

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, MAY 5, 2011**

9:00 A.M. Vista Center 1st Floor Hearing Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

**A. Roll Call 9:00 A.M.**

Commissioner Sherry Hyman, Chair	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<i>Absent</i>
Commissioner William F. Anderson	<b>Present</b>
Commissioner Allen Kaplan	<b>Present</b>
Commissioner Joanne Davis	<b>Present</b>
Commissioner Alex Brumfield	<i>Absent</i>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<i>Absent</i>

**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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	None	None	None	Absent	None	None	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **SV/ZV-2010-02232** Title: a Subdivision Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow a reduction in the required minimum access width. Title: a Type II Zoning Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow for a reduction in an Incompatible Buffer width along the west property line: to allow 100 percent of the landscape material to be planted on the inside of a wall; to allow off-site signage; to allow an increase in the sign height and sign face area: to allow an off-site directional sign to be located greater than 50 feet from the point of ingress, and to allow the off-site directional sign to be attached to an existing sign. General Location: Approximately 380 feet west of Military Trail, on the north side of Orleans Court. (**Orleans Court Industrial**) (Control 2003-00098)

Pages 1-31  
Conditions of Approval Pages (19-21)  
Project Manager: Donna Adelsperger

Size: 2.24 acres ±  
(affected area 1.58 acres±)

BCC District: 6

Staff Recommendation: To postpone to Thursday July 7, 2011.

**MOTION:** To postpone to Thursday July 7, 2011.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED POSTPONEMENT 6-0**

2. **DOA/R-2010-02573** Title: a Development Order Amendment application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to reconfigure the site plan; relocate requested uses: and to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations). Title: a Requested Use application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to allow a Type 1 Restaurant. General Location: Northeast corner of Jog Road and Lantana Road. (**Chick-fil-A at Lee Square**) (Control 1981-00186)

Pages 32 - 85

Conditions of Approval Pages (57 - 71)

Project Manager: Carol Glasser

Size: 38.19 acres

BCC District: 3

(affected area 12.09 acres ±)

Staff Recommendation: To postpone to Thursday, June 2, 2011.

**MOTION:** To postpone to Thursday, June 2, 2011.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED POSTPONEMENT 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**

3. **DOA/R-2010-03025** Title: a Development Order Amendment application of Arrigo Enterprises Inc by Greenberg Traurig PA, Agent. Request: to reconfigure the site plan, add square footage, add requested uses, and to add and delete an access point  
Title: a Requested Use application of Arrigo Enterprises Inc by Greenberg Traurig PA, Agent. Request: to allow a Hotel; a Restaurant, Type I; and an Auto Paint and Body Shop  
General Location: Southeast corner of Okeechobee Boulevard and Jog Road (**Arrigo Dodge MUPD**) (Control 1995-00022)

Pages 86 – 125

Conditions of Approval Pages (105 - 116)

Project Manager: Carrie Rechenmacher

Size: 44.71 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of a Development Order Amendment subject to 55 Conditions of Approval as indicated in Exhibit C-1, and approval of two Requested Uses subject to 5 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Seth Behn, Agent, is in agreement with conditions of approval.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, add requested uses, and delete and add an access point subject to Conditions of Approval as indicated in Exhibit C-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**MOTION:** To recommend approval of a Requested Use to allow a Hotel, a Type I Restaurant and an existing Auto Paint and Body Shop subject to the Conditions of Approval as indicated in Exhibit C-2. L

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED AS AMENDED 6-0**

4. **ABN/DOA/R-2011-00148** Title: a Development Order Abandonment application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to abandon the Public Recreational Facilities use approved in R-1986-573-11 and R-1988-1236  
Title: a Development Order Amendment application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to reconfigure the master plan and site plan to add and delete 1 access point  
Title: a Requested Use application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to allow a General Day Care and a Secondary School  
General Location: NE Quadrant of intersection of Community Drive and Military trail (**Dorfman PUD**) (Control 1985-00171)

Pages 126 – 155

Conditions of Approval Pages (142 - 154)

Project Manager: Joyce Lawrence

Size: 80.32 acres +

BCC District: 2

**Staff Recommendation:** Staff recommends approval of a Development Order Abandonment, the approval of a Development Order Amendment subject to 58 Conditions of Approval as indicated in Exhibit C-1, and the approval of two Requested Uses subject to 8 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Colleen Walters and Michael Sanchez, Agents, are in agreement with conditions of approval.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon the Public Recreation Facility Use approved in R-1986-573-11 and R-1988-1236.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the preliminary master plan to add and delete 1 access point subject to Conditions of Approval as indicated in Exhibit C-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**MOTION:** To recommend approval of the Requested Uses to allow a General Day Care and a Secondary School subject to Conditions of Approval as indicated in Exhibit C-2.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED 6-0**

**E. CORRECTIVE RESOLUTIONS**

- Resolution correcting Resolution ZR-2010-011, adopted on August 5, 2010 by adding Condition 1 of the staff report that was inadvertently omitted from the resolution and renumbering the remainder of the conditions in Exhibit C of ZR-2010-011.

Pages 156 - 156

**MOTION:** To adopt a resolution correcting Resolution ZR-2010-011, adopted on August 5, 2010 by adding Condition 1 of the staff report that was inadvertently omitted from the resolution and renumbering the remainder of the conditions in Exhibit C of ZR-2010-011.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED 6-0**

**F. ABANDONMENTS**

6. **ABN-2011-00418** Title: a Development Order Abandonment application of Whiteside Group Inc by Urban Design Kilday Studios, Agent. Request: to allow the abandonment of ZR-2005-003 for a Class B Conditional Use to allow a Chipping and Mulching facility

General Location: Located at the north side of 7th Place North, approximately 1,000 feet east of Pike Road. (**Whiteside Industrial Park**) (Control 1998-00062)

Pages 157 – 159

Project Manager: Douglas Robinson

Size: 9.62 acres +

BCC District: 6

**People who spoke on this application:**

Joni Brinkman, Agent, is in agreement with motion.

**MOTION:** To adopt a resolution approving a Development Order Abandonment of ZR-2005-003 for a Class B Conditional Use to allow a Chipping and Mulching facility.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED 6 -0**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

7. **ZV-2010-02831** Title: a Type II Zoning Variance application of Curtis Lewis by Land Research Management Inc., Agent. Request: to allow extended hours of operation for a commercial property adjacent to a residential property; to allow reduction in right-of-way and incompatibility buffers widths; to allow a reduction in the front and rear setbacks; and to allow a reduction in the amount of plant material for the right-of-way and incompatibility buffers. General Location: Southeast corner of the intersection of Okeechobee Boulevard and Wabasso Drive and properties along Shawnee Drive end Wabasso Drive. (**Okeechobee Steakhouse**) (Control 2007-00342)

Pages 160 - 198

Conditions of Approval Pages (175 - 175)

Project Manager: Autumn Sorrow

Size: 1.74 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Type II Zoning Variance subject to 5 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Wendy Hernandez, Zoning Manager, gave a brief presentation  
Kevin McGinley, Agent, is in agreement with conditions of approval

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow extended hours of operation for a commercial property adjacent to a residential property; to allow reduction in right-of-way and incompatiliby buffers widths; to allow a reduction in the front and rear setbacks; and to allow a reduction in the amount of plant material for the right-of-way and incompatibility buffers subject to the Conditions of Approval as indicated in Exhibit C. Motion carried.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED 6-0**

**D. ZONING APPLICATIONS - NEW**

- 8. **ZV-2011-00407** Title: a Type II Standalone Variance application of River Loxahatchee by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to eliminate the required hedges and shrubs along the north, west, and east property lines. General Location: Located on the south side of Jupiter Park Drive 0.52 miles south of Indiantown Road and Central Boulevard. (**Loxahatchee River Environmental Control District**) (Control 1974-00034)

Pages 199 - 215  
Conditions of Approval Pages (209 - 209)  
Project Manager: Autumn Sorrow  
Size: 161.54 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of a Type II Zoning Variance subject to 4 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Wendy Hernandez, gave a brief presentation  
George Gentile, Agent, gave a brief presentation

Matthew Zern, Property Manager for the Jupiter Trade Center to the north of the site, main issues for objections were: 1) When Jupiter Trade Center was being developed they were subject to strict landscaping requirements and want the subject site to comply with similar and equitable landscape requirements; and 2) Does not want a monolithic fence with barbed wire on top resembling a prison/institutional appearance. Mr. Zern stated that he did meet with the representatives of the site and received a proposed landscape plan the day before hearing but has not had the time to review the plan.

Mr. Zern concluded that the application should be postponed 30 days. Frank Burella, Eagle Ridge Homeowners Association to the south of the site, was not in opposition to the request, but wants to know what the property owner's intent is on the replacement of the fence along the south property line that abuts their community of Indian Creek.

Mr. Albrey Arrington with the Loxahatchee River District stated that it was the Districts intent to specifically omit this location from the requested variance application in order to have sufficient time to meet with the southern neighbors in a collaborated effort to work on an acceptable plan to both parties.

There was a brief discussion with the Zoning Commission and applicant which focused on the following issues: inclusion of the entire property with variance requests; meeting with adjacent neighbors to address their concerns; existing landscaping conditions; and providing a landscape plan. After considerable discussion the Zoning Commission postponed the application to the June 2, 2011 Zoning Commission Hearing and requested the entire property be included in the variance request.

**MOTION:** To postpone to June 2, 2011

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED POSTPONEMENT 6-0**

9. **ZV/CA-2010-00974** Title: A Type II Concurrent Variance application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow 24 hours operation within 250 feet of a residential district Title: A Class A Conditional Use application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales General Location: Northwest corner of Military Trail and Landar Road within 1,000 feet of Lake Worth Road (**Military Trail Commercial**) (Control 1977-00190)

Pages 216 - 273

Conditions of Approval Pages (240 - 244)

Project Manager: Joyce Lawrence

Size: 3.29 acres +

BCC District: 2

Staff Recommendation: Staff recommends denial of a Type II Zoning Variance and denial of the Class A Conditional Use based on findings in the staff report.

**MOVED TO POSTPONE TO JUNE 2, 2011**

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: APPROVED POSTPONEMENT 6-0**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:00AM**

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