

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

Thursday February 2, 2012
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 Present
 - Commissioner Jennifer Bakcsi **Arrived @ 9:30 a.m.**

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file, carried 6-0

E. Adoption of the Minutes – Motion carried 6-0

F. Swearing In

G. Disclosures – Listed by Agenda Item Number

| Brumfield | Currie | Davis | Anderson | Hyman | Scarborough | Caliendo | Bakcsi | Beatty |
|-----------|--------|--------|----------|-----------|-------------|----------|--------|--------|
| none | none | Absent | 4 | 1,3,4,5,7 | 2,5 | Absent | none | 5,6 |

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

- ZV-2011-03180** Title: a Type II Zoning Variance application of Sandra C. Slomin for Sannlor Properties II LLC by Urban Design Kilday Studios, Agent. Request: to allow a zero-foot setback and a zero-foot separation from a residential zoning district for a Freestanding Sign; an increase in sign face area for a Wall Sign; and, an Off-Site Directional sign on a parcel not abutting the subject parcel. General Location: Approximately 1000 feet west of Jog Road on the north side of Morikami Park Road (**Roslyn and Raymond Slomin Campus**) (Control 1995-00034)

Pages 1 - 25

Conditions of Approval Pages (12 - 12)

Project Manager: Carol Glasser

Size: 5.02 acres +

BCC District: 5

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

People who spoke on this application:

Joni Brinkman, Agent – Agreed to all the Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a zero-foot setback and a zero-foot separation from a residential zoning district for a Freestanding Sign; an increase in sign face area for a Wall Sign; and, an Off-Site Directional sign on a parcel not abutting the subject parcel subject to the Conditions of Approval in Exhibit C.

Motion carried 6-0.

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

DECISION: APPROVED AS ADVERTISED

- DOAR-2011-01750** Title: a Development Order Amendment application of Friends of Chabad of Boca Raton Inc. by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to reconfigure the Site Plan and modify Conditions of Approval (Commercial Pod - Use Limitation and Landscape) Title: a Requested Use application of Friends of Chabad of Boca Raton Inc. by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a Place of Worship General Location: Northwest corner of Kimberly Boulevard and State Road 7 (**Boca Greens**) (Control 1977-00013)

Pages 26 - 62

Conditions of Approval Pages (45 - 54)

Project Manager: Joyce Lawrence

Size: 22.35 acres +

(affected area 1.00 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 67 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Bonnie Miskal, Agent – Agreed to all the Conditions of Approval. She stated that prior to the BCC Hearing she would be working with staff to amend a Condition that restricts the maximum building height of the development or revise the elevation to comply with the Conditions of the Approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and modify Conditions of Approval (Commercial Pod - Use Limitation and Landscape) subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0.

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

MOTION: To recommend approval of a Requested Use to allow a Place of Worship.

Motion carried 6-0.

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

DECISION: APPROVED AS AMENDED

- DOA-2011-02353** Title: a Development Order Amendment application of Delray 282 LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master Plan, modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planning, PREM, PUD) and to restart the commencement clock General Location: Approximately 2.25 miles north of Atlantic Avenue on the east side of US 441 (**Monticello AGR-PUD**) (Control 2005-00014)

Pages 63 - 98

Conditions of Approval Pages (79 - 94)

Project Manager: Joyce Lawrence

Size: 282.68 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 53 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

This item was heard as a Remand on the Add/Delete.

MOTION: Remand to February 8, 2012 DRO Meeting.

Motion carried 6-0.

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

DECISION: REMANDED to February 8, 2012 DRO Meeting.

- PDD/R-2011-02339** Title: an Official Zoning Map Amendment to a Planned Development District application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Requested Use application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a Charter School for more than 200 students General Location: East side of Old Congress Avenue north of Belvedere Road (**Congress Business Center MUPD**) (Control 1983-00118)

Pages 99 - 123

Conditions of Approval Pages (114 - 117)

Project Manager: Carol Glasser
Size: 4.21 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the rezoning subject to 13 Conditions of Approval as indicated in Exhibit C-1: and, approval of the Requested Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Carol Glasser, Project Manager – Gave a presentation recommending approval.

David Carpenter, Agent – An existing charter school is looking to increase the number of students. Code requirements at time of application submittal required a rezoning to the MUPD Zoning District for the Requested Use.

Discussion was on parking requirements for school children of different ages or for special needs kids. The applicant was not present and the agent could not provide specific answers on the student enrollment. Adjacent property owner within the MUPD objected to the application since in his opinion there was insufficient parking. The Commissioners questioned an existing fence on the adjacent lot and lack of shared parking within the MUPD. A PBC Kennel Club representative raised objections since there is a distance requirement for schools from establishments serving alcohol. County staff responded to the distance requirements and cross parking and access requirement for an MUPD. The County Health Department representative indicated he had inspected the school for the Health Department and also explained the P.R.I.D.E entrances is separate from the Charter School entrance.

The ZC determined to postpone the application so the applicant could provide answers regarding the student enrollment, possibly limit the number of students if parking is an issue, and Code Enforcement could investigate a possible violation for the fence.

MOTION: To reorder agenda and move Item 4 to 1st item on Regular Agenda.

Motion carried 6-0.

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

MOTION: Postpone to March 1, 2012 Zoning Commission Hearing.

Motion carried 7-0.

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

DECISION: POSTPONED to March 1, 2012 Zoning Commission Hearing

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

5. **ZV-2011-02632** Title: a Type II Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow internally illuminated signs; and, to allow an increase in distance from the development's entrances for Entrance Signs General Location: Northwest corner of West Atlantic Avenue and Lyons Road (**Delray Marketplace**) (Control 2004-00616)

Pages 124 - 149

Conditions of Approval Pages (133 - 133)

Project Manager: Carol Glasser

Size: 32.82 acres +

BCC District: 5

Staff Recommendation: Staff recommends denial of the request to allow internally illuminated signs; and, approval of the request to allow an increase in distance from the development's entrances for Entrance Signs subject to 4 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Carol Glasser, Project Manager – Gave a brief presentation.

Ken Tuma, Agent – Spoke in agreement of staff recommendation #2 while in opposition of staff recommendation #1 with a Power Point presentation on the benefits of internally illuminated signs. Submitted a handout on illumination into the record. Agreed to limit the internal illumination to not include the background of the sign face area.

Dr. Lori Vinikoor, V.P. Alliance of Delray Association – Spoke in support of internally illuminated lighting.

Robert Schulbaum, President Alliance of Delray Association – Also spoke in support of internally illuminated lighting.

Staff recommended an additional condition of approval for the internally illuminated signs consistent with the agent's comments.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow internally illuminated signs as amended.

Motion carried 7-0.

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow an increase in distance from the development's entrances for Entrance Signs subject to 4 Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0.

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

DECISION: APPROVED AS AMENDED

D. ZONING APPLICATIONS – NEW

6. **Z/CA-2011-00404** Title: an Official Zoning Map Amendment application of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to rezone from the Residential Transitional Suburban (RTS) District to the Commercial Low-Office (CL-O) Zoning District. Title: a Class A Conditional Use application of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to allow Medical or Dental Office. General Location: Southwest corner of Lantana Road and Hagen Ranch Road. **(Stunkel Medical Office)** (Control 1999-00033)

Pages 150 - 197

Conditions of Approval Pages (177 - 181)

Project Manager: Carrie Rechenmacher

Size: 2.30 acres +

(affected area 2.09 acres +)

BCC District: 3

Staff Recommendation: Staff recommends denial of the requests.

People who spoke on this application:

Carrie Rechenmacher, Project Manager – Gave a brief presentation and provided an update on the application and noted some changes were made to the site plan as provided in the staff report. The FLU amendment was still required to be approved at the BCC and staff did not change the recommendation of denial.

Brian Chequis, Agent – Highlighted changes to the plan to address concerns from BCC, ZC and the adjacent residents.

Residents from Pine Needle Lane and the surrounding area spoke in opposition citing incompatibility issues and deterioration and destruction of a residential area with commercial encroachment. They also were very concerned about increase of traffic and visibility issues due to safe site corners. Two of the residents gave Power Point presentations highlighting their concerns.

Ken Lassiter, President of COBWRA – Spoke in support of the proposal however this project is not in the COBWRA jurisdiction and did not receive approval from the adjacent residents to speak in their behalf.

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Residential Transitional Suburban (RTS) Zoning District to the Commercial Low-Office (CL-O) Zoning District.

Motion carried 4-3.

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Medical or Dental Office.

Motion carried 4-3.

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

DECISION: APPROVED AS AMENDED

7. **ZV-2011-03179** Title: a Type II Zoning Variance application of James Fitzgerald by Gentile, Glas, Holloway, O'Mahoney & Assoc, Agent. Request: to allow a reduction in the required frontage and width for two proposed lots within the Residential Transitional (RT) Zoning District General Location: South side of Riverside Drive, between Tequesta Drive and County Line Road. **(Fitzgerald Subdivision)** (Control 2007-00284)

Pages 198 - 215

Conditions of Approval Pages (205 - 205)

Project Manager: Donna Adelsperger

Size: 1.59 acres +

BCC District: 1

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application:

Donna Adelsperger, Site Planner – Gave a brief presentation on the history of the property and recommended denial.

Dodi Glas, Agent – Gave a presentation noting how on several different points the plot of land should be allowed to be subdivided. Due to an incorrect designation by F.E.M.A, and due to inconsistent zoning and development patterns. The Commissioners discussed the merit of this proposal.....and came to the conclusion that the subdivision of this lot was a reasonable and compatible and recommended approval of the request.

Commissioner Currie left @ 11:15 a.m.

Commissioner Scarborough – The project complies with all 7 standards.

MOTION: To adopt a resolution approving the Type II Zoning Variance to allow a reduction in the required frontage and width for two proposed lots within the Residential Transitional (RT) Zoning District.

Motion carried 6-0.

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|-----------|---------------|--------|----------|-------|-------------|----------|--------|--------|
| Brumfield | Currie | Davis | Anderson | Hyman | Scarborough | Caliendo | Bakcsi | Beatty |
| Yes | N/A absent | Absent | Yes | Yes | Yes | Absent | Yes | Yes |
| Seconded | | | | | Moved | | | |

DECISION: APPROVED AS ADVERTISED

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 11:27 a.m.