

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, JUNE 4, 2015
Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Sheri Scarborough, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William Anderson	Arrived at 9:01 am
Commissioner Sam Caliendo	Present
Commissioner Tinu Peña	Absent
Commissioner Alex Brumfield III	Arrived at 9:01 am
Commissioner Robert Currie	Present

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	Peña	Brumfield	Beatty	Currie
2,9,10	None	2,9,10	None	9	Absent	2,9,10	2,5,9,10	9

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

- 1. POSTPONEMENTS**

- 2. REMANDS**

- 3. WITHDRAWALS**

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

- 2. **DOA-2014-02507** Title: a Development Order Amendment application of All American Lube of Boca Inc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add square footage, modify Conditions of Approval (Landscaping and Engineering), and abandon a Car Wash (Permitted Use).
General Location: Northwest corner of SR 7/US 441 and Lantana Road. **(US 441 Land Trust Auto Repair)** (Control 2002-00027)

- 4. **Z/CA-2014-02502** Title: an Official Zoning Map Amendment application of Fuller Florence by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.
Title: a Class A Conditional Use application of Fuller Florence by Cotleur & Hearing Inc., Agent. Request: to allow a Day Care General.
General Location: On the south side of SW 185th Street, approximately 400 feet west of SR7/US 441. **(Florence Fuller Child Development Center)** (Control 1987-00150)

- 5. **ABN/CA-2015-00139** Title: Development Order Abandonment application of Gateway Community Church Inc, D.R Horton by Land Design South Inc., Agent. Request: to abandon the Class A Conditional Use granted under Resolution R-1999-2065 for a Place of Worship.
Title: a Class A Conditional Use application of Gateway Community Church Inc, D.R Horton by Land Design South Inc., Agent. Request: to allow Zero Lot Line lots.
General Location: Approximately 2,121 feet north of Hypoluxo Road on the west side of Lawrence Road. **(Veritas)** (Control 1999-00045)

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 1. **ABN/Z-2015-00333** Title: a Development Order Abandonment application of Palm Beach County Department of Airports by Urban Design Kilday Studios, Agent. Request: to abandon a Special Exception for a self-service gasoline station facility granted under Resolution R-1978-874.
Title: an Official Zoning Map Amendment application of Palm Beach County Department of Airports by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) and the General Commercial (CG) Zoning Districts to the Public Ownership (PO) Zoning District
General Location: 12 Parcels generally located at: Northeast corner of Military Trail and Country Club; the north and southwest corners of Military Trail and Bertram Street; the southwest corner of Military Trail and Cambridge Street; the southeast corner of Jules Street and Pine Road; the northeast corner of Wallis Road and William Road; on the west side at the terminus of Sandra Lane; and approximately 370 feet south of Wallis Road on the east side of Wayne Road. **(PBI Properties Rezoning)** (Control 2008-00362)

Pages 1 - 22

Conditions of Approval Pages (8-8)

Project Manager: Donna Adelsperger

Size: 5.45 acres ±

BCC District: 2,7

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 7 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Collene Walter, Agent – in agreement with the Conditions of Approval, including those on the Add/Delete

MOTION: To recommend approval of a Development Order Abandonment to abandon a Special Exception for a self-service gasoline station facility granted under Resolution R-1978-874.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multi-family Residential (RM) and the General Commercial (CG) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

Decision: Recommended approval the requests as amended with votes of 8-0

- 3. **DOA/TDR-2014-02516** Title: a Development Order Amendment application of Windsor Place Acquisition LLC by CMS Engineering LLC, Agent. Request: to modify/delete Conditions of Approval (Architectural, Landscape and Planning); reconfigure the Master Plan; restart of the commencement clock; and release the Restrictive Covenant.
 Title: a Transfer of Development Rights application of Windsor Place Acquisition LLC by CMS Engineering LLC, Agent. Request: to modify Conditions of Approval (Transfer of Development Rights).

General Location: Northwest corner of Lyons Road and Hypoluxo Road. **(Windsor Place MXPDP)** (Control 2003-00079)

Pages 49 – 84
 Conditions of Approval Pages (58-71)
 Project Manager: Melissa Matos
 Size: 40.00 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 48 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Pol Africano, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to modify/delete Conditions of Approval (Architectural, Landscape and Planning); reconfigure the Master Plan; restart the commencement clock; and to release the Restrictive Covenant subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Transfer of Development Rights to modify Conditions of Approval (Transfer of Development Rights) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
<u>D</u>			Seconded	Moved				

Decision: Recommended approval of the requests with votes of 8-0

6. **CB-2015-00138** Title: a Class B Conditional Use application of Equine Bedding of Florida LLC by Land Research Management Inc., Agent. Request: to allow a Recycling Plant.

General Location: North side of Wallis Road, between Clearly Road and Tall Pines Road. **(Equine Bedding of Florida)** (Control 2007-00172)

Pages 126 - 142

Conditions of Approval Pages (131 - 133)

Project Manager: Osniel Leon

Size: 5.87 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 16 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Kevin McGinley, Agent – in agreement with the Conditions of Approval including those on the Add/Delete

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Recycling Plant subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

Decision: Approved as amended with a vote of 8-0

7. **ZV-2014-02505** Title: a Type II Variance application of MPC 3 LLC by McCraney Property Co., Agent. Request: to eliminate the landscape buffer adjacent to the Florida's Turnpike; the landscape buffers within parcels 2 and 3 east of Cleary Road; and the landscape barrier wall in all buffers.

General Location: South of Belvedere Road east of the Florida's Turnpike. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages 143 - 181

Conditions of Approval Pages (148 - 148)

Project Manager: Osniel Leon

Size: 33.88 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to the 6 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Andrew Jacobson, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving Type II Variances to eliminate the landscape buffer adjacent to the Florida's Turnpike; the landscape buffers within parcels 2 and 3 east of Cleary Road; and the landscape barrier wall in all buffers, subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

Decision: Approved with a vote of 8-0

8. **Z/CA-2014-02097** Title: an Official Zoning Map Amendment application of Bethany Baptist Church of the PB, Inc. by Land Research Management Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) to the Single Family Residential (RS) Zoning District.

Title: a Class A Conditional Use application of Bethany Baptist Church of the PB, Inc. by Land Research Management Inc., Agent. Request: to allow a Place of Worship.

General Location: North side of Wallis Road, approximately 0.15 miles east of North Jog Road. **(Bethany Baptist Church)** (Control 2007-00016)

Pages 182 - 201

Conditions of Approval Pages (188 - 190)

Project Manager: Hank Flores

Size: 3.08 acres ±

BCC District: 2

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

People who spoke on application

Kevin McGinley, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

Decision: Recommended approval of the requests with votes of 8-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 2. **DOA-2014-02507** Title: a Development Order Amendment application of All American Lube of Boca Inc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add square footage, modify Conditions of Approval (Landscaping and Engineering), and abandon a Car Wash (Permitted Use).

General Location: Northwest corner of SR 7/US 441 and Lantana Road. (US 441 Land Trust Auto Repair) (Control 2002-00027)

Pages: 23 – 48

Conditions of Approval Pages (28-36)

Project Manager: Roger Ramdeen

Size: 11.53 acres ±

BCC District: 6

(affected area 0.97 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Wendy Hernandez, Zoning Manager – gave a brief presentation

Jennifer Vail, Agent – gave a brief presentation and requested the elimination of Engineering Condition 5, which requires a right-turn lane on US 441. She stated that her client’s application did not increase the daily trip count enough to require a right-turn lane.

From the public and speaking in opposition, Mark Stillman cited concerns with the bay doors of the structure facing the roadway and the flow of traffic making accidents more likely.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, modify Conditions of Approval (Landscaping and Engineering), and abandon a Car Wash (Permitted Use) subject to the Conditions of Approval as indicated in Exhibit C, excluding Engineering Condition 5.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

Decision: Recommended approval of the requests as amended with a vote of 8-0

4. **Z/CA-2014-02502** Title: an Official Zoning Map Amendment application of Fuller Florence by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.
Title: a Class A Conditional Use application of Fuller Florence by Cotleur & Hearing Inc., Agent. Request: to allow a Day Care General.

General Location: On the south side of SW 185th Street, approximately 400 feet west of SR7/US 441. **(Florence Fuller Child Development Center)** (Control 1987-00150)

Pages 85 - 107
 Conditions of Approval Pages (92 - 96)
 Project Manager: Carrie Rechenmacher
 Size: 5.98 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval as indicated in Exhibit C-1 and 24 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation
 Brian Chegus, Agent – gave a brief presentation

Zoning Commissioner Sheri Scarborough stated that she has been contacted by several members of the Boca Chase community, which borders this property. She stated that no meeting between the Agent and the neighboring residents had taken place and that she felt a 30 day postponement would be appropriate. This would provide enough time for a meeting to take place so that the residents could become informed about this application.

Andrew Speranzini, an attorney representing the Boca Chase Property Owners Association, Inc., spoke in opposition, stating that the residents were unsure of the implications of this application and would like to have a meeting with the Agents to clarify. He requested a 30-day postponement.

MOTION: To recommend postponement to Thursday, July 2, 2015.

Motion carried 6-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Nay	Yes	Yes	Yes	Absent	Nay	Yes	Yes
			Seconded	Moved				

DECISION: Postponed to Thursday, July 2, 2015 with a vote of 6-2

5. **ABN/CA-2015-00139** Title: Development Order Abandonment application of Gateway Community Church Inc, D.R Horton by Land Design South Inc., Agent. Request: to abandon the Class A Conditional Use granted under Resolution R-1999-2065 for a Place of Worship.
Title: a Class A Conditional Use application of Gateway Community Church Inc, D.R Horton by Land Design South Inc., Agent. Request: to allow Zero Lot Line lots.

General Location: Approximately 2,121 feet north of Hypoluxo Road on the west side of Lawrence Road. **(Veritas)** (Control 1999-00045)

Pages 108 - 125
 Conditions of Approval Pages (113 - 115)
 Project Manager: Osniel Leon
 Size: 5.19 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Osniel Leon, Site Planner II – gave a brief presentation

Jeff Brophy, Agent – gave a brief presentation and agreed to work with Lake Worth Drainage District to install additional fencing near the LWDD canal for security

From the public and speaking in opposition, Robert and Elizabeth Felton voiced concerns with privacy, possible trespassing, and safety concerns involving their exotic pet.

MOTION: To recommend approval of a Development Order Abandonment to abandon the Class A Conditional Use granted under Resolution R-1999-2065 for a Place of Worship.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Class A Conditional Use to allow Zero Lot Line lots subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

DECISION: Recommended approval of the requests as amended with votes of 8-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

*Applications ZV/Z/CA-2014-01883 and ZV/PDD-2014-01885 are tandem applications and were presented together.

- 9. **ZV/Z/CA-2014-01883** Title: a Type II Variance application of K. Hovnanian Homes by Land Design South Inc., Agent. Request: to eliminate a six foot opaque barrier, to reduce the number of trees with the Type II Incompatibility Buffer and to allow flexibility of the tree spacing in the landscape buffer.
- Title: an Official Zoning Map Amendment application of K. Hovnanian Homes by Land Design South Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.
- Title: a Class A Conditional Use application of K. Hovnanian Homes by Land Design South Inc., Agent. Request: to allow a golf course (existing).

General Location: Lyons Road and State Road 7, on the north side of Southwest 18th Street. **(Boca Dunes Golf Course)** (Control 2013-00354)

Pages 202 - 243

Conditions of Approval Pages (209 - 211)

Project Manager: Hank Flores

Size: 153.81 acres ±

BCC District: 5

(affected area 112.23 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1, 1 Condition of Approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

Wendy Hernandez, Zoning Manager – gave a brief presentation
 Brian Terry, Agent – gave a presentation

From the public and speaking in support, Stephen Cohen and Norman Silverstein cited economic benefits for area businesses, preventing failure of the golf course and improved security as among the positive impacts of this application. Andre Parke, representing the Sandalfoot Cove community, submitted a comment card in support.

MOTION: To adopt a resolution approving a Type II Variance to eliminate a six foot opaque barrier, to reduce the number of trees within the Type II Incompatibility Buffer and to allow flexibility of the tree spacing in the landscape buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Class A Conditional Use to allow a golf course (existing) subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

DECISION: Approved the Type II Variance and recommended approval of the rezoning and Class A Conditional Use with votes of 8-0

10. **ZV/PDD-2014-01885** Title: a Type II Variance application of Cove Club Inv Ltd by Land Design South Inc., Agent. Request: to eliminate a six foot opaque barrier, to reduce the number of trees within the Type II Incompatibility Buffer, and to allow flexibility of the tree spacing in the landscape buffer.

Title: an Official Zoning Map Amendment to a Planned Development District application of Cove Club Inv Ltd by Land Design South Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: Lyons Road and State Road 7 on the north side of Southwest 18th Street. **(Boca Dunes PUD)** (Control 2014-00169)

Pages 244 - 297
 Conditions of Approval Pages (252 - 254)
 Project Manager: Hank Flores
 Size: 153.81 acres ±
 (affected area 41.58 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1 and 13 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to eliminate a six foot opaque barrier, to reduce the number of trees within the Type II Incompatibility Buffer, and to allow flexibility of the tree spacing in the landscape buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded	Moved				

DECISION: Approved the Type II Variance and recommended approval of the rezoning with votes of 8-0

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 11:35 am