

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, APRIL 3, 2014

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 Alex Brumfield, Chair	Present
Commissioner Mark Beatty, Vice Chair	Absent
Commissioner Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	Present
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Present
Commissioner Joanne Davis	Present
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	Davis	Brumfield	Beatty	Currie
None	9	7	1,2,4,9	1,2,3,7,9	None	2,8	Absent	8

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

1. **W/DOA/R-2013-01335** Title: a Development Order Amendment application of McDonalds USA, LLC by Land Design South Inc., Agent. Request: to reconfigure the Site Plan; add square footage and add a Requested Use.
Title: a Requested Use application of McDonalds USA, LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant with drive-through lanes.

General Location: Northwest corner of Nassau Road and Lake Worth Road. (**Nassau Square - McDonald's**) (Control 1973-00220)

Pages – 1-26

Conditions of Approval Pages (6-8)

Project Manager: Joyce Lawrence

Size: 20.28 acres ±

BCC District: 2

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

People who spoke on application

Brian Terry, Agent - in agreement with the Conditions of Approval

From the public, Coleen La Costa spoke in favor of the application but expressed concerns with the traffic signal at Lake Worth Road and Nassau Road. She stated that a green arrow should be installed for left turns. She also stated that the current exit from Nassau Square onto Hadjes Boulevard is unsafe and should be reconfigured to allow only right turns.

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

Motion carried 8-0

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with drive-through lanes.

Motion carried 8-0

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

DECISION: Recommended Approval 8-0, as Amended

2. **ABN/DOA-2013-02925** Title: a Development Order Abandonment application of Colony At Lake Worth, LLC by Land Design South Inc., Agent. Request: to abandon the Transfer of Development Rights (TDR) approved under R-2008-1708 for the purchase of 23 additional TDR units.

Title: a Development Order Amendment application of Colony At Lake Worth, LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan; re-designate units from Multi-family to Townhomes; to reduce the number of overall units from 221 to 191; and to modify/delete Conditions of Approval (Landscape, Planned Unit Development, Planning) in Resolution R-2011-0569.

General Location: Northwest corner of Lantana Road and Myers Road (52nd Drive South). **(Colony at Lake Worth PUD)** (Control 2003-00011)

Pages 27- 56

Conditions of Approval Pages (34-44)

Project Manager: Carol Glasser

Size: 22.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 45 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Doug Murray, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of the Development Order Abandonment to abandon the Transfer of Development Rights (TDR) approved under R-2008-1708 for the purchase of 23 additional TDR units.

Motion carried 8-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; re-designate units from Multi-family to Townhomes; to reduce the number of overall units from 221 to 191; and to modify/delete Conditions of Approval (Landscape, Planned Unit Development, Planning) in Resolution R-2011-0569 subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Recommended Approval 8-0 as Amended

3. **ZV/DOAR-2013-03102** Title: a Type II Variance Concurrent application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to allow hours of operation for a Fitness Center to commence at 5:00 a.m.; a reduction in the Right-of-Way (ROW) Buffer along Palmetto Park Circle; and, 100 percent easement overlap for a portion of the Right-of-Way buffer along Palmetto Circle North
Title: a Development Order Amendment application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to modify the site plan and add a Requested Use.
Title: a Requested Use application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to allow a Fitness Center.

General Location: Northwest of intersection of Powerline Road and West Palmetto Park Road. **(Del Mar Plaza)** (Control 1989-00117)

Pages 57-87

Conditions of Approval Pages (64-67)

Project Manager: David McGuire

Size: 13.26 acres ±

(affected area 2.00 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 20 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Jennifer Morton, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow hours of operation, for a Fitness Center to commence at 5:00 a.m.; a reduction in the Right-of-Way (ROW) Buffer along Palmetto Park Circle and 100 percent easement overlap for a portion of the ROW buffer along Palmetto Circle North subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and to add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

MOTION: To recommend approval of a Requested Use to allow a Fitness Center.

Motion carried 8-0

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

DECISION: Approved 8-0 and Recommended Approval 8-0, as Amended

4. **PDD-2013-02611** Title: an Official Zoning Map Amendment to a Planned Development District application of FEA Ministries Inc, OB Real Estate Holdings 1645 LLC, Witt Investments Inc, MM Lake Worth LLC by Urban Design Kilday Studios, Agent. Request: to allow rezoning from the Agriculture Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Planned Unit Development (PUD) Zoning District.

General Location: Located on the Southwest corner of Hypoluxo Road and Hypoluxo Farms Road. **(Marquez-Jones)** (Control 2005-00414)

Pages 88-127

Conditions of Approval Pages (93-95)

Project Manager: Roger Ramdeen

Size: 57.19 acres ±

BCC District: 3

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

People who spoke on application

Chris Barry, Agent – in agreement with the Conditions of Approval

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

Motion carried 8-0

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

DECISION: Recommended Approval 8-0

E. CORRECTIVE RESOLUTIONS

5. **CRZ-2014-00344** Title: a Corrective Resolution application of Westcap Corp Of Delaware, Palm Beach County by PLACE Planning & Design, Agent. Request: to correct the legal description contained within Resolution ZR-2014-002, Application ZV/DOA-2013-02365.

General Location: Located on the north side of Belvedere Road, approximately half a mile east of Congress Avenue. **(National/Alamo Rent-A-Car)** (Control 1988-00088)

Pages 128-130

Project Manager: Roger Ramdeen

Size: 19.96 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution correcting the legal description contained within Resolution ZR-2014-002, application ZV/DOA-2013-02365.

Motion carried 8-0

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

DECISION: Approved 8-0

F. SUBDIVISION VARIANCE

- 6. SD-142 Title: a Subdivision Variance application of Okee Property West, LLC by Robert Deziel, Agent. Request: to allow a reduction in the required side slopes for a dry detention/retention facility

General Location: south of Okeechobee Boulevard, east of Church Street and west of Florida Mango Road. (Okee Property West, LLC) (Control 1988-00029)

Pages 131–132

Conditions of Approval Pages (131-131)

Project Manager: Joanne M. Keller

Size: 2.43 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 2 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Michael LaCoursiere, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Subdivision Variance to allow a reduction in the required side slopes for a dry detention/retention facility subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7. **ZV/DOA/R-2013-02595** Title: a Type II Variance application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to allow a business activity 2:00 a.m. within 300 feet of a residential unit; a reduction in the landscape buffer width and plant materials; and, elimination of the required wall.

Title: a Development Order Amendment application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to modify the Site Plan; and, to add a Requested Use.

Title: a Requested Use application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to allow a Cocktail Lounge within 300 feet of a Residential District.

General Location: Approximately 0.5 miles west of Military Trail on the south side of SW 18th Street. **(Shoppes at Village Pointe)** (Control 1984-00152)

Pages 133 -167

Conditions of Approval Pages (142 -146)

Project Manager: Joyce Lawrence

Size: 7.00 acres ±

BCC District: 4

Staff Recommendation: Staff recommends denial of the Type II Variance to allow business activity until 2:00 a.m. within 300 feet of a residential unit (V1) and approval of the requests to reduce the landscape buffer width and plant materials and eliminate the wall (V2 and V3) subject to 6 Conditions of Approval as indicated in Exhibit C-1; and approval of the Development Order Amendment and Requested Use subject to 24 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

F. Martin Perry, Agent – Requesting a postponement to May 1, 2014

MOTION: To postpone to May 1, 2014.

Motion carried 8-0

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

DECISION: Postponed to May 1, 2014

8. **ZV-2013-01622** Title: a Type II Variance application of F G H Inc by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the rear setback; the number of off-street parking spaces; the number of queuing spaces; the minimum width for one way drive aisles and the Right-of-Way (ROW) buffer widths along Alternate A1A and Florida Boulevard.

General Location: Southeast corner of Alternate A1A and Florida Boulevard. **(Thomas Colony Shell)** (Control 1988-00100)

Pages 168 – 192

Conditions of Approval (174-174)

Project Manager: Roger Ramdeen

Size: 0.69 acres ±

BCC District: 1

Staff Recommendation: Staff recommends denial of the request for Type II Variances (V1 and V2) to reduce the rear setback and the number of off-street parking spaces, and approval of the Type II Variance (V3, V4, V5 and V6) to reduce the number of queuing spaces, the minimum width for one way drive aisles, and the Right-of-Way (ROW) buffer widths along Alternate A1A and Florida Boulevard, subject to the 7 Conditions of Approval as indicated in Exhibit C..

People who spoke on application

Roger Ramdeen, Site Planner II, gave a brief presentation

Josh Nichols, Agent – gave a brief presentation, amending the requests

MOTION: To adopt a resolution approving the Type II Variances (V1 and V2) to reduce rear setback and the number of off-street parking spaces. The strange shape of the lot, long-narrow, qualifies it to meet the variance criteria.

Motion carried 8-0

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

MOTION: To adopt a resolution approving the Type II Variances (V3, V4, V5 and V6) to reduce the number of queuing spaces; the minimum width for one way drive aisles, and the Right-of-way (ROW) buffer widths along Alternate A1A and Florida Boulevard, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Approved 8-0

9. **ZV/W/TDD/DOA-2013-02609** Title: a Type II Variance application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow an increase in the maximum number of parking spaces; and, a decrease in the minimum dimensions for a plaza.

Title: a Type II Waiver application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a Waiver of the requirement for structured parking in the Agricultural Reserve Tier.

Title: a Traditional Development District application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) Zoning District.

Title: a Development Order Amendment application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan and add land area.

General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages 193-267

Conditions of Approval Pages (204-220)

Project Manager: Carol Glasser

Size: 97.66 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and 83 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Carol Glasser, Site Planner II, gave a brief presentation

Wendy Tuma, Agent – gave a brief presentation

From the public, Dr. Lori Vinikoor, representing the Alliance of Delray, spoke in support of the application.

MOTION: To adopt a resolution approving Type II Variances to allow an increase in the maximum number of parking spaces and a decrease in the minimum dimension for a plaza subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-2

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

MOTION: To recommend approval of a Type II Waiver to allow a waiver of the requirement for structured parking in the Agricultural Reserve Tier.

Motion carried 5-2

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

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) Zoning District.

Motion carried 5-2

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add land area subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-2

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

DECISION: Approved and Recommended Approval 5-2

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

10. Zoning Commission Workshop

Pages 268-332

During this workshop, the commissioners requested a change to the Unified Land Development Code (ULDC) to require submission of Architectural Elevations for review at the initiation of zoning applications. Staff will draft a letter to the Board of County Commission expressing the Zoning Commission's request. A change in procedure for the Release of Unity of Title was explained, as well as an update on ULDC amendments and the current Use Project. Assistant County Attorney Bob Banks discussed current requirements for Ethics at the State and County level and answered questions on voting conflicts.

C. EXECUTIVE DIRECTOR

D. COMMISSIONER COMMENTS

ADJOURNMENT – 10:35 am