



**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY DECEMBER 7, 2017

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N Jog Rd, West Palm Beach, 33411**

CALL TO ORDER

- A. Roll Call
 - Commissioner Sheri Scarborough, Chair Present
 - Commissioner Sam Caliendo, Vice Chair *Arrived 9:05am*
 - Commissioner Mark Beatty Present
 - Commissioner Amir Kanel Present
 - Commissioner Joseph Snider *Arrived 9:10am*
 - Commissioner Barbara Katz Present
 - Commissioner Carmine Priore Present
 - Commissioner Alex Brumfield III Present
 - Commissioner Robert Currie *Arrived 9:45am*
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Adoption of the Minutes
- G. Swearing In
- H. Disclosures

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
3, 4	None	3, 4	4	4	4	None	4 Abstain 2 & 3	Absent

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



AGENDA
PALM BEACH COUNTY ZONING COMMISSION

DECEMBER 7, 2017

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, and Pledge of Allegiance
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N Jog Rd, West Palm Beach, 33411, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Thursday, January 4, 2018 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.

- D. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Chair, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- E. Proof of Publication - Motion to receive and file.
- F. Adoption of the Minutes
- G. Swearing In - County Attorney
- H. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV/ABN/Z/CA-2017-00810** Title: a Type II Variance application of KidSanctuary Campus Inc by Cotleur & Hearing Inc., Agent. Request: to reduce Access Way dimensions, Incompatibility Buffer width, terminal landscape island dimensions and tree requirements, and eliminate a Right-of-Way (R-O-W) Buffer and segments of an Incompatibility Buffer.

Title: a Development Order Abandonment application of KidSanctuary Campus Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Class A Conditional Use to allow a Type III Congregate Living Facility.

Title: an Official Zoning Map Amendment application of KidSanctuary Campus Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Estate (RE) Zoning District and the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.

Title: a Class A Conditional Use application of KidSanctuary Campus Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Southeast corner of Pioneer Road and Safe Haven Drive. **(Kid Sanctuary)** (Control 2007-00238)

Pages 1 - 1

Project Manager: Meredith Leigh

Size: 10.27 acres ±

BCC District: 2

Staff Recommendation: Staff recommends postponement to Friday, January 5, 2018.

MOTION: To postpone to Friday, January 5, 2018

Motion carried 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent
			Moved			Seconded		

Decision: To Postpone to Friday, January 5, 2018 by a vote of 7-0-0

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-2017-01616](#) Title: a Type II Variance application of Max Realty Corporation by Kimley Horn and Associates Inc., Agent. Request: to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use.

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

Pages 2 - 25

Conditions of Approval Pages (7 - 7)

Project Manager: Diego Penaloza

Size: 3.51 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

Chuck Millar, Agent – In agreement with conditional of approval.

MOTION: To adopt a resolution approving a Type II Variance to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Abstain	Absent
			Moved			Seconded		

Decision: Approved as advertised by a vote of 7-0-1

3. **DOA-2017-01430** Title: a Development Order Amendment application of Meloche Rick J Trust &, Paul Meloche by Wantman Group Inc., Agent. Request: to modify or delete Conditions of Approval (Engineering).
General Location: Approximately 180 feet west of Haverhill Road on the north side of Lantana Road. **(Able Lawnmower Sales and Service)** (Control 1982-00053)

Pages 26 - 60
 Conditions of Approval Pages (33 - 38)
 Project Manager: Carrie Rechenmacher
 Size: 20.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 34 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – Gave a brief presentation
 Marty Perry, Agent – Gave a brief explanation of application.
 Terri Ramussen, from the public, spoke in opposition of the application due to concerns with the cross access to Lantana Road. She is not in support of the requirement for a cross access easement to use the Private Road. She was concerned that the Applicant was proposing changes to her property without consent. Staff clarified that condition requiring cross access was being deleted (or modified) and if an agreement can be made in the future with the Property Owners.

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

Motion carried 7-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Abstain	Absent
Seconded			Moved					

Decision: Recommend approval as amended by a vote of 7-0-1

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

4. **ZV/ABN/DOA/R-2017-00354** Title: Type II Variances application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.
Title: a Development Order Abandonment application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.
Title: a Development Order Amendment application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan; delete square footage, modify uses; add an access point; and, to allow a Requested Use.
Title: a Class A Conditional Use application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.
General Location: Southwest corner of Via Flora and West Atlantic Avenue **(7-Eleven Delray Beach)** (Control 1984-00058)

Pages 61 - 125

Conditions of Approval Pages (72 - 78)

Project Manager: Carrie Rechenmacher

Size: 8.66 acres \pm

BCC District 5

(affected area 1.06 acres \pm)

Staff Recommendation: Staff recommends approval of the Development Order Abandonment to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

Staff recommends denial of the Type II Variance to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.

Staff recommends denial of the Development Order Amendment to reconfigure the Site Plan; delete square footage, modify uses; add an access point.

Staff recommends denial of a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – Gave a brief presentation
 Brian Seymour, Agent – Gave a brief presentation
 Josh Long, Agent – Gave a brief presentation
 Bill Pfeffer, Consultant – Gave a brief explanation
 Paul Spencer and Harry Zuker from the public spoke in support of the application.

There was discussion regarding limiting hours of alcohol sales, additional landscaping and deletion of use limitation regarding number of pumps.

A motion was made by Commission Caliendo and second by Commissioner Priore to postpone the application 60 days to the February 1, 2018 Hearing.

MOTION: To postpone to Thursday, February 1, 2018

Motion carried 9-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Moved		Seconded			

Decision: Postponed to Thursday, February 1, 2018 by a vote of 9-0-0

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 10:45 AM