

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

FRIDAY, DECEMBER 6, 2013

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	Present
Commissioner Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	<i>Arrived 9:08 am</i>
Commissioner Joanne Davis	<i>Arrived 9:05 am</i>
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

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
5, 6	6	6	6	6	None	None	5, 6	5

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV -2013-01846** 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 build-to-line on Congress Avenue and Westgate Avenue; to reduce the rear setback; to eliminate the minimum building frontage; number of queuing spaces, and foundation plantings on east and south sides; to reduce the Right-of-Way Buffer and Incompatibility Buffer widths; to increase the allowable easement overlap within a Landscape Buffer; and, to increase the height of a Freestanding Sign location.

General Location: Northwest corner of Congress Avenue and Westgate Avenue
(Meerdink’s Little Ranches) (Control 1980-00008)

Pages 1 - 1

Project Manager: Roger Ramdeen

Size: 0.61 acres ±

BCC District: 7

Staff Recommendation: Staff recommends a postponement to January 10, 2014.

MOTION: To postpone to January 10, 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	

2. **ZV-2013-01853** Title: a Type II Variance application of Living Word Lutheran Church (LCA) by Frogner Consulting Inc., Agent. Request: to allow a General Day Care to be permitted at either end of a runway and in an area that extends within five miles from the end of the airport runway.

General Location: South side of Lantana Road, ¼ mile west of I-95. **(Living Word Lutheran Church)** (Control 1975-00038)

Pages 2 - 2

Project Manager: Carrie Rechenmacher

Size: 3.32 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to January 10, 2014.

MOTION: To postpone to January 10, 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	

3. **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 3 - 3

Project Manager: Donna Adelsperger

Size: 62.80 acres ±

BCC District: 5, 6

Staff Recommendation: Staff recommends a postponement to January 10, 2014.

MOTION: To postpone to January 10, 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	

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

4. Z/DOA-2013-01849 Title: an Official Zoning Map Amendment application of Lennar Homes LLC by Urban Design Kilday Studios, Agent. Request: to allow a Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Development Order Amendment application of Lennar Homes LLC by Urban Design Kilday Studios, Agent. Request: to modify a Conditional Overlay Zone, to reconfigure the Subdivision Plan, to add land area and units; and to modify Conditions of Approval (Engineering, Planning, Workforce Housing).

General Location: Located on the west side of Hypoluxo Farms Road approximately 685 feet south of Hypoluxo Road. **(Marquez-Jones)** (Control 2005-00414)

Pages 4 - 35

Conditions of Approval Pages (10 - 12)

Project Manager: Roger Ramdeen

Size: 41.38 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to 12 Conditions of Approval as indicated in Exhibit C and approval of the Development Order Amendment.

People who spoke on application

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

Carl Hipronymus, Nick Brewer, Debbie Militello spoke in opposition, citing concerns about safety, traffic, and the possibility of a traffic light.

Tami and Brian Kapnelian did not wish to speak but had a statement of opposition read into the record with concerns about traffic and privacy.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone 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		

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Subdivision Plan, to add land area and units; and to modify Conditions of Approval (Engineering, Planning, Workforce Housing).

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. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. **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 36 – 69

Conditions of Approval (43-46)

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

Joanne Keller, Director of Land Development, gave an update on the changes since the application was heard by the Zoning Commission at the September 16, 2013 Hearing.

Scott Freeland, owner

Catherine Freeland, owner

Al Malefatto, Lewis, Longman, & Walker Law Offices, gave a brief presentation

Charles Putman, Agent, gave a brief presentation

Gerry Morrison – Representative of COBWRA, spoke in support of the application. He recommended that the proposed wall on the eastern boundary of the site be moved from 7 feet to 2 feet from the property line.

Richard Wagner, Ronald Armstrong, Barbara Wagner, Ernest Vasiliou, Chris Draper, Susan Draper, Sonya Prather, Joe Stair, Ellen Tannehill, and Laurian McKenzie, spoke in opposition of the application. The concerns cited were increase in traffic, stacking, safety, and delay in response time for emergency vehicles, issues with density, and relocation of entrance from Ranches Road.

Augustino Vultaccio, Melissa Barge, Kathleen Phillip, Jen Como, Nella Diaz, Yesenia Nunez, Maria Sattler, spoke in support. They were in support of the property owners' argument that there are no traffic issues at their other existing daycare centers. Also, there are no complaints from the surrounding neighbors within those areas.

MOTION: To postpone to February 6, 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: Postponed to February 6, 2014

The Zoning Commission took at 10 minute break and reconvened the hearing at 11:25 am.

D. ZONING APPLICATIONS - NEW

- 6. **DOA-2013-01057** Title: a Development Order Amendment application of Mizner Trail Golf Club Ltd by Land Design South Inc., Agent. Request: to modify the Master Plan to re-designate land uses, add units, add access points and reconfigure the recreation area.

General Location: Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west sides of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive (**Boca Del Mar PUD**) (Control 1984-00152)

Pages 70 - 211

Conditions of Approval Pages (96 - 103)

Project Manager: Wendy Hernandez

Size: 1,945.96 acres ±

(affected area 129.88 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends denial of the request.

People who spoke on application

Wendy Hernandez, Zoning Manager, gave a presentation.

Bob Bentz, Agent, gave a presentation.

Sixty-four (64) comment cards were submitted. The following speakers from the public spoke in opposition:

Eduardo Burkhart, Jonathan Palmer, Christine Zambrano, Maryellen Lurie, Jeri Warner, James Wayes, Bradley F. Rothenberg, Stephanie S. Levine, Samuel Levine, Brian Coleman, Arnold Levenstein, Mike Kaplan, William Vale, Dale Haley, Simon Javizian, and Karl Hullsenbeck. They stated concerns about property values, crime; loss of trees, green space, overcrowding, and density. Some speakers were in favor of creating a park.

Peter Sachs, Andre Parke, Gianni Feou, representing the Boca Del Mar Improvement Association, also spoke in opposition. They cited many petitions and much opposition among the residents.

The following persons did not wish to speak but had their statements of opposition read into the record: Pearl Keeley, Honora McCarthy, Lynn Nance, Kent Nance, Phyllis Wayes, Carol Snerling, Alice McGowan, Dorothy Stone, Kathryn Yates, Carol Chigos, Jake Youngswick, Frank Van Aalten, Lisa Ferrer, Debra Youngswick, Phyllis Greenberg, Jared Opper, and Janine Opper.

Speaking in support, Paul Pontrelli, James L. Kraft, and Terry Kollman stated that the property is now an eyesore and something needs to be done. Property values will increase with development, not decrease.

James Comparato, Developer, spoke in rebuttal to the opposition. He stated that the offer to buy the property by the opposition is simply a delay tactic. He is willing to cooperate by incorporating a park into the development, to include maintaining it.

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan to re-designate land uses, add units, add access points and reconfigure the recreation area with additional conditions as agreed.

Motion carried 5-4

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

Decision: Recommended approval, as amended, 5-4

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**
- C. COMMISSIONER COMMENTS**

ADJOURNMENT 3:04 pm