

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, FEBRUARY 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 Sheri Scarborough, Chair	- Present
Commissioner Alex Brumfield, Vice Chair	- Arrived 9:20 a.m.
Commissioner Amir Kanel	- Present
Commissioner Joseph R. Snider	- Present
Commissioner William F. Anderson	- Present
Commissioner Joanne Davis	- Absent
Commissioner Sam Caliendo	- Present
Commissioner Mark Beatty	- 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 7-0

E. Adoption of the Minutes – Motion carried 7-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
4		3,5,6	6	3,4,6	Absent		7	

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **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 1-1

Project Manager: Carol Glasser

Size: 14.60 acres ±

BCC District: 4

Staff Recommendation: Staff recommends a postponement to March 6, 2014.

MOTION: To postpone to March 6, 2014.

Motion carried 7-0

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

DECISION: Postponed to March 6, 2014

B. REMANDS

C. WITHDRAWALS

2. **ZV/2012-03380** Title: a Type II Variance application of AMKBJ Partners Ltd, Agriculture Property Inc by Land Research Management Inc., Agent. Request: to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line.

General Location: 1/4 mile north of the northwest corner of Boynton Beach Boulevard and State Road 7/US 441 on the west side of SR 7/US 441. **(Atlas Peat and Soil)** (Control 1979-00120)

Pages 2-2

Project Manager: Donna Adelsperger

Size: 62.80 acres ±

BCC District: 5, 6

Staff Recommendation: N/A (application withdrawn by agent)

MOTION: N/A (application withdrawn by agent)

DECISION: Item Withdrawn, No Vote Necessary

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

ZONING COMMISSION HEARING

February 6, 2014

PAGE 2

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 3. SV/Z/CA-2012-03112** Title: a Subdivision Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide ultimate Right-of-Way for Ranches Road, which is 20 feet less than the required 80 feet in width

Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District

Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Daycare Center.

General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches Road (**Learning Place Academy**) (Control 1975-00145)

Pages 3 – 43

Conditions of Approval (11-14)

Project Manager: Joyce Lawrence

Size: 1.06 acres ±

BCC District: 3

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

People who spoke on application

Joyce Lawrence, Site Planner II, gave a brief presentation

Al Malefatto, Lewis, Longman, & Walker Law Offices, gave updates to the application

Charles Putman, Agent, gave a brief presentation with updates

Joe Stair, Sonya Prather, Laurian McKenzie, Chris Draper, Susan Draper, Carl Terwilliger, Ray Allen, Barbara Wagner, Richard Wagner, Ellen Tannehill, Jeff Arnold, Dennis McKenzie, and Brian Douglas spoke in opposition to the application. They stated concerns about traffic, access problems, safety, environmental issues, and the appropriateness of the site for this use. Sonya Prather also submitted an aerial map into the record.

MOTION: To adopt a resolution approving a Subdivision Variance to allow access to a non-residential property from a 60-foot wide ultimate Right-of-Way for Ranches Road; which is 20 feet less than the required 80 feet in width 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	Absent	Yes	Yes	Yes
		Moved	Seconded					

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Single Family (RS) Zoning District to the Residential Transitional (RT) Zoning District.

Motion carried 8-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a General Daycare, 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	Absent	Yes	Yes	Yes
		Moved	Seconded					

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

D. ZONING APPLICATIONS - NEW

4. **ZV/DOA-2013-01605** Title: a Type II Variance application of Partners Point LLC by Jeff H. Iravani Inc., Agent. Request: to allow a reduction of the Right-of-Way Buffer along Jog Road and Atlantic Avenue; to allow easement encroachment within a Right-of-Way Buffer, and to allow 24-hour operations within 250 ft of a Residential District.

Title: a Development Order Amendment application of Partners Point LLC by Jeff H. Iravani Inc., Agent. Request: to reconfigure the Site Plan and add square footage.

General Location: Southwest corner of Atlantic Avenue and Jog Road. **(King's Point Plaza-Walgreens)** (Control 1979-00129)

Pages: 44-75
 Conditions of Approval (52-57)
 Project Manager: David McGuire
 Size: 14.15 acres ±
 (affected area 0.95 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends denial of the request to allow a reduction of the Right-of-Way buffer along Jog Road and Atlantic Avenue. Staff recommends approval of the requests to allow easement encroachment within a Right-of-Way Buffer; and, to allow 24-hour operations within 250 feet of a Residential District subject to 6 Conditions of Approval as indicated on Exhibit C-1; and, approval to reconfigure

the site plan; and, add square footage subject to 19 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

David McGuire, Site Planner II, gave a brief presentation
 Donald Hearing, Representing the Agent, gave a brief presentation

From the public, Sydney Lois Bass, questioned the Agent with concerns about the distance from the site to a residential area, the number of parking spaces, and how rezoning this site to commercial would affect her residence.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction of the Right-of-Way buffer along Jog Road and Atlantic Avenue.

Motion carried 7-1

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

MOTION: To adopt a resolution approving a Type II Variance to allow easement encroachment within a Right-of-Way Buffer and to allow 24-hour operations within 250 ft of a Residential District 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	Absent	Yes	Yes	Yes
Moved			Seconded					

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Site Plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

DECISION: Approved 7-1 and Recommended Approval 8-0, as Amended

- ZV/ABN/DOA-2013-02593** Title: a Type II Variance application of Paul Thomas by Urban Design Kilday Studios, Agent. Request: to eliminate plant material within an Incompatibility Landscape Buffer (north, east and west) and to increase the percentage of palms to canopy trees.

Title: a Development Order Abandonment application of Paul Thomas by Urban Design Kilday Studios, Agent. Request: to abandon Resolution Number R-2008-0704 for a Water Treatment Plant in the Recreational Vehicle Planned Development (RVPD) Zoning District.

Title: a Development Order Amendment application of Paul Thomas by Urban Design Kilday Studios, Agent. Request: to modify the Site Plan, delete a Condition of Approval (Use Limitation and Landscaping); and decrease the number of RV sites from 140 to 100.

General Location: Approximately one mile west of Jupiter Farms Road on the north side of Indiantown Road. (**Jupiter-Palm Beach Motorcoach Resort RVPD**) (Control 2006-00185)

Pages: 76-128
 Conditions of Approval Pages (84-91)

Project Manager: Roger Ramdeen
 Size: 17.21 acres ±

BCC District: 1

Staff Recommendation: Staff recommends denial of the request for a Type II Variance (V1) to increase the percentage of palms to canopy trees. Staff recommends approval of the Type II Variance (V2) for elimination of the plant material in the north, east and west property lines subject to the 6 Conditions of Approval as indicated in Exhibit C-1 and, approval of the Development Order Amendment subject to 28 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Roger Ramdeen, Site Planner II, gave a brief presentation
 Joni Brinkman, Agent, gave a presentation and stated that the Type II Variance application to increase the number of palms to canopy trees was being withdrawn
 Alan Wertepney, Civil Engineer, spoke about engineering concerns in reference to the existing trees and the lake

From the public, Lois Taylor expressed concerns about excess lighting from the site, accessory structures, and reducing the impact on the natural area.

MOTION: To adopt a resolution approving a Type II Variance to eliminate plant material within an Incompatibility Landscape Buffer (north, east and west) 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	Absent	Yes	Yes	Yes
			Seconded				Moved	

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution Number R-2008-0704, that allowed for a Water Treatment Plant in the Recreational Vehicle Planned Development (RVPD) Zoning District.

Motion carried 8-0

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan, delete a Condition of Approval (Use Limitation and Landscaping); and decrease the number of RV sites from 140 to 100 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	Absent	Yes	Yes	Yes
			Seconded				Moved	

DECISION: Approved and Recommended Approval, as Amended

- ZV/DOAR-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 129 -161

Conditions of Approval Pages (136 -140)

Project Manager: Joyce Lawrence

Size: 7.00 acres ±

BCC District: 4

(affected area 0.22 acres ±)

Staff Recommendation: Staff recommends denial of the Type II Variance to allow a business activity between 11:00 p.m. and 6:00 a.m. within 300 feet of a residential unit. Staff recommends approval of the requests to reduce the landscape buffer width and plant materials; and, to 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 subject to 24 Conditions of Approval as indicated in Exhibit C-3 and of the Requested Use.

People who spoke on application

Joyce Lawrence, Site Planner II, gave a brief presentation
 Marty Perry, Agent, gave a presentation
 Al Zuccaro, owner

Voris Brookshire, Stephen Gershenson, William Guimond, Joseph Castellano, representing La Vida, and Peter Sachs representing Charleston Place Homeowners Association, Inc spoke in opposition to the application. They cited concerns about noise, traffic, graffiti, property damage, and possible service of alcohol and drugs to teens. Other concerns expressed included drunk driving, lack of landscaping upkeep, and that this proposed use does not fit with the character of the community.

MOTION: To postpone to March 6, 2014.

Motion carried 8-0

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

DECISION: Postponed to March 6, 2014

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

7. Annual Election of Chair and Vice Chair

MOTION: To elect Alex Brumfield as Zoning Commission Chair for the 2014 term.

Motion carried 8-0

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

MOTION: To elect Mark Beatty as Zoning Commission Vice-Chair for the 2014 term.

Motion carried 8-0

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

DECISION: Approved 8-0

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT 12:41 p.m.