

**MINUTES  
PLANNING AND ZONING BOARD  
THURSDAY, NOVEMBER 4, 2010  
BOCA RATON CITY COUNCIL CHAMBER**

**CALL TO ORDER:**

The meeting was called to order by Chair Fairman at 6:30 p.m. Roll was called.

**PRESENT:** William Fairman  
Arnold Sevell  
Grace Johnson  
Scott MacLaren  
Rick Coffin  
Kerry Koen  
Steve Utrecht (arrived at 6:37 p.m.)

**ABSENT:** NONE

**STAFF:** Linda MacLaren, Deputy City Attorney  
Julia Trevarthen, Planning, Zoning & Development Director  
Susan Lesser, Senior Planner  
Daryl Johnson, Planner  
Michael Righetti, Land Development Coordinator

**APPROVALS:**

**MINUTES:**

**MOTION** was made by Ms. Johnson and seconded by Mr. Koen to approve the meeting minutes for June 3, 2010, June 17, 2010, July 8, 2010 and August 3, 2010. **APPROVED (6 to 0).**

**QUASI-JUDICIAL HEARINGS:**

Linda MacLaren, Deputy City Attorney, outlined the procedure to be followed for these hearings. All of the following testimony of staff, applicants, petitioners, and public is sworn testimony under oath. Official City files are hereby offered for the purposes of inclusion into the record of proceedings and are available for inspection at the offices of the Development Services Department. Board members indicated they have visited the site of the petitions being heard this date.

Kathleen Maxwell, Notary Public, administered the oath to all persons who intended to testify at this public hearing.

**NEW BUSINESS:**

**PUBLIC HEARINGS:**

**CA-08-10**                      Petition of Master Plan Design, Inc. on behalf of Trim Endless  
**08-95000013**                      of Boca Raton, Inc., for a conditional use approval to allow a retail  
addition to an existing one (1) story building for **Trim Endless**,  
located at 184 NW 20<sup>th</sup> Street  
**(RECOMMENDATION TO CITY COUNCIL)**

**SPA-08-26**                      A Resolution of the Planning and Zoning Board considering a  
**08-95000013**                      Site Plan Approval to allow a retail addition to an existing one (1)  
story structure with one (1) technical deviation from Chapter 23,  
relating to driveway reservoir distance and two (2) technical  
deviations from Chapter 28, relating to off-site vehicular circulation  
and maneuvering and a reduction in the number of required parking  
spaces for **Trim Endless**, located at 184 NW 20<sup>th</sup> Street.  
**(RESOLUTION BY PLANNING AND ZONING BOARD)**

Susan Lesser presented the request for a conditional use and site plan approval to construct a 2,786 square foot addition to an existing one-story structure, totaling 6,386 square feet. The new building will architecturally match the existing building and there will be no modifications to the existing building footprint. Improvements will include new parking spaces and new landscaping. The existing parking lot will be reconfigured to meet the parking space requirement. The existing driveway to the east will be closed with all future traffic using the driveway into Boca Bargoons.

*Mr. Utrecht arrived at 6:37 p.m.*

A request for a technical deviation from Chapter 23, for a reduction in the driveway reservoir distance and two technical deviations from Chapter 28, for a reduction of 13 required on-site parking spaces and for off-site vehicular circulation and maneuvering is also being sought. The city traffic engineer supports all three (3) technical deviation requests.

The Board had questions regarding the closing of the entryway at the south end and the reconfiguration of the parking lot. Ms. Johnson asked if a sign indicating additional parking at the industrial site would be installed. Ms. Lesser responded that it was not planned but it could be a recommendation.

Mr. John Durenko, 103 Wilson Road, West Palm Beach, FL 33405, architect for the project addressed the Board by stating that the new building would house a trim fabric business and that the three parcels of land are all owned by the same family.

There being no other comments, the Public Hearing was closed.

**MOTION** was made by Ms. Johnson and seconded by Mr. Koen to approve **CA-08-10. APPROVED UNANIMOUSLY (7 to 0).**

**MOTION** was made by Mr. Utrecht and seconded by Mr. Sevell to approve **SPA-08-26. APPROVED UNANIMOUSLY (7 to 0).**

**CA-10-04**                      Petition of Bonnie Miskel, on behalf of Lynn University, for an  
**10-95000002**                      amendment of Resolution No. 14-2001, which granted Conditional  
Use and Master Plan Approval for **Lynn University**, located at  
3601 N. Military Trail.  
**(RECOMMENDATION TO CITY COUNCIL)**

Daryl Johnson presented a request for an amendment of Resolution No. 14-2001, a previously approved master plan, to allow an increase of students from 2,350 to 3,000 full-time undergraduate students by redesigning the campus layout. A revised draft resolution, dated November 4, 2010, was passed out to the Board earlier.

Mr. Johnson explained that the only difference in the revised master plan is that the soccer fields have been relocated. The Preserve area is being reconfigured to run the length of the property between Lynn University and the Millpond residential development. Although 3,360 parking spaces are required by City Code, a maximum of 3,700 parking spaces will be provided upon completion of the master plan. The City's traffic consultant has determined that the amendment would add 1,200 daily trips, when the master plan is completed. Mr. Johnson directed the Board's attention to the revisions on Page 11 of the revised resolution, specifically the revised condition #15; as well as pages 16 and 17. On page 17, Mr. Johnson reviewed the changes to Condition # 36 b. (i.) and pointed out that on page 18, Condition # 36 Option 3 is at 100% in lieu of 110%. The staff recommends approval.

The Board discussed the issue of the additional 1,200 trips estimated by the traffic consultant and it was determined that the 1,200 trips are based on when the campus renovation is completed. Another concern of the Board was the additional traffic exiting from the campus and turning onto Military Trail. The Board felt that closing the median so that a right-turn only onto Military was required or a traffic light would help prevent accidents. Pia Hansson-Nunoo, Transportation Planning Engineer, pointed out that there is a condition of the revised resolution, Condition # 31, that states, when the full-time student enrollment is equal to or exceeds 2,350, the University will work with the City to make improvements at the project driveway on Military Trail including a traffic signal or other traffic control modifications as determined by the City, two additional eastbound egress lanes and an additional westbound ingress lane.

Bonnie Miskel, 5355 Town Center Road, Ste. 801, Boca Raton addressed the Board stating that this plan was two years in the making. An architect was engaged to interview teachers, students and others to discuss what improvements were needed and this plan is the result of that study. Ms. Miskel indicated that she is excited about



**MOTION** was made by Mr. MacLaren and seconded by Mr. Sevell to continue **CA-10-03** and **SPA-10-02** to January 6, 2011.

**APPROVED UNANIMOUSLY (7 to 0).**

**SITE PLAN APPROVALS:**

**SPA-10-09**                      Petition of Robert MacLaren, on behalf of Boca Raton Regional  
**10-97500015**                      Hospital, considering a Site Plan Approval for an **Oxygen Farm**  
**Relocation & Parking Modification**, located at 800 Meadows  
Road.

**(RESOLUTION BY PLANNING AND ZONING BOARD)**

Michael Righetti presented a request to relocate the existing Oxygen Farm and construct parking modifications at the Boca Raton Regional Hospital. A site-specific traffic study was not required as there would be no new trips. The proposed relocation and parking modifications are required as part of a Lake Worth Drainage District request to relocate these features from within the L-47 canal right-of-way. Areas affected would be along the south property line where the petitioner is proposing to relocate and construct a new 1,080 square foot Oxygen Gas Farm. Also included would be the removal and relocation of existing drive aisles and a total of 117 existing parking spaces. A total of 36 new parking spaces would be added as part of the improvements along with new landscaping. CAB approval has already been received. The staff recommends approval.

Ms. Johnson was concerned that some of the parking spaces were blocked off and not available to the public and asked if any consideration would be given to lessening the amount of these spaces that are set aside for valet and physician parking only.

Mr. Righetti responded that there are 128 parking spaces set aside for assigned parking and that Mr. R. MacLaren would address that.

Robert MacLaren, 798 S Federal Hwy, Suite 100, Boca Raton, addressed the Board and stated that he is the attorney representing Boca Raton Regional Hospital.

Mr. MacLaren stated that the valet parking was open to anyone at no charge who wishes to use the service; however, he would look at the parking spaces in each area to see if there could be modifications. Mr. MacLaren also stressed the urgency of this plan approval to prevent a \$25,000.00 penalty from the Lake Worth Drainage District.

Chair Fairman stated for the record that Mr. R. MacLaren contacted him seeking his vote. Mr. Koen, Mr. MacLaren and Ms. Johnson also stated that they were contacted by and spoke to Mr. R. MacLaren on this issue. Although they were also contacted by Mr. R. MacLaren, Mr. Coffin and Mr. Sevell had not returned his call prior to the meeting.

**MOTION** was made by Ms. Johnson and seconded by Mr. Coffin to approve **SPA-10-09**. **APPROVED UNANIMOUSLY (7 to 0).**

## **BOARD OF ADJUSTMENT REVIEW:**

**BA-10-02**                      Petition of Bonnie Miskel of Siegel, Lipman, Dunay, Shepard & Miskel, LLP, for a variance request from Sections 28-1295 (3) & 10-87500002                      1297 to allow parking canopies adjacent to an abutting street **Lynn Financial Center**, located at 1825 NW Corporate Boulevard.  
**(RECOMMENDATION TO ZONING BOARD OF ADJUSTMENT)**

Julia Trevarthen presented a petition of Bonnie Miskel on behalf of Lynn Financial to allow for parking canopies to be located adjacent to an abutting street. Ms. Trevarthen directed the Board to the five choices on Page Four of the Agenda.

Chair Fairman suggested that Number One be considered. Recommendation Number One reads, "There are no plans, intentions, rezonings, or environmental concerns in the area under consideration by this Board." There being no comments, the Chair asked for the vote.

**APPROVED BY UNANIMOUS MUTUAL CONSENT (7 to 0).**

### **DIRECTOR'S REPORT:**

#### **1) 2011 Schedule of Meetings**

Ms. Trevarthen reminded the Board that they would be reviewing next year's meeting dates. It was requested that she send a copy of the proposed schedule for the 2011 meetings to the Board prior to this meeting which she did. The schedule currently shows the Board having two meetings every month; typically on the first and third Thursday of each month. Chair Fairman stated that in June, July, August and December they typically go to one meeting per month and asked the Board if they had any comments. Chair Fairman suggested June 9<sup>th</sup> and July 21<sup>st</sup>. In August, the Board picked the 18<sup>th</sup> and removed the December 22<sup>nd</sup> meeting date.

Ms. Trevarthen confirmed that the Board would meet on June 9th, July 21st, August 18<sup>th</sup> and December 8<sup>th</sup> of 2011. Other than those dates, the schedule would be as shown on the memo. The Board agreed.

#### **2) Pattern Book Schedule**

Ms. Trevarthen advised the Board that they were ready to bring the Pattern Book for Downtown Boca Raton to the City Council for decision and the presentation will be at the December meeting. Once the book is approved and adopted, training will be provided to those Boards that will be using the pattern book to review certain projects in the Downtown. That would happen early in the next year.

Ms. Trevarthen also reported that last week, the Council voted to adopt the EAR based comprehensive plan amendments with some changes. The amendments will be transmitted to DCA on Monday. Then, there will be a 45-day period for DCA to make their notice of intent as to whether they find our plan in compliance. After that, there will be a 21-day appeal period during which any interested or affected party can appeal. When all dates have run, the comp plan will be in effect. The next EAR will be due December of 2012.

**MEMBER'S REPORT:**

Mr. Utrecht wanted to thank the staff for all of their hard work on Amendment 4 which he felt saved the State from a lot of headaches and litigation.

Mr. Koen asked for an update on the parking study. Ms. Trevarthen stated that they were three quarters of the way through the parking study when they had to stop for the Comprehensive Plan. Therefore, they hope to be completed with the Study by the end of the calendar year and then staff should be able to bring the results before the Board at the beginning of 2011.

Mr. Koen asked what was the expiration date for temporary signage in the Downtown area. Ms. Trevarthen replied that it will expire at the end of January 2011.

**ADJOURNMENT:**

There being no further business at this time, the meeting was adjourned by mutual consent at 7:40 p.m.

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William Fairman, Chair

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Kathleen Maxwell, Recorder