

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, SEPTEMBER 1, 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	<i>Arrived 9:11 a.m.</i>
Commissioner Alex Brumfield	Present
Commissioner Sam Caliendo	Present
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	Caliendo	Beatty
11	4,11	8,10,11	4,7,8,10,11	10,11	3,7,10,11	7,11	4,7,8,10,11

Commissioner Davis arrived at 9:11 a.m.

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 - 1

Project Manager: Donna Adelsperger

Size: 2.24 acres +

(affected area 1.58 acres +)

BCC District: 6

Staff Recommendation: Staff recommends to postpone to Thursday November 3, 2011.

MOTION: To postpone to Thursday November 3, 2011. Motion carried 8-0.

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

DECISION: POSTPONED TO NOVEMBER 3, 2011.

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 façade
General Location: Generally located on the southwest corner of Military Trail and Okeechobee Boulevard. **(Pine Trail Square)** (Control 1978-00273)

Pages 2 - 2

Project Manager: Douglas Robinson

Size: 22.26 acres +

BCC District: 2

Staff Recommendation: Staff recommends to postponet to Thursday October 6, 2011.

MOTION: To postpone to Thursday October 6, 2011. Motion carried 8-0.

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

DECISION: POSTPONED TO OCTOBER 6, 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

3. **ZV/PDD-2011-00934** Title: a Type II Zoning Variance application of Weingarten Nostat Inc by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the required right-of-way buffer width and reduction in required plant material Title: an Official Zoning Map Amendment to a Planned Development District application of Weingarten Nostat Inc by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with an auto service station
General Location: Located on the southwest corner of Glades Road and Lyons Road. **(Boca Lyons Shopping Plaza)** (Control 1978-00220)

Pages 3 - 31

Conditions of Approval Pages (20 - 22)

Project Manager: Carrie Rechenmacher

Size: 12.52 acres +

(affected area 1.39 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 3 Conditions of Approval as indicated in Exhibit C1 and 10 Conditions of Approval as indicated in Exhibit C2.

People who spoke on this application:

Chris Barry, agent – agreed with the Conditions of Approval.

MOTION: To adopt a resolution to allow a reduction in the required right-of-way buffer width and a reduction in required plant material. Motion carried 8-0.

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

MOTION: To recommend approval of a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with an auto service station. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

4. **DOAR-2011-00921** Title: a Development Order Amendment application of Bellino Equities Boca LLC by David L. Carpenter & Assoc., Agent. Request: to modify the site plan Title: a Requested Use application of Bellino Equities Boca LLC by David L. Carpenter & Assoc., Agent. Request: to allow an Indoor Entertainment General Location: South of Yamato Road at the southwest corner of Kimberly Boulevard and Lyons Road (**Hamptons at Boca Raton PUD**) (Control 1978-00005)

Pages 32 - 54

Conditions of Approval Pages (44 - 49)

Project Manager: Joyce Lawrence

Size: 12.15 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 40 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

David Carpenter, agent – agreed with the Conditions of Approval.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan subject to Conditions of Approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of a Requested Use approval to allow an Indoor Entertainment use subject to Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

5. **Z/COZ-2010-02800** Title: an Official Zoning Map Amendment application of Sues Herta G Tr by Land Research Management Inc., Agent. Request: to rezone from Agricultural Residential (AR) Zoning District to Institutional and Public Facilities (IPF) Zoning District.
General Location: Approximately 0.1 mi. east of Seminole Pratt Whitney Road, on the North side of Southern Blvd. (**Suess Medical**) (Control 2010-00501)

Pages 55 - 75
 Conditions of Approval Pages (66 - 67)
 Project Manager: Douglas Robinson
 Size: 4.96 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval of the rezoning request with a Conditional Overlay Zone (COZ) subject to 6 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Kevin McGinley, agent – agreed with the 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 Institutional and Public Facilities (IPF) Zoning District with a Conditional Overlay Zone (COZ) subject to Conditions of Approval as indicated in Exhibit C. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

6. **DOA-2011-00155** Title: a Development Order Amendment application of Delray Lakes Estate Homeowners Associate by Land Design South Inc., Agent. Request: to delete a Condition of Approval (Engineering)
General Location: Southwest corner of Atlantic Ave and Florida's Turnpike (**Delray Lakes Estates**) (Control 1979-00031)

Pages 76 - 92
 Conditions of Approval Pages (86 - 88)
 Project Manager: Douglas Robinson
 Size: 130.40 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 15 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Jeff Brophy, agent – agreed with the Conditions of Approval.

MOTION: To recommend approval of a Development Order Amendment to delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 8-0.

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

DECISION: APPROVED, AS AMENDED

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7. **ZV/DOAR-2011-00413** Title: a Type II Variance application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential zoning district Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan, modify uses and modify Conditions of Approval (Use Limitation) Title: a Requested Use application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Medical Center General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 93 - 132

Conditions of Approval Pages (110 - 121)

Project Manager: Joyce Lawrence

Size: 23.85 acres +

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Zoning Variance based on the findings in the staff report; and approval of the Development Order Amendment in part and denial of the request to modify Engineering Condition of Approval No. 10, subject to 64 Conditions of Approval as indicated in Exhibit C-2 and approval of the Requested Use 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.

Robert Bentz, agent – gave a brief presentation and responded to Commissioner concerns.

MOTION: To adopt a resolution approving a Type II Variance to allow a 24 hour operation within 250 feet of a residential Zoning District. Motion carried 8-0.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, modify uses and modify Conditions of Approval (Use Limitation) and denial of the request to modify Engineering Condition of Approval No. 10 subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

MOTION: To recommend approval of a Requested Use to allow a Medical Center subject to the Conditions of Approval as indicated in Exhibit C-3. Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

D. ZONING APPLICATIONS – NEW

8. **ZV/PDD/R-2011-00422** Title: a Type II Variance application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow the elimination of frontage requirements and legal access on an arterial or collector street Title: an Official Zoning Map Amendment to a Planned Development District application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Residential Planned Unit Development (PUD) Zoning District Title: a Requested Use application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow a Type 3 Congregate Living Facility General Location: Southwest corner of Melaleuca Lane and Gulfstream Road (Gulfstream ACLF) (Control 2007-00064)

Pages 133 – 159

Conditions of Approval Pages (151 - 153)

Project Manager: Carol Glasser

Size: 6.49 acres +

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 3 Conditions of Approval as indicated in Exhibit C-1 and 11 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

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

Chris Barry, agent – responded to the Commissioner and public concerns. Due to neighbor concerns, the agent agreed to a condition to install a fence along the west property line.

Angel Fadastra and Rafael Rodriquez – neighbors along the west property line expressed concerns with any alcohol and or drug rehabilitation facility at this location and asked for a wall or fence for security reasons. The assistant county attorney clarified that Federal law prohibits restrictions on drug or alcohol rehabilitation facilities.

Rosa Vistana – was concerned with the number of beds and an increase in traffic.

MOTION: To adopt a resolution approving a Type II Variance to allow the elimination of frontage and legal access requirements on an arterial or collector street subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Residential Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 7-1.

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

MOTION: To recommend approval of a Requested Use to allow a Type 3 Congregate Living Facility. Motion carried 7-1.

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

DECISION: APPROVED AS ADVERTISED

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 160 – 211
 Conditions of Approval Pages (179 - 195)
 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.

MOTION: To postpone to November 3, 2011. Motion carried 8-0.

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

DECISION: POSTPONED TO NOVEMBER 3, 2011.

10. **ZV-2011-01420** Title: a Type II Zoning Variance application of Boca Raton Associates VI LLLP by G.L. Homes, Agent. Request: to allow an increase in building coverage for one-story dwellings
General Location: East side of Lyons Road, south of West Atlantic Avenue. (**Dubois AGR-PUD**) (Control 2004-00250)

Pages 212 – 242
 Conditions of Approval Pages (225 - 225)
 Project Manager: Carol Glasser
 Size: 722.53 acres +
 (affected area 280.80 acres +)

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application:

Carol Glasser, Site Planner II – gave a brief presentation.
 Kevin Ratterree, agent – gave a presentation and responded to Commissioner and Public concerns.

Lori Vinikoor, Peter Feldman, and Drew Martin – spoke in opposition to the request.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in building coverage for one-story dwellings. Motion carried 6-2.

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

DECISION: APPROVED AS AMENDED

11. **DOA-2011-01165** Title: a Development Order Amendment application of Siemens Group Inc by Urban Design Kilday Studios, Agent. Request: to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area.

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 243 – 424

Conditions of Approval Pages (294 - 300)

Project Manager: Wendy Hernandez

Size: 1,945.96 acres +

BCC District: 4

(affected area 129.89 acres +)

Staff Recommendation: Staff recommends denial of the request to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area.

People who spoke on this application:

Wendy Hernandez, Zoning Manager – gave a presentation in denial of the project.

Kieran Kilday, agent – gave a presentation in opposition of staff recommendation of denial.

Ralf Brooks, Drew Martin, Kristine Hempel, William Vale, Gail Neer, Larry Newburg, Mike Kaplan, Harvey Kane, Carl Harlsbeck, Dale Haley, Gerri Warner, Robert Stevens, David Kier, Rosemary Nixon, Jan Morris, Gale Hulett, Franklin Van Olen, Felipe Martinez, Paul Bradley, Pat Bradley, Rona Kirschner, Brian Coleman, Jim Wayes, Paul D'Amato, William Lynch, Carol Williams, Frank Brand, Joanne Lithgow, Maryann Attias, Phyllis Greenberg, Sam Levine, Stephanie Levine, Lorraine Conover, Brian Frederick and Arnold Levinstein all spoke in opposition to the request.

Al Zucaro, Bruce Shackner, Toby Lashner, Paul McDermott, Paul Pantrelli, Bruno Giordano, Jonathan Harrison, Ed Siemen, Bill Sadler, Francine Hart, Stan Hahn and Joan Oats spoke in support of the request.

Ralf Brooks and David Kier spoke as expert witnesses and in rebuttal to the agent recommendation to support the increase in housing density and conversion of a previously designated golf course in a PUD.

MOTION: To recommend Denial of a Development Order Amendment to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area. Motion carried 4-3.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Beatty
Deny	Approve	Deny	Deny	Deny	Abstain	Approve	Approve

DECISION: DENIED

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 3:39 p.m.