

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, AUGUST 6, 2015
Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Sheri Scarborough, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William Anderson	Present
Commissioner Sam Caliendo	Present
Commissioner Tinu Peña	Present
Commissioner Alex Brumfield III	Absent
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 -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	Peña	Brumfield	Beatty	Currie
None	None	6	None	None	None	Absent	6	Absent

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

2. **SV/ZV-2014-02513** Title: a Subdivision Variance application of PHGG Realty LLC by Urban Design Kilday Studios, Agent. Request: to allow access onto a 36 foot Right-of-Way. Title: a Type II Variance application of PHGG Realty LLC by Urban Design Kilday Studios, Agent. Request: to allow back-out egress into a street; to eliminate a Right-of-Way buffer; and to allow a reduction in the side setback for existing buildings.

General Location: Approximately 465 feet south of Northlake Boulevard on the west side of Lyndal Lane. **(Sunspire CLF)** (Control 2014-00206)

Pages 36-72
Conditions of Approval Pages (42-44)
Project Manager: Donna Adelsperger
Size: 0.86 acres ±

BCC District: 1

Staff Recommendation: Engineering Staff recommends approval of the Subdivision Variance subject to the 5 Conditions of Approval as indicated in Exhibit C-1. Zoning Staff recommends approval of the Type II Variances subject to 10 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To postpone to September 3, 2015.

Motion carried 7-0

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

DECISION: Postponed to September 3, 2015.

3. **ZV-2015-00734** Title: a Type II Variance application of SunCap West Palm Beach LLC by Akerman LLP, Agent. Request: to allow the encroachment of a utility easement in a Right-of-Way buffer.

General Location: Southeast corner of Pike Road and 7th Place North. **(Federal Express Distribution Center)** (Control 1996-00041)

Pages: 73–90

Conditions of Approval Pages (77-77)

Project Manager: Roger Ramdeen

Size: 27.23 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C.

MOTION: To postpone to September 3, 2015.

Motion carried 7-0

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

Decision: Postponed to September 3, 2015.

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. **ZV/DOA-2015-00762** Title: Type II Variance application of FR Del Mar Village LLC by J Morton Planning & Landscape Architecture, Agent. Request: to allow an increase in hours of operation for commercial within 250-feet of residential; to allow a 100 percent easement overlap in a Right-of-Way buffer; and to allow reduction in the width of a Right-of-Way buffer.
Title: a Development Order Amendment application of FR Del Mar Village LLC by J Morton Planning & Landscape Architecture, Agent. Request: to reconfigure the site plan to reduce square footage; reconfigure the parking lot and to modify Conditions of Approval (Landscape).

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

Pages 1-35

Conditions of Approval Pages (8-11)

Project Manager: Melissa Matos

Size: 13.26 acres ±

BCC District: 4

(affected area 2.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Lauren McClellan, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in hours of operation for commercial within 250-feet of residential; to allow a 100 percent easement overlap in a Right-of-Way buffer; and to allow reduction in the width of a Right-of-Way buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan to reduce square footage, reconfigure the parking lot and to modify Conditions of Approval (Landscape) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

DECISION: Approved the Type II Variance and recommended approval of the Development Order Amendment with votes of 7-0.

A. DOA-2015-00314 Title: a Development Order Amendment application of Sweet T Fields LLC by Jon E. Schmidt & Associates, Agent. Request: to reconfigure the site plan, add square footage, and modify a Condition of Approval (Use Limitation) granted under Resolution R-2003-104.

General Location: Southeast corner of Jog Road and Atlantic Avenue. **(Atlantic Square MUPD)** (Control 1981-00109)

Pages 91- 120

Conditions of Approval Pages (96-107)

Project Manager: Roger Ramdeen

Size: 18.83 acres ±

BCC District: 5

(affected area 0.27 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 68 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

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

A letter from the Alliance of Delray Residential Associations, Inc was presented, stating concerns with hours of operation and outdoor music. Zoning Manager Wendy Hernandez explained that this application did not include a request to extend hours of operation but that request may be heard in the future.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage, and modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

Decision: Recommended Approval with a vote of 7-0.

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

- B. Z/CA-2014-02502 Title:** an Official Zoning Map Amendment application of Fuller Florence by Cotleur & Hearing Inc., Agent. **Request:** to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.
Title: a Class A Conditional Use application of Fuller Florence by Cotleur & Hearing Inc., Agent. **Request:** to allow a Day Care General.

General Location: On the south side of SW 185th Street, approximately 400 feet west of SR7/US 441. **(Florence Fuller Child Development Center)** (Control 1987-00150)

Pages 121-142

Conditions of Approval Pages (128-130)

Project Manager: Carrie Rechenmacher

Size: 5.98 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval as indicated in Exhibit C-1 and 14 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation

Yexsy Schomberg, Agent – gave a brief presentation

From the public, Andrew Speranzini stated that while there had been meetings with the Agents, the residents still had concerns with lighting, landscaping, security, and the location of the basketball court. He requested that the basketball court be fenced on all sides. The Agent agreed to a fence on all sides of the basketball court.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Day Care, General subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

DECISION: Recommended Approval with votes of 7-0.

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

C. SD-148 Title: a Subdivision Variance application of Palm Beach Properties Development Company by Urban Design Kilday Studios, Agent. **Request:** variance from the requirement that no access from individual lots shall be permitted directly to a major street. Requirements are set forth in the Unified Land Development Code, Article 11.E.9.B.2.

General Location: West side of Hagen Ranch Road approximately 460 feet north of Atlantic Avenue, in the CG Zoning District. **(Chevron)** (1981-00067)

Pages 143–159

Conditions of Approval Pages (149-149)

Project Manager: Joanne Keller

Size: 1.0042 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application

Joanne Keller, Director of Land Development – gave a brief presentation

Joanie Brinkman, Agent – gave a presentation

Dave Lindley, surveyor for this project, answered questions from the Zoning Commission regarding the reason an illegal subdivision occurred with this property. Mr. Lindley stated that the subdivision was done many years ago by a different owner and he felt that it was done with no malice intended.

MOTION: To adopt resolution approving a Subdivision Variance from the requirement that no access from individual lots shall be permitted directly to a major street subject to the amended Conditions of Approval.

Motion carried 7-0

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

DECISION: Approved as Amended with a vote of 7-0.

D. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

Zoning Manager Wendy Hernandez asked the Zoning Commissioners if anyone had not received their Financial Disclosure Forms in the mail. Commissioner Snider stated that he had not received the forms and had recently received a delinquency notification. He advised that he had then mailed the forms out immediately. Zoning Director Jon MacGillis stated that Staff will put a reminder on our calendars to make sure the Commissioners receive their forms next year. The filing deadline is July 1 of each year.

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 10:21 a.m.