

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, AUGUST 1, 2013

9:00 A.M. Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner Sheri Scarborough, Chair	Present
Commissioner Alex Brumfield, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	Present
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Present
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Arrived at 9:05 am

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file carried 8-0

E. Adoption of the Minutes – Motion carried 8-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
8		7,8,9		3,8			7,8	

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **SV/Z/CA-2012-03112** Title: a Subdivision Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a reduction in the required access width for a non-residential property Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a rezoning from the Residential Single Family (RS) Zoning District to the Residential Transitional (RT) Zoning District Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Daycare
General Location: Northeast corner of Ranches Road and Jog Road (**Learning Place Academy**) (Control 1975-00145)

Pages 1 - 2

Project Manager: Joyce Lawrence

Size: 1.05 acres +

BCC District: 3

Staff Recommendation: Staff recommends a postponement to September 5, 2013.

MOTION: To postpone to September 5, 2013.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: To postpone until September 5, 2013

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 2. **ZV/DOA-2012-01580** Title: a Type II Variance application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to allow an increase for the build to line Title: a Development Order Amendment application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to reconfigure the site plan to add square footage for a car wash
General Location: Belvedere Road and 5th Street (**Hertz Rent A Car**) (Control 1986-00080)

Pages 3 – 30
 Conditions of Approval Pages (9-13)
 Project Manager: David McGuire
 Size: 6.75 acres ±
 (affected area 0.12 acres ±)

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1 and 10 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Adam Meeker – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a Resolution approving a Type II Variance to allow an increase for the build to line subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

MOTION: To recommend approval of a Development Order amendment to reconfigure the site plan and add square footage for a Car Wash facility subject to Conditions of Approval as indicated in Exhibit C-2

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved as Advertised

- 3. **DOA/R-2012-01264** Title: a Development Order Amendment application of Reef America Reit li Corp J by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage
General Location: Southeast corner of Glades Road and SR 7 (**Festival Shoppes of Boca PCD**) (Control 1990-00024)

Pages 31 - 57
 Conditions of Approval Pages (36 - 45)
 Project Manager: David McGuire
 Size: 36.96 acres ±
 (affected area 2.63 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Joanne Keller, Land Development, read an additional Condition into the record
 Scott Backman – Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved as Amended

D. ZONING APPLICATIONS - NEW

- 4. DOA/R-2013-00758** Title: a Development Order Amendment application of New Hope Charities Inc by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to modify the Preliminary Master Plan to reconfigure the Pods to increase the square footage of the Elementary or Secondary School (Charter); increase the number of students; to delete/modify Conditions of Approval (Daycare and Use Limitation); and to restart the commencement date of the Development
Title: a Requested Use application of New Hope Charities Inc by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow an Elementary or Secondary School (Charter)

General Location: 0.2 mile north of the intersection of Morgan Road and State Road 15
(Santa Maria Village PUD) (Control 1987-00049)

Pages 58 - 79
 Conditions of Approval Pages (63 - 66)
 Project Manager: Joyce Lawrence
 Size: 40.04 acres ±
 (affected area 8.40 acres ±)

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 21 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

George Gentile – Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to modify the Preliminary Master Plan to reconfigure the Pods to increase the square footage of the Elementary or Secondary School (Charter); increase the number of students; to delete/modify Conditions of Approval (Daycare and Use Limitation); and to restart the commencement date of the Development subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

MOTION: To recommend approval of a Requested Use to allow an Elementary or Secondary School (Charter).

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

DECISION: Approved as Advertised

- 5. ZV-2013-01063** Title: a Type II Variance application of Bedner Farm Inc by Land Design South Inc., Agent. Request: to eliminate interior and terminal landscape islands, divider medians and trees within the Phase 1 vehicular use overflow parking area

General Location: Southwest corner of US 441 and Lee Road **(Bedner Oaks)**
 (Control 2007-00357)

Pages 80 - 101
 Conditions of Approval Pages (89 - 89)
 Project Manager: Joyce Lawrence
 Size: 81.80 acres ±
 (affected area 7.00 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the Type II Variance requests subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Jeff Brophy – Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving the Type II Variances to allow no terminal or interior landscape islands; no divider medians; and no trees within the interior of the vehicular use area for the overflow parking subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved as Advertised

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 6. **DOA-2013-01060** Title: a Development Order Amendment application of Apogee Investment Partners LLC by Miller Land Planning, Agent. Request: to reconfigure the Site Plan to add square footage

General Location: North side of Beeline Highway (SR 710) west of Pratt Whitney Rd., S of Indiantown Road, Approximately 0.6 miles west of the entrance to Moroso Motorsports Park. **(Complete Turbine)** (Control 2010-00474)

Pages 102 - 123

Conditions of Approval Pages (106 - 108)

Project Manager: Donna Adelsperger

Size: 45.08 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 13 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Donna Adelsperger – Site Planner I, gave brief presentation
 Bradley Miller – Agent – gave a brief explanation regarding the time the easement would be needed and that they are in the process. He suggested the amended language to be "prior to issuance of certificate of occupancy or certificate of completion of building A..."

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan and to add additional square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved as Amended

- 7. **ZV/DOA/R-2012-00979** Title: a Development Order Amendment application of SE Petro One LLC by Core States Group, Agent. Request: to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design)
Title: a Requested Use Request application of SE Petro One LLC by Core States Group, Agent. Request: to allow a Convenience Store with Gas Sales

General Location: South side of Glades Road east of Florida's Turnpike **(Arvida Parkway Center)** (Control 1980-00161)

Pages 124 – 181
 Conditions of Approval Pages (136 – 143)
 Project Manager: Carol Glasser
 Size: 23.84 acres \pm
 (affected area 1.46 acres \pm)

BCC District: 5

Staff Recommendation: Staff recommends approval of the Type II Variance requests subject to 6 Conditions of Approval as indicated in Exhibit C-1. Staff recommends denial of the Development Order Amendment and Requested Use.

People who spoke on application

Carol Glasser – Site Planner II, gave a brief presentation
 Craig Carden – Agent – gave a brief presentation

MOTION: To adopt a resolution approving a Type II Variance to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer widths, divider median width, and dumpster setback subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
		Moved				Seconded		

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design).

Motion carried 7-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
		Moved				Seconded		

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with Gas Sales.

Motion carried 7-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved as Amended

8. **ZV/Z/CA-2012-02085** Title: an Official Zoning Map Amendment application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District
Title: a Class A Conditional Use application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales

General Location: Northwest corner of Lantana Road and Haverhill Road (**Raceway Market**) (Control 2012-00253)

Pages 182 - 232
 Conditions of Approval Pages (194 - 197)
 Project Manager: David McGuire
 Size: 6.88 acres ±
 (affected area 1.78 acres ±)

BCC District: 2

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment subject to a Conditional Overlay Zone and 3 Conditions of Approval as indicated in Exhibit C-1.

Staff recommends Denial of the Class A Conditional Use.

People who spoke on application

DG McGuire – Site Planner II – gave a brief presentation

Gary Brandenburg, Agent, Trent Eversall (Traffic Engineer) and Brian Terry, Agent, gave brief presentations discussing the modifications made to the proposed site plan. Janet Rasmussen Stevens spoke in favor of the project. Several members of the public spoke in opposition including: Ann Menor, Christine Campel, Mayor Sam Ferrari and Assistant City Manager Thomas Lanahan from the City of Greenacres, and David Iglesias. Additionally, a letter of opposition was received and filed from Thomas J. Baird, Esq. Most questioned the need for the intensity requested and whether the use was appropriate for the location based upon the 2005 Treasure Coast Regional Planning Council (TCRPC) Charrette and proximity to schools and residences.

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded						Moved		

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales.

Motion carried 7-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
Seconded						Moved		

Decision: Approved as Amended

- Z-2012-02793** Title: an Official Zoning Amendment application of Race Trac Petroleum Inc - Cory Hopkins by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District
General Location: Approximately 350 feet north of Lantana Road at the southwest corner of Nash Trail and Haverhill Road (**Rasmussen Residential**) (Control 2012-00580)

Pages 233 - 255
 Conditions of Approval Pages (237 - 238)
 Project Manager: David McGuire
 Size: 6.88 acres ±
 (affected area 5.10 acres ±)

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and 6 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded						Moved		

Decision: Approved as Advertised

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**
- C. COMMISSIONER COMMENTS**

Zoning Commission Chair Sherry Scarborough commented that she has received numerous calls from the public regarding an application that was approved several months ago, Delray Marketplace. She stated that there is plenty of parking at the site but that eighty percent is reserved for valet only parking. She inquired about what could be done with this situation and that how this could be prevented in the future. Wendy Hernandez, Zoning Manager, answered that this matter would be looked into.

ADJOURNMENT – 10:58 am