

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, August 4, 2016
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	Present - Arrived 9:07am
Commissioner Sam Caliendo	Present
Commissioner Carmine Priore	Absent
Commissioner Alex Brumfield III	Present - Arrived 9:12am
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 – 6-0

E. Adoption of the Minutes – Motion carried – 6-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
None, Item #1-Conflict	8	3, 8	8	5, 8	Absent	None	8 Item #6-Conflict	None

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

7. **DOA/R-2015-01918** Title: a Development Order Amendment application of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to reconfigure the Site Plan, delete square footage, add a Requested Use, and modify or delete Conditions of Approval (All Conditions). Title: a Requested Use application of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: Northeast corner of Hypoluxo Road and High Ridge Road. **(Hypoluxo Shoppes)** (Control 2008-00243)

Pages 230 - 275

Conditions of Approval Pages (238 - 249)

Project Manager: Joyce Lawrence

Size: 4.20 acres ±

BCC District: 3

Staff Recommendation: Staff recommends postponement to Thursday, September 1, 2016.

MOTION: To postpone to Thursday, September 1, 2016

Motion carried 8-0

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

Decision: Postponed to 09/01/2016 with a vote of 8-0-0

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

3. **DOA/R-2015-02530** Title: a Development Order Amendment application of F P Dino Inc a Requested Use. Title: a Requested Use application of F P Dino Inc by Covelli Design Associates Inc., Agent. Request: to allow a Type 3 Congregate Living Facility. General Location: Southeast corner of Lake Ida Road and Via Flora. **(Delray Villas – Civic Pod)** (Control 1975-00151)

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

1. **ZV/DOA-2016-00440** Title: a Type II Variance application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material and, to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area. Title: a Development Order Amendment application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to reconfigure site plan, and delete Conditions of Approval (Alternative Landscape Plan, and Engineering).

General Location: Approximately 0.5 miles south of Gateway Boulevard on the west side of Military Trail. **(Florida Power and Light Company-Boynton Beach Service Center)** (Control 1979-00191)

Pages 1 - 79

Conditions of Approval Pages (13 - 18) Project

Manager: Donna Adelsperger

Size: 17.12 acres ±

BCC District: 5

(affected area 8.70 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variances, subject to 12 Conditions of Approval as indicated in Exhibit C -1 and approval of the Development Order amendment subject to 14 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Joni Brinkman, Agent - In agreement with Conditions of Approval as amended.

MOTION: To adopt a resolution approving seven Type II Variances to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material and, to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-1

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

MOTION: To recommend approval for a Development Order Amendment to reconfigure site plan, and to delete and modify Conditions of Approval (Alternative Landscape Plan, and Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-1

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

Decision: Approved a Type II Variance (with conditions) with a vote of 7-0-1

D. ZONING APPLICATIONS – NEW

2. **DOA-2016-00087** Title: a Development Order Amendment application of Home Depot USA Inc, Halvorsen Inv Inc, JMA Properties Inc, RReef America Reit II Corp J, First Union Natl Bank of FL by Miller Land Planning, Agent. Request: to reconfigure the Site Plan, increase the building height and add square footage. General Location: Southeast corner of Glades Road and US-441. **(ABC Store 209B at Festival Shoppes of Boca Raton)** (Control 1990-00024)

Pages 80 - 115

Conditions of Approval Pages (85 - 94) Project Manager: Carolina Valera

Size: 39.96 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 72 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Bradley Miller, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; increase the building height; and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

Decision: Recommended approval of a Development Order Amendment with a vote of 8-0-0

4. **ZV-2016-00865** Title: a Type II Variance application of Addison Reserve Country Club by JMorton Planning & Landscape Architecture, Agent. Request: to allow a reduction in the number of parking spaces, and increase in the percentage of golf cart parking spaces.

General Location: South side of Linton Boulevard, west of Jog Road. **(Addison Reserve Country Club)** (Control 1980-00215)

Pages 136 - 161

Conditions of Approval Pages (141 - 141)

Project Manager: Diego Penalosa

Size: 23.19 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 9 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Jennifer Morton, Agent – In agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the number of parking spaces and increase the percentage of golf cart parking subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

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

5. **PDD/R-2015-02533** Title: an Official Zoning Map Amendment to a Planned Development District application of 7 t's Enterprises, Inc. by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Requested Use application of 7 t's Enterprises, Inc. by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility; a Type I Restaurant; and four Type II Restaurants. General Location: Northeast corner of Clint Moore Road and State Road 7. **(Thomas Packing Plant MUPD)** (Control 2007-00288)

Pages 162 - 216

Conditions of Approval Pages (171 - 185)

Project Manager: Yoan Machado

Size: 37.38 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 30 Conditions of Approval as indicated in Exhibit C-1; 18 Conditions of Approval as indicated in Exhibit C-2; 5 Conditions of Approval as indicated in each Exhibit C-3, C-4, C-5, C-6; and 5 Conditions of Approval as indicated in Exhibit C-7.

People who spoke on this application

Chris Barry, Agent – In agreement with Conditions of Approval

From the Public-Steven Wainger, spoke in opposition of the application due to issues with his privacy; Neil Schiller, spoke in support of application.

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type I Restaurant, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg E-2), subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg K), subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg N), subject to the Conditions of Approval as indicated in Exhibit C-5.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg O), subject to the Conditions of Approval as indicated in Exhibit C-6.

Motion carried 8-0

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

MOTION: To recommend approval of the Requested Use to allow a Type 3 Congregate Living Facility, subject to the Conditions of Approval as indicated in Exhibit C-7.

Motion carried 8-0

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

Decision: Recommended Approval of an Official Zoning Map Amendment to a Planned Development District with a vote of 8-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

6. Title: Application No. SD-158 Title: Resolution approving a Subdivision Variance application of Horizon 880, LLC by The Wantman Group, Inc.

Request: To allow a variance from the requirement that (A) no access from individual lots shall be permitted directly to a major street, instead access shall be provided by and limited to local streets or residential access streets; and (B) bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction and shall have sidewalks six feet wide on each side.

General Location: north side of County Road 880, approximately 6.5 miles west of Twenty Mile Bend/State Road 80, in the AP Zoning District. (Horizon Composting) (Control 2007-0033)

Pages 217 - 229

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C. Conditions of Approval

Conditions of Approval: Pages (223 - 223) Project Manager: Joanne Keller
Size: 31.60 acres +/-

BCC District: 6

People who spoke on this application

Jennifer Vail, Agent - In agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that access shall not be permitted directly to a major street (11.E.9.B.2) and a variance from the requirement for curbs and sidewalks on a bridge (11.E.2.A.10) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-1

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

Decision: Approved a Development Order Amendment (with conditions) with a vote of 7-0-1

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

3. **DOA/R-2015-02530** Title: a Development Order Amendment application of F P Dino Inc a Requested Use. Title: a Requested Use application of F P Dino Inc by Covelli Design Associates Inc., Agent. Request: to allow a Type 3 Congregate Living Facility. General Location: Southeast corner of Lake Ida Road and Via Flora. **(Delray Villas – Civic Pod)** (Control 1975-00151)

Pages 116 - 135

Conditions of Approval Pages (121 - 125)

Project Manager: Carlos Torres

Size: 5.63 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 15 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carlos Torres, Site Planner II - Gave a brief presentation
Glenn Weiss – spoke in support of the application

MOTION: To recommend approval for a Development Order Amendment to reconfigure the Master Plan and add a Requested Use, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To recommend approval for a Requested Use to allow a Type 3 Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of a Requested Use with a vote of 8-0-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

8. **ABN/ZV/CA/W-2015-02175** Title: a Development Order Abandonment application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to abandon the Class A Conditional Use to allow a Type I Restaurant as granted under Resolution R-1991-1477. Title: a Type II Variance application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow 24-hour operation within 250 feet of a residential zoning district. Title: a Type II Waiver application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a single story building; allow a building on a corner parcel to not be placed at the build-to-line; increase the front street setback; increase the side streets setback (2); reduce the primary building frontage; reduce the setback for outdoor uses to Non-PRA residential use; allow fuel pumps, canopies and queuing located in the front of building; no transparency on the south facade; allow parking and loading areas to be located in front; allow two freestanding signs, to allow size reduction of the loading zone; and to allow the pedestrian circulation zone to be not adjacent to the planting/amenity zone
General Location: Southeast corner of Military Trail and 10th Avenue North. **(WaWa-SEC 10th Ave and Military)** (Control 2013-00049)

Pages 276 - 326

Conditions of Approval Pages (287 - 292)

Project Manager: Carlos Torres

Size: 2.06 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; and approval of Type II Waivers 1-9 and 12 subject to 17 Conditions of Approval as indicated in Exhibit C-2.

and

Staff recommends denial of the Type II Variance and the Type II Waivers 10, 11, and 13.

People who spoke on this application

Carlos Torres, Site Planner II – gave a brief presentation

Scott Backman – gave a presentation

Katherine Ward, Dalbert Kerr from the public spoke in opposition due to access to and from their property.

Ross Kirschmen-Confirmed the letters the of suppose that were given to the Commissioners were from the people in the neighborhood..

MOTION: To recommend approval for a Development Order Abandonment to abandon the Class A Conditional Use to allow a Type I Restaurant as granted under Resolution R-1991-1477.

Motion carried 8-0

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

MOTION: To adopt a resolution to allow a 24-hour operation within 250 feet of a residential zoning district.

Motion carried 6-2

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

MOTION: To recommend approval for Type II Waivers (1-9 and 12) to allow a single story building; allow a building on a corner parcel to not be placed at the build-to-line; increase the front street setback; increase the side streets setback (2); reduce the primary building frontage; reduce the setback for outdoor uses to Non -PRA residential use; allow fuel pumps, canopies and queuing located in the front of building; no transparency on the south facade; and to allow size reduction of the loading zone subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

MOTION: To recommend approval of Type II Waivers (10, 11 and 13) to allow parking and loading areas to be located in front; of the structure to allow two freestanding signs and to allow the pedestrian circulation zone to be not adjacent to the planting/amenity zone.

Motion carried 8-0

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

Decision: To recommend approval for a Development order Abandonment and Type II Waiver with a vote of 8-0-0

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 – 10:45am