

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, JUNE 6, 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	Absent
Commissioner Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	Arrived 9:04
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Absent
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Absent

**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 Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
None	None	9,10	Absent	None	None	Absent	9,10	Absent

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

- ZV/Z/CA-2012-02085** Title: a Type II Variance application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential district and to allow a reduction in the required side setback.  
Title: an Official Zoning Map Amendment application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District  
Title: a Class A Conditional Use application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales

General Location: Northwest corner of Lantana Road and Haverhill Road (**Raceway Market**) (Control 2012-00253)

Pages 1-58  
Conditions of Approval Pages (15-19)  
Project Manager: David McGuire  
Size: 6.88 acres ±  
(affected area 1.78 acres ±)

BCC District: 2

**People who spoke on application**

Brian Terry – agent, requesting a Remand to DRO  
Tom Cafone asked for clarification about the Remand procedure.

**Staff Recommendation:** Staff recommends denial of the request as certified on April 9, 2013.

Or

Staff recommends a remand to the June 12, 2013 Development Review Officer (DRO) Meeting based on proposed modifications after certification.

**MOTION:** To remand to the June 12, 2013 DRO meeting based on substantial changes after certification of the request.

Motion carried 6-0

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

**DECISION: Remand Approved 6-0**

- 2. **Z-2012-02793** Title: an Official Zoning Amendment application of Race Trac Petroleum Inc -Cory Hopkins by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District  
General Location: Approximately 350 feet north of Lantana Road at the southwest corner of Nash Trail and Haverhill Road (**Rasmussen Residential**) (Control 2012-00580)

Pages 59-81  
Conditions of Approval Pages (63-64)  
Project Manager: David McGuire  
Size: 6.88 acres ±  
(affected area 5.10 acres ±)

BCC District: 2

**Staff Recommendation:** Staff recommends approval of the request, as certified on April 9, 2013, subject to a Conditional Overlay Zone and 6 Conditions of Approval as indicated in Exhibit C.

Or

Staff supports a Remand to the June 12, 2013 Development Review Officer (DRO) meeting based on the request from the applicant.

**MOTION:** To remand to the June 12, 2013 DRO meeting based on substantial changes after certification of the request.

Motion carried 6-0

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

**DECISION: Remand Approved 6-0**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

Item 3, ABN/Z/CA-2012-03377 was placed on the Regular Agenda due to comment cards in opposition.

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 4. **DOA/R-2012-01264** Title: a Development Order Amendment application of Reef America Reit li Corp J by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage General Location: Southeast corner of Glades Road and SR 7 **(Festival Shoppes of Boca PCD)** (Control 1990-00024)

Pages 105 - 130  
 Conditions of Approval Pages (110 - 119)  
 Project Manager: David McGuire  
 Size: 36.96 acres +  
 (affected area 2.63 acres +)

BCC District: 5

Staff Recommendation: Staff recommends a postponement to July 3, 2013.

**MOTION:** To postpone to July 3, 2013.

Motion carried 6-0

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

**Decision: Postponed to July 3, 2013**

**D. ZONING APPLICATIONS - NEW**

- 5. **PDD/DOA-2012-03375** **Title:** an Official Zoning Map Amendment to a Residential Planned Development District application of Atlantic Commons Associates, LLLP by Miller Land Planning, Agent. Request: to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District Title: a Development Order Amendment application of Atlantic Commons Associates, LLLP by Miller Land Planning, Agent. Request: to reconfigure the Master Plan; add and delete land area; add units and square footage; and modify/delete Conditions of Approval (Landscape, Planning, Palm Tran)

General Location: Northeast corner of Atlantic Avenue and Florida's Turnpike **(Atlantic Commons PUD)** (Control 2004-00525)

Pages 131 - 192  
 Conditions of Approval Pages (139 - 155)  
 Project Manager: Carol Glasser  
 Size: 164.14 acres ±

BCC District: 5

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

**People who spoke on application**

Kevin Ratteree, Agent – in agreement with the Conditions of Approval

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agriculture Residential (AR) Zoning District to Residential Planned Unit Development (PUD) Zoning District.

Motion carried 6-0

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan; add and delete land area; add units; and modify Conditions of Approval (Planning).

Motion carried 6-0

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

**MOTION:** To recommend approval of the replacement of the Master Declaration of Restrictive Covenants for Workforce Housing in Accordance with the Palm Beach County Workforce Housing Program as indicated in Exhibit E subject to review and approval by the County Attorney.

Motion carried 6-0

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

**DECISION: Approved as advertised 6-0**

- Z/COZ-2012-03376** Title: an Official Zoning Map Amendment application of Atlantic Commons Associates LLLP by Miller Land Planning, Agent. Request: to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ)

General Location: Northeast corner of Atlantic Avenue and Florida's Turnpike (**Atlantic Commons Commercial**) (Control 2012-00646)

Pages 193 - 206  
 Conditions of Approval Pages (197 - 198)  
 Project Manager: Carol Glasser  
 Size: 4.99 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**

Kevin Ratteree, Agent – in agreement with the Conditions of Approval

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Planned Unit Development (PUD) 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.

Motion carried 6-0

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

**DECISION: Approved as advertised 6-0**

- 7. **W/DOA-2013-00494** Title: a Type II Waiver application of Boynton Beach Associates XXII LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of cul-de-sacs

Title: a Development Order Amendment application of Boynton Beach Associates XXII LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan, delete an access point, re-designate Model Row location, restart the Commencement of Development, and modify Condition of Approval (Engineering)

General Location: Northwest corner of Boynton Beach Boulevard and Lyons Road (**Amestoy AGR PUD**) (Control 2005-00162)

Pages 207 - 245  
 Conditions of Approval Pages (213 - 225) Project Manager: Carol Glasser  
 Size: 636.42 acres ±  
 (affected area 252.08 acres ±) BCC District: 5, 6

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C -1 and 39 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Kevin Ratteree, Agent – in agreement with the Conditions of Approval

**MOTION:** To recommend approval of a Type II Waiver to allow an increase in the number of cul-de-sacs subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-1

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan, delete an access point, re-designate Model Row location, restart the Commencement of Development, and modify Condition of Approval ( Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

**DECISION: Approved as Amended 6-0**

**E. CORRECTIVE RESOLUTIONS**

- 8. SD-140 Title: Corrective Resolution Request: To correct resolution ZR-2011-018 containing an error in a Condition of Approval.

Pages 246 – 247

**MOTION:** To adopt a resolution correcting Resolution ZR-2011-018, adopted on August 4, 2011, correcting an error in Condition 1 of Exhibit C.

Motion carried 6-0

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

**DECISION: Approved as advertised 6-0**

**F. SUBDIVISION VARIANCE**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

3. **ABN/Z/CA-2012-03377** Title: a Development Order Abandonment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to abandon the Class B Conditional Use for a Veterinary clinic approved via Resolution ZR-2006-003 and R-2006-1547  
Title: an Official Zoning Map Amendment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District  
Title: a Class A Conditional Use application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a Car Wash

General Location: Approximately 1,000 feet west of Military Trail on the south side of Hypoluxo Road (**Barkley Place**) (Control 2003-00040)

Pages 82-104  
 Conditions of Approval Pages (89-91)  
 Project Manager: David McGuire  
 Size: 3.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone and 5 Conditions of Approval as indicated in Exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

DG McGuire, Site Planner II – gave a brief presentation

Bradley Miller, Agent – gave a brief presentation and indicated that he was continuing to work with ANSCA Homes, the adjoining property owners, to resolve issues regarding the buffers and lighting. The agent indicated acceptance of the tree height condition placed upon the previous Veterinarian Clinic approval.

David Daskell spoke in opposition to the proposed car wash, as he felt it was incompatible with this community. He read a statement of his concerns. He also noted that he owns two commercial properties in the area, one being a car wash.

Gerry Morrison, Chair, Growth Management Committee of COBWRA, stated that the last time COBWRA had met they did not have enough information to approve the Conditional Use request. He stated that an additional informational meeting had been planned and that a final general membership vote would occur on June 19, 2013.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon the Class B Conditional Use for a Veterinary Clinic approved via Resolution ZR-2006-003.

Motion carried 6-0

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

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Car Wash subject to the Conditions of Approval indicated in Exhibit C-2.

Motion carried 6-0

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

**DECISION: Approved as Amended 6-0**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 9. **ZV/DOA-2012-03106** Title: a Type II Variance application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to allow a utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a type III incompatibility buffer and parking Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage General Location: Southwest corner of Military Trail and Champion Boulevard (**Polo Club Shoppes**) (Control 1986-00090)

Pages 248 - 272

Conditions of Approval Pages (253 - 255)

Project Manager: David McGuire

Size: 13.64 acres ±

BCC District: 5

(affected area 1.83 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 14 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

DG McGuire, Site Planner II – gave a brief presentation

Bob Bentz, Agent – gave a presentation

Ed O'Donnell, President, Pheasant Walk HOA, after advising that he was not against development, expressed concerns about eliminating parking spaces.

Michael Weiner, representing H2 Addison LCC and Sun Trust Bank, spoke in opposition and submitted documents into the record. He stated that the non-conformities listed in the chart are merely the previous variance re-named.

Greg Smith stated that the residents of Polo Club Estates were opposed to increased traffic and to lost parking spaces.

Staff responded to Mr. Weiner's assertions.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan, add a new use and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

**DECISION: Approved as Advertised 6-0**

**D. ZONING APPLICATIONS – NEW**

10. **PDD/DOA-2013-00490** Title: an Official Zoning Map Amendment to a Planned Development District application of Jules Romfh, AL Lake Worth LLC, Michael Musto, Lyons Road LW LLC, Elizabeth Romfh, Gulfstream JV LLC, Rita Musto by Land Design South Inc., Atlantic Land Management, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District 10.

Title: a Development Order Amendment application of Jules Romfh, AL Lake Worth LLC, Michael Musto, Lyons Road LW LLC, Elizabeth Romfh, Gulfstream JV LLC, Rita Musto by Land Design South Inc., Atlantic Land Management, Agent. Request: to reconfigure the Master Plan, add land area, add units, and modify Conditions of Approval (Engineering)

General Location: Approximately 1300 feet south of Lake Worth Road between Lyons and Polo Roads (**Gulfstream PUD**) (Control 2008-00297)

Pages 273 - 337

Conditions of Approval Pages (281 - 286)

Project Manager: Carol Glasser

Size: 64.75 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 26 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

Motion carried 6-0

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan, add land area, add units, and modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0

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

**DECISION: Approved as Advertised 6-0**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**C. COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:23 a.m.**