

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, NOVEMBER 5, 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	Present
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 – 8-0

E. Adoption of the Minutes – Motion carried – 8-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
None	None	6	6	6	None	None	6	Absent

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

2. **DOA/R-2015-01215** Title: a Development Order Amendment application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use.
Title: a Requested Use application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Type I Restaurant with a drive-thru.
General Location: Lantana Road and 86th Drive South, approximately 1,000 feet east of Lyons Road. **(Merchants Walk MUPD)** (Control 2004-00354)

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

1. **ZV/ABN/DOA-2015-00765** Title: a Development Order Abandonment application of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

Title: a Development Order Amendment application of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation).

General Location: Approximately 300 feet south of Belvedere Road on the east side of Pike Road. **(934 Pike LLC)** (Control 2010-00352)

Pages 1 - 22

Conditions of Approval Pages (5 - 8)

Project Manager: Roger Ramdeen

Size: 1.90 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 15 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Josh Nichols, Agent – In agreement with conditions of approval.

MOTION: To recommend approval of a Development Order Abandonment to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

Motion carried 8-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

Decision: Recommended approval with a vote of 8-0

3. **ZV-2015-01469** Title: a Type II Variance application of FR Del Mar Village II LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow deviations from the requirements for Off-site Signage to increase sign face area; height; distance from the point of ingress; and be located on a property that does not provide ingress or egress.

General Location: Northeast Corner of Palmetto Road and Beracasa Way. **(Firestone)** (Control 1982-00142)

Pages 57 - 84

Conditions of Approval Pages (62 - 63)

Project Manager: Melissa Matos

Size: 1.19 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to the 12 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Lauren McClellan, Agent – In agreement with conditions of approval along with addition read into record.

Melissa Matos, Site Planner II – Read into record added condition.

MOTION: To adopt a resolution approving a Type II Variance to allow deviations from the requirements for Off-site Signage to increase sign face area; height; distance from the point of ingress; and to be located on a property that does not provide ingress or egress subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

Decision: Approved as Amended with a vote of 8-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

- 4. Title: SD-151 Title: a Subdivision Variance application of 4533 Kelmar Drive LLC, by Land Research Management, Inc, Agent. Request: to allow for the reduction of the required 80 foot wide right-of-way and instead utilize the proposed 50 ft. right-of-way as legal access to the lots to be combined.

General Location: west side of Military Trail, north of Forest Hill Boulevard and south of Summit Boulevard, in the UI Zoning District.

Pages: 85 to 97

Conditions of Approval Pages (91 - 92)

Project Manager: Joanne Keller

Size: 0.80 +/- acres

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Kevin McGinley, Agent – In agreement with conditions of approval.

MOTION: To adopt a resolution approving a Subdivision Variance to allow for the reduction of the required 80 foot wide right-of-way and instead utilize the proposed 50 ft. right-of-way as legal access to the lots to be combined subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Approved as Advertised with a vote of 8-0

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

2. **DOA/R-2015-01215** Title: a Development Order Amendment application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use.
Title: a Requested Use application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Type I Restaurant with a drive-thru.
General Location: Lantana Road and 86th Drive South, approximately 1,000 feet east of Lyons Road. **(Merchants Walk MUPD)** (Control 2004-00354)

Pages 23 - 56

Conditions of Approval Pages (28 - 35)

Project Manager: Melissa Matos

Size: 4.99 acres ±

BCC District: 3

(affected area 1.25 acres ±)

Staff Recommendation: Staff Recommends approval of the requests subject to the 31 Conditions of Approval as indicated in C-1 and 4 Conditions of Approval as indicated in C-2.

People who spoke on application

Melissa Matos, Site Planner II – Gave a brief presentation.

Donaldson Hearing, Agent – Gave a brief presentation.

From the public and speaking in opposition, Steve Caballero, Cosmo & Susan DeVellis cited concerns with traffic and roofing of the property.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with drive-thru subject to the Conditions of approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended approval with a vote of 8-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. **ZV-2015-00122** Title: a Type II Variance application of Minto PBLH LLC by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum lot width; an increase in building coverage; a reduction in front and side setbacks; and to allow one housing type.

General Location: East of Seminole Pratt Whitney Road and north of Town Center Parkway, approximately 1 mile south of Orange Boulevard. **(Minto West Pod Q)** (Control 2006-00397)

Pages 98 - 138

Conditions of Approval Pages (110 - 111)

Project Manager: Carrie Rechenmacher

Size: 3,788.6 acres ±

BCC District: 6

(affected area 118.09 acres ±)

Staff Recommendation: Staff recommends denial of the requests.

People who spoke on this application

Maryann Kwok, Deputy Zoning Director – Gave a brief explanation of the application.

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

Donaldson Hearing, Agent – Gave a brief presentation.

From the public and speaking in opposition, Alan Ballweg and Betty Argue cited concerns with the application meeting New Urbanism Principles.

Commissioners had discussion in regards to the New Urbanism Principles, setting new precedence with this project and concerns about the changes made to the original request.

MOTION: To adopt a resolution denying Type II Variances to allow a reduction in the minimum lot width; an increase in building coverage; and a reduction in front and side setbacks.

Motion carried 3-5

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

New Motion: To adopt a resolution approving Type II Variances to allow a reduction in the minimum lot width; an increase in building coverage; and a reduction in front and side setbacks.

Motion carried 5-3

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Nay	Yes	Nay	Nay	Yes	Yes	Yes	Absent
<u>D</u>		Moved				Seconded		

DECISION: Approved as amended with a vote of 5-3

D. ZONING APPLICATIONS – NEW

6. **ZV/DOA/R-2015-01235** Title: a Type II Variance application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to allow an easement overlap within a Right-of-Way buffer.

Title: A Development Order Amendment application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock.

Title: a Requested Use application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to allow a Car Wash.

General Location: Approximately 500 feet east of the southeast corner of Hagen Ranch Road and Boynton Beach Boulevard. **(Boynton Beach Self Storage Facility)** (Control 1990-00017)

Pages 139 - 185

Conditions of Approval Pages (147 - 159)

Project Manager: Christine Stivers

Size: 6.33 acres ±

BCC District: 5

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1, 47 Conditions of Approval as indicated in Exhibit C-2 and 6 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

Christine Stivers, Senior Site Planner – Gave a brief presentation

Marty Perry, Attorney – Spoke briefly introducing Applicant and Applicant’s agents.

Pol Africano, Agent – Gave a brief presentation

David Daszkal, Owner – Spoke briefly about the application.

Commission Beatty read into record opposition cards from Lillian Fingerhut, Morris Halper, Bette Wilson, Gloria Finkelstein, and Irvin Berlam citing concerns with traffic and safety.

Alan Ciklin, Lawyer for Rubin Memorial Chapel along with Mr. & Mrs. Rubin, showed a video and spoke in opposition due to traffic and the incompatibility of use of the application.

From the public and speaking in opposition, Sheldon and Susan Lustigman, Gerri Seinberg, Sherry Crystal, Jeffrey Kirsch, Philip Steinberg, Elliott Shulman, Gloria Fine and Glen Harvie of COBWRA, cited concerns with traffic.

The Zoning Commission members, staff and agents discussed the traffic issue and suggested flipping the project and getting a buzzer instead of using loud speaker.

MOTION: To adopt a resolution approving a Type II Variance to allow an easement overlap within a Right-of-Way buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

MOTION: To recommend approval of a Requested Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-1

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

Decision: Approved with a vote of 8-0

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 12:30 PM