

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, OCTOBER 3, 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	<b>Present</b>
Commissioner Alex Brumfield, Vice Chair	<b>Absent</b>
Commissioner Amir Kanel	<b>Present</b>
Commissioner Joseph R. Snider	<b>Present</b>
Commissioner William F. Anderson	<b>Arrived at 9:03 am</b>
Commissioner Joanne Davis	<b>Absent</b>
Commissioner Sam Caliendo	<b>Absent</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<b>Present</b>

**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 5-0

**F. Swearing In**

**G. Disclosures** – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
6		2,6,7	Absent	2,7,8	Absent	Absent	3,6,8	2,6

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **DOA-2013-01606** Title: a Development Order Amendment application of Pine Trail Square LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the site plan to add square footage

General Location: Southwest corner of Military Trail and Okeechobee Boulevard  
**(Pine Trail Shopping Center)** (Control 1978-00273)

Pages 1 - 1

Project Manager: Roger Ramdeen

Size: 27.47 acres ±

BCC District: 7

Staff Recommendation: Staff recommends a postponement to November 7, 2013.

**MOTION**: To postpone to November 7, 2013.

Motion carried 6-0

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

**Decision: Postponed to November 7, 2013**

**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**

2. **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 Agriculture Residential (AR) Zoning District to the Residential Multi-Family (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 2 - 32

Conditions of Approval Pages (7 - 10)

Project Manager: Joyce Lawrence

Size: 7.48 acres ±

(affected area 7.40 acres ±)

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests, including a Conditional Overlay Zone (COZ), subject to 9 Conditions of Approval with a Conditional Overlay Zone (COZ) as indicated in Exhibit C-1; and 9 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application**

Bradley Miller – Agent, in agreement with the Conditions of Approval

**MOTION:** To recommend approval of an Official Zoning Map Amendment, including a Conditional Overlay Zone (COZ), subject to the 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	Absent	Absent	Yes	Yes
Seconded		Moved						

**MOTION:** To recommend approval of a Class A Conditional Use approval to allow an Elementary School (Charter) 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	Absent	Absent	Yes	Yes
Seconded		Moved						

**Decision: Recommended Approval as Advertised**

**D. ZONING APPLICATIONS - NEW**

- 3. **DOA-2013-01615** Title: a Development Order Amendment application of Lantana Charter, LLC by Cotleur & Hearing Inc., Agent. Request: to add square footage and number of students to the Master Plan and Site Plan for the School

General Location: South side of Lantana Road approximately 0.5 mile east of Lyons Road. **(Lantana Civic Pavilion)** (Control 1981-00233)

Pages 33 - 58  
 Conditions of Approval Pages (38 - 58)  
 Project Manager: Carol Glasser  
 Size: 5.10 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 29 Conditions of Approval as indicated in Exhibit C-1.

**People who spoke on this application**

Brian Chegus – Agent, in agreement with the Conditions of Approval

**MOTION:** To recommend approval of a Development Order Amendment to add square footage and number of students to the Master Plan and Site Plan for the School 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	Absent	Absent	Yes	Yes
		Moved					Seconded	

**DECISION: Recommended Approval as Advertised**

4. **DOA-2013-00769** Title: a Development Order Amendment Request application of 441 Southern LLC by Creech Engineers Inc., Agent. Request: to reconfigure the Site Plan and add square footage

General Location: Southwest corner of Southern Boulevard and State Road 7  
**(Western Plaza)** (Control 1977-00048)

Pages 59 - 86  
 Conditions of Approval Pages (64 - 73)  
 Project Manager: Autumn Sorrow  
 Size: 32.86 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request, subject to 60 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Bill Pfeffer – Agent, in agreement with the Conditions of Approval

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage 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	Absent	Absent	Yes	Yes
		Moved					Seconded	

**Decision: Recommended Approval as Advertised**

5. **ZV/DOAR-2013-01069** Title: a Type II Variance application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc. Agent. Request: to allow an increase in height and sign face area for a Freestanding Sign; a decrease in the number of queuing spaces and parking spaces; and, a reduction in width of landscape islands

Title: a Development Order Amendment application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc., Agent. Request: to reconfigure the Master Plan and Site Plan to add a new use; and, add square footage to the Site Plan

Title: a Requested Use application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc., Agent. Request: to allow a Type I Restaurant

General Location: Northeast corner of Southwest 18th Street and Powerline Road  
**(Wharfside at Boca Pointe)** (Control 1973-00085)

Pages 87 - 126  
 Conditions of Approval Pages (94 - 96)  
 Project Manager: Carol Glasser  
 Size: 10.03 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application**

Richard Brooks – Agent, in agreement with the Conditions of Approval

**MOTION:** To adopt a resolution approving a Type II Variance to allow an increase in height and sign face area for a Freestanding Sign; a decrease in the number of queuing spaces and parking spaces; and, a reduction in width of landscape islands subject to the 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	Absent	Absent	Yes	Yes
Seconded		Moved						

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan 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	Absent	Absent	Yes	Yes
Seconded		Moved						

**MOTION:** To recommend approval of a Requested Use to allow a Type I Restaurant.

Motion carried 6-0

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

**Decision: Recommended Approval as Advertised**

- 6. **ZV-2013-01859** Title: a Type II Variance application of Horizon 880 LLC by Land Design South Inc., Agent. Request: to allow a reduction in number of parking spaces; an elimination of a portion of the Right-of-Way Landscape Buffer along the west property line; elimination of Compatibility Landscape Buffers along the north and east property lines; a reduction in the required number of shrub layers within the Right-of-Way Landscape Buffers along the south and a portion of the west property lines; and elimination of the required interior trees and shrubs.

General Location: On the north side of County Road 880 approximately 7.1 miles west of the intersection of County Road 880 and Southern Boulevard. **(Horizon Composting Facility)** (Control 2007-00333)

Pages 127 - 152  
 Conditions of Approval Pages (136 - 137)  
 Project Manager: Inna Stafeychuk  
 Size: 31.06 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Brian Terry – Agent, in agreement with the Conditions of Approval

**MOTION:** To adopt a resolution approving a Type II Variance requests to allow a reduction in number of parking spaces; elimination of a portion of the Right-of-Way Landscape Buffer along the west property line; elimination of Compatibility Landscape Buffers along the north and east property lines; a reduction in the required number of shrub layers within the Right-of-Way Landscape Buffers along the south and a portion of the west property lines; and elimination of the required interior trees and shrubs, 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	Absent	Absent	Yes	Yes
		Moved					Seconded	

**Decision: Approved as Advertised**

- 7. **ABN-2013-01699** Title: a Development Order Amendment application of Lois Realty Corp, Bernstein Glades Associates by Urban Design Kilday Studios, Agent. Request: to abandon the Special Exception granted under Control Number 1981-182, Resolution R-1981-1620 to allow a Broadcasting Studio and Resolution R-1981-1598 to allow for a Private Utility Service including accessory buildings and structures.

General Location: North side of Glades Road, approximately 1,000 feet west of Lyons Road. **(West Boca Cablevision)** (Control 1981-00182)

Pages 153 - 168

Project Manager: David McGuire

Size: 2.05 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

**People who spoke on application**

Collene Walter– Agent, in agreement with the Conditions of Approval

**MOTION:** To recommend approval of a Development Order Abandonment to abandon Resolution R-1981-1620 and Resolution R-1981-1598.

Motion carried 6-0

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

**Decision: Recommended Approval as Advertised**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

8. **ZV/PDD/DOA-2013-01618** Title: a Type II Variance application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to allow overlap of utility easements and to allow a reduction of the required right-of-way buffer  
Title: an Official Zoning Map Amendment to a Planned Development District application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
Title: a Development Order Amendment application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to add land area, reconfigure the site plan, add square footage, and allow an alternative Type III incompatibility landscape buffer

General Location: North side of Glades Road approximately 1,000 feet west of Lyons Road (**Bernstein MUPD**) (Control 1985-00095)

Pages 169 - 208  
 Conditions of Approval Pages (178 - 187)  
 Project Manager: David McGuire  
 Size: 8.20 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Variance and recommends approval of an Official Zoning Map Amendment and approval of a Development Order Amendment subject to 48 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application**

David McGuire – Site Planner II, gave a brief presentation  
 Collene Walter – Agent, gave a brief presentation. Agent is in agreement with the Conditions of Approval.

**MOTION:** To adopt a resolution approving a Type II Variance to allow 100 percent overlap of utility easement and to allow a reduction in the required right -of-way buffer.

Motion carried 5-1

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

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Motion carried 6-0

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

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

Motion carried 5-1

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

**Decision: Recommended Approval as Amended**

- 9. **ZV-2012-03380** Title: a Type II Variance application of AMKBJ Partners Ltd, Agriculture Property Inc by Land Research Management Inc., Agent. Request: to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line.

General Location: 1/4 mile north of the Northwest corner of Boynton Beach Boulevard and State Road 7/US 441 on the west side of SR 7/US 441 (**Atlas Peat and Soil**) (Control 1979-00120)

Pages 209 - 232  
 Conditions of Approval Pages (214 - 214)  
 Project Manager: Donna Adelsperger  
 Size: 62.80 acres ±

BCC District: 5, 6

Staff Recommendation: Staff recommends denial of the request.

**People who spoke on application**

Autumn Sorrow – Senior Site Planner, gave a brief presentation  
 Kevin McGinley – Agent, gave a brief presentation

There was discussion with Commissioners regarding buffers, plant material, adjacent uses, and other recent similar applications.

**MOTION:** To postpone to November 7, 2013.

Motion carried 6-0

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

**Decision: Postponed to November 7, 2013**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**C. COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:34 am**