



PALM BEACH COUNTY ZONING COMMISSION

August 2, 2018
MINUTES

CALL TO ORDER

A. Roll Call – 9:10 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Alex Brumfield III, Vice Chair	Present
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner Barbara Katz	Present
Commissioner Robert Currie	Absent

- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication

Motion to receive and file 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Moved		Second		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

F. Adoption of the Minutes

Motion carried 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Moved		Second		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

- G. Swearing In
- H. Disclosures

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
No	No	7 & 8	No	8	8	3, 4, 7 & 8 *Recused	
							Absent

*Commission Chair Mark Beatty Recused himself from Item #1, ABN/CA-2017-1812 (Aviera Green)

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA
CONSENT AGENDA**

A. REQUESTS TO PULL ITEMS FROM CONSENT

1. **ABN/CA-2017-1812** Aviera Green

Motion carried 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Moved		Second		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

2. **Z-2018-00121** Title: an Official Zoning Map Amendment application of Jane Dixon, Gary Brown by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District.
General Location: Northeast corner of Seminole Pratt Whitney Road and Southern Boulevard. **(Entrada Commons)** (Control 2017-00047)

Pages 23 - 41

Conditions of Approval Pages (28 - 28)

Project Manager: Meredith Leigh

Size: 5.38 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and 4 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ), subject to the Conditions of Approval as indicated in Exhibit C-1.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

3. **Z/CA-2017-01817** Title: an Official Zoning Map Amendment application of Barbara Kamhi, Wellery Delray, LLC by iPlan and Design LLC, Agent. Request: to allow a rezoning from Agricultural Residential (AR) Zoning District to Multifamily Residential (RM) Zoning District.
Title: a Class A Conditional Use application of Barbara Kamhi, Wellery Delray, LLC by iPlan and Design LLC, Agent. Request: to allow a Type 3 Congregate Living Facility.
General Location: Approximately 600 feet south of Lake Ida Road on the west side of Sims Road. **(Wellery Senior Living Community)** (Control 2017-00128)

Pages 42 - 71

Conditions of Approval Pages (50 - 53)

Project Manager: Lorraine Fuster

Size: 4.90 acres ±

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District, to Multifamily Residential (RM) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of an Official Zoning Map Amendment (with conditions) by a vote of 7-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility, subject to the Conditions of Approval as indicated in Exhibit C-2.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

4. **DOA-2017-01437** Title: a Development Order Amendment application of Preschool Developers, LLC, Valencia Square Retail, LLC by Preschool Developers LLC, Agent. Request: to reconfigure the Site Plan; and to add children for a General Day Care use; and, to modify and/or delete Conditions of Approval (Use Limitations). General Location: Northwest corner of Woolbright Road and Jog Road. **(Valencia Square MUPD)** (Control 1998-00078)

Pages 72 - 105

Conditions of Approval Pages (79 - 90)

Project Manager: Meredith Leigh

Size: 23.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 60 Conditions of Approval as indicated in Exhibit C-1; and, 10 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, subject to the Conditions of Approval as indicated in Exhibit C-1.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

MOTION: To recommend approval of a Development Order Amendment to add children for a General Day Care use; and, to modify and/or delete Conditions of Approval (Use Limitations), subject to the Conditions of Approval as indicated in Exhibit C-2.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
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				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 1. ABN/CA-2017-01812** Title: a Development Order Abandonment application of Sunco TH LLC by WGINC, Agent. Request: to abandon the Class A Conditional Use to allow a Voluntary Density Bonus of 19 units in the Medium Residential (RM) Density Zoning District.

Title: a Class A Conditional Use application of Sunco TH LLC by WGINC, Agent. Request: to allow a Workforce Housing (WFH) density bonus greater than 50 percent; and, to allow a Transfer of Development Rights (TDR) of more than two dwelling units per acre, for a total of 13 TDR units.

General Location: West side of South Haverhill Road approximately 220 feet north of Purdy Lane. **(Aviera Green)** (Control 2003-00093)

Pages 1 - 22

Conditions of Approval Pages (8 - 12)

Project Manager: Carlos Torres

Size: 3.28 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in the Exhibit C-1, and 8 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Jennifer Vail, Agent – Provided a presentation. Staff also provided a brief presentation. Jack Resmondo, from the public spoke in opposition to the request with 2 cards submitted.

MOTION: To recommend approval of the Development Order Abandonment to abandon the Class A Conditional Use to allow a Voluntary Design Bonus of 19 units in the Medium Residential.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	N/A	Absent

*Commission Chair Mark Beatty Recused himself from ABN/CA-2017-1812 (Aviera Green)

Decision: Recommended Approval of a Development order Abandonment by a vote of 6-0-1.

MOTION: To recommend approval of a Class A Conditional Use to allow Workforce Housing (WFH) in excess of 50 percent, subject to the Conditions of Approval in Exhibit C-1.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	N/A	Absent

*Commission Chair Mark Beatty Recused himself from ABN/CA-2017-1812 (Aviera Green)

Decision: Recommended Approval of a Class A Conditional Use by a vote of 6-0-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDR) of more than two dwelling units per acre, for a total of 13 units subject to the Conditions of Approval in Exhibit C-2.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	N/A	Absent

*Commission Chair Mark Beatty Recused himself from ABN/CA-2017-1812 (Aviera Green)

Decision: Recommended Approval of a Class A Conditional Use by a vote of 6-0-1.

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. **PDD/DOA-2017-02173** Title: an Official Zoning Map Amendment to a Planned Development District application of PGA Partners 100 LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment application of PGA Partners 100 LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to add land area; delete units; reconfigure the Master Plan and modification of conditions (Architecture, Landscape, Planning)

General Location: Southwest corner of PGA Boulevard and Ellison Wilson Road. **(PGA Waterfront Residential PUD)** (Control 1984-00159)

Pages 106 - 150

Conditions of Approval Pages (115 - 121)

Project Manager: Carrie Rechenmacher

Size: 8.89 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1; and 22 Conditions of Approval as indicated in Exhibit C-2

People who spoke on this application

George Gentile, Agent- Provided a brief presentation and is in agreement with conditions of approval and agreed to save the four Oak Trees on site.

MOTION: To recommend approval an Official Zoning Map Amendment to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of an Official Zoning Map Amendment to a Planned Development District by a vote of 7-0-0.

MOTION: To recommend approval a Development Order Amendment to add land area; delete units; reconfigure the Master Plan, and modification of conditions (Architecture, Landscape, Planning) subject to Conditions of Approval as indicated in Exhibit C-2.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

D. ZONING APPLICATIONS - NEW

6. **ZV-2018-00758** Title: a Type 2 Variance application of Polo Trace Golf Club, LLLP by G.L. Homes, Agent. Request: to allow an increase in Building Coverage for single story Single Family units.

General Location: Approximately 0.60 miles north of Lake Ida Road on the west side of Hagen Ranch Road. **(Polo Trace II PUD)** (Control 1993-00057)

Pages 151 - 184
 Conditions of Approval Pages (157 - 158)
 Project Manager: Donna Adelsperger
 Size: 131.28 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application

Kevin Ratterree, Agent, and Staff provided a brief presentation. Mr. Ratterree did not agree with the staff recommendation of denial and explained this Variance is needed for proposed single story units. Mr. Ratterree explained that GL Homes had agreed with the HOA to single story for certain lots. The president of the HOA also came forward and supported the Applicants request verifying this was an agreement with the builder and the HOA. Mr. Ratterree said the GL model needed an addition 2% building coverage for the additional square footage. Furthermore Mr. Ratterree did not agree with the Staff recommendation to limit which lots would be allowed to receive the variance (Condition 5) if approved. The Commissioners discussed that this request had come before them on previous applications. Commissioner Kanel said the Applicants use previous approvals as a justification for current requests. Commissioner Snider said that it would be very simple for GL to modify the building footprint to meet current Code. After a brief discussion the ZC voted in favor of the Applicant's request and to amend the Condition of Approval 5 with a vote of 5-2. Staff read revised condition 5 into the record

MOTION: To adopt a resolution approving a Type 2 Variance to allow an increase in Building Coverage for single story Single Family units.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second		Moved		
No	No	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Approved a Type 2 Variance (with Conditions as amended) by a vote of 5-2-0.

- 7. **DOA-2018-00800** Title: a Development Order Amendment application of Childrens Place at Home Safe Inc. by Urban Design Kilday Studios, Agent. Request: to modify Conditions of Approval (Property and Real Estate Management, Planned Unit Development).

General Location: On the east and west sides of Lyons Road, approximately 0.75 miles south of Southern Boulevard. **(Agradex/Lyons Road PUD)** (Control 2002-00052)

Pages 185 - 208
 Conditions of Approval Pages (190 - 199)
 Project Manager: Lorraine Fuster
 Size: 157.55 acres ±
 (affected area 3.18 acres ±)

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 59 Conditions of Approval as indicated in Exhibit C.

MOTION: To postpone to October 4, 2018.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent

Decision: Postponed to October 4, 2018 by a vote of 7-0-0.

- 8. **SV/ZV/ABN/PDD/CA/TDR-2017-01999** Title: a Subdivision Variance application of Fairway North Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow access onto a major street.

Title: a Development Order Abandonment application of Fairway North Beach LLC by Urban Design Kilday Studios, Agent. Request: to abandon a Special Exception to allow a Planned Commercial Development.

Title: an Official Zoning Map Amendment application of Fairway North Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Commercial General (CG) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use application of Fairway North Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow Workforce Housing density bonus in excess of 50 percent; and, to allow the Transfer of Development Rights for 11 units and to designate this application as a receiving area.

General Location: Northwest corner of U.S. Highway 1 and Juno Road. **(Lenox North Beach)** (Control 1978-00261)

Pages 220 - 294

Conditions of Approval Pages (235 - 243)

Project Manager: Carlos Torres

Size: 11.14 acres ±

BCC District: 1

Staff Recommendation: Staff Recommends approval of the requests subject to 6 Conditions of Approval as indicated on Exhibit C-1, 28 Conditions of Approval as indicated on Exhibit C-2, 2 Conditions of Approval as indicated on Exhibit C-3; and, 8 Conditions of Approval as indicated on Exhibit C-4

People who spoke on this application

Ken Tuma, Agent – Provided a presentation. Staff also provided a brief presentation. Many members of the public spoke in opposition to the request with 6 cards submitted.

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

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second		Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent

Decision: Approved a Subdivision Variance (with conditions) by a vote of 6-0-0.

MOTION: to recommend approval to abandon a Special Exception to allow a Planned Commercial Development.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second		Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent

Decision: Recommended Approval of a Development Order Abandonment by a vote of 6-0-0.

MOTION: to recommend approval for a rezoning from Commercial General (CG) Zoning District to a Planned Unit Development (PUD) Zoning District.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second		Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent

Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-0.

MOTION: to recommend approval for a Workforce Housing density bonus in excess of 50 percent;

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second		Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent

Decision: Recommended Approval of a Class A Conditional Use by a vote of 6-0-0.

MOTION: to recommend approval for the Transfer of Development Rights for 11 units and to designate this application as a receiving area.

Kanel	Snider	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
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			Second		Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent

Decision: Recommended Approval of a Class A Conditional Use by a vote of 6-0-0.

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 1:16pm