

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, JULY 7, 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	<i>Arrived 9:11am</i>
Commissioner Allen Kaplan	Present
Commissioner Joanne Davis	Present
Commissioner Alex Brumfield	Present
Commissioner Sam Caliendo	<i>Absent</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 **7-0**

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
None	3,9	8,9	8,9,10	3,8	3,8,9,10	10	Absent	None

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 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 September 1, 2011.

MOTION: To postpone to Thursday September 1, 2011.

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

DECISION: APPROVED 7-0

2. **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 facade and to allow signage on a facade not facing a street
General Location: Generally located on the southwest corner of Military Trail and Okeechobee Boulevard. (Pine Trail Square) (Control 1978-00273)

Pages 32 – 32

Project Manager: Douglas Robinson

Size: 22.26 acres +

BCC District: 2

Staff Recommendation: To postpone to Thursday August 4, 2011.

MOTION: To postpone to Thursday August 4, 2011.

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

DECISION: APPROVED 7-0

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

3. **ZV/DOAW-2011-00419** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow alternative street cross sections for Main Street; to eliminate the limitation on Free Standing Structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; and to allow a reduction in the number of queuing spaces. Title: a Development Order Amendment application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site

Plan, reduce square footage, modify/delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Signs, Use Limitations), and restart the Commencement of Development clock. Title: a Waiver application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the length of the Main Street and the minimum length of a block. General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. (**Delray Marketplace**) (Control 2004-00616)

Pages 33 – 114

Conditions of Approval Pages (80 - 98)

Project Manager: Carol Glasser

Size: 82.99 acres +

(affected area 32.82 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 11 Conditions of Approval as indicated in Exhibit C-1; and, 80 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Wendy Tuma, Agent - in agreement with conditions of approval.

MOTION: To adopt a Resolution approving a Type II Variance to allow alternative street cross sections for Main Street; to eliminate the limitation on free standing structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; to allow a reduction in the number of queuing spaces; and, to allow an increase in the height of Building I subject to the Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, reduce square footage, modify/delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Signs, Use Limitations), and restart the Commencement of Development clock subject to the Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To recommend approval of a Waiver to allow a reduction in the length of the Main Street and the minimum length of a block.

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

DECISION: APPROVED 7-0

D. ZONING APPLICATIONS – NEW

Commissioner Anderson arrived

- Z-2010-02816** Title: an Official Zoning Map Amendment application of Jin Chung by Land Design South Inc., Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District General Location: South side of Lantana Road, east of Lyons Road (**US Martial Arts**) (Control 2009-00281)

Pages 115 – 135
 Conditions of Approval Pages (128 - 129)
 Project Manager: Carol Glasser
 Size: 0.69 acres +

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 7 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Jeff Brophy, Agent – in agreement with conditions of approval.

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

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

DECISION: APPROVED 8-0

- Z-2011-00619** Title: an Official Zoning Map Amendment application of Westgate Belvedere Homes by HSQ Group Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the General Commercial (CG) Zoning District
General Location: North side of Nokomis Avenue west of Seminole Boulevard
(WCRA - Prime Mixed Use) (Control 1990-00023)

Pages 136 – 163
 Conditions of Approval Pages (151 - 151)
 Project Manager: Carol Glasser
 Size: 0.13 acres +

BCC District: 2

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.

People who spoke on this application:

Jay Huebner, Agent - in agreement with conditions of approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the General Commercial (CG) Zoning District subject to a Conditional Overlay Zone (COZ) and Conditions of Approval as indicated in Exhibit C.

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

DECISION: APPROVED 8-0

6. **ABN/CB/DOA/CA-2010-02810** Title: a Development Order Abandonment application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to abandon R-2010-0002 that allowed a Dispatch Office Title: a Class B Conditional Use application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to allow a General Daycare Title: a Development Order Amendment application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to reconfigure the site plan, modify uses, and modify/delete Conditions of Approval (Engineering, Landscape, Signs) Title: a Class A Conditional Use application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to allow a Place of Worship
General Location: East side of Military Trail approximately 485 feet south of Westgate Avenue (**1650 N. Military Building**) (Control 1980-00228)

Pages 164 – 186

Conditions of Approval Pages (179 - 181)

Project Manager: Carol Glasser

Size: 2.65 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 this application:

Jim Frogner, Agent - in agreement with conditions of approval.

Eva Gittens and Bobby Martin – in support of application.

MOTION: To recommend approval of a Development Order Abandonment to abandon resolution R-2010-0002 that allowed a Dispatch Office.

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

MOTION: To adopt a Resolution approving a Class B Conditional use to allow a General Daycare.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, modify uses, and modify/delete Conditions of Approval (Engineering, Landscape, Signs) subject to the Conditions of Approval as indicated in Exhibit C.

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship.

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

DECISION: APPROVED 8-0

7. **PDD/DOA/R-2011-00623** Title: an Official Zoning Map Amendment to a Planned Development District application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the General Commercial Zoning District to the Multiple Use Planned Development (MUPD) Zoning District Title: a Development Order Amendment application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan and allow a Requested Use Title: a Requested Use application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to allow Indoor Entertainment General Location: Southeast corner of Lantana Road and Jog Road. (**Pinewood Square**) (Control 1986-00008)

Pages 187 – 216

Conditions of Approval Pages (202 - 208)

Project Manager: Carrie Rechenmacher

Size: 28.39 acres +

(affected area 2.27 acres +)

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 34 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Jennifer Vail, Agent - in agreement with conditions of approval.

Julie Mulraine, resident, had concerns with traffic and the type of indoor entertainment. Jennifer reassured resident the traffic would not change and the indoor entertainment would be for children's entertainment and recreation.

Ken Lassiter, COBWRA - recommends approval of application.

MOTION: To recommend approval of the Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C.

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

MOTION: To recommend approval of a Development Order Amendment (DOA) to reconfigure the site plan and to modify the uses.

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

MOTION: To recommend approval of the Requested Use to allow an Indoor Entertainment Use.

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

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

8. **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 217 – 274

Conditions of Approval Pages (241 - 245)

Project Manager: Joyce Lawrence

Size: 3.29 acres +

BCC District: 2

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

People who spoke on this application:

Joyce Lawrence, Site Planner II, gave a brief presentation

Gary Brandenburg, Agent, gave a brief presentation

Bradley Miller, Agent, gave a brief presentation

Cory Hopkin, Race Trac representative, gave a brief presentation

Michael Falk, Ray Flow and Christian White were in support of application.

Sharis Frier, Donna Fiero, and David Nigel are in opposition of application with concerns regarding traffic, hours of operations and the number of pumps.

There was a lengthy discussion between agents, staff, residents and the Zoning Commissioners regarding the gas station intensity, site design, parking, buffering, lighting, sidewalks, and traffic/access.

MOTION: To adopt a resolution approving a Type II Zoning Variance allowing commercial operation of a business within 250 feet of a residential district to continue from 5 a.m. to 12 a.m.

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

MOTION: To recommend approval of a Class A Conditional Use allowing a Convenience Store with Gas Sales with findings that the application comply with amended Conditions of Approval.

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

DECISION: APPROVED 7-1

D. ZONING APPLICATIONS - NEW

9. **ZV/DOA-2011-00423** Title: Type II Variances application of Shadowood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to allow an increase in the number of freestanding buildings; a reduction in width and an elimination of plant materials within a portion of a right of way buffer Title: a Development Order Amendment application of Shadowood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan and add square footage General Location: Northeast corner of Glades Road and State Road 7 (**Shadowood Square**) (Control 1973-00043)

Pages 275 – 310

Conditions of Approval Pages (296 - 302)

Project Manager: Joyce Lawrence

Size: 34.18 acres +

BCC District: 5

(affected area 0.90 acres +)

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

People who spoke on this application:

Joyce Lawrence, Site Planner II, gave a brief presentation

Christopher Barry, Agent, gave a brief presentation

After a lengthy discussion between the staff, agent and the Zoning Commissioners (ZC) the ZC recommended approval of the Type II Variance to allow in to increase in the number of freestanding structures. The ZC also recommended approval of the DOA for the new retail structure based on the fact that the shopping center was built in the 1970's and has many existing non-conforming site elements. The ZC determined that any improvement to the center would be hindered by some existing physical constraints. Staff agreed to update recommendation to approval for the additional freestanding retail structure.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in the number of freestanding buildings; a reduction in width and an elimination of plant materials within a portion of a right of way buffer. Subject to Conditions of Approval as amended.

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

Commissioner Kaplan left hearing.

MOTION: To recommend approval of the Development Order Amendment (DOA) to reconfigure the site plan and add square footage.

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

DECISION: APPROVED 8 -0

10. **PDD/R-2009-03941** Title: an Official Zoning Map Amendment to a Planned Development District application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District Title: Requested Uses application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant and a Convenience Store with Gas Sales and an accessory car wash General Location: Southwest corner of Coconut Boulevard and Northlake Boulevard. (**Shops at Indian Trails**) (Control 2006-00147)

Staff Recommendation: Staff recommends approval of the requests subject to 43 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Joyce Lawrence, Site Planner II – gave a brief presentation
 Bob Bentz, Agent – gave a brief presentation
 Larry Marcum and Anne Kuhl spoke in opposition of the application with concerns regarding an alternative location, negative impact from the lights, pollution impacts on a rural neighborhood, safety and an increase in crime.

There was a lengthy discussion resulting with the Zoning Commissioners recommending that the applicant lower the light poles, install a wall along a portion of the south buffer to completely screen the loading area on the south portion of Building A, and revise the site plan to indicate an equestrian area to include a shade structure, trees, hitching post and a watering area to accommodate horses. The applicant agreed to the recommendations.

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

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant and a Convenience Store with Gas Sales including an accessory car wash 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	Absent	Absent	Yes
					Seconded			Moved

DECISION: APPROVED 7-0

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 12:31pm