

**MINUTES
 PLANNING & ZONING BOARD
 MONDAY, OCTOBER 4, 2004
 535 PARK AVENUE
 LAKE PARK, FLORIDA**

I. Call to Order: 8:46 p.m. by Vice Chairman Blakely

II. Roll Call

Mike Scheihing, Chairman	Excused
Jeff Blakely, Vice Chairman	Present
William Serrano	Present
Edie McConville	Excused
Eric Jahnke	Present
James Dubois, 1 st Alt.	Present
Jeanine Longtin, 2 nd Alt.	Excused

III Approval of Agenda

A motion was made to approve the agenda for the Planning & Zoning Board for October 4, 2004. William Serrano made the motion seconded by James Dubois.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
Eric Jahnke	X	
James DuBois	X	

Motion carried 4-0

IV. Approval of Minutes

A motion was made by James Dubois to approve the minutes from August 2, 2004 and seconded by William Serrano.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
Eric Jahnke	X	
James Dubois	X	

Motion carried 4-0

V. Public Comment

Vice Chairman Blakely stated that he would like to come back later to public Comment.

VI. Old Business

None

VII. New Business

Tom Baird, Town Attorney, suggested that the items be continued, and that staff and the applicant meet to go over the different issues, so the matter can be brought back before them. Eric Jahnke made a motion to vote on the proposed motion made by the Vice-Chairman to bring back the site plan for discussion regarding Walmart Stores East, to construct a 207,991 square foot retail store, including three (3) special exceptions: Garden Center, Tire Lube Express and Gas Station to be located at the Northeast corner of Silver Beach Road and Congress Avenue, until the next scheduled meeting of the Planning & Zoning Board, November 1, 2004. William Serrano seconded the motion.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
Eric Jahnke	X	
James DuBois	X	

Motion carried 4-0

VIII. Community Development Director Comments

Vice Chairman Blakely stated that the board will discuss preparing an Ordinance to prohibit Vehicle Tent Awnings.

The Community Development Director deferred to Mr. James Gentile from Calvin, Giordano & Associates identified himself for the record and apologized that the memo had been late getting out. Mr. Gentile who stated the memo was just an outline of what has taken place in the last few months regarding the Vehicle Tent Awnings. Mr. Gentile stated that he was asked to clarify the town code as to these structures being permitted in a residential district. Mr. Gentile found that based on the code, there was no language indicating that these were a permitted use within the residential district; therefore, the intent of the code was that they were not permitted and that they are somewhat of a safety concern because that they are not an attached structure or a permanent structure and they would have a tendency to blow away, as they just did over the last month with the two hurricane storms. Mr. Gentile stated that they are recommending direction from the Planning & Zoning Board to take this item forward to the town commission and perhaps

create an ordinance that would specifically spell out the probation of these types of structures.

Mr. Dubois raised the question whether they could be permitted just for a limited time to create some cover for approximately a month. Mr. Gentile responded that many people do have canopies for just a short time, i.e., for a party, but that was a very different issue. He explained that the Vehicle Tent Awnings were being used as a permanent use and were not temporary.

Mr. Dan Shalloway and his son Eric Shalloway came forward to identify themselves for the record. Mr. Eric Shalloway is presently residing at 815 2nd Street, Lake Park. Mr. Dan Shalloway stated that he is a registered professional engineer in the State of Florida and also a general contractor in the State of Florida and that his firm was created 25 years ago and that their firms serve small cities and taxing districts and that he has served as an expert witness. Mr. Shalloway stated that in his professional opinion that these tent awnings are not structures and something that is a structure can not be erected in five minutes. Mr. Shalloway stated he felt an ordinance was needed in order to address this issue. Mr. Shalloway stated that when he bought the house he carefully checked to make sure he could keep the boat on the side of the house and that they could cover the boat with a portable canopy. Mr. Shalloway stated that he could not build a structure as there is only 14 feet on the side of the house and he would not be able to stay within the side setbacks. Mr. Shalloway further stated that he came to the building department and was told there was no ordinance that addressed these types of structures. He asked if the town was trying to enforce anything according to the existing code and that he knew that the code did not consider these structures. Therefore, he stated they purchased the home, and that they would have not purchased the house if they were not going to be able to cover the boat.

Mr. Jahnke stated that he has used these at his business and that they can blow away with a good strong wind. Mr. Serrano said that the board should be looking at construction materials, location and the maintenance if they do decide to do an ordinance, and that he did not want to see these placed in the front yard. Mr. Dubois stated that he felt there should be some conditions as to the use. Vice Chairman Blakely stated that we did need regulations, but exactly what kind he did not know.

Doug Drymon, Town Manager, identified himself for the record and asked to speak. Mr. Drymon stated that he had talked to Mr. Shalloway and also the Town Attorney and that our town code does give us the ability to regulate. Mr. Drymon stated that the type of awnings that they are talking about are not designed for the type of wind load that occurs in Lake Park.

Mr. James Dubois made a motion that Mr. Gentile consider drafting along with the Town Attorney, an Ordinance describing the uses for such structures as temporary enclosures. Mr. Jahnke seconded the motion for discussion. Mr. Jahnke suggested not using the word "structure".

Tom Baird, Town Attorney, came forward and stated that he thought it would be difficult to legislate temporary, and that it would also be very difficult to enforce when it was put up and when it was taken down. He suggested an Ordinance that specified location of vehicle awnings within residential neighborhoods and that the Ordinance would look at the location of that awning as to setbacks, including front set backs, and that typically you do not have these types of awnings in the front yard. Mr. Dubois asked to withdraw both of his motions and let someone else make the motion.

Mr. Eric Jahnke made a motion to draft an Ordinance that will regulate the use and location of vehicle and boat awnings. Mr. DuBois seconded the motion.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
Eric Jahnke	X	
James Dubois	X	

Motion carried 4-0

VI. Adjournment

A motion was made by William Serrano and seconded by Eric Jahnke. Motion carried 4-0. The meeting was adjourned at 9:22 p.m.

Mike Scheihing, Chairman

Attest:

Approved: _____