

Jay G. Foy, Mayor  
James E. Woods, Vice Mayor  
Jerry E. Beavers, Council Member  
Lawrence Gordon, Council Member  
Mark C. Uptegraph, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**LOCAL PLANNING AGENCY  
Town Hall Council Chambers  
Thursday ~ March 8, 2012  
7:00 p.m.  
AGENDA**

- I. **CALL TO ORDER**
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **PUBLIC HEARINGS AND REGULAR AGENDA: CONSIDER THE FOLLOWING PROPOSED ORDINANCES AND MAKE RECOMMENDATION REGARDING ADOPTION OF SAME TO THE TOWN COUNCIL**
  - a. **ORDINANCE NO. 405: An Ordinance of the Town Council of the Town of Haverhill amending its Comprehensive Plan , and modifying the future land use map by changing an approximate 1.44 acre parcel from the Town's Low Density Residential Land Use designation to Other Public Facilities as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.**
  - B. **ORDINANCE NO. 406: An Ordinance of the Town Council of the Town of Haverhill amending its Official Zoning Map, as amended, by redesignating an approximate 1.44 acre parcel from the Town's EXISTING R-1 single-family residential zoning district to the Town's R-2 Two-Family RESIDENTIAL district as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.**
- VI. **ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL LOCAL PLANNING AGENCY MEETING**  
**Town Hall LPA Chambers**  
**Thursday ~ March 8, 2012**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, a meeting of the Haverhill Local Planning Agency was held on Thursday, March 8, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Chair; James E. Woods, Vice Chair; Jerry Beavers, Local Planning Agency Member, Lawrence Gordon, Local Planning Agency Member and Mark C. Uptegraph, Local Planning Agency Member. Also present were Town Attorney John Foster, and Town Administrator, Janice C. Rutan.

**CALL TO ORDER**

Chair Foy called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Chair Foy offered the Invocation and led the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator recorded all members were present.

**APPROVAL OF AGENDA**

Upon motion by Vice Chair Woods and second by Local Planning Agency Member Gordon, the agenda was amended to allow the presentation of the Palm Beach County Sheriff's Office to be heard prior to the matter before the Local Planning Agency. The motion passed unanimously 5-0.

Other than an incident of graffiti at the Haverhill Park, the PBSO had no other incidents to report.

Chair Foy opened the Public Hearing of the Local Planning Agency.

**PUBLIC HEARINGS AND REGULAR AGENDA:**

**CONSIDER THE FOLLOWING PROPOSED ORDINANCES AND MAKE RECOMMENDATION REGARDING ADOPTION OF SAME TO THE TOWN COUNCIL**

**ORDINANCE NO. 405:** An Ordinance of the Town Council of the Town of Haverhill amending its Comprehensive Plan , and modifying the future land use map by changing an approximate 1.44 acre parcel from the Town's Low Density Residential Land Use designation to Other Public Facilities as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately 0.5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.

**ORDINANCE NO. 406:** An Ordinance of the Town Council of the Town of Haverhill amending its Official Zoning Map, as amended, by redesignating an approximate 1.44 acre parcel from the Town's EXISTING R-1 single-family residential zoning district to the Town's R-2 Two-Family RESIDENTIAL district as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately 0.5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency,

**providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.**

Attorney Foster read the titles of both Ordinance No. 405 and 406. He explained that the Local Planning Agency would be conducting a quasi judicial hearing and as such could conduct a formal meeting or would need to waive formality. After Chair Foy queried the audience, staff and LPA members and found there were no objections, it was the general consensus of the Local Planning Agency to proceed with the informal hearing.

By general consensus, three letters of opposition received from Tec and Rhonda Shoumate, Bonnie Graham and Frank and Suker (concurrent with by the property owner, Randall Schwallie), along with the Town Planner's staff report dated March 8, 2012 were entered into the record.

The Town Attorney requested Town LPA (Local Planning Agency) Members disclose any ex parte communications they have had with the applicants or other interested parties concerning the application before them:

**James Woods, Vice Chair** reported he had conversations with Tec Shoumate concerning Mr. Shoumate's opposition to the project. (Later in the meeting he had disclosed his attendance at the informational meeting between the property owners and the neighbors that was held on February 28 at the Town Hall).

**Jerry Beavers, Local Planning Agency Member** reported he had conversation with Tec Shoumate concerning Mr. Shoumate's opposition to the application.

**Mark Uptegraph, Local Planning Agency Member** had no disclosure to report.

**Lawrence Gordon, Local Planning Agency Member** had no disclosure to report.

**John Fenn Foster, Town Attorney** had several conversations with Tec Shoumate concerning Mr. Shoumate's opposition to the project.

**Jay Foy, Chair** had no disclosure to report.

Chair Foy introduced Town Planner Chris Barry who presented Staff's report and his recommendation for approval with three Conditions of Approval.

Town Attorney Foster noted for the record that all notice requirements had been complied with including notice to abutting property owners and notice appearing in a newspaper of general circulation.

Robert Kuoppola, Agent for the applicants addressed the Town LPA. Discussion followed regarding the recommendation of the Town Planner included in Staff's report of February 1, 2012 requiring the property owner provide surety in the form of a cash bond or escrow for both on and off site improvements. Mr. Kuoppola had no objection with providing a bond for the off site improvements but questioned the need for the on site improvements. He had no objection to any of the deadlines being imposed, provided any delay caused by the Town would not result in a penalty to the applicant. The applications for Special Exception and Site Plan would be filed with the Town within the next few weeks.

Chair Foy confirmed that Mr. Kuoppola was an authorized agent on behalf of the property owner.

The Attorney agreed that if any delay resulted from an action of the Town, the property owner would not be penalized. He commented that the sole purpose of this action before the LPA was to eventually build a Church on the property. He asked if the Town was to proceed with first reading, would it be advisable to consider the Site Plan and Special Exception at the adoption hearing of the two Ordinances. It was the thought of the Attorney that the Council address the entire issue, not just the change to the land use and rezoning, but also how the area would be affected by the use of the site. He asked for LPA preference. Chair Foy asked that this question not be addressed at this time in the hearing process as that would be a question for Council.

Attorney Foster explained that the bond for on site improvements was being required to ensure that all buffering and landscape requirements imposed as part of the Site Plan approval would be adhered too. The applicant had been put on notice that the bond would be required so that if

there were to be an abandonment of the project the Town would have the funds to complete landscaping and other on site requirements. Staff had no objection to that requirement being part of the Special Exception/Site Plan process, as requested by Mr. Kuoppola.

Determining that there were no interveners present at the hearing, Chair Foy opened the Public Hearing for Public Comment.

**Tec Shoumate, 1231 No. Haverhill Road.** Mr. Shoumate explained that he lived across the street from the proposed Church and the letter submitted expressed his objection.

**Thelmalee Brandenburg, 4894 Cyprus Lane.** Mrs. Brandenburg noted that hers was the property immediately to the east of the applicants. She commented that she would prefer a Church over apartments. A change in the location of the driveway would help the Sukers (neighbors across Cyprus Lane from the property). Mrs. Brandenburg commented that there had not been problems with the church use or drugs at the property. The house on the northeast corner of Cyprus and Haverhill has had drug problems.

**Frank Suker, 4931 Cyprus Lane.** Mr. Suker commented that he had lived at 4931 Cyprus Lane for 47 years. His daughter and son in law now own the property now but they have maintained a life estate on the property. He too submitted a letter of objection, which he commented spoke for itself.

**Howard Brandenburg, 4894 Cyprus Lane.** Mr. Brandenburg supported the Town Attorney's condition of approval that the rezoning would not be effective until the Site Plan was approved. He does not want to see apartments being constructed on the site.

**Rhonda Shoumate, 1232 No. Haverhill Road.** She understood the objection about apartments and asked what the chances would be of having apartments on the site. She asked if any of the Local Planning Agency Members had been by the site on a Saturday to see the impact the Church had on the neighborhood, especially the immediate neighbors. Mrs. Shoumate commented that she was opposed to a Church being on the site.

**Bonnie Graham, Park Lane.** Ms. Graham commented that presently the Church was small and manageable, but was afraid that once approved, the Church would grow, eventually having to add more services resulting in more traffic, etc.

Vice Chair Woods disclosed that he had attended the informational meeting held on February 28, 2012 at the Town Hall. He commented that the Town LPA had been presented with a lot of information (applications, staff reports, justification statements, drainage reports and letters of objection). He had met with the property owners and staff in consideration of the application before them. Although he has never met a finer group of individuals than the property owners and Church elders, and agreed that they would make fine neighbors, it had always been his vision that the area remain residential. He confirmed that the property was zoned R1 and apartments would not be permitted on the site. The immediate neighbors and their expectation that the property would remain residential had always carried a lot of weight with him. He would not support a rezoning and land use change that would allow for a Church as a special exception on the site.

Chair Foy clarified that apartments in either the R1 or R2 zoning designation were not a permitted use. His concern, since the beginning was allowing for a higher density on the property through the rezoning. He commended Staff for its innovative way that the Ordinance was written so that if the Church were not able to meet the Conditions of Approval for the Special Exception and Site Plan approval, the Ordinances for the land use change and rezoning would not become effective. Years later, should the Church go away, the use would be specific for a Church and only that use. Attorney Foster explained the terms of the effective date of the Ordinance as outlined in the proposed Ordinances.

Attorney Foster confirmed that the LPA could recommend that the Town Council establish an effective date and if the applicant were unable to meet that date, the property would revert back to its present land use and zoning designation without further Council action.

Chair Foy expressed his concern over the required criteria that the use be "desirable". The Town Planner responded to those specific criteria that the application had been "consistent", but was unable to confirm that the use would be "desirable". Chair Foy also questioned other criteria that

he did not agree with i.e., whether the land use or rezoning met the needs of the neighborhood and the Town.

There were no further Council comments.

Town Planner, Chris Barry clarified that the land use amendment would change the present designation of "Low Density" to "Other Public Facilities (OPF)". There would be no residential land use that would be permitted with the land use if approved. As such, only uses falling under the OPF designation would be permitted by Special Exception. It was also explained that by approving the land use and rezoning, the Town Council would not be approving higher density; it would only allow a Church to be built on the property.

It was once again stressed that if the Special Exception and Site Plan were not approved by the Town Council, Ordinance No. 405 and Ordinance No. 406 would become null and void.

Chair Foy again expressed his concern that the applicants would not be able to meet the equal and compensating storage drainage requirements and was not sure the site could meet the legal positive outfall requirements. It would be his opinion that meeting this requirement could affect the time line for compliance with the Conditions of Approval. In addition, he would expect paving of Cyprus Lane through to the end of the property line, not stopping at the entrance. Because the proposed use would be a higher use, certain demands should be met and expected, including the legal positive outfall and other improvements to the site. Chair Foy was putting the applicant on notice that as a Council Member, he would recommend imposing specific Conditions of Approval on any approval for change of land use, rezoning or Site Plan approval.

Discussion as to what drainage calculations had been submitted ensued.

Attorney Foster reiterated that if the LPA were to recommend Town Council approval of the Ordinances that were before them, they would only be recommending approval for the building of a Church and Conditions of Approval placed on that use would be imposed by the Council as the Council deemed appropriate (hours of operation, drainage, activities, etc.). Approval would be based on Conditions of Approval sanctioned by Council.

Again, all present were reminded that the matter before the Local Planning Agency was a recommendation to the Town Council for either approval or denial of the adoption of Ordinances No. 405 and 406 which address only the land use amendment and the rezoning and not for higher density, only for the use of a Church.

In response to earlier comments, Robert Kuoppola noted that the growth of the Church would be predicated on what was approved for the site. If they should grow, most probably the Church would look to relocate.

**Howard Brandenburg, 4894 Cyprus Lane.** They had met principals of the Church at Publix and they confirmed that if the Church were to grow, they would look for another site and relocate.

Vice Chair Woods asked those present if anything they had heard at the hearing had changed their minds, whether they were for or against the application. No one responded.

Chair Foy again reminded the applicant that should the matter pass this evening, his expectations for site improvements would be higher at the next phase.

Again it was explained that Town Council approval at this time would not authorize any change; it would depend on the adoption hearing which was scheduled for March 22, 2012. At this hearing, the Local Planning Agency would be making a recommendation to Town Council.

Again, Chair Foy noted that even if the Ordinances were to pass on second hearing, the critical phase would be at the Site Plan hearing because the Ordinance would not take effect until the Special Exception and Site Plan were approved.

Attorney Foster agreed adding that the Conditions of Approval would be made at those hearings.

**A motion was made by Vice Chair Woods and seconded by Local Planning Agency Member Beavers to recommend Town Council denial of Ordinance No. 405 and Ordinance 406.**

Vice Chair Woods reiterated that his decision was not based on the applicants, again commending them as wonderful neighbors wherever they may go, his concern was that in the future, should this continue to be a Church, the next group may not be such great neighbors. The immediate neighbors most impacted by the project affected his decision. Chair Foy agreed, but because of the wording of the Ordinances, a vote in favor of the Ordinance would allow Council to place Conditions of Approval on the use. The next phase would put the burden on the applicant to see if they were willing to meet those Conditions of Approval.

Attorney Foster, in response to Local Planning Agency Member Gordon's inquiry, noted that constitutionally, there would be no stopping a resident of the property to use the property as a place of assembly.

With that in mind, it would be Local Planning Agency Member Gordon's recommendation that the Council see this matter through to the Site Plan process to allow the Town Council to place Conditions of Approval on the Site Plan approval.

**The Chair called for the vote. The motion to recommend Town Council denial of Ordinance No. 405 and Ordinance 406 passed with Local Planning Agency Members Woods, Beavers and Uptegraph voting in favor of the motion and Local Planning Agency Members Foy and Gordon voting against the motion.**

**ADJOURNMENT**

With no further business to come before the Local Planning Agency, the Public Hearing adjourned at 8:08 p.m.

Approved: April <sup>26</sup>~~12~~, 2012 \_\_\_\_\_

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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Chair