

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, NOVEMBER 3, 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	Present
Commissioner Sheri Scarborough, Vice Chair	Present
Commissioner William F. Anderson	Arrived at 9:05 a.m.
Commissioner Joanne Davis	Arrived at 9:08 a.m.
Commissioner Alex Brumfield	Arrived at 9:05 a.m.
Commissioner Sam Caliendo	Arrived at 9:14 a.m.
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present
Commissioner Jenny Lee Bakcsi	Present

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file, carried 8-0.

E. Adoption of the Minutes – Motion carried 8-0.

F. Swearing In

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
9	9	9	9	9	9	Absent	None	9

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 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 an increase in the sign height and an increase in sign face area for an off-site sign; 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 – 29

Project Manager: Donna Adelsperger

Size: 2.24 acres +

(affected area 1.58 acres +)

BCC District: 6

Staff Recommendation: Staff recommends a postponement to Friday December 2, 2011.

MOTION: To postpone to Friday December 2, 2011. Motion carried 8-0.

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

DECISION: POSTPONED TO DECEMBER 2, 2011

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. **PDD-2011-01175** Title: an Official Zoning Map Amendment to a Planned Development District (PDD) application of Minto Communities LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District
General Location: Approximately 1,300 feet south of the West Palmetto Park Road and Riverside Drive Intersection (**Boca Reserve PUD**) (Control 2011-00244)

Pages 30 – 57

Conditions of Approval Pages (45 - 48)

Project Manager: Joyce Lawrence

Size: 18.92 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation and answered questions

Brian Terry, Agent – answered questions.

General Discussion –

Andre Parker, Attorney for Loggers Run - had concerns with the buffer into Riverside Drive.

Mrs. Cook, resident Boca Winds - expressed opposition, concerns on west side lake buffer.

Kathleen Vertan, resident Boca Winds - expressed opposition and spoke about housing foreclosures.

Mr. Potrelli, representing Boca Winds and Bay Winds HOA - expressed support of the proposed 44 homes and requested a reduced buffer with no fence or wall around the existing lake.

Discussion addressed landscape buffer that would be provided for Riverside Drive and discussion on whether the 5 foot buffer on the west side of the site and adjacent to the lake was required. The ZC directed staff to follow the wishes of the adjacent residents and delete the buffer in a manner that was permitted by the ULDC.

MOTION: To recommend approval of an Official Zoning Map Amendment to a Planned Development District (PDD) to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Moved		Seconded			

DECISION: APPROVED AS ADVERTISED

- Z-2011-01191** Title: an Official Zoning Map Amendment application of Heber Docampo by Jim Spagnoli, Agent. Request: to allow a rezoning from the Commercial Neighborhood (CN) Zoning District. General Location: Approximately 500 feet east of Indian Road on the north side of Westgate Avenue (**Do Campo**) (Control 1994-00094)

Pages 58 – 78

Conditions of Approval Pages (69 - 69)

Project Manager: Douglas Robinson

Size: 0.28 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a rezoning from the Commercial Neighborhood (CN) Zoning District to General Commercial (CG) Zoning District with a Conditional Overlay Zone subject to Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded			Moved					

DECISION: APPROVED AS ADVERTISED

Item 4. DOA-2011-01735 was pulled off the consent agenda and moved to the regular agenda regarding concerns from the Chair.

Item 5. Z-2011-01736 was pulled off the consent agenda and moved to regular agenda regarding concerns from the Chair.

Item 6. CB-2011-01740 was pulled off the consent agenda and moved to regular agenda regarding concerns from the Chair.

- DOAW-2011-01739** Title: a Development Order Amendment application of by Boynton Beach XIX Corp General Partner by G.L. Homes, Agent. Request: to reconfigure the Master Plan to delete land area, units, and access point Title: a Waiver application of by Boynton Beach XIX Corp General Partner by G.L. Homes, Agent. Request: to allow an increase of streets allowed to terminate in a cul-de-sac General Location: Between Lyons Road and SR7/US441, South of Boynton Beach Boulevard (**Lyons West AGR PUD**) (Control 2005-00003)

Pages 150 – 201

Conditions of Approval Pages (173 - 184)

Project Manager: Carol Glasser

Size: 1,793.31 acres +

BCC District: 6

(affected area 766.33 acres +)

Staff Recommendation: Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Kevin Ratteree, Agent - gave a brief presentation.

Carol Glasser, Site Planner II – ~~also~~ gave a brief presentation.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan to delete land area, units, and an access point subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded			Moved					

MOTION: To recommend approval of a Waiver to allow an increase of streets allowed to terminate in a cul-de-sac. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded			Moved					

DECISION: APPROVED AS ADVERTISED

- 8. **Z-2011-01738** Title: an Official Zoning Map Amendment application of by Boynton Beach XXIV Corp General Partner by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District
General Location: West side of SR7/US441, South of West Atlantic Avenue (**Hyder Preserve**) (Control 2011-00340)

Pages 202 - 217

Project Manager: Carol Glasser

Size: 18.00 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seconded			Moved					

DECISION: APPROVED AS ADVERTISED

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

4. **DOA-2011-01735** Title: a Development Order Amendment application of Api Cameron Park Llc by Charles Putman & Associates, Agent. Request: to delete land area and reconfigure the Site Plan. General Location: Southwest corner of Atlantic Avenue & Sims Road extension (**Cameron Park PUD**) (Control 1993-00039)

Pages 79 – 108
 Conditions of Approval Pages (92 - 101)
 Project Manager: David McGuire
 Size: 39.78 acres +
 (affected area 13.94 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to 42 Conditions of Approval as indicated in Exhibit C.

People who spoke on this Application:

DG McGuire, Site Planner II - gave a brief presentation.

Charles Putman, Agent gave a brief presentation.

MOTION: to recommend approval of the development Order to delete land area an reconfigure the Master Plan subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Moved	Seconded							

DECISION: APPROVED AS ADVERTISED

5. **Z-2011-01736** Title: an Official Zoning Map Amendment application of Nicole Smith by Lake Worth Drainage District, Agent. Request: to adopt a resolution approving an Official Zoning Map amendment to allow a rezoning from the Residential Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

General Location: Southwest corner of Atlantic Avenue & Sims Road extension (**Lake Worth Drainage District Canal E-3**) (Control 2011-00332)

Pages 109 – 119
 Conditions of Approval Pages (118 - 118)
 Project Manager: David McGuire
 Size: 1.80 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 3 Conditions of Approval as indicated in Exhibit C.

MOTION: to adopt a resolution approving an Official Zoning Map amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Moved			Seconded					

DECISION: APPROVED AS ADVERTISED

6. **CB-2011-01740** Title: a Class B Conditional Use application of Floral Path Llc & Not Wet Land Inc. by Miller Land Planning, Agent. Request: to allow an Industrial Research Laboratory
General Location: North side of the Bee Line Highway (SR -710) west of Pratt Whitney Road, approximately 0.6 miles south of Indiantown Road. (**Complete Turbine**) (Control 2010-00474)

Pages 120 – 149
 Conditions of Approval Pages (132 - 133)
 Project Manager: Douglas Robinson
 Size: 45.85 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:

Bradley Miller, Agent – expressed agreement with conditions of approval, gave presentation and responded to Commissioner concerns.

Douglas Robinson, Site Planner I – Gave brief presentation. Zoning Commissioners were concerned as to the distance of the fuel tanks from the building safety containment for the 20,000 gallons of fuel. The agent responded the tanks were double lined. The ZC also inquired about the proximity to and separation from Pratt Whitney. Environmental Resources Management (ERM) commented about the historical drainage and having to maintain wetlands and Florida water standards.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow an Industrial Research Laboratory subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Moved								Seconded

DECISION: APPROVED AS ADVERTISED

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. **DOA/R-2011-00939** Title: a Development Order Amendment application of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review, Landscape, Signs); and, re-start the Commencement of Development clock Title: a Requested Use application of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type I Restaurant
General Location: Northeast corner of Lantana Road and SR7/US441 (**Mission Lakes MUPD**) (Control 2003-00007)

Pages 218 – 269
 Conditions of Approval Pages (237 - 253)
 Project Manager: Carol Glasser
 Size: 37.85 acres +
 (affected area 7.24 acres +)

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment in part and denial of the request to modify Condition of Approval Architectural Review 4 subject to 86 Conditions of Approval as indicated in Exhibit C1; and, approval of the Requested Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Carol Glasser, Site Planner II – gave a brief presentation

Joni Brinkman, Agent – gave a brief presentation

DG McGuire, Site Planner II– answered questions from the Board concerning Architectural elements

General Discussion:

Melvin Eisenburg and Barbara Roth - spoke in opposition to the Type I Restaurant.

Ken Lassiter – supports concerns for a Type I Restaurant with Drive Thru

Ted Jako, Board of Directors Cypress Lakes Preserve – objected to Type I Restaurant.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review 1, Landscape, Signs), restart the Commencement of Development clock subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
					Seconded			Moved

MOTION: To recommend denial of the request to modify Condition of Approval Architectural Review 4. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
					Seconded			Moved

MOTION: To recommend approval of a Requested Use to allow a Type 1 Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Nay	Yes	Yes	Yes	Yes	Yes	Yes
					Seconded			Moved

DECISION: APPROVED AS ADVERTISED

- 10. **ZV-2011-00932** Title: a Type II Zoning Variance application of Pine Trail Square LLC by Seigel Lipman Dunay Shepart & Miskel LLP, Agent. Request: to allow an increase in square footage for wall signage along the north façade
General Location: Generally located on the southwest corner of Military Trail and Okeechobee Boulevard. **(Pine Trail Square)** (Control 1978-00273)

Pages 270 – 300

Conditions of Approval Pages (288 - 288)

Project Manager: Douglas Robinson

Size: 22.26 acres +

BCC District: 2

Staff Recommendation: Staff recommends denial of the request for failure to satisfy Criteria 1-6.

People who spoke on this application:

Autumn Sorrow, Senior Site Planner – gave a brief presentation

Douglas Robinson, Site Planner I – responded to questions

Bonnie Miskel, Agent – gave a presentation to support her variance request and

required visibility for the business signage for HH Gregg.

General Discussion:

Discussion on wall signage location and designation of frontage for the wall and resulting calculations and if signage would be reduced based another tenant in the same structure.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow wall signage on the north facade to exceed the maximum square footage allowed by code. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Moved			Seconded					

DECISION: APPROVED AS ADVERTISED

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

- 11. Please note that the December 2011 and January 2012 Zoning Commission Hearings will be held on Friday December 2, 2011 and Friday January 6, 2012.

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 11:15 a.m.