

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, FEBRUARY 4, 2016
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	Absent
Commissioner William Anderson	Present
Commissioner Sam Caliendo	Present
Commissioner Tinu Peña	In at 9:07 am
Commissioner Alex Brumfield III	In at 9:07 am
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	Peña	Brumfield	Beatty	Currie
None	Absent	3,4	4	3,4	None	None	3,4	2,3

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

1. **ZV/DOA-2015-02172** Title: a Type II Variance application of Manheim Remarketing Inc, JMC IV Real Estate Company by Urban Design Kilday Studios, Agent. Request: to eliminate terminal and interior islands, divider medians and interior trees and shrubs; and to allow parking spaces beyond the 600 feet of a public entrance of the building which it is intended to serve.

Title: a Development Order Amendment application of Manheim Remarketing Inc, JMC IV Real Estate Company by Urban design Kilday Studios, Agent. Request: to reconfigure the Site Plan, reduce square footage; relocate access points; eliminate public access to Benoist Farms Road; modify/delete Conditions of Approval (Signs, Architectural Review, Engineering, Landscape, Site Design, and Utilities); and to restart the date of commencement of the development.

General Location: North of Southern Boulevard on the east side of Sansbury’s Way. **(Manheim Auto Auction)** (Control 2005-00641)

Pages 1 - 52

Conditions of Approval Pages (13 - 21)

Project Manager: Joyce Lawrence

Size: 91.59 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to 8 Conditions of Approval as indicated in Exhibit C-1 and 34 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Collene Walter, Agent – in agreement with the Conditions of Approval, the amendments on the Add/Delete and clarified that the amendment to the Parking Condition should also be included in the Development Order Amendment

MOTION: To adopt a resolution approving a Type II Variance to eliminate terminal and interior islands, divider medians and interior trees and shrubs; and to allow parking spaces beyond the 600 feet of a public entrance of the building which it is intended to serve 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	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, reduce square footage; relocate access points; eliminate public access to Benoist Farms Road; modify/delete Conditions of Approval (Signs, Architectural Review, Engineering, Landscape, Site Design, and Utilities); and to restart the date of commencement of the development 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	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent
			Seconded	Moved				

Decision: Approved the Type II Variance and recommended approval of the Development Order Amendment with votes of 8-0.

- 2. **DOA/CB-2015-02154** Title: a Development Order Amendment application of Boynton Beach Community Church Inc by Wantman Group Inc., Agent. Request: to modify Conditions of Approval (Engineering).

Title: a Class B Conditional Use application of Boynton Beach Community Church Inc by Wantman Group Inc., Agent. Request: to allow a General Day Care.

General Location: Approximately 0.5 mile east of State Road 7 on the north side of Boynton Beach Boulevard. **(Boynton Beach Community Church)** (Control 2007-00010)

Pages 53 - 77

Conditions of Approval Pages (58 - 64)

Project Manager: Diego Peñaloza

Size: 9.22 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to 28 Conditions of Approval as indicated in Exhibit C-1 and 9 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Brian Terry, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0-1

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

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

Motion carried 7-0-1

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

Decision: Approved the Class B Conditional Use and recommended approval of the Development Order Amendment with votes of 7-0-1.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

END OF CONSENT AGENDA

SPECIAL PRESENTATIONS

A. Prop Share – Traffic

County Engineer George Webb addressed the Zoning Commission with a presentation on the Proportionate Share principle that is used in determining concurrency and fees paid by developers according to the percentage of traffic impact created by a proposed development.

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

3. **ZV/DOA/CA-2015-01038** Title: a Type II Variance application of Dolphin Stations LLC by Infinity Engineering Group LLC, Agent. Request: to allow extended hours of operation for a commercial use within 250-feet of a residential use; to allow an easement overlap in a right-of-way buffer.

Title: a Development Order Amendment application of Dolphin Stations LLC by Infinity Engineering Group LLC, Agent. Request: to reconfigure the Site Plan; add a Conditional Use; modify Conditions of Approval (Engineering and Landscaping, Health and Use Limitations).

Title: a Class A Conditional Use application of Dolphin Stations LLC by Infinity Engineering Group LLC, Agent. Request: to allow a Type I Restaurant with a drive-through.

General Location: Southwest corner of Haverhill Road and Wallis Road. **(APEC Haverhill)**
(Control 2006-00522)

Pages 78 - 124

Conditions of Approval Pages (91 - 101)

Project Manager: Carrie Rechenmacher

Size: 2.20 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment, subject to 23 Conditions of Approval as indicated in Exhibit C-2 and 12 Conditions of Approval as indicated in Exhibit C-3.

Staff recommends denial of the Type II Variance and denial of the Class A Conditional Use for a Type I Restaurant with drive-through.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – made a brief presentation

Marty Perry and Lauren McClellan / Agents – made a presentation

The Zoning Commission (ZC) recommended a modification to the site layout to minimize any negative impact to the residential uses to the west of the site and adjacent to the Type I Restaurant Drive-Through. The ZC also commented that the elevations should be signed and sealed by a licensed Architect, not by an Engineer, and this was in violation of professional regulatory standards.

MOTION: To adopt a resolution approving a Type II Variance to allow extended hours of operation for a commercial use within 250-feet of a residential use; to allow an easement overlap in 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	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded	Moved				

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; and to modify Conditions of Approval (Engineering and Landscaping, Health and Use Limitations) subject to 23 Conditions of Approval as indicated in Exhibit C-2 and 12 Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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 Class A Conditional Use to allow a Type I Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

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

DECISION: Approved the Type II Variance and recommended approval of the Development Order Amendment and Class A Conditional Use with votes of 8-0.

- 4. **ZV-2015-01919** Title: a Type II Variance application of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a reduction in acreage and lot depth.

General Location: Northeast corner of Hypoluxo Road and High Ridge Road. **(Hypoluxo Shoppes)** (Control 2008-00243)

Pages 125 - 156

Conditions of Approval Pages (130 - 130)

Project Manager: Joyce Lawrence

Size: 4.20 acres ±

BCC District: 3

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

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation

Bob Bentz, Agent – gave a presentation

From the public and speaking in opposition, John Allan, Shad Gordon, Steven Booth, Robert Shinedling, Peter Masson, and Rachel Costigan cited concerns with increased traffic, crime, noise, and light pollution. They stated that the zoning is already correct on this property and that there is no need for another gas station in the area. Staff clarified that this a stand-alone make or break variance and that there is a separate Zoning and Future Land Use Application in process and under review that would allow the proposed Convenience Store with Gas Sales at this location in the approved MUPD.

Gerald Edenfield, Virginia Edenfield and Stefanie Perez also submitted public comment cards in opposition but did not wish to speak.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in acreage and lot depth subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: Approved a Type II Variance with a vote of 8-0.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

Zoning Manager Wendy Hernandez announced that the election of a new Zoning Commission Chair and Vice Chair, as well as the annual workshop, will occur at the March 3, 2016 Hearing.

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

ADJOURNMENT – 11:12 am