

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, FEBRUARY 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 Alex Brumfield III, Chair | Present |
| Commissioner Mark Beatty, Vice Chair | Present |
| Commissioner Amir Kanel | Present |
| Commissioner Joseph Snider | Absent |
| Commissioner William Anderson | Arrived at 9:06 am |
| Commissioner Sam Caliendo | Present |
| Commissioner Sheri Scarborough | Present |
| Commissioner Tinu Peña | 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 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 |
|-------|--------|----------|----------|-------------|------|-----------|--------|---------|
| 3,6,8 | Absent | 3,6,8 | None | 1,2,3,6,8 | 6 | 6,8 | 1,8 | 3, 6, 8 |

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **Z/CA-2014-01129** Title: an Official Zoning Map Amendment application of Dale Hedrick, Hedrick 33, LLC – Cathleen T Burk by Land Design South Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-family (RS) Zoning District.

Title: a Class A Conditional Use application of Dale Hedrick, Hedrick 33, LLC – Cathleen T Burk by Land Design South Inc., Agent. Request: to allow Zero Lot Line homes.

General Location: East side of Jog Road, between Belvedere Road and Southern Boulevard. (Hedrick Property) (Control 2005-00347)

Pages: 1-1

Project Manager: Joyce Lawrence

Size: 9.24 acres ±

BCC District: 2

Staff Recommendation: Staff recommends postponement to Thursday, March 5, 2015.

MOTION: To postpone to Thursday, March 5, 2015.

Motion carried 8-0

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

DECISION: Postponed to Thursday, March 5, 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

- 3. **W-2014-01610** Title: a Type II Waiver application of PRG Empire Inc by Land Design South, Agent. Request: to allow the shortest side of the building to front a primary street; to allow a reduction of the building frontage on a primary street; to allow a reduction to the side setback on a secondary street; and to allow a single story building.

General Location: Southeast corner of Military Trail and Coconut Road, north of Forest Road (**O'Reilly Auto Parts-Forest**) (Control 2003-00829)

Pages 32 – 61

Conditions of Approval Pages (36-36)

Project Manager: Melissa Matos

Size: 0.78 acres±

BCC District: 2

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

People who spoke on application

Michele Hoyland, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of the Type II Waivers to allow the shortest side of the building to front a primary street; to allow a reduction of the building frontage on a primary street; to allow a reduction to the side setback on a secondary street; and to allow a single story building subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Recommended Approval with a vote of 8-0

- 4. **CA-2014-00915** Title: a Class A Conditional Use application of FGH by Jon E Schmidt & Associates, Agent. Request: to allow a Convenience Store with Gas Sales with an accessory car wash.

General Location: Southeast corner of Alternate A1A and Florida Boulevard. **(Thomas Colony Shell)** (Control 1988-00100)

Pages 62 – 86
 Conditions of Approval Pages (67-69)
 Project Manager: Roger Ramdeen
 Size: 0.69 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 20 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Jon Schmidt, Agent – in agreement with the Conditions of Approval

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

Motion carried 8-0

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

DECISION: Recommended Approval with a vote of 8-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

- 5. **SD-145** Title: a Subdivision Variance application of Sunrise Detoxification Center LLC, Praesum HealthCare Services, Grand Slam Two LLC, by Gentile, Glas, Holloway, O’Mahoney, & Associates, Agent. Request: To allow a variance from the requirement that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations.

Requirements are set forth in the Unified Land Development Code, Article 11.E.2.A.2 and Table 11.E.2.A-2 (Chart of Minor Streets).

General Location: West side of Boutwell Road, north of 10th Avenue North, in the RH Zoning District. **(Sunrise Detox Center)** (Control 2003-00104)

Pages 87 – 95
 Conditions of Approval Pages (92-93)
 Project Manager: Joanne M. Keller
 Size: 1.18 acres ±

BCC District: 3

People who spoke on application

George Gentile, Agent – in agreement with the Conditions of Approval

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Subdivision Variance from the requirement that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Approved with a vote of 8-0

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

2. **DOA/R-2014-01874** Title: a Development Order Amendment application of Lowes Home Centers Inc by Dunay, Miskel, Backman and Blattner, LLP, Agent. Request: to reconfigure the Site Plan, add square footage, add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design).

Title: a Requested Use application of Lowes Home Centers Inc by Dunay, Miskel, Backman and Blattner, LLP, Agent. Request: to allow a Type I Restaurant.

General Location: North of Palmetto Park Road on the East side of South State Road 7. (**Pollo Tropical at Palmetto Park MUPD**) (Control 1998-00079)

Pages 2 - 31

Conditions of Approval Pages (7-19)

Project Manager: Melissa Matos

Size: 25.28 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 55 Conditions of Approval as indicated in Exhibit C-1 and 1 Condition of Approval as indicated in Exhibit C-2.

People who spoke on application

Commissioner Scarborough express concerns about the building colors as they are depicted in preliminary elevations she received from the Agent. She stated that as presented, the colors are not compatible with the area.

Scott Backman, Agent, explained that Pollo Tropical is changing its brand colors but would be willing to work with Staff to achieve better compatibility with the surrounding area.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage (3,505 sq. ft.), add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-1, provided the original colors are used.

Motion carried 8-0

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

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

Motion carried 8-0

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

DECISION: Recommended Approval with votes of 8-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. **ZV-2014-01621** Title: a Type II Variance application of Napletons North Palm Auto Park Inc by Miller Permitting and Land Development LLC, Agent Request: to allow an increase in the number of wall signs.

General Location: Northwest corner of Silverthorne Drive and Northlake Boulevard. **(Napleton's North North Palm Auto Park)** (Control 1984-00015)

Pages 96 - 126

Conditions of Approval Pages (103 - 103)

Project Manager: Joyce Lawrence

Size: 7.35 acres ±

BCC District: 1

Staff Recommendation: Staff recommends denial of the request.

People who spoke on application

Zoning Director Jon MacGillis gave a brief overview and history of the Northlake Boulevard Overlay Zone (NBOZ). He stated that this variance would expire on July 5, 2016; if the NBOZ does not amend its guidelines with special exceptions for car dealerships.

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation

Rebecca Miller Sprafka, Agent – gave a brief presentation

Bruce Etheridge, Chief Operating Officer, Napleton Group, spoke in support of the application.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in the number of wall signs.

Motion carried 8-0

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

DECISION: Approved with a vote of 8-0

D. ZONING APPLICATIONS - NEW

7. **SV/ZV/Z-2014-01624** Title: a Type II Variance application of MPC 3 LLC, Inc by CPH Inc, Baker & Hostetler LLP, Agent. Request: to eliminate the landscape barrier; to allow activities in an unenclosed building; to allow a fence in lieu of 100% opaque screening; to allow greater than five feet landscape overlap in easements; to eliminate interior landscape island; and to reduce the number of required parking spaces
Title: an Official Zoning Map Amendment application of MPC 3 LLC, Inc by CPH Inc, Baker & Hostetler LLP, Agent. Request: to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District.

General Location: Southwest corner of Cleary Road and Belvedere Road. **(Florida Public Utilities Regional Operations Center)** (Control 2009-02465)

Pages 127 - 160
 Conditions of Approval Pages (136 - 138)
 Project Manager: Osniel Leon
 Size: 10.41 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Type II Variances, to eliminate the landscape barrier, to allow activities in an unenclosed building, to allow a fence in lieu of 100 % opaque screening (along Belvedere Road), to eliminate interior landscape island, and to reduce the number of required parking spaces, subject to eight Conditions of Approval as indicated in Exhibit C-1 and approval of the request for the rezoning subject to a Conditional Overlay Zone and six Conditions of Approval as indicated in Exhibit C-2.

Staff recommends denial of the Type II Variances to allow a fence in lieu of 100% opaque screening (along Florida Turnpike) and to allow greater than five feet landscape overlap in easements.

People who spoke on application

Osniel Leon, Site Planner II – gave a brief presentation
 Michael Wilde, Agent – gave a brief presentation
 Javier Omana, Agent –gave a brief presentation and agreed to increase the required three foot landscape hedge screen to a six foot hedge or a combination berm and landscape hedge equaling six feet. This agreement resulted in the withdrawal of the variance to allow a fence in lieu of 100 % opaque screening along the Florida Turnpike.

MOTION: To adopt a resolution approving a Type II Variance to eliminate the landscape barrier, to allow activities in an unenclosed building, to allow a fence in lieu of 100 % opaque screening (along Belvedere Road), to allow greater than five feet landscape overlap in easements, to eliminate interior landscape island, and to reduce the number of required parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

MOTION: To adopt a resolution approving a Type II Variance to allow greater than five feet landscape overlap in easements.

Motion carried 8-0

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Condition of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

DECISION: Recommended approval with votes of 8-0

E. SUBDIVISION VARIANCE

- 8. **SD-144** Title: a Subdivision Variance application of The Falls Country Club, Inc., by Coteleur & Hearing, Agent. Request: To allow a variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets. 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: Northwest corner of Jog Road and Hypoluxo Road, in the AR Zoning District. **(Falls Commercial)** (Control 1985-00155)

Pages 161 – 168
 Conditions of Approval Pages (165-166)
 Project Manager: Joanne M. Keller
 Size: 3.511 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request.

People who spoke on application

Joanne Keller, Land Development Director – gave a brief presentation
 Brian Chegus, Agent – gave a presentation
 Kyle Duncan, Traffic Engineer, stated that although a concurrency report has not been done, they are comfortable that there is enough capacity on the roads.

MOTION: To adopt a resolution approving a Subdivision Variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets and no access shall be from the golf course.

Motion carried 8-0

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

DECISION: Approved with a vote of 8-0

F. OTHER ITEMS

9. Annual Election of Chair and Vice Chair

MOTION: To elect Mark Beatty as Chair and Sheri Scarborough as Vice Chair of the Zoning Commission for the 2015 term.

Motion carried 8-0

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

DECISION: Approved with a vote of 8-0

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 10:57 am