

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**FRIDAY, DECEMBER 4, 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	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<b>Present</b>
Commissioner Amir Kanel	<b><i>In at 9:11 am</i></b>
Commissioner Joseph Snider	<b>Present</b>
Commissioner William Anderson	<b>Present</b>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Tinu Peña	<b>Present</b>
Commissioner Alex Brumfield III	<b><i>In at 9:27 am</i></b>
Commissioner Robert Currie	<b>Present</b>

**B. Opening Prayer and Pledge of Allegiance**

**C. Remarks of the Chair**

**D. Proof of Publication** – Motion to receive and file carried - 5-0

**E. Adoption of the Minutes** – Motion carried - 5-0

**F. Swearing In**

**G. Disclosures** – Listed by Agenda Number

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **ZV-2015-01451** Title: a Type II Variance application of Adrenalin Rush WPB, LLC MPC 3 LLC by Jon E. Schmidt & Associates, Agent. Request: to allow a reduction in the number of parking spaces.

General Location: East side of the Turnpike, northwest corner of Cleary Road & Southern Boulevard. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages 1 - 1

Project Manager: Osniel Leon

Size: 61.40 acres ±  
(affected area 33.89 ±)

BCC District: 2

Staff Recommendation: Staff recommends postponement to January 8, 2016.

**MOTION:** To postpone to Friday, January 8, 2016.

Motion carried 5-0

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

**Decision: Postponed to Friday, January 8, 2016.**

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

- 3. **DOA-2015-01723** Title: a Development Order Amendment application of Rreef America Reit II Corp J by Dunay, Miskel, Backman, and Blattner, LLP, Agent. Request: to reconfigure the Site Plan and add square footage.

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 2. **CA-2015-01730** Title: a Class A Conditional Use application of KBHS Reo LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Approximately 465 feet south of Northlake Boulevard on the west side of Lyndall Lane. **(Sunspire Health Type 3 CLF)** (Control 2014-00206)

Pages: 2 - 16

Conditions of Approval Pages (7 - 8)

Project Manager: Carlos Torres

Size: 0.86 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Joni Brinkman, Agent – in agreement with the Conditions of Approval

**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.

Motion carried 6-0

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

**Decision: Recommended approval with a vote of 6-0.**

**E. CORRECTIVE RESOLUTIONS**

- 3. **CRZ-2015-02373** Title: a Corrective Resolution application of PGA Partners 100 LLC by PBC Planning, Zoning, and Building, Agent. Request: to correct the legal description contained in Resolution ZR-2015-016.

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

Pages 47 - 49

Project Manager: Donna Adelsperger

Size: 6.74 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the request.

**MOTION:** To adopt a Corrective Resolution to correct the legal description contained in Resolution ZR-2015-016.

Motion carried 6-0

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

**Decision: Approved with a vote of 6-0.**

**F. SUBDIVISION VARIANCES**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

- 2. **DOA-2015-01723** Title: a Development Order Amendment application of Rreef America Reit II Corp J by Dunay, Miskel, Backman, and Blattner, LLP, Agent. Request: to reconfigure the Site Plan and add square footage.

General Location: Southeast corner of Glades Road and US 441. (**Benihana at Festival Shoppes of Boca Raton**) (Control 1990-00024)

Pages 17 - 46

Conditions of Approval Pages (21 - 30)

Project Manager: Osniel Leon

Size: 36.96 acres ±

BCC District: 5

(affected area 1.30 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 75 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Osniel Leon, Site Planner II – gave a brief presentation

Scott Backman, Agent – gave a brief presentation

From the public and speaking in opposition, Dr. Albert Angel stated that he is currently involved in litigation with the applicant and is concerned with the loss of parking, the size of the building, and the negative impact that this project could have on his patients. Dr. Angel submitted documents into the record concerning the current litigation.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

**Decision: Recommended approval with a vote of 7-0.**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS – NEW**

- 3. **PDD/R-2015-00545** Title: an Official Zoning Map Amendment to a Planned Development District application of Falls Country Club, Inc by Cotleur & Hearing, Inc, Agent. Request: to allow a rezoning from the Commercial Recreation (CRE) Zoning District to Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use application of Falls Country Club, Inc by Cotleur & Hearing, Inc, Agent. Request: to allow a Type 1 Restaurant with a drive-through.

General Location: Northwest corner of Jog Road and Hypoluxo Road. **(The Falls Commercial MUPD)** (Control 1985-00155)

Pages 50 - 70

Conditions of Approval Pages (57 - 60)

Project Manager: Melissa Matos

Size: 3.51 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-1 and 5 Condition of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Melissa Matos, Site Planner II – gave a brief presentation

Don Hearing, Agent – gave a presentation

From the public and speaking in opposition, Warren Danz and Jack Schneider expressed concerns that that they have been misled that the property in this application was being developed to generate income to save the golf course when the golf course has already been sold for further development. Mr. Schneider also stated opposition to any fast food restaurants and strip malls.

Myrna Rosoff, president of COBWRA (Coalition of Boynton West Residential Associations), spoke in opposition and stated that the developers were asked to exclude a gas station from the plans for this property and they would not. She also cited safety concerns with the intersection and the access points.

**MOTION:** To recommend approval of a rezoning from the Commercial Recreation (CRE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

**MOTION:** To recommend approval to allow a Type 1 Restaurant with drive-through, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

**Decision: Recommended approval with votes of 7-0.**

4. **DOA/R-2015-00320** Title: a Development Order Amendment application of RG Towers LLC by RG Towers LLC, Agent. Request: reconfigure the Master Plan and add a Requested Use. Title: a Requested use application of RG Towers LLC by RG Towers LLC, Agent. Request: to allow a Commercial Communications Tower (Stealth)

General Location: Approximately 500 feet north of the L-29 Canal on the west side of El Clair Ranch Road. **(Westchester Club Tower)** (Control 1980-00212)

Pages 80 - 117

Conditions of Approval Pages (85 - 99)

Project Manager: Christine Stivers

Size: 664.98 acres ±

BCC District: 5

(affected area 0.05 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 77 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval s indicated in Exhibit C-2.

**People who spoke on this application**

Christine Stivers, Senior Site Planner – gave a brief presentation

Holly Valdez, Agent – gave a brief presentation

Speaking in opposition from the public, Sylvia Rosenberg, Joan Gale, Stephanie Wasserman, and Robert Pinsky cited health concerns with electromagnetic radiation that could be emitted from the tower and the loss of property values.

Ms. Valdez, the Agent, stated that the Telecommunications Act of 1996 bars denial of communication tower applications based on health concerns. This was confirmed by Chief Land Use County Attorney Bob Banks.

Myrna Rosoff, president of COBWRA (Coalition of Boynton West Residential Associations), spoke in support of the application and stated that the developers have been cooperative. She suggested a landscape condition of approval for taller trees at the base of the tower for better aesthetics.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

**MOTION:** To recommend approval of a Requested Use to allow a Commercial Communication Tower (Stealth), subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

**DECISION: Recommended approval with votes of 7-0.**

**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 – 10:23 am**