

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

MONDAY, September 16, 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	Present
Commissioner Amir Kanel	<i>Absent</i>
Commissioner Joseph R. Snider	<i>Absent</i>
Commissioner William F. Anderson	Arrived 9:07am
Commissioner Joanne Davis	Arrived 9:14am
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

E. Adoption of the Minutes – Motion carried

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Absent	Absent	3, 10,11	11	4, 11	3, 10, 11	11	3, 10, 11	3, 10, 11

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **Z/CA-2013-00493** Title: an Official Zoning Map Amendment application of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multi-Family Residential (RM) Zoning District.
Title: a Class A Conditional Use application of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow an Elementary or Secondary School (Charter).

General Location: Approximately 0.25 mile north of Hypoluxo Road on the east side of Military Trail. **(Trails Charter School)** (Control 2013-00085)

Pages 1 - 1
Project Manager: Joyce Lawrence
Size: 7.48 acres ±
(affected area 7.40 acres +)

BCC District: 3

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

MOTION: To postpone to October 3, 2013.

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

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. PDD-2013-01062 Title: an Official Zoning Map Amendment application of D.R. Horton, Inc. by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: North side of Hypoluxo Road, approximately 2,000 feet west of Haverhill Road. **(Abbingdon PUD)** (Control 2013-00179)

Pages 2 - 21

Conditions of Approval Pages (7 - 8)

Project Manager: Carol Glasser

Size: 13.03 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

People who spoke on 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 Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0

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

Decision: Approved as Advertised 6-0

5. **DOA-2013-01343** Title: a Development Order Amendment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to reconfigure the Site Plan, modify the Conditions of Approval (Engineering and Planning) and add square footage.

General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road.
(Canyon Town Center TMD) (Control 2004-00471)

Pages 85 - 130

Conditions of Approval Pages (91 - 102)

Project Manager: David McGuire

Size: 37.55 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 70 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Kevin Ratterree - Agent, noted that Engineering Condition three to extend the Build Out date to December 1, 2017 incorrectly stated December 31, 2014. Agent is in agreement with Conditions of Approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify the Conditions of Approval (Engineering and Planning) and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

Decision: Approved as Advertised 7-0

E. CORRECTIVE RESOLUTIONS

6. **SV/Z/CA-2011-03176** Title: a Subdivision Variance application of Iglesia De Cristo Misionera by Land Research Management Inc., Agent. Request: to allow access to a non-residential property from a right-of- way less than 80 feet in width.

General Location: East of Military Trail, north of 10th Ave North along the south side of Diamond Road. **(Iglesia De Cristo Misionera)** (Control 2010-00073)

Pages 131 - 132

Project Manager: David McGuire

Size: 2.07 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Corrective Resolution.

MOTION: To adopt a Corrective Resolution for a Subdivision Variance to incorporate Engineering Condition 5 into Exhibit C-1 of Resolution ZR-2013-0002.

Motion carried 7-0

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

Decision: Approved as Advertised 7-0

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 3. ABN/PDD/R-2013-00499** Title: a Development Order Abandonment Request application of PBA Holdings Inc - Enrique Tomeu by Urban Design Kilday Studios, Agent. Request: to abandon a Class A Conditional Use for a Bona Fide Agricultural Use approved under Resolution R-2008-1146.
Title: an Official Zoning Map Amendment to a Planned Development District application of PBA Holdings Inc - Enrique Tomeu by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.
Title: a Requested Use application of PBA Holdings Inc - Enrique Tomeu by Urban Design Kilday Studios, Agent. Request: to allow a School, Elementary or Secondary.

General Location: Approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard. **(Highland Dunes PUD)** (Control 2005-00394)

Pages 22 - 64
 Conditions of Approval Pages (34 - 45)
 Project Manager: Carrie Rechenmacher
 Size: 1,209.96 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 41 Conditions of Approval as indicated in Exhibit C-1 and 3 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Kerry Kilday - Agent, In agreement with all changes and Conditions of Approval. The Requested Use for a Public Elementary School was withdrawn as the use does not require approval by the Board of County Commissioners.

MOTION: To recommend approval to abandon a Class A Conditional Use for a Bona Fide Agricultural Use approved under Resolution R-2008-1146.

Motion carried 7-0

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

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 subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

Decision: Approved as Amended

4. **DOA-2013-01334** Title: a Development Order Amendment Request application of Boca Pointe Country Club Inc by Land Design South Inc., Agent. Request: to modify the Master Plan, re-designate land area, and add units.

General Location: On the east side of Powerline Road and SW 18th Street. (**Boca Pointe Y-2**) (Control 1973-00085)

Pages 65 - 84

Conditions of Approval Pages (71 - 72)

Project Manager: Autumn Sorrow

Size: 1,019.02 acres ±

(affected area 14.08 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Autumn Sorrow - Senior Site Planner, gave a brief presentation.

Jennifer Vail - Agent, gave a brief presentation. Agent is in agreement with Conditions of Approval as amended.

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan, re-designate land area, and add units subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

Decision: Approved as Amended 7-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7. **SV/Z/CA-2012-03112** Title: a Subdivision Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide ultimate right-of-way for Ranches Road, which is 20 feet less than the required 80 feet in width.

Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow the rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Day Care Center.

General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches Road. (**Learning Place Academy**) (Control 1975-00145)

Pages 133 - 165

Conditions of Approval Pages (139 - 142)

Project Manager: Joyce Lawrence

Size: 1.05 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on application

Joyce Lawrence - Site Planner II, gave a brief presentation.
 Charles Putman - Agent, gave a brief presentation. Agent is in agreement with Conditions of Approval.
 Ron Armstrong, Ernest Vaskloy, Sonya Prather, Carl Terwilliger, Richard Yinger, Joe Stair, Ray Allen, Susan Draper, Dennis McKenzie, Ellen Tannehill, Chris Draper, Laurian McKenzie, Richard and Barbara Wagner all spoke in opposition of the application due to traffic, crime, noise and stacking.

The Commissioner suggested postponing the application to allow an opportunity for the agent to discuss the proposal with the residents.

MOTION: To postpone to November 7, 2013.

Motion carried 7-0

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

Decision: To postpone to November 7, 2013

D. ZONING APPLICATIONS - NEW

- 8. **ZV-2013-01345** Title: a Type II Variance application of Boynton Beach Associates XXII LLLP by G.L. Homes, Agent. Request: to allow an increase in building coverage for one-story Single Family dwelling units.

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

Pages 166 - 184
 Conditions of Approval Pages (172 - 172)
 Project Manager: Carol Glasser
 Size: 636.42 acres ±
 (affected area 252.08 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on application

Carol Glasser - Site Planner II, gave a brief presentation.
 Kevin Ratterree - Agent, gave a brief presentation.

The Zoning Commission considered the evidence and testimony presented by the applicant and recommended approval of the application.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in building coverage for one-story Single Family units based on the evidence and testimony presented by the applicant and the applicant’s justification statement.

Motion carried 6-1

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

- 9. **ZV-2013-01344** Title: a Type II Variance application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates VII, LLLP by G.L. Homes, Agent. Request: to allow an increase in building coverage for single story single family dwelling units and single story zero lot line homes.
General Location: Bound on the west by State Road 7, on the east by Lyons Road, on the north by the L-36 Canal and the south by the L-39 Canal. **(Hyder AGR-PUD)**
(Control 2005-00455)

Pages 185 - 214
Conditions of Approval Pages (190 - 190)
Project Manager: Joyce Lawrence
Size: 719.64 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on application

Joyce Lawrence - Site Planner II, gave a brief presentation.
Kevin Ratterree - Agent, gave a brief presentation.

The Zoning Commission considered the evidence and testimony presented by the applicant and recommended approval of the application.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in building coverage for the single story Single Family dwelling units and the single story Zero Lot Line homes based on the evidence and testimony presented by the applicant and the applicant's justification statement.

Motion carried 6-1

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

Decision: Approved as Amended 6-1

- 10. **ZV-2013-01620** Title: a Type II Variance application of CA Miami 7788 OMT, LLC by Urban Design Kilday Studios, Agent. Request: to allow an increase in height and sign face area for an entrance sign.
General Location: Northeast corner of Military Trail and Knolwood Road and north of Gateway Boulevard. **(Franklin Academy - Boynton)** (Control 2005-00589)

Pages 215 - 234
Conditions of Approval Pages (219 - 219)
Project Manager: Joyce Lawrence
Size: 9.93 acres +

BCC District: 3

Staff Recommendation: Staff recommends denial of the requests.

People who spoke on application

Joyce Lawrence - Site Planner II, gave a brief presentation.
Ken Tuma - Agent, gave a brief presentation.
Richard Nevitte - Interested party, spoke in opposition of application

The Zoning Commission considered the evidence and testimony presented by the applicant and recommended approval of the application.

MOTION: To adopt a resolution Approving Type II Variances to allow an increase in height and sign face area for an entrance sign homes based on the evidence and testimony presented by the applicant and the applicants justification statement.

Motion carried 7-0

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

Decision: Approved as Amended 7-0

- 11. **ZV/Z-2013-00145** Title: a Type II Variance application of AMKBJ Partners, Ltd - Brian Lulfs by Land Design South Inc., Agent. Request: to allow a reduction in the minimum lot size; minimum lot width/frontage; minimum lot depth; the side and rear setbacks; and an increase in the building coverage.
Title: an Official Zoning Map Amendment application of AMKBJ Partners, Ltd - Brian Lulfs by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.
General Location: The property is located approximately 600 feet east of the Pioneer Road and Lyons Road intersection, on the north side of Pioneer Road. **(Pine Tree Residential)** (Control 2012-00650)

Pages 235 - 256

Conditions of Approval Pages (241 - 243)

Project Manager: Joyce Lawrence

Size: 10.00 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval with a Conditional Overlay Zone (COZ) as indicated in Exhibit C-2.

People who spoke on application

Joyce Lawrence - Site Planner II, gave a brief presentation.

Jeff Brophy - Agent, gave a brief presentation.

Ron Trice, Dal Major, Doug Clark, Raeleen Clark, Enrique Valdes, William Summers, Yvon Lacasse, Jeff Green, Peter Lynn, Maribel De La Rocha, Mary Marks, Mark Davis, Ann Marie Crowley, Andrew St. Germain, Hetty Palant, Jeanne Masor, Joan Raiva, Robert Green, Marilyn Sowers, Eugene Prainito and Marty Perry all spoke in opposition of the application. A petition from the surrounding residents with 154 signatures in opposition of the request was presented to the Zoning Commission. The concerns of the public were: security within the area, safety issues for the children, insufficient drainage, increase in traffic, stacking, negative impact on the natural environment and poor design.

Commissioner Scarborough clarified the speculations from members of the public that the Commissioners rely on information from the public in making decisions on applications. Mr. Brophy requested to withdraw the Variance Requests; however, after a brief discussion, the Zoning Commission considered the evidence and testimony presented by the applicant and other interested parties and recommended denial with prejudice of the variance request.

MOTION: To adopt a resolution denying Type II Variances to allow a reduction in the minimum lot size; minimum lot width/frontage; minimum lot depth; the side and rear setbacks; and an increase in the building coverage subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

MOTION: To recommend denial of the Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

Decision: Denied 7-0

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT