

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, MARCH 6, 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 III, Chair	Present
Commissioner Mark Beatty, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William 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 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	Davis	Brumfield	Beatty	Currie
None	None	None	None	None	None	None	None	None

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **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 between 11:00 p.m. and 6:00 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 1 -1
 Conditions of Approval Pages (136 -140)
 Project Manager: Joyce Lawrence
 Size: 7.00 acres ±
 (affected area 0.22 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends a postponement to April 3, 2014.

MOTION: To postpone to April 3, 2014.

Motion carried 9-0

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

DECISION: TO POSTPONE TO APRIL 3, 2014 9-0

2. **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, above ground gas tank setback, the number of off-street parking spaces, the number of queuing spaces, the minimum width for one way drive aisles, the minimum width for foundation plantings, allow an increase in easement overlap, the right -of-way buffer widths along Alternate A1A and Florida Boulevard, to eliminate shrubs within the right-of-way buffers along Alternate A1A and Florida Boulevard; and, to increase sign height.

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

Pages 2 - 2

Project Manager: Roger Ramdeen

Size: 0.69 acres +

(affected area 0.24 acres +)

BCC District: 1

Staff Recommendation: Staff recommends a postponement to April 3, 2014.

MOTION: To postpone to April 3, 2014.

Motion carried 9-0

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

DECISION: TO POSTPONED TO APRIL 3, 2014 9-0

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**

Item 3 pulled to Regular Agenda

- 4. Z/DOA-2013-02915** Title: an Official Zoning Map Amendment application of Wellington Preparatory School Property L, Wellington Preparatory School, LLC by Miller Land Planning, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Development Order Amendment application of Wellington Preparatory School Property L, Wellington Preparatory School, LLC by Miller Land Planning, Agent. Request: to modify the Site Plan and add land area.

General Location: North side of Lake Worth Road west of Lyons Road. **(Wellington Preparatory School)** (Control 1998-00012)

Pages 32 - 59

Conditions of Approval Pages (38 - 43)

Project Manager: Carol Glasser

Size: 13.03 acres +

(affected area 4.11 acres +)

BCC District: 6

Staff Recommendation: Staff recommends approval of the rezoning; and, approval of the Development Order Amendment request subject to 42 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

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

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

Motion carried 9-0

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

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

Motion carried 9-0

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

DECISION: Approved 9-0

- ZV-2013-02617** Title: a Type II Variance application of Congress Plaza LLC by Land Research Management Inc., Agent. Request: to allow a reduction in the length of the building frontage.

General Location: Approximately 550 feet south of Okeechobee Boulevard on the east side of Congress Avenue. **(Congress Plaza Parking Lot)** (Control 1999-00090)

Pages 60 - 73

Conditions of Approval Pages (63 - 63)

Project Manager: Roger Ramdeen

Size: 0.95 acres +

BCC District: 2

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

People who spoke on application

Kevin McGinley, Agent – In Agreement with Condition of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the length of the building frontage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED 9-0

- ZV/CB/ABN-2013-01845** Title: a Type II Variance application of Jasmine Of Palm Beach Ltd by Land Design South Inc., Agent. Request: to allow an increase in the maximum setback from the build-to-line from Congress Avenue and to the side street setback, to eliminate the queuing requirement at both ends of the pump islands and to reduce the width of the right-of-way buffer

Title: a Class B Conditional Use application of Jasmine Of Palm Beach Ltd by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales.

Title: a Development Order Abandonment application of Jasmine Of Palm Beach Ltd by Land Design South Inc., Agent. Request: to abandon a Special Exception for a Gasoline Pump Island granted under Resolution 1980-0377.

General Location: Located on the northwest corner of Congress Avenue and Westgate Avenue. **(Meerdink's Little Ranches)** (Control 1980-00008)

Pages 74 - 106

Conditions of Approval Pages (82 - 84)

Project Manager: Roger Ramdeen

Size: 0.61 acres +

BCC District: 7

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 6 Conditions of Approval as indicated in Exhibit C-1; approval of the Class B Conditional Use subject to 11 Conditions of Approval as indicated in Exhibit C-2; and, approval of the Development Order Abandonment.

People who spoke on application

Jeff Brophy, Agent - In agreement with Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in the maximum setback from the build-to-line from Congress Avenue and to the side street setback, to eliminate the queuing requirement at both ends of the pump islands and to reduce the width of the right-of-way buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

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

MOTION: To recommend approval of a Development Order Abandonment to abandon a Special Exception for a Gasoline Pump Island granted under Resolution 1980-0377.

Motion carried 9-0

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

DECISION: APPROVED 9-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 3. **DOA-2013-01342** Title: a Development Order Amendment application of Buckeye Real Estate Investments LLC by Creech Engineers Inc., Agent. Request: to modify the Site Plan, add an access point, and modify a Conditions of Approval (Signage, Access).

General Location: Northwest corner of SR7/US441 and Palmetto Park Road. **(West Boca Square)** (Control 1980-00114)

Pages 3 - 31

Conditions of Approval Pages (8 - 17)

Project Manager: Carrie Rechenmacher

Size: 33.99 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 56 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Carrie Rechenmacher, Senior Site Planner - Gave a brief presentation.

Gregory Mitchell, Attorney - Representing shopping center & residential property owners, El Bosque Way LLC - Spoke in opposition of application. Mr. Mitchell stated his client was not sufficiently informed about the proposal and requested a 60 day postponement to speak with applicant. The Zoning Commission agreed with the postponement to allow sufficient time to resolve any outstanding issues between applicant and property owner.

Commissioner Scarborough volunteers to meet with the applicant, residents and property owner to discuss the issues.

MOTION: To postpone 60 days to May 1, 2014

Motion carried 9-0

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

DECISION: TO POSTPONE TO MAY 1 2014 9-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7. **ZV/ABN/DOA-2013-01347** Title: a Type II Variance application of Boca Medical Plaza, LLC by RKB Architects Planners Inc., Agent. Request: to allow a reduction in the number of parking spaces and eliminate a loading space.

Title: a Development Order Abandonment application of Boca Medical Plaza, LLC by RKB Architects Planners Inc., Agent. Request: to abandon the Special Exception for a Helipad approved by resolution R-80-1010 and amended by resolutions R-86-96 and R-86-98.

Title: a Development Order Amendment application of Boca Medical Plaza, LLC by RKB Architects Planners Inc., Agent. Request: to modify the Site Plan and add square footage.

General Location: Southwest corner of Powerline Road and Camino Real. **(Fountains Center aka Camino Real Centre)** (Control 1980-00108)

Pages 107 - 140

Conditions of Approval Pages (114 - 119)

Project Manager: Carol Glasser

Size: 14.60 acres +

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1 for the Type II Variance and 25 Conditions of Approval as indicated in Exhibit C-2 for the Development Order Amendment.

People who spoke on application

Carol Glasser, Site Planner II - Gave a brief presentation

Richard Brook, Agent - Gave a brief presentation and agreed to the Conditions of Approval.

The Zoning Commission requested the Architectural Elevations of the proposed Building #7500. Staff indicated the Architectural Condition of Approval requires the Architectural Elevations be submitted for review and approval at time of submittal for Final Approval by the Development Review Officer (DRO). Staff indicated that the applicant had submitted a rendering only of the proposed building and that the rendering had not been included in the staff report because the rendering was not in compliance with Art. 5.C Design Guidelines of the Unified Land Development Code (ULDC).

However, the ZC was interested in aesthetic review and discussion of the rendering and the rendering was provided to the ZC at the hearing.

MOTION: To adopt a resolution approving Type II Variances to allow a reduction in the number of parking spaces and eliminate a loading space subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-1

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

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception for a Helipad approved by resolution R-80-1010 and amended by resolutions R-86-96 and R-86-98.

Motion carried 9-0

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

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

Motion carried 9-0

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

DECISION: APPROVED 8-1 ZV 9-0 ABN/DOA

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT 9:50 A.M