

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, June 2, 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, Sheri Scarborough, Chair | Present |
| Commissioner, Sam Caliendo, Vice Chair | Absent |
| Commissioner Amir Kanel | Present |
| Commissioner Joseph Snider | Present |
| Commissioner William Anderson | Present |
| Commissioner Mark Beatty | Absent |
| Commissioner Carmine Priore | Present |
| Commissioner Alex Brumfield III | Present- arrived at 9:05 am |
| Commissioner Robert Currie | Absent |

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 |
|-------|--------|----------|----------|-------------|--------|-----------|--------|--------|
| 5 | 1, 4 | 4 | Absent | 4 | 4 | 1 | Absent | Absent |

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)

Pages 1 - 1
Project Manager: Joyce Lawrence
Size: 12.12 acres ±
(affected area 23.30 acres ±)

BCC District: 3

Staff Recommendation: Staff recommends postponement to July 7, 2016.

MOTION: To postponement to July 7, 2016.

Motion carried 6-0

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

Decision: Postponed to July 7, 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

D. ZONING APPLICATIONS – NEW

2. **ZV/DOA/CB-2015-02146** Title: a Type II Variance application of Cherry Road Plaza LLC, AATC Realty LLC by Jon E Schmidt & Associates, Agent. Request: to allow an easement encroachment into a landscape buffer, to eliminate trees in a portion of a Right Way Buffer, to eliminate trees and required hedges within the terminal and interior islands along the east property line, and to eliminate the trees and hedges material in the east buffer.

Title: a Development Order Amendment application of Cherry Road Plaza LLC, AATC Realty LLC by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan, delete square footage and add two Requested Uses.

Title: a Class B Conditional Use application of Cherry Road Plaza LLC, AATC Realty LLC by Jon E Schmidt & Associates, Agent. Request: to allow Vehicle Sales and Rental, and General Repair and Maintenance.

General Location: Northeast corner of Cherry Road and Military Trail. (**Cherry Road Plaza MUPD**) (Control 1977-00041)

Pages 2 - 49

Conditions of Approval Pages (10-23)

Project Manager: Carlos Torres

Size: 9.85 acres ±

(affected area 3.50 acres ±)

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; 62 Conditions of Approval as indicated in Exhibit C-2, 12 Conditions of Approval in Exhibit C-3 and 9 Conditions of Approval in Exhibit C-4.

People who spoke on this application

Carlos Torres, Site Planner II, read additional Conditions of Approval into the record
Josh Nichols, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow an easement encroachment into a landscape buffer, to eliminate trees in a portion of a Right Way Buffer, to eliminate trees and required hedges within the terminal and interior islands along the east property line, and to eliminate the trees and hedges material in the east buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, delete square footage, and add two Requested Uses (Vehicle Sales and Rental and Repair and Maintenance General) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

MOTION: To recommend approval of a Requested Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

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

MOTION: To recommend approval of a Requested Use to allow Vehicle Sales and Rental subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 6-0

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

Decision: Approved a Type II Variance and recommended approval of a Development Order Amendment and two Requested Uses with votes of 6-0.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

3. Title: a Subdivision Variance application of Pierre A. St Jean by WGI, Agent. Application No. SD-157 Request: to allow a variance from the requirement that access 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.

General Location: 49 S Military Trail and 4540 Canal Road, west side of Military Trail, south of Southern Boulevard in the UC Zoning District. **(Military and Southern)** (Control 2016-00426)

Pages 50 - 63

Conditions of Approval Pages (56-57)

Project Manager: Joanne Keller

Size: 0.62 acres ±

BCC District: 2

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

People who spoke on this application

Joanne Keller, Director of Land Development, with a brief presentation

Angela Biagi, Agent – available for questions

From the public, Gay Durance, stated that he had mistakenly thought that this application was to approve a 2-story building.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that access 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 subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0

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

Decision: Approved a Subdivision Variance with a vote of 6-0.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

4. **DOA-2015-01719** Title: a Development Order Amendment application of Boca Lago Country Club, Inc by Wantman Group Inc., Agent Request: to reconfigure the Master Plan, and modify and delete Conditions of Approval (Planned Unit Development and Planning).

General Location: North of Palmetto Park Road and Lyons Road. (**Boca Lago PUD**) (Control 1973-00036)

Pages 64 - 134

Conditions of Approval Pages (74 - 85)

Project Manager: Joyce Lawrence

Size: 546.50 acres +

BCC District: 5

(affected area 23.30 acres +)

Staff Recommendation: Staff recommends approval of the requests subject to 53 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner, with a presentation

Ellie Halperin, Agent – reported on the events and changes that have occurred since the last Zoning Commission Hearing

Jeff Brophy, Agent – with a presentation

From the public, Joshua Gerstin of the Arborwood HOA, and Steve O’Neill, General Manager of the Boca Lago Country Club, both stated that their respective organizations were now in support of the revised proposed plan. Ira J. Raag spoke in opposition, stating that the plan shows a 2-story building that is only forty-nine (49) feet from the property line adjacent to his son’s home when there are other 1-story buildings that are eighty (80) feet from the property line. Mr. Raag requested an additional Condition of Approval that would require the building that was within 49 feet of the property line to be built as a 1-story building.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, and modify and delete Conditions of Approval (Planned Unit Development and Planning) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 5-1

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

DECISION: Recommended approval of a Development Order Amendment with a vote of 5-1.

5. **Z/CA-2015-02510** Title: an Official Zoning Map Amendment application of Judith Fagan, Milind Chokshi by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.
Title: a Class A Conditional Use application of Judith Fagan, Milind Chokshi by Wantman Group Inc., Agent. Request: to allow Zero Lot Line (ZLL) units.

General Location: Approximately 0.25 miles south of Ranchette Road and Summit Boulevard. **(Ranchette Royale)** (Control 2005-00188)

Pages 135 - 161

Conditions of Approval Pages (141-144)

Project Manager: Joyce Lawrence

Size: 10.60 acres ±

BCC District: 2

Staff Recommendation: Staff recommends the approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1, and 13 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – with a brief presentation

Angela Biagi, Agent – with a brief presentation

From the public and speaking in opposition, Vicki Byrne, John Hill, Joe Byrne, and Sharon Ghioto cited issues with traffic, drainage, noise, and litter. They stated that the density of this development would not fit with the existing homes in the area.

Comment cards indicating opposition were also received from Sally Cain and Karen Hill.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-1

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

MOTION: To recommend approval of a Class A Conditional Use to allow Zero Lot Line (ZLL) units subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 4-2

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

DECISION: Recommended approval of an Official Zoning Map Amendment with a vote of 5-1 and a Class A Conditional Use with a vote of 4-2.

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 – *10:22 am*