

**PRELIMINARY MINUTES ZONING COMMISSION
ZONING HEARING**

FRIDAY DECEMBER 2, 2016

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

A. Roll Call

Commissioner Sheri Scarborough, Chair	Present
Commissioner Sam Caliendo, Vice Chair	Absent
Commissioner Mark Beatty	Present
Commissioner Amir Kanel	Absent
Commissioner Joseph Snider	Absent
Commissioner William Anderson	Present
Commissioner Carmine Priore	Present
Commissioner Alex Brumfield III	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 6-0

E. Adoption of the Minutes – Motion carried 6-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Absent	Absent	5,6	Absent	2,5	5	5	5	6

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **DOA-2015-01470** Title: a Development Order Amendment application of Florida Education Properties Villages of by F.P. Dino Inc., Agent. Request: to reconfigure the site plan; add and delete square footage; increase the number of students for the Private School; decrease the number of children for the Day Care; and amend Conditions of Approval (Engineering).
General Location: Southeast corner of Hypoluxo Road and Lyons Road.
(Villages of Windsor SE Civic) (Control 1996-00081)

Staff Recommendation: Staff recommends postponement to Friday, January 6, 2017.

MOTION: To postpone to Friday, January 6, 2017.

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

Decision: Postponed to January 6, 2016 with a vote of 6-0

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

2. **ZV/DOA/R-2015-02348** Title: a Type II Variance application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in number of parking spaces and the width of a Right-of-Way buffer.

Title: a Development Order Amendment application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering).

Title: a Requested Use application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: At the Southeast corner of State Road 7 and Southern Boulevard. **(Western Plaza -First Coast Energy Convenience Store No. 2719)** (Control 1977-00048)

Pages 2 - 57

Conditions of Approval Pages (10 - 22)

Project Manager: Carlos Torres

Size: 32.86 acres ±

BCC District: 6

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 62 Conditions of Approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Hope Calhoun, Agent – In agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in number of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with gas sales subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

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

Decision: To recommend approval with a vote of 6-0

D. ZONING APPLICATIONS - NEW

3. **Z/CA-2016-00849** Title: an Official Zoning Map Amendment application of George Moraitis by iPlan and Design LLC, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District.

Title: a Class A Conditional Use application of George Moraitis by iPlan and Design LLC, Agent. Request: to allow a General Daycare.

General Location: Approximately 700 feet west from Lawrence Road on the south side of Lantana Road. **(Children's Academy of Lake Worth)** (Control 2016-00079)

Pages 58 - 80

Conditions of Approval Pages (65 - 70)

Project Manager: Diego Penaloza

Size: 0.91 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Rezoning subject to a Conditional Overlay Zone (COZ) and 4 Conditions of Approval as indicated in Exhibit C-1, and approval of the Class A Conditional Use subject to 28 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Brian Chegus, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Medium Density (RM) Zoning District subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C-1

Motion carried 6-0

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

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 6-0

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

Decision: Recommend approval with a vote of 6-0

4. **ZV/Z/CA-2015-02360** Title: an Official Zoning Map Amendment application of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the General Commercial (CG) Zoning District.

Title: a Class A Conditional Use application of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: Northwest corner of Southern Boulevard and Cleary Road. **(Cleary Station)** (Control 1973-00243)

Pages 81 - 110

Conditions of Approval Pages (90 - 93)

Project Manager: Carrie Rechenmacher

Size: 1.17 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 1 Conditions of Approval as indicated in Exhibit C-1 and 16 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Joni Brinkman, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the General Commercial (CG) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

Decision: Recommend approval with a vote of 6-0

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

5. **SV/CB/CA-2016-00447** Title: a Subdivision Variance application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow access directly to a major street.

Title: a Class B Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a General Daycare.

Title: a Class A Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a Private School and Place of Worship.

General Location: Approximately 0.9 miles south of Atlantic Avenue, located at the southwest corner of 158th Road S and Lyons Road. **(Divine Savior Academy)** (Control 2013-00168)

Pages 111 - 163

Conditions of Approval Pages (120 - 135)

Project Manager: Diego Penaloza

Size:9.67 acres

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 22 Conditions of Approval as indicated in Exhibit C-2, 23 Conditions of Approval as indicated in Exhibit C-3, and 21 Conditions of Approval as indicated in Exhibit C-4.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – Gave a brief presentation. Ms. Rebecca Miller, Agent; Planner, Patrick Cunningham; Engineer, Robert Rennebaum, and Attorney, Alan Ciklin; provided power points and testimony in support of the project. Attorney Neil Schiller representing Mizner Country Club spoke in opposition and provided a power point.

Several members of the public were there in both support and opposition to the requests with 27 comment cards in support and 77 comment cards in opposition. The primary concern in opposition was the increase in traffic, increased pollution and congestion, increase in traffic accidents and safety to Mizner Country Club as well as safety for the school children, and questions on when was the Lyons Road expansion, including turn lanes, proposed for completion.

Those who supported the requests stated the school would be a beneficial addition to the neighborhood and supported a faith based education.

MOTION: To adopt a resolution approving a Subdivision Variance to allow access directly to a major street subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 4-1-1

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

Robert Currie: Abstain to assure a fair proceeding free from potential bias or prejudice pursuant to Sec. 286.012, F.S.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a General Daycare subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 4-1-1

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Private School subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 4-1-1

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 4-1-1

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

Decision: Recommend approval with a vote of 4-1-1

Robert Currie: Abstain to assure a fair proceeding free from potential bias or prejudice pursuant to Sec. 286.012, F.S.

D. ZONING APPLICATIONS - NEW

6. **ZV/ABN/PDD/R-2015-02353** Title: a Type II Variance application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow 24-hour operation within 250 feet of a residential district.
Title: a Development Order Abandonment application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.
Title: an Official Zoning Map Amendment to a Planned Development District application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer.
Title: a Requested Use application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Type I Restaurant with drive-through and a Convenience Store with Gas Sales.
General Location: Northeast corner of Boynton Beach Boulevard and Lyons Road. **(Cobblestone Plaza MUPD)** (Control 2004-00034)

Pages 164 - 227

Conditions of Approval Pages (175 - 189) Project Manager: Yoan Machado

Size: 15.34 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Variance.

Staff recommends approval of the Rezoning and Requested Uses subject to 21 Conditions of Approval as indicated in Exhibit C-2, 16 Conditions of approval in Exhibit C-3, and 14 Conditions of Approval as indicated in Exhibit C-4.

People who spoke on this application

Yoan Machado, Site Planner II – Gave a brief presentation.

Jennifer Morton, Agent – Gave a brief presentation and is in agreement with Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow 24-hour operation within 250 feet of a residential district.

Motion carried 6-0

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

MOTION: To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.

Motion carried 6-0

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

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

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 6-0

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

Decision: Recommend approval with a vote of 6-0

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

**END OF REGULAR
AGENDA**

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT 12:40PM