

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, NOVEMBER 7, 2013

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 Sheri Scarborough, Chair	Present
Commissioner Alex Brumfield, Vice Chair	Arrived at 9:08 am
Commissioner Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	Present
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Absent
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file carried

E. Adoption of the Minutes – Motion carried 7-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
		11	Absent	12	12		11*	11, 12

*Commissioner Beatty recused himself from voting on Agenda Item 10.

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- SV/Z/CA-2012-03112** Title: a Subdivision Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide ultimate Right-of-Way for Ranches Road, which is 20 feet less than the required 80 feet in width.

Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow the rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Day Care Center.

General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches Road. (**Learning Place Academy**) (Control 1975-00145)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 1.05 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to December 6, 2013.

MOTION: To postpone to December 6, 2013.

Motion carried 7-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded		Moved						

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

2. **ZV/2012-03380** Title: a Type II Variance application of AMKBJ Partners Ltd, Agriculture Property Inc by Land Research Management Inc., Agent. Request: to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line. .
General Location: 1/4 mile north of the northwest corner of Boynton Beach Boulevard and State Road 7/US 441 on the west side of SR 7/US 441. **(Atlas Peat and Soil)** (Control 1979-00120)

Pages 2 - 2

Project Manager: Donna Adelsperger

Size: 62.80 acres +

BCC District: 5, 6

Staff Recommendation: Staff recommends a postponement to December 6, 2013.

MOTION: To postpone to December 6, 2013.

Motion carried 7-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded		Moved						

3. **ZV-2013-01846** Title: a Type II Variance application of Jasmine Of Palm Beach Ltd by Land Design South Inc., Agent. Request: to allow an increase in the build-to-line on Congress Avenue and Westgate Avenue; to reduce the rear setback; to eliminate the minimum building frontage; number of queuing spaces, and foundation plantings on east and south sides; to reduce the Right-of-Way Buffer and Incompatibility Buffer widths; to increase the allowable easement overlap within a Landscape Buffer; and, to increase the height of a Freestanding Sign location.
General Location: Northwest corner of Congress Avenue and Westgate Avenue. **(Meerdink's Little Ranches)** (Control 1980-00008)

Pages 3 - 3

Project Manager: Roger Ramdeen

Size: 0.61 acres ±

BCC District: 7

Staff Recommendation: Staff recommends a postponement to December 6, 2013.

MOTION: To postpone to December 6, 2013.

Motion carried 7-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded		Moved						

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

- 4. **DOA-2013-01606** Title: a Development Order Amendment application of Pine Trail Square Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan to add square footage. General Location: Southwest corner of Military Trail and Okeechobee Boulevard. (**Pine Trail Shopping Center**) (Control 1978-00273)

Pages 4 - 28
 Conditions of Approval Pages (9 - 15)
 Project Manager: Roger Ramdeen
 Size: 28.07 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 44 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Autumn Sorrow – Agent, in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

Decision: Recommended approval as amended 8-0

D. ZONING APPLICATIONS - NEW

- 5. **ZV-2013-02139** Title: a Type II Variance application of Lennar Homes, LLC by Land Design South Inc., Agent. Request: to allow the elimination of the wall in a Type 3 Incompatibility Buffer. General Location: Approximately 1,300 feet south of Lake Worth Road between Lyons Road and Polo Road. (**Gulfstream PUD-Variance**) (Control 2008-00297)

Pages 29 - 49
 Conditions of Approval Pages (36 - 36)
 Project Manager: Carol Glasser
 Size: 64.75 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Doug Murray – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow the elimination of the wall in a Type 3 Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

DECISION: Approved 8-0

- 6. **Z-2013-01842** Title: an Official Zoning Map Amendment application of Lake Clarke Shores Town of by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership District (PO) Zoning District.
 General Location: Approximately 700 feet east of the intersection of Seminole Drive and Kewanee Road and 310 feet north of Kewanee Road. **(Town of Lake Clarke Public Works)** (Control 2013-00122)

Pages 50 - 64

Project Manager: Donna Adelsperger

Size: 1.58 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request.

People who spoke on application

Dodi Glas – Agent, in agreement with the Conditions of Approval

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership District (PO) Zoning District.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

Decision: Recommended Approval 8-0

- 7. **ZV/DOA/R-2013-01841** Title: a Type II Variance application of LW Jog Sc Ltd, by Perry & Taylor PA, Agent. Request: to allow a 24-hour operation (Mondays to Fridays) for a use within 250 feet of residential Zoning District/Use; and 100% encroachment of utility easements within the Landscape Buffer. Title: a Development Order Amendment application of Great Western Bank, American Savings & Loan Assn, BB, LW Jog Sc Ltd, Frontier Lake Worth LLC, J M A Properties Inc by Perry & Taylor PA, Agent. Request: to modify the Site Plan and add a use. Title: a Requested Use application of Great Western Bank, American Savings & Loan Assn, BB, LW Jog Sc Ltd, Frontier Lake Worth LLC, J M A Properties Inc by Perry & Taylor PA, Agent. Request: to allow a Fitness Center.

General Location: Southeast corner of Lake Worth Road and Jog Road. **(Lake Worth Plaza West)** (Control 1973-00091)

Pages 65 - 90

Conditions of Approval Pages (71 - 75)

Project Manager: Joyce Lawrence

Size: 27.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1; and, 19 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Susan Taylor – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving Type II Variances to allow a 24-hour operation (Mondays to Fridays) for a use within 250 feet of residential Zoning District/Use; and 100% encroachment of utility easements within the Landscape Buffer subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

MOTION: To recommend approval of a Requested Use to allow a Fitness Center.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

Decision: Type II Variance approved 8-0, other requests Recommended Approval 8-0

- 8. **DOA/R-2013-01330** Title: a Development Order Amendment application of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and add square footage and uses. Title: a Requested Use application of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Type I Restaurant. General Location: Northeast corner of Southern Boulevard and Sansburys Way. **(Shoppes at Southern Palms)** (Control 2007-00018)

Pages 91 - 118

Conditions of Approval Pages (96 - 103)

Project Manager: Roger Ramdeen

Size: 24.35 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 28 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Dan Siemsen – Agent, in agreement with the Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage and uses subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

Decision: Recommended Approval 8-0

- 9** **ZV-2013-02110** Title: a Type II Variance application of West Okeechobee Commercial Llc - Bill Reichel by David L. Carpenter & Assoc., Agent. Request: to allow a reduction in the Right-of-Way Buffers widths, to reduce the building setback (west), eliminate a portion of the Compatibility Buffer (west), and to reduce the setback for a Ground Mounted Sign.

General Location: Northwest corner of Okeechobee Boulevard and Spafford Avenue. **(West Okeechobee Commercial)** (Control 1997-30038)

Pages 119 - 138

Conditions of Approval Pages (125 - 125)

Project Manager: David McGuire

Size: 0.58 acres ±

BCC District 7

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

David Carpenter – Agent, Withdrew request for sign setback and requested deletion of Condition 5

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the Right-of-way Buffers widths, to reduce the building setback (west), and to eliminate a portion of the Compatibility Buffer (west) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

Decision: Approved as Amended 8-0

- 10.** **ZV-2013-01840** Title: a Type II Variance application of Jewish Community Facilities Corp Lessor by Land Design South Inc., Agent. Request: to allow a reduction in the side setback.

General Location: South side of Glades Road at the terminus of 95th Avenue S. **(Rainberry PUD)** (Control 1984-00139)

Pages 139 - 165

Conditions of Approval Pages (143 - 143)

Project Manager: Carol Glasser

Size: 6.04 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Lindsay Libes – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the side setback subject to the Conditions of Approval in Exhibit C.

Motion carried 7-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Abstained	Yes
		Moved				Seconded		

Decision: Approved 7-0

Item 14 was moved from the Regular Agenda to the Consent Agenda

- 14. **SD-141 Title:** a Subdivision Variance application of American Equities Ltd. No. 6 by Cotleur & Hearing, Agent. Request: to allow a reduction in the required access width for a non-residential use project.

General Location: East side of Pratt Whitney Road, north of Beeline Highway, in the PIPD Zoning District.

(Palm Beach Park of Commerce 80 acre Parcel) (Control 1981-00190)

Pages 260 - 269

Conditions of Approval Pages (263 - 263)

Project Manager: Joanne Keller

Size: 79.86 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Jan Polson – Agent, in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Subdivision Variance to allow a reduction in the required access width for a non-residential use project, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved 8-0

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

11. **W-2013-02239** Title: a Type II Waiver application of Tax Collector of Palm Beach County - Anne Gannon by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; and to allow useable open space along the primary frontage.
General Location: Northwest corner of Landar Drive and Military Trail. **(Central Palm Beach Service Center)** (Control 1977-00190)

Pages 166 - 190
 Conditions of Approval Pages (171 - 172)
 Project Manager: Donna Adelsperger
 Size: 3.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Donna Adelsperger – Site Planner I, gave a brief presentation

Collene Walter – Agent, gave a brief presentation, submitted a letter into the record, and requested 2 additional Conditions. Agent is in agreement with the Conditions of Approval as Amended.

Ray Flow and Michael Falk spoke in support of the application, as well as Susan Taylor, who represented the Countryside Homeowner’s Association, Inc.

There was a brief discussion regarding the location of the building, security lighting, and gates.

Amendment to All Petitions 1, added new Landscape Condition for screening of Outdoor Use area and Traffic Condition for construction of Landar Drive.

MOTION: To recommend approval of a Type II Waiver to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; to allow useable open space along the primary frontage and to eliminate the benches and trash receptacles along Landar Drive subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

Decision: Recommended Approval as amended 8-0

12. **ZV-2013-02127** Title: a Type II Variance application of BW-PC, LLC by Urban Design Kilday Studios, BW-INV- LLC, Agent. Request: to allow the elimination of Incompatibility Buffers; a reduction in side and rear setbacks; a reduction in the separation for Multi-Family structures; and, an increase in building coverage.
General Location: North of Glades Road, east of Florida's Turnpike on Boca West Drive. **(Boca West PUD)** (Control 1985-00007)

Pages 191 - 234
 Conditions of Approval Pages (196 - 196)
 Project Manager: Carol Glasser
 Size: 6.79 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Carol Glasser – Site Planner II, gave a brief presentation
 Joni Brinkman – Agent, gave a brief presentation and submitted letters into the record.
 Agent is in agreement with the Conditions of Approval.

Ralph Schenk and Robert Knapp spoke in opposition to the application, citing concern over the impact on property/resale values, privacy, tranquility, and requesting an EPA study for contamination.

Phillip Kupperman, Jay Dipietro, Richard Siemens, and Jerold Glassman spoke in support for the application, stating that this request was approved by a majority of the members of the Boca West Board and that the response from the membership was overwhelmingly positive. It was also stated that the golf course views would not be impacted.

MOTION: To adopt a resolution approving Type II Variances to allow the elimination of Incompatibility Buffers; a reduction in side and rear setbacks; a reduction in the separation for Multi-Family structures; and, an increase in building coverage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Nay	Nay	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

Decision: Approved 6-2

- 13. **ZV-2013-01853** Title: a Type II Variance application of Living Word Lutheran Church (LCA) by Frogner Consulting Inc., Agent. Request: to allow a General Day Care to be permitted at either end of a runway and in an area that extends within five miles from the end of the airport runway.
General Location: South side of Lantana Road, 1/4 mile west of I-95. **(Living Word Lutheran Church)** (Control 1975-00038)

Pages 235 - 259
 Conditions of Approval Pages (244 - 244)
 Project Manager: Carrie Rechenmacher
 Size: 3.32 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request.

MOTION: To postpone to December 6, 2013.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

Decision: Postponed to December 6, 2013

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT - *10:23 am*