said if we do not approve this, they will put it in the back yard.

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Director Michele Mellgren asked the Board to give her direction as to what the code change should be from the Board and she can come up with the language.

Board Member Gina Stephens is recommending that the air conditioning units should not be placed over the window and closer to the side of garage where the least noise is affected.

Board Member John Willis motioned to deny the variances. Board Member Lynne Fenoglio seconded the motion. The motion passed on a 5-1 vote with Board Members Fenoglio, Stephens, Kaplan, Willis and Zweig assenting, and Board Member Klitsberg dissenting.

RESULT:	DENIED [1 TO 5]
AYES:	Klitsberg
NAYS:	Fenoglio, Zweig, Stephens, Kaplan, Willis
ABSENT:	Avello, Klein

- 2. VARIANCE TO REDUCE SETBACKS FOR AIR CONDITIONING UNITS IN PARKLAND BAY** Consideration of a Resolution of the City Commission of the City of Parkland, Florida, approving a variance from Sec. 20-30 of the Land Development Code, which requires a 3-foot minimum side setback for air conditioning units, to reduce the setback to 2 inches for the 50-foot and 60-foot lots, within the Parkland Bay development, located on Hillsboro Boulevard immediately east of the western conservation levee; and providing for an effective date. Case No. V17-008.

Board Member John Willis motioned to deny the variances. Board Member Lynne Fenoglio seconded the motion. The motion passed on a 5-1 vote with Board Members Fenoglio, Stephens, Kaplan, Willis and Zweig assenting, and Board Member Klitsberg dissenting.

RESULT:	DENIED [1 TO 5]
AYES:	Klitsberg
NAYS:	Fenoglio, Zweig, Stephens, Kaplan, Willis
ABSENT:	Avello, Klein

- 3. VARIANCE TO REDUCE SETBACKS FOR AIR CONDITIONING UNITS IN WATERCREST** Consideration of a Resolution of the City Commission of the City of Parkland, Florida, approving a variance from Sec. 20-30 of the Land Development Code, which requires a three-foot minimum side setback for air conditioning units, to reduce the setback to zero feet, for lots within the Watercrest Development, located on Hillsboro Boulevard approximately 2,650 feet west of Nob Hill Rd; and providing for an effective date. Case No. V17-009.

Board Member John Willis motioned to deny the variances. Board Member Lynne

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Fenoglio seconded the motion. The motion passed on a 5-1 vote with Board Members Fenoglio, Stephens, Kaplan, Willis and Zweig assenting, and Board Member Klitsberg dissenting.

RESULT:	DENIED [1 TO 5]
AYES:	Klitsberg
NAYS:	Fenoglio, Zweig, Stephens, Kaplan, Willis
ABSENT:	Avello, Klein

- 4. PLAT APPROVAL FOR MCJUNKIN FARMS** Consideration of a Resolution of the City Commission of the City of Parkland, Florida, approving a subdivision plat for 349 single family units and 106 attached units known as McJunkin Farms, located on the north and south sides of Hillsboro Boulevard extended, south of Loxahatchee Road, approximately 4,900 feet west of Parkside Drive; and providing for an effective date. Case No. PL16-001.

Applicant is requesting to table to a date certain of January 11, 2018

RESULT:	TABLED [UNANIMOUS]	Next: 1/11/2018 12:00 AM
AYES:	Fenoglio, Zweig, Stephens, Kaplan, Klitsberg, Willis	
ABSENT:	Avello, Klein	

- 5. SITE PLAN APPROVAL FOR MCJUNKIN FARMS** Consideration of a Resolution of the City Commission of the City of Parkland, Florida, approving a Site plan for 349 single family units and 106 attached units known as McJunkin Farms, located on the north and south sides of Hillsboro Boulevard extended, south of Loxahatchee Road, approximately 4,900 feet west of Parkside Drive; and providing for an effective date. Case No. SP16-005.

Applicant is requesting to table to a date certain of January 11, 2018

RESULT:	TABLED [UNANIMOUS]	Next: 1/11/2018 12:00 AM
AYES:	Fenoglio, Zweig, Stephens, Kaplan, Klitsberg, Willis	
ABSENT:	Avello, Klein	

VII. COMMENTS FROM THE PLANNING & ZONING DIRECTOR

None

VIII. COMMENTS FROM THE BOARD

None

IX. ADJOURNMENT

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Meeting adjourned at 7:45 p.m.

Transcribed and submitted by:

Board Secretary, Jean Panebianco

ATTEST:

Chairman, Murray Zweig

The above signature is the Planning and Zoning Board Secretary for the City of Parkland, Florida and the information provided herein are the Minutes of the Planning and Zoning Board held Thursday, December 14, 2017, which were formally approved and adopted by the Planning and Zoning Board on .

Note to Reader: If the Minutes you have received are not signed, or completed as indicated above, this means they are not the official minutes of the Planning and Zoning Board. They will become official Minutes only after review and approval, which may involve amendments, additions or deletions as set forth above.

PLEASE BE ADVISED THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTERS CONSIDERED AT SUCH HEARING OR MEETING HE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE HE WILL NEED TO ENSURE THAT A VERBATIM RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (FLORIDA STATUTE 286.0105)

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITY ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK NO LATER THAN 48 HOURS PRIOR TO THE MEETING AT (954) 757-4132 FOR ASSISTANCE.