

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

FRIDAY, JANUARY 8, 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
Commissioner Sam Caliendo	Present
Commissioner Tinu Peña	Present
Commissioner Alex Brumfield III	Arrived 9:05 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 – 9-0

E. Adoption of the Minutes – Motion carried – 9-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
None	None	2	None	None	None	2	None	9

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

- 2. **Z/CA-2015-01024** Title: an Official Zoning Map Amendment application of Place of Hope at the Haven Campus Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Public Ownership (PO) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.
Title: a Class A Conditional Use application of Place of Hope at the Haven Campus Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a Type 3 Congregate Living Facility (CLF) use; and an Assembly, Nonprofit Institutional use.
General Location: South of Glades Road, west of Boca Rio Road. **(Place of Hope at the Rinker Campus)** (Control 1973-00206)

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 1. **ZV-2015-01451** Title: a Type II Variance application of Adrenalin Rush WPB, LLC, MPC 3 LLC by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the number of parking spaces.
General Location: East side of the Turnpike, northwest corner of Cleary Rd & Southern Blvd. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages 1 - 30

Conditions of Approval Pages (5 - 5)

Project Manager: Osniel Leon

Size: 61.40 acres ±

BCC District: 2

(affected area 33.89 acres ±)

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

People who spoke on this application

Josh Nichols, 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 subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

Decision: Approved with a vote of 9-0

D. ZONING APPLICATIONS – NEW

3. **CA-2015-01712** Title: a Class A Conditional Use application of Opportunity Inc Of Palm Beach County, R & L Properties Westgate LLC by Jon E Schmidt & Associates, Agent. Request: to allow a General Daycare.
General Location: Northeast corner of Donnell Road and Westgate Avenue.
(Opportunity Inc. Daycare) (Control 2015-00120)

Pages 62 - 90

Conditions of Approval Pages (68 - 70)

Project Manager: Carlos Torres

Size: 3.70 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to 17 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Josh Nichols, Agent – In agreement with conditions of approval as amended.

MOTION: To recommend approval of a Class A Conditional Use to allow a General Daycare subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

Decision: Recommended approval as amended with a vote of 9-0

4. **ZV/DOA-2015-00542** Title: a Type II Variance application of Evangelical Christian Credit Union by Shutts and Bowen LLP, Agent. Request: to eliminate a compatibility buffer.
Title: a Development Order Amendment application of Evangelical Christian Credit Union by Shutts and Bowen LLP, Agent. Request: to reconfigure the Site Plan and delete land area.

General Location: Southeast corner of Haverhill Road and Summit Boulevard.
(Evangelical Christian Credit Union) (Control 1986-00114)

Pages 91 - 128

Conditions of Approval Pages (98 - 107)

Project Manager: Joyce Lawrence

Size: 16.85 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1, and 49 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Charles Millar, Agent – In agreement with conditions of approval.

MOTION: To adopt a resolution approving a Type II Variance to eliminate a compatibility buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Site Plan and delete land area subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

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

Decision: Approved the Type II Variance and recommended approval of the Development Order Amendment with votes of 9-0.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

- 5. SD-152: Daversa TITLE: a Subdivison Variance application of Jeffrey N and Judith G Daversa, by Land Research Management, Inc., Agent. Request: To allow a variance from the requirement that access shall not be permitted by a major roadway. (Article 11.E.9.B.2).

General Location: 19050 Loxahatchee River Rd; east side of Loxahatchee River Road, north of Indiantown Road and south of the Martin County line.

Pages 129 - 144
 Conditions of Approval Pages (135 - 135)
 Project Manager: Joanne M. Keller
 Size: 1.33 acres +/-

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

People who spoke on this application

Kevin McGinley, Agent – In agreement with conditions of approval as amended.

MOTION: To adopt a resolution approving a Subdivision Variance to allow variance from the requirement that access to lots created by subdivision be by a local street and instead allow access by a major roadway subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: Approved as amended with vote of 9-0

6. SD-155: TITLE: a Subdivision Variance application of First and Ten Real Estate Corp., by Jon E. Schmidt and Associates, Agent. Request: To allow a variance from the requirement that access shall not be permitted by a local residential street. (Table 11.E.2.A-2).

Pages 145 - 157

Conditions of Approval Pages (150 - 151)

Project Manager: Joanne M. Keller

Size: 1.0 acres +/-

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Josh Nichols, Agent – In agreement with conditions of approval

MOTION: To adopt a resolution approving a Subdivision Variance to allow for reduction of the required 80 foot wide right-of-way and instead utilize the existing 60 ft. and 40 ft. rights-of-way as legal access to the lots to be combined subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: Approved with a vote of 9-0

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

2. **Z/CA-2015-01024** Title: an Official Zoning Map Amendment application of Place of Hope at the Haven Campus Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Public Ownership (PO) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.

Title: a Class A Conditional Use application of Place of Hope at the Haven Campus Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a Type 3 Congregate Living Facility (CLF) use; and an Assembly, Nonprofit Institutional use.

General Location: South of Glades Road, west of Boca Rio Road. **(Place of Hope at the Rinker Campus)** (Control 1973-00206)

Pages 31 - 61

Conditions of Approval Pages (38 - 43)

Project Manager: Melissa Matos

Size: 13.01 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requested Rezoning and Class A Conditional Uses subject to 1 Condition of Approval as indicated in Exhibit C-1; 17 Conditions of Approval as indicated in Exhibit C-2; and 11 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

Melissa Matos, Site Planner II – Gave a brief presentation.

Don Hearing, Agent – Gave a brief presentation and is in agreement with conditions of approval as amended.

Commissioners Kanel, Peña and Brumfield commended Agent for project.

Commissioner Scarborough cited concerns with traffic.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Public Ownership (PO) Zoning District to the Institutional and Public Facilities (IPF) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow an Assembly, Nonprofit Institutional Use subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 9-0

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

Decision: Recommended approval as amended with votes of 9-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

7. **PDD-2015-01732** Title: an Official Zoning Map Amendment to a Planned Development District application of Herbert Kahlert, Gerald Barbarito by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Multiple Use Planned Development (MUPD) and Agriculture Residential (AR) Zoning Districts to the Planned Unit Development (PUD) Zoning District.

General Location: Northeast corner of Lake Worth Road and Lyons Road. **(Hamlet Estates at Lake Worth)** (Control 2015-00119)

Pages 158 - 188

Conditions of Approval Pages (165 - 168)

Project Manager: Osniel Leon

Size: 34.56 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 22 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Osniel Leon, Site Planner II – Gave a brief presentation

Joni Brinkman, Agent – Gave a brief presentation for this application along with application ZV/Z/CA-2015-01731, Village Corner Commercial and is in agreement with conditions of approval as amended for applications.

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

Motion carried 9-0

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

DECISION: Recommended approval as amended with a vote of 9-0

8. **ZV/Z/CA-2015-01731** Title: a Type II Variance application of Herbert Kahlert, Lyons Petroleum Inc by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the terminal islands widths.
Title: an Official Zoning Map Amendment application of Herbert Kahlert, Lyons Petroleum Inc by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Commercial General (CG) Zoning District.
Title: a Class A Conditional Use application of Herbert Kahlert, Lyons Petroleum Inc by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: Northeast corner of Lake Worth Road and Lyons Road.
(Village Corner Commercial) (Control 1998-00077)

Pages 189 - 220

Conditions of Approval Pages (197 - 200) Project

Manager: Osniel Leon

Size: 14.26 acres ±

BCC District: 6

(affected area 2.43 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance V1, subject to 5 Conditions of Approval as indicated in Exhibit C-1; the Rezoning subject to a Conditional Overlay Zone and 3 Conditions of Approval as indicated in Exhibit C-2; and, the Class A Conditional Use subject to the 15 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the terminal islands widths subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Commercial General (CG) Zoning District subject to a Conditional Overlay Zone (COZ) and Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	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 subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 9-0

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

Decision: Approved the Type II Variance and recommended approval of the Official Zoning Map Amendment and Class A Conditional Use Approval with votes of 9-0.

9. **ZV/Z/DOA-2015-01385** Title: an Official Zoning Map Amendment application of AMKBJ Partners LTD LLLP, TLH 29 Anwar LLC, TLH 35 Bac Pioneer LLC by Wantman Group Inc., Agent. Request: to allow a rezoning from Agricultural Residential (AR), Residential Estate (RE), and Residential Transitional (RT) Zoning Districts to the Residential Single-family (RS) Zoning District.

TITLE: Stipulated Settlement Agreement REQUEST: to request relief filed pursuant to FLA. STAT. §70.51, F.S.

General Location: Approximately 520 feet east of Lyons Road, on the north side of Pioneer Road (**Pioneer Royale**) (Control 2012-00650)

Pages 221 - 258

Conditions of Approval Pages (228 - 230)

Project Manager: Wendy Hernandez

Size: 22.94 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 23 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Wendy Hernandez, Zoning Manager – Gave a brief presentation.

Jeff Brophy, Agent – Gave a brief presentation and is in agreement with the conditions of approval as advertised.

Daniel Sowers and Mark Davis spoke in opposition of the application.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR), Residential Estate (RE) Zoning District, and Residential Transitional (RT) Zoning District to the Residential Single-family (RS) Zoning District, subject to a Conditional Overlay Zone (COZ) and 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	Yes	Yes	Abstain	Yes
		Seconded				Moved		

Decision: Recommended approval with a vote 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

Commissioner Kanel spoke of concerns with the lack of communication between City and County in regards to Avenir, Minto Westlake, and other upcoming projects. Executive Director Rebecca Caldwell agreed to inform the County Engineer, George Webb, so that he may attend a ZC hearing and give a presentation of Traffic coordination with the municipalities.

ADJOURNMENT – 10:45AM

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MARK STEVEN BEATTY, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of THE WANTMAN GROUP INC., which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE WANTMAN GROUP INC. PURCHASED THE STRUCTURAL ENGINEERING FIRM OF BRIDGE DESIGN. MY FIRM, ARCHITECTURE GREEN LLC. HAD PROFESSIONAL SERVICE CONTRACTS WITH BRIDGE DESIGN AND VICE VERSA. THESE CONTRACTS HAVE BEEN TRANSFERRED TO THE WANTMAN GROUP INC.

1/08/2010
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.