

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

FRIDAY, DECEMBER 02, 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	Present
Commissioner Joanne Davis	Absent
Commissioner Alex Brumfield	Present
Commissioner Sam Caliendo	Absent
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Arrived at 9:09 a.m.
Commissioner Jenny Lee Bakcsi	Arrived at 9:07 a.m.

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file, carried 5-0.

E. Adoption of the Minutes – Motion carried 5-0.

F. Swearing In

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
4,5	4,5	Absent	4,5	4,5	4,5	Absent	None	4,5

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/ABN/DOA-2011-01169** Title: a Type II Zoning Variance application of John Jarvis & Son LLC by Jon E Schmidt & Associates, Agent. Request: to allow a reduction of minimum lot size, width, frontage, depth; and, a reduction of right-of-way buffer width
 Title: a Development Order Abandonment application of John Jarvis & Son LLC by Jon E Schmidt & Associates, Agent. Request: to abandon the Special Exception approved under Resolution R-83-0133
 Title: a Development Order Amendment application of John Jarvis & Son LLC by Jon E Schmidt & Associates, Agent. Request: to modify uses
 General Location: West side of Jog Road north of Southern Boulevard (**Music Man**) (Control 1973-00032)

Pages 1 - 35
 Conditions of Approval Pages (23 - 26)
 Project Manager: Carol Glasser
 Size: 7.97 acres +
 (affected area 1.28 acres +)

BCC District: 6

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 4 Conditions of Approval as indicated in Exhibit C-1: approval of the Development Order Abandonment; and, approval of the Development Order Amendment subject to 12 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Chris Barry, Agent – Agreed to Conditions of Approval.

MOTION: To adopt a Resolution approving a Type II Variance to allow a reduction of minimum lot size, width, frontage, depth; and, a reduction of right-of-way buffer width subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 7-0.

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

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception approved under Resolution R-83-0133. Motion carried 7-0.

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

MOTION: To recommend approval of a Development Order Amendment to modify uses subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 7-0.

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

DECISION: APPROVED AS AMENDED

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

- 2. To revoke the Type II Variances (Concurrent) previously granted by the approval of Zoning Application ZV/CA-2007-01801, Control No. 2007-0407, confirmed by the adoption of Resolution ZR-2008-0049. (Control 2007-407 (1747 Military Trail))

Pages 36 - 37

MOTION: To adopt a resolution revoking the Type II Zoning Variances granted under Resolution ZR-2008-049. Motion carried 7-0.

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

DECISION: APPROVED AS ADVERTISED

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 3. **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 a reduction for an Incompatibility 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 38 - 67
 Conditions of Approval Pages (55 - 57)
 Project Manager: Donna Adelsperger
 Size: 2.24 acres +
 (affected area 1.58 acres +)

BCC District: 6

Staff Recommendation: Staff recommends approval of the Subdivision Variance subject to 5 Conditions of Approval as indicated in Exhibit C-1. Staff recommends approval of the Type II Zoning Variances for Landscaping subject to 10 Conditions of Approval as indicated in Exhibit C-2 and staff recommends denial of the Type II Zoning Variances for off-site signage for failure to satisfy Criteria 1 - 6.

People who spoke on this application:

This item was pulled per Commissioner Hyman and moved to the end of the Regular Agenda to address resident’s concerns.

Kevin McGinley, applicant – Withdrew the Type II Variance requests and is now only looking for approval of the Subdivision Variance.

Cassandra Wooten, resident – Informed Commissioners that the residents were not given sufficient information. The agent met with Ms. Wooten during the hearing and later withdrew her objection.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a reduction in the required minimum access width subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 7-0.

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

Request Withdrawn by Applicant. No motion required.

To adopt a resolution approving a Type II Zoning Variance to allow reduction in the required Type 3 Incompatibility Landscape Buffer along the west property line and to allow 100 percent of the landscape material to be planted on the inside of the wall subject to the Conditions of Approval as indicated in Exhibit C-2.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty

DECISION: APPROVED AS AMENDED for Subdivision Variance

D. ZONING APPLICATIONS - NEW

- 4. ABN/DOA-2011-00632** Title: a Development Order Abandonment application of Fairways LLC by Urban Design Kilday Studios, Agent. Request: to abandon Resolution R-1993-333 Title: a Development Order Amendment application of Fairways LLC by Urban Design Kilday Studios, Agent. Request: to delete land area and conditions of approval relating to the golf course use. General Location: Southwest corner of Century Boulevard and Haverhill Road (**South Hampton PUD (AKA Century Village)**) (Control 1973-00215)

Pages 68 - 141

Conditions of Approval Pages (134 - 137)

Project Manager: Autumn Sorrow

Size: 23.66 acres +

BCC District: 2

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

People who spoke on this application:

Jon MacGillis, Zoning Director – stated agenda Items 4 and 5 are tandem applications.

Autumn Sorrow, Senior Site Planner – gave a presentation on both projects with recommendations of approval.

Kieran Kilday, Agent – gave a presentation in support of the application and provided 95 cards in support from Century Village residents and from business people in the community.

Myron Solomon, Loretta Kucorrello, Gale Benzman, Filamina Nichols, Barbara Goldstein, Maurey Shulman, Ethel Lieder, Robert Marcot, Barbara Cornish, Elaine Honey Sager, Phyllis Roskin, May Duke, Patricia Caputo, Martin Ruderman, Herbert Finklestein, Jack Martin Finklestein, Shelly Califf, Frank Veglia, David Israel, Barbara Henley, Frank LeFountain, Chris Loman, Lynn Leevy, Susan Bernstein, John Zangara, Jeannette Veglia, Dennis Spetz, Resident Howard Silber, Phil Shapman, all spoke in opposition to the request.

Solomon Beck, and Gene Dowling, spoke in support of the request.

Ralf Brookes, Rod Tennyson, and David Keir, spoke as expert witnesses and in opposition to the request. They cited Plat restrictions, deeds, and, reliance on previous brochures and sales materials and determined further in-depth studies should be completed.

The Commissioners added conditions for preserving security for the surrounding property, provision for a walkway around the lake, and gated security to the access bridge connection to Century Village. Also the Commissioners stated that the 12.55-acres remaining within South Hampton should be maintained as open space and the property owner should not come back for redevelopment at a later stage.

29 Residents spoke in opposition, 2 Residents spoke in support, 432 Public Comment Cards were submitted in opposition, 11 Public Comment Cards were submitted in support, 595 Courtesy Notices in opposition were received by the Zoning Division, 25 Courtesy Notices in support were received by the Zoning Division, 153 Century Village residents signed support cards which were submitted from the agent, numerous letters and emails were sent to the Zoning Commissioners, a petition was submitted by Robert Marcotte with 170 signatures in opposition, a petition was submitted by Shelly Califf with 223 signatures in opposition, a petition was submitted by Gail Benzman with 203 signatures in opposition, and a petition was submitted by Lynn Leevy with 84 signatures in opposition.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-1993-333. Motion carried 6-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Absent	No	Yes	Yes	Absent	Yes	Yes
	Seconded				Moved			

MOTION: To recommend approval of a Development Order Amendment to delete land area and Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 6-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Absent	No	Yes	Yes	Absent	Yes	Yes
	Seconded				Moved			

DECISION: APPROVED AS AMENDED

- ZV/TDD/R-2011-01203** Title: a Type II Zoning Variance application of Fairways Llc by Urban Design Kilday Studios, Agent. Request: to increase the maximum length of a block; exceed the number alley curb cuts; waive the alley requirement; eliminate the percentage of land designated for single family residential; exceed the building coverage for neighborhood center; exceed the maximum building height; waive the requirement for a centrally located neighborhood square or commons in a

neighborhood; reduce the percentage of a neighborhood park perimeter abutting a street; and to reduce the required seating area in a park. Title: an Official Zoning Map Amendment application of Fairways Llc by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential High (RH) Zoning District to the Traditional Neighborhood Development (TND) Zoning District Title: a Requested Use application of Fairways Llc by Urban Design Kilday Studios, Agent. Request: to allow a Type III, Congregate Living Facility General Location: Southwest corner of Century Boulevard and Haverhill Road (**Reflection Bay**) (Control 2011-00245)

Pages 142 - 237

Conditions of Approval Pages (188 - 194)

Project Manager: Autumn Sorrow

Size: 57.54 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 28 Conditions of Approval as indicated in Exhibit C-2, and 4 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application:

Autumn Sorrow, Senior Site Planner – Made a presentation on the proposed TND.

Because this item is contingent upon Item 4 ABN/DOA-2011-632, both items were presented and discussed concurrently, therefore see minutes for item 4.

MOTION: To adopt a Resolution approving a Type II Variance to increase the maximum length of a block; exceed the number alley curb cuts; waive the alley requirement; reduce the gross area for single family residential; exceed the building coverage for neighborhood center; exceed the maximum building height; waive the requirement for a centrally located neighborhood square or comments in a neighborhood; reduce the percentage of a neighborhood park perimeter abutting a street; and to reduce the required seating area in a park subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 6-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Absent	No	Yes	Yes	Absent	Yes	Yes
	Seconded				Moved			

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Traditional Neighborhood Development (TND) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 6-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Absent	No	Yes	Yes	Absent	Yes	Yes
	Seconded				Moved			

MOTION: To recommend approval of a Requested Use to allow a Type III, Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-3. Motion carried 6-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Yes	Yes	Absent	No	Yes	Yes	Absent	Yes	Yes
	Seconded				Moved			

DECISION: APPROVED AS AMENDED

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

6. Staff Recommendation on Architectural Review at Zoning Commission

Pages 238 - 240

MOTION:

7. Please note that the January 2012 Zoning Commission Hearing will be held on Friday, January 6, 2012.

Pages

MOTION:

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 1:49 p.m