

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, OCTOBER 2, 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	Arrived at 9:03 am
Commissioner Mark Beatty, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William Anderson	Present
Commissioner Sam Caliendo	Arrived at 9:05 am
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
3,4	None	4	None	None	None*	None	4	4

*Commissioner Davis disclosed that she would be abstaining from voting on Item 4.

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. **SV/ZV/CA-2014-000660** Title: a Type II Variance application of Palden Sherab Pema Ling, LLC by Gentile, Glas, Holloway, O’Mahoney & Assoc, Inc., Agent. Request: to allow a shell rock driveway for a place of worship; to allow the driveway to consist of a six inch shell rock base without a paved surface; and to allow grass parking for non-peak demand.

Title: a Class A Conditional Use Application of Palden Sherab Pema Ling, LLC by Gentile, Glas, Holloway, O’Mahoney & Assoc, Inc., Agent. Request: to allow a Place of Worship.

General Location: East side of 131st Trail approximately 517 feet north of Indiantown Road. **(Pema Ling Retreat Center)** (Control 2014-00047)

Pages 1–31

Conditions of Approval Pages (8-10)

Project Manager: Roger Ramdeen

Size: 10.66 acres ±

BCC District: 1

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

George Gentile, Agent – In agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance application to allow a shell rock driveway for a place of worship; to allow the driveway to consist of a six inch shell rock base without a paved surface; and to allow grass parking for non-peak demand 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 recommend approval to allow a Class A Conditional Use for a Place of Worship, 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				

DECISION: Recommended Approval as Advertised 9-0

2. **DOA/R-2014-000649** Title: a Development Order Amendment application of Turnpike Realty, Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan; add a Requested Use; and to modify/delete Conditions of Approval (Engineering, Landscaping, and Sign)

Title: a Requested Use application of Turnpike Realty, Inc by Jon E Schmidt & Associates, Agent. Request: to allow a Type I Restaurant.

General Location: Northwest corner of Florida’s Turnpike and Lake Worth Road. **(Turnpike/Exit 93 MUPD)** (Control 2003-00025)

Pages 32-62
 Conditions of Approval Pages (39-50)
 Project Manager: Joyce Lawrence
 Size: 4.47 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests, subject to 48 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Josh Nichols, Agent – In agreement with the Conditions of Approval

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Site Plan; add a Requested Use; and to modify/delete Conditions of Approval (Engineering, Landscaping, and Sign) 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 recommend approval of the Requested Use to allow a Type I Restaurant, 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				

DECISION: Recommended Approval as Amended 9-0

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. ABN/SV/ZV/CB/Z/DOA/CA-2014-00462 Title: a Development Order Abandonment for a Class B Conditional Use application of Palm Auto Plaza, LLC - R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to abandon Resolution ZR-2008-056.

Title: a Subdivision Variance application of Palm Auto Plaza, LLC - R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to allow access from a 50 foot access easement.

Title: a Type II Variance application of Palm Auto Plaza, LLC - R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to allow frontage and access from a 50-foot easement; allow mountable curbing, increase the percentage of palms; increase in sign height; and to allow signage where there is no frontage.

Title: a Class B Conditional Use application of Palm Auto Plaza, LLC - R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to allow Vehicle Sales and Rental.

Title: an Official Zoning Map Amendment application of Palm Auto Plaza, LLC – R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Urban Center (UC) Zoning District to the Public Ownership (PO) Zoning District.

Title: a Class A Conditional Use application of Palm Auto Plaza, LLC - R Whitfield Ramonat by Jon E Schmidt & Associates, Agent. Request: to allow General Repair and Maintenance.

General Location: Approximately 0.8 miles north of the intersection of Congress Avenue and Gun Club Road (PBIA Parcel G) (Control 2000-00056)

Pages 63 -115

Conditions of Approval Pages (79 - 86)

Project Manager: Donna Adelsperger

Size: 14.42 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1; 9 Conditions of Approval as indicated in Exhibit C-2; 10 Conditions of Approval as indicated in Exhibit C-3; 15 Conditions of Approval as indicated in Exhibit C-4 and 1 Condition of Approval as indicated in Exhibit C-5.

People who spoke on application

Donna Adelsperger, Site Planner I

Josh Nichols, Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon Zoning Commission Resolution ZR-2008-056.

Motion carried 9-0

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow access from a 50 foot access easement 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 six Type II Variances to allow frontage and access from a 50-foot easement; allow mountable curbing, increase the percentage of palms; increase in sign height; and to allow signage where there is no frontage 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 adopt a resolution approving a Class B Conditional Use to allow Vehicle Sales and Rental subject to the Conditions of Approval as indicated in Exhibit C-3.

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 an Official Zoning Map Amendment to allow a rezoning from the Urban Center (UC) Zoning District to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-5.

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 Class A Conditional Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-4.

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 and Recommended Approval as Amended 9-0

D. ZONING APPLICATIONS - NEW

4. **TDD/R-2014-00094** Title: an Official Zoning Map Amendment to a Traditional Development District application of Minto PBLH, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District

Title: a Requested Use application of Minto PBLH, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a College or University, and to allow a Hotel.

General Location: On the south side of 60th Street approximately 2 miles north of Okeechobee Boulevard, bounded on the east and west sides of Seminole Pratt Whitney Road. (**Minto West TTD**) (Control 2006-00397)

Pages 116 - 204

Conditions of Approval Pages (141- 172)

Project Manager: Carrie Rechenmacher

Size: 3,788.60 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 139 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Carrie Rechenmacher, Senior Site Planner – gave a presentation

Bryan Davis, Planning Division, Principal Planner – gave a presentation

George Webb, County Engineer – gave a presentation

Don Hearing, Agent – gave a presentation

From the public and speaking in opposition, Patricia Curry, Karen Mahnk, Dr. Bill Louda, Janice Sommer, Anne Kuhl, Alexandria Larson, Alan Ballweg, Betty Argue, and Nina Corning cited concerns about the loss of the rural way of life, traffic, the taking of private roads, road connectivity, water management, inadequate drainage, congestion, density increase, pollution, noise, increased unemployment, and taxes. Don Reese spoke in favor of the application and encouraged approval in spite of fear mongering.

Comment cards to be read into the record were received from Jeanette Porter, Lavant Morell, David Fontecchio, and Morley Schloss. The written concerns included incompatibility with the surrounding area, a new college and hotel that are not necessary, unwanted light and noise, and excessive commercial building.

Representing the Indian Trails Improvement District (ITID), Carol Jacobs, president, and Ralph Bair spoke in opposition to the application. They stated that the project would result in too much traffic driving too fast, increased accidents, too much commercial development, too many houses, and the destruction of the current rural lifestyle.

Also representing ITID, Marty Perry, Dodi Glas, Jay Foy, and John Kim each gave brief presentations in opposition to the request. They also pointed out that Persimmon Boulevard and 60th Street North belong to ITID, and were not to be made into thoroughfares.

Don Hearing, Agent, spoke in rebuttal, indicating that the project is essential to stop urban sprawl and rebalance the land uses, making transit and infrastructure more efficient. He stressed that Persimmon Boulevard and 60th Street North are county roads.

In response to questions from the Zoning Commissioners, Hassan Hadjimiry, Director of the Regulatory Compliance Division of Palm Beach County Water Utilities stated that there is already a surrounding network of existing infrastructure and capacity for the wastewater at the West Palm Beach wastewater plant on Jog Road. Ken Wilson, Palm Beach County Health Department, confirmed that the West Palm Beach wastewater plant has capacity to serve this project and that an agreement had been reached.

County Engineer George Webb answered questions about road connectivity, the development of roadways in Palm Beach County and increased traffic in the area. He stated that although Persimmon Boulevard and 60th Street North, were constructed and are maintained by ITID, they are on Palm Beach County's Thoroughfare Plan. Chief Land Use County Attorney Bob Banks stated that the County plans to develop the roads on the Thoroughfare Map. He also stated that at the appropriate time, the applicant would receive a permit from ITID, which is characteristic for development in unincorporated Palm Beach County.

Bob Kraus, Department of Environmental Protection, addressed questions about any contamination of the property and stated that before approval of the Master Plan, a Phase 2 Environmental Audit would be required over the entire site, with particular emphasis on the areas where pesticides or herbicides were stored and the areas planned for residential development.

MOTION: To recommend approval of an Official Zoning Map Amendment to a Traditional Development District to allow a rezoning from the Agriculture Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-2-1

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

MOTION: To recommend approval of a Requested Use application to allow a College or University and to allow a Hotel.

Motion carried 6-2-1

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

DECISION: Recommended Approval with votes of 6-2-1

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT – 1:25 pm