

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, May 5, 2016
Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Dr. Carmine Priore was sworn in to serve as the newest Zoning Commissioner for District 6.

Commissioner, Sheri Scarborough, Chair	Present
Commissioner, Sam Caliendo, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William Anderson	Present
Commissioner Mark Beatty	Present
Commissioner Carmine Priore	Present
Commissioner Alex Brumfield III	Present
Commissioner Robert Currie	Absent

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	Priore	Brumfield	Beatty	Currie
6	6	6	6	6	6	6	6	Absent

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- DOA-2015-01719** Title: a Development Order Amendment application of Boca Lago Country Club, Inc by Wantman Group Inc., Agent Request: to reconfigure the Master Plan, and modify and delete Conditions of Approval (Planned Unit Development and Planning).

General Location: North of Palmetto Park Road and Lyons Road. **(Boca Lago PUD)**
(Control 1973-00036)

Pages 1 - 34
Project Manager: Joyce Lawrence
Size: 546.50 acres ±
(affected area 23.30 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends postponement to June 2, 2016.

MOTION: To postponement to June 2, 2016.

Motion carried 7-0-1

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

Decision: Postponed to June 2, 2016.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

- 4. **DOA-2015-02347** Title: a Development Order Amendment application of Credit Brightstar, Costco Wholesale Corp by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, reduce square footage, add fueling positions and pumps, and modify Conditions of Approval (Engineering, Planned Development, Site Design and Use Limitations).

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 2. **ZV/DOA/CB-2015-02524** Title: a Type II Variance application of Rosso Realty LLC, Wallis Road Properties LLC by Urban Design Kilday Studios, Agent. Request: to allow storage of material and activities outside of an enclosed building.

Title: a Development Order Amendment application of Rosso Realty LLC, Wallis Road Properties LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, delete square footage, delete Conditions of Approval (Landscaping and Engineering), and add a Class B Conditional Use.

Title: a Class B Conditional Use application of Rosso Realty LLC, Wallis Road Properties LLC by Urban Design Kilday Studios, Agent. Request: to allow Chipping and Mulching.

General Location: Northeast corner of Wallis Road and 68th Avenue. (**Aquarius Recycling LLC**) (Control 2007-00172)

Pages 35 - 85

Conditions of Approval Pages (43-48)

Project Manager: Donna Adelsperger

Size: 5.87 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 16 Conditions of Approval in Exhibit C-2 and 6 Conditions of Approval in Exhibit C-3.

People who spoke on this application

Michele Cutera – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow storage of material and activities outside of an enclosed building 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	Yes	Yes	Yes	Absent
		Seconded				Moved		

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan, delete square footage, delete Conditions of Approval (Landscaping and Engineering), and add a Class B Conditional Use 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	Yes	Yes	Yes	Absent
		Seconded				Moved		

MOTION: To adopt a resolution approving a Class B Conditional Use to allow Chipping and Mulching 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	Yes	Yes	Yes	Absent
		Seconded				Moved		

Decision: Approved a Type II Variance, a Class B Conditional Use, and a Development Order Amendment with votes of 8-0

D. ZONING APPLICATIONS – NEW

3. **CB/CA-2015-02340** Title: a Class B Conditional Use application of Congregation Cheva Kadisha Inc. by Miller Land Planning, Agent Request: to allow two (2) Cemeteries.
 Title: a Class A Conditional Use application of Congregation Cheva Kadisha Inc. by Miller Land Planning, Agent. Request: to allow a Place of Worship.

General Location: Southwest corner of Congress Avenue and Lantana Road. **(Chevra Kadisha Cemetery)** (Control 1979-00132)

Pages 86 - 132

Conditions of Approval Pages (92-98)

Project Manager: Yoan Machado

Size: 14.66 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject 15 Conditions of Approval as indicated in Exhibit C-1, 15 Conditions of Approval as indicated in Exhibit C-2 and 18 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Bradley Miller, Agent – in agreement with the Conditions of Approval including amending Landscape Condition number 1

MOTION: To adopt a resolution approving a Class B Conditional Use allow a Cemetery (Parcel A) 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	Yes	Yes	Yes	Absent
		Seconded				Moved		

MOTION: To adopt a resolution approving a Class B Conditional Use allow a Cemetery (Parcel B) 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	Yes	Yes	Yes	Absent
		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-3.

Motion carried 8-0

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

Decision: Approved two Class B Conditional Uses and recommended approval of a Class A Conditional Use with votes of 8-0.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

4. **DOA-2015-02347** Title: a Development Order Amendment application of Credit Brightstar, Costco Wholesale Corp by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, reduce square footage, add fueling positions and pumps, and modify Conditions of Approval (Engineering, Planned Development, Site Design and Use Limitations).

General Location: East side of Congress Avenue north of Clint Moore Road. **(Costco at Boca Congress Center)** (Control 1995-00063)

Pages 86 - 132

Conditions of Approval Pages (92-98)

Project Manager: Yoan Machado

Size: 14.66 acres ±

BCC District: 3

(affected area 6.39 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 54 Conditions of Approval as indicated in Exhibit C-1 and 9 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Yoan Machado, Site Planner II, with a brief presentation

Scott Backman, Agent – with a brief presentation and read a Condition into the record

From the public and speaking in opposition, Harold Vogt, Jon Morin, and Ann Averso cited concerns with increased traffic and accidents. They suggested that the south access to this property should be restricted to entrance only. Ralf Brookes, an attorney representing the Boca Golf and Tennis Club, also spoke in opposition and requested a Condition of Approval which limited the southern entrance to ingress only.

Herbert Levy, from the public, spoke in support of this project but also requested a Condition limiting the southern access.

Trent Eversol, Traffic Engineer for the applicant, gave an overview of the Traffic Study and answered questions regarding the proposed Condition limiting the southern access.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, reduce square footage, add fueling positions and pumps, and modify Conditions of Approval (Engineering, Planned Development, Site Design and Use Limitations) subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

Motion carried 8-0

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

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

5. **Z/DOA-2015-02523** Title: an Official Zoning Map Amendment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential High Density (RH) Zoning District to the Residential Single Family (RS) Zoning District.

Title: a Development Order Amendment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, add land area, square footage, and an access point.

General Location: Approximately 1 mile north of Indiantown Road on the east side of Limestone Creek Road. **(Els Center for Excellence)** (Control 1975-00168)

Pages 173 - 195

Conditions of Approval Pages (179-183)

Project Manager: Joyce Lawrence

Size: 26.85 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1 and 26 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Joyce Lawrence, Site Planner II, with a brief presentation

Dan Sorrow, Agent – with a presentation

From the public, Brian Artigas spoke with concerns about increased traffic and requested additional landscaping in the buffer along the proposed access road behind the existing residences.

MOTION: To recommend approval of the Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the Residential Single Family (RS) Zoning District subject to the Condition 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	Yes	Yes	Yes	Absent
			Seconded			Moved		

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Site Plan, add land area, square footage, and an access point 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	Yes	Yes	Yes	Absent
			Seconded			Moved		

DECISION: Recommended approval of an Official Zoning Map Amendment and a Development Order Amendment with votes of 8-0

6. **ZV-2015-01938** Title: a Type II Variance application of Amerigrow Recycling by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to eliminate the interior trees, the Right-of-Way Buffer and associated plant materials along the south property line, and the Compatibility Buffers and associated plant materials along the north, east, and west property lines.

General Location: Approximately 1,320 feet west of State Road 7 on the south side of West Atlantic Avenue. **(Amerigrow Recycling)** (Control 1993-00022)

Pages 196 - 222

Conditions of Approval Pages (203-203)

Project Manager: Donna Adelsperger

Size: 29.94 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application

Donna Adelsperger, Site Planner I, with a presentation

Marty Perry, Agent, with a presentation

Bob Schulbaum, President, and Lori Vinikoor, Vice President of the Alliance of Delray Residential Associations, spoke in opposition to this application, citing concerns with the impact on the environment, the need for additional trees, and possible water contamination. Ms. Vinikoor also submitted a document listing the test results for the level of ammonia in the Lakes of Tierra Del Rey.

After discussion with the Zoning Commissioners, Staff and the Agent, it was decided that the applicant will be required, as a Condition of Approval, to post a bond to cover the cost of installing the required buffer, should development ever occur on the surrounding properties.

MOTION: To adopt a resolution approving a Type II Variance to eliminate the interior trees, the Right-of-Way Buffer and associated plant materials along the south property line, and the Compatibility Buffers and associated plant materials along the north, east, and west property lines.

Motion carried 6-2

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

DECISION: Approved a Type II Variance with a vote of 6-2.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

7. Annual Workshop

Pages 223 – 238

Staff updated the Zoning Commissioners on issues including the Sunshine Law, the Rules of Ethics, and attendance requirements. Discussion also included term limits and staff recommendations versus the ZC voting actions.

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 11:33 am

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 May, 5, 20 16 :

(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.

Agenda May 5, 2016
Items #1 - DOA-2015-01719

MAY / 5 / 2016 Mark Beatty

Date Filed 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.