

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, MARCH 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	Present
Commissioner Allen Kaplan	Present
Commissioner Joanne Davis	<i>Arrived 9:15</i>
Commissioner Alex Brumfield	<i>Arrived 9:05</i>
Commissioner Sam Caliendo	<i>Arrived 9:10</i>
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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
	8	8	8, 10	8, 9	4, 8, 10	8, 10		2, 8

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

2. **ZV-2010-02806** Title: a Type II Zoning Variance application of Race Trac Petroleum Inc by Brandenburg & Associates P.A., Agent. Request: to allow 24 hours operation within 250 feet of a residential district.
General Location: Northeast corner of Haverhill Road and Wallis Road (Race Trac Haverhill) (Control 2005-00514)

Pages 28 - 51
 Conditions of Approval Pages (38 - 38)
 Project Manager: Joyce Lawrence
 Size: 1.95 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C, based upon the following application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

People who spoke on this application:

Gary Brandenburg, Agent – In agreement with conditions of approval

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow 24 hours operation of business activities within 250 feet of a residential district to continue from 6:00 a.m. to 6:00 a.m. (24 hours).

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

DECISION: APPROVED AS ADVERTISED 8 - 0

3. **PDD/DOA-2010-00412** Title: an Official Zoning Map Amendment to a Planned Development District application of Sunshine Wireless of Maryland by Marda L. Zimring Inc, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District Title: a Development Order Amendment application of Sunshine Wireless of Maryland by Marda L. Zimring Inc, Agent. Request: to add land area, add square footage and modify/delete conditions of approval (Signs and Use Limitations)
General Location: 0.25 miles north of Glades Road, adjacent to west side of Florida Turnpike (**Glades Road Self Storage**) (Control 1992-00044)

Pages 52 – 86
 Conditions of Approval Pages (73 - 78)
 Project Manager: Joyce Lawrence
 Size: 12.95 acres +
 (affected area 13.16 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 29 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Marda Zimring, Agent – In agreement with conditions of approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval of a Development Order Amendment (DOA) to modify the site plan to add land area and square footage and to modify Conditions of Approval (Sign and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-2.

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

DECISION: APPROVED AS ADVERTISED 9 - 0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

5. SD-139

Lakes at La Paz, a Condominium, requesting variances from the requirements that (A) water management tract side slopes be no steeper than four(H):one(V) extending to a depth of at least two feet below the design control elevation, and (B) lake maintenance easements be a minimum of 20 feet in width and graded at a slope no steeper than eight(H):one(V).

Requirements are set forth in the Unified Land Development Code, Article 11.E.4.F.4.a, and 11.E.4.G.2.

Location: west of Powerline Road and north of SW 18th Street, on the south side of Boca Pointe Drive, in the RS Zoning District.

Pages 124 – 136

BCC District: 4

MOTION: To adopt a resolution approving a Type II Subdivision Variance to allow existing water management tract slopes and lake maintenance easement slopes to remain, subject to the two conditions in the Staff Report, as shown below.

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

DECISION: APPROVED AS ADVERTISED 9 – 0

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

1. **DOA-2010-02813** Title: a Development Order Amendment application of Bethesda Healthcare System Inc by Urban Design Kilday Studios, Agent. Request: to add square footage and reconfigure the site plan within the Bethesda West Hospital MUPD and extend build out date and restart clock for Commencement of Development
General Location: Northeast corner of Boynton Beach Blvd and State Road 7 (**Bethesda West Hospital**) (Control 2006-00011)

Pages 1 – 27
Conditions of Approval Pages (17 - 22)
Project Manager: Carrie Rechenmacher
Size: 58.67 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 28 Conditions of Approval and indicated in Exhibit C.

People who spoke on this application:

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation
Kerry Kilday, Agent – In agreement with conditions of approval.
Ken Lassiter, COBWRA – Recommends approval of application.
Marty Perry, Interface – Representing a property owner South of Boynton Beach Boulevard. Spoke in opposition of application due to unfairness with COBWRA’s decision to support this request but not support his client’s request for a similar use.

MOTION: to recommend approval of a Development Order Amendment to add square footage, reconfigure the site plan, and restart the clock for Commencement of Development within the Bethesda West Hospital MUPD subject to Conditions of Approval as indicated in Exhibit C.

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

DECISION: APPROVED 8-1

4. **DOA/R-2010-02822** Title: a Development Order Amendment application of Civic Development Group LLC by CMS Engineering LLC, Agent. Request: to add a Congregate Living Facility, Type 3 and a Nursing Facility to the Preliminary Master Plan; and, delete 2 access points. Title: a Requested Use application of Civic Development Group LLC by CMS Engineering LLC, Agent. Request: to allow a Congregate Living Facility, Type 3 and a Nursing Facility.
General Location: Southwest corner of Hypoluxo and Lyons Roads (**Villages of Windsor SW Civic**) (Control 1996-00081)

Pages 87 – 123
Conditions of Approval Pages (104 - 119)
Project Manager: Carol Glasser
Size: 22.50 acres +

BCC District: 3

Staff Recommendation: To recommend approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C-1 for the Development Order Amendment and 8 Conditions of Approval as indicated in Exhibit C-2 for the Requested Uses.

People who spoke on this application:

Carol Glasser, Site Planner II – Gave brief presentation

Bradley Miller, Agent – Gave brief presentation, in agreement with conditions of approval.

James Garfield, Richard Petrik, Greg Saladino, Faustino Costosa, Janis Gary, Babu Joseph, Alba Muirhead, Ana Coelho, Todd Nochomson, Bonnie Smith, Jay Huebner, and Shelia Cramer - Are in opposition of application. Ken Lassiter of COBWRA supports application

MOTION: To recommend approval of a Development Order Amendment to add a Congregate Living Facility, Type 3 and a Nursing Facility to the Preliminary Master Plan; and, delete 2 access points subject to the Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval of Requested Uses to allow a Congregate Living Facility, Type 3 and a Nursing Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

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

DECISION: APPROVED 9 – 0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. **Z/DOA/CA-2010-01729** Title: an Official Zoning Map Amendment application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single Family Residential (RS) Zoning District. Title: A Development Order Amendment application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Place of Worship and to add and delete land area. Title: A Class A Conditional Use application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Day Care, General General Location: Approximately 0.33 miles south of Gun Club Road on the east side of Haverhill Road (**Iglesia Cristo Mi Redentor**) (Control 2003-00009)

Pages 137 – 183

Conditions of Approval Pages (160 - 170)

Project Manager: Joyce Lawrence

Size: 6.98 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment and a Conditional Overlay Zone (COZ) subject to 9 Conditions of Approval as indicated in Exhibit C-1, a Development Order Amendment to allow a Place of Worship subject to 24 Conditions of Approval as indicated in Exhibit C-2, and a Class A Conditional Use to allow a Day Care, General subject to 3 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application:

Joyce Lawrence, Site Planner II – Gave a brief presentation

Alessandria Kalfin, Agent – Gave a brief presentation, in agreement with conditions of approval.

Mr. Parker – Stated he did not see the site plan but he will work with agent on the ingress/egress easement.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single family Residential (RS) Zoning District with a Conditional Overlay Zone (COZ) subject to Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval of a Development Order Amendment to allow a Place of Worship and to modify the site plan to add and delete land area subject to Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Day Care, General subject to Conditions of Approval as indicated in Exhibit C-3.

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

DECISION: APPROVED AS ADVERTISED 9-0

7. **PDD/DOA/R-2010-01719** Title: an Official Zoning Map Amendment to a Planned Development District application of George Elmore by Corporate Property Services, Agent. Request: to allow a rezoning from the General Commercial/Special Exception (CG/SE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: A Development Order Amendment application of George Elmore by Corporate Property Services, Agent. Request: to reconfigure the Site Plan and add square footage. Title: a Requested Use application of George Elmore by Corporate Property Services, Agent. Request: to allow a Type I Restaurant General Location: Southeast corner of Southern Boulevard and State Road 7 (**Western Plaza**) (Control 1977-00048)

Pages 184 – 228

Conditions of Approval Pages (207 - 216)

Project Manager: Autumn Sorrow

Size: 32.86 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment, a Development Order Amendment to allow reconfigure the site plan and add square footage subject to 59 conditions of approval as indicated in Exhibit C-1, and a Requested Use to allow a Type I Restaurant subject to 4 conditions of approval as indicated in Exhibit C-2.

People who spoke on this application:

Autumn Sorrow, Senior Site Planner – Gave brief presentation

Craig McDonald, Agent – Gave brief presentation, in agreement with conditions of approval

Sandra Upright, Ron Mazur, Gerhard Frenzel – Spoke in opposition of the project citing concerns with: additional traffic trips; inability to make left turns out of shopping center and the need to make u-turns on State Road 7; pedestrian safety concerns; and the need for a new building when there is existing vacant commercial space in the vicinity.

MOTION: To recommend approval of an Official Zoning Map Amendment from the General Commercial/Special Exception (CG/SE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage.

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

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

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

DECISION: APPROVED 9-0

8. **ZV/DOA-2010-01728** Title: a Development Order Amendment application of Mizner Trail Golf Club Ltd, Siemens Group Inc. by Urban Design Kilday Studios, Agent. Request: to modify and redesignate uses, and add POD's, units, and access points on the Master Plan.

General Location: Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west side of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive (**Boca Del Mar PUD**) (Control 1984-00152)

Pages 229 – 362

Conditions of Approval Pages (283 - 289)

Project Manager: Wendy Hernandez

Size: 1,945.96 acres +

BCC District: 4

Staff Recommendation: Staff recommends denial of the request to modify and redesignate uses, and add PODs, units, and access points on the Master Plan.

People who spoke on this application:

Wendy Hernandez, Zoning Manager – Gave a presentation for denial of application

Kerry Kilday, Agent – Gave a presentation, in opposition of denial.

Comment cards were received in opposition of application from the following: Samuel Levin, Charles Havelka, Liesa Segovia, Lorianne Cordoba, Shannon Shakelford, Tammy Hands, Robert Chastin, Helen Gally, Carmine Garci, Patrick Convery, Catherin Convery, Romuld Ferrero, Carol Sterling, Joyce & Bill Avery, Bonnie & Marville Smith, Jeri Warner, William Lynch, Paul Mirabelli, Charlie Holland, Betty Holland, Joanne & Brian Lithgow, Rona Kirschner, Lisa Ferraro, Teryanda Fesdjlan, Robert Covell, Susan Covell, Ed Rodriguez, Barney Ingoglia, Steve Foster, Lorraine Conover, Phyllis Greenberg, Jessica Ferrari, Marilyn Aittas, Marian Drake, John Caggiano, Angela Rothman, Susan Caggiano, Brian Beziat, Brian Coleman, Rosemary Nixon, Gail Neer, Harvey Kane, Gerala Commagere, Frank Lewis, Karl Huelsenbeck, Phyllis Hallman, Lucie Van Aalten, Deborah Catalano, Edward Venezia, Anne Hopkins, Franklin Van Aalten, Debbie Venezia, Gail Hewitt, Mattie Chastoia, Afsanch Assadian, Louis Francos, Loran Radford, John Chubbuck, Lynn & Kent Nance, David Lucas, Thomas Haley, Lisa Litwak, Alex Restepo, William Safron, Ellen Krystofik, Gavin Wilson, Patricia Wilson, David Keir, Steve Caltagirone, Elizabeth Strickman, Lilli Ferrari, Honora McCarthy, Steve & Pamela Jordan, Deborah Fink, Karen Resch, Millie Stanfield, Pat Bradley, Thomas Hands, Sheldon Sterling, Joanne Chamar, Drew Martin, Ralf Brooker, Lin-z Reicher, Suzanne Handley, and Laura Cuadros.

Pan Bower is in support of the application.

MOTION: To recommend Denial of the Development Order Amendment to modify and redesignate uses, and add POD's, units, and access points on the Master Plan.

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

DECISION: DENIED AS AMENDED 5:3

D. ZONING APPLICATIONS - NEW

9. **Z/CA-2010-02802** Title: an Official Zoning Map Amendment application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District
Title: a Class A Conditional Use application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale
General Location: Located on the east side of Pike Road approximately 300 feet south of Belvedere Road. (934 Pike LLC) (Control 2010-00352)

Pages 363 – 384

Conditions of Approval Pages (378 - 380)

Project Manager: Donna Adelsperger

Size: 1.91 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval of the request for an Official Zoning Map Amendment to allow for a rezoning from the Residential Multi-family (RM) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to 11 Conditions of Approval as indicated in Exhibit C-1 and approval of a Class A Conditional Use to allow Gas and Fuel Wholesale subject to the 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Donna Adelsperger, Site Planner I – Gave a brief presentation

Chris Barry, Agent – Gave a brief presentation in agreement with all but one condition, which was the saving of the trees.

Jon Enter, Pastor of Hope Lutheran Church – Request a 30 day postponement to further discuss application with applicant and agent.

MOTION: To postpone thirty days

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

DECISION: TO POSTPONE 30 DAYS

10. **ZV-2010-02817** Title: a Type II Zoning Variance application of Jin Chung by Land Design South Inc., Agent. Request: to allow a reduction in minimum lot size for the Community Commercial (CC) Zoning District
General Location: South side of Lantana Road, east of Lyons Road. (**US Marshal Arts Academy**) (Control 2009-00281)

Pages 385 – 399

Conditions of Approval Pages (393 - 393)

Project Manager: Carol Glasser

Size: 0.69 acres +

BCC District: 3

Staff Recommendation: Staff recommends denial based on the findings. If the Zoning Commission approves the variance, then staff recommends approval subject to 5 Conditions of Approval.

People who spoke on this application:

Carol Glasser, Site Planner II – Gave a brief presentation

Jeff Brophy, Agent – Gave a brief presentation

MOTION: To adopt a resolution approving Type II Variance to allow a reduction in minimum lot size for the Community Commercial (CC) Zoning District.

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

DECISION: APPROVED AS ADVERTISED 9-0

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT - 2:13 PM

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