

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, APRIL 5, 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	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<b>Present</b>
Commissioner William F. Anderson	<b>Present</b>
Commissioner Joanne Davis	<i>Arrived 9:04 a.m.</i>
Commissioner Alex Brumfield	<i>Arrived 9:08 a.m.</i>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<b>Present</b>
Commissioner Jennifer Bakcsi	<i>Arrived 9:04 a.m.</i>

**B. Opening Prayer and Pledge of Allegiance**

**C. Remarks of the Chair**

**D. Proof of Publication** – Motion to receive and file, carried 8-0.

**E. Adoption of the Minutes** – Motion carried 8-0.

**F. Swearing In**

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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
None	3	3,5	3,5	5	3,5	None	None	3,5

*Reorder of the Agenda by the add/delete, renomination of the Chair and Vice Chair. Commissioner Beatty nominates Commissioner Scarborough for Chair. Vote carries 9-0. Commissioner Beatty nominates Commissioner Brumfield for Vice Chair. Vote carries 9-0.*

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**This item was moved under postponement by the add/delete.**

2. **CA-2011-02908** Title: a Class A Conditional Use application of Moc Thuy Nguyen by Jon E Schmidt & Associates, Agent. Request: to allow a Place of Worship. General Location: East Northeast corner of Gun Club Road and Cypress Avenue.  
**(Florida Buddhist Centers, Inc – Lotus Monastery)** (Control 1978-00204)

Pages 43-59

Project Manager: David McGuire

Size: 1.66 acres +

BCC District: 2

Staff Recommendation: Staff recommends postponement to May 3, 2012.

**MOTION:** To postpone to May 3, 2012.

Motion carried 9-0.

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

**DECISION: Postponed to May 3, 2012**

**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**

- 1. **DOA-2011-02905** Title: a Development Order Amendment application of William Burckart by William E. Burckart, Agent. Request: to reconfigure the Preliminary Site Plan, modify and delete Conditions of Approval (Use and Architectural Control), and expand an existing requested use.  
 General Location: Southwest corner of Jupiter Farms and Indiantown Road.  
**(Jupiter Farms Community Shopping Center)** (Control 1992-00017)

Pages 1 - 42

Project Manager: David McGuire

Size: 37.89 acres +

BCC District: 1

**People who spoke on this application:**

Bill Burckart, agent - agrees to the conditions of approval.

Staff Recommendation: Staff recommends approval of the request subject to 97 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Preliminary Site Plan, modify/delete Conditions of Approval and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0.

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

**DECISION: APPROVED AS ADVERTISED**

**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**

- 3. 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 60-87

Project Manager: Carol Glasser

Size: 4.21 acres +

BCC District: 2

**People who spoke on this application:**

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

David Carpenter, agent - gave a presentation and responded to Commissioner concerns, submitting into record photos of the existing school site.

Lynda Harris, attorney representing Palm Beach Kennel Club – spoke in opposition and indicated the proposed project would have a negative impact on the future development plans of the Kennel Club.

**General Discussion:**

The ZC discussed Code Enforcement issues for the existing internal fence, circulation and parking requirements, and confirmed the owner of Lot #3 could request a variance to re-install a fence blocking off their parking area.

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.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval in Exhibit C-1.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of a Requested Use to allow a Charter School for more than 200 students subject to the Conditions of Approval in Exhibit C-2.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**D. ZONING APPLICATIONS – NEW**

4. **ZV-2012-00110** Title: a Type II Zoning Variance application of Shadowwood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to allow an increase in square footage for a wall signage along the west façade of Building F. General Location: Northeast corner of Glades Road and SR 7/US 441. **(Shadowwood Square MUPD)** (Control 1973-00043)

Pages 88-106

Project Manager: Donna Adelsperger

Size: 34.94 acres +

BCC District: 5

**People who spoke on this application:**

Donna Adelsperger, Site Planner I – gave a brief presentation.

Chris Barry, agent – gave a presentation and responded to Commissioner concerns.

Staff Recommendation: Staff recommends denial of the request.

**MOTION:** To adopt a resolution approving a Type II Variance to allow an increase in square footage for wall signage along the west façade of Building F.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

5. **ZV/PDD/R/TDR-2011-02634** Title: a Type II Variance application of Behavioral Health of the Palm Beaches Inc by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the right-of-way buffer for Lake Worth Road; and to eliminate the small shrubs, medium shrubs, groundcover and to allow the plantings to be planted in a linear pattern. Title: an Official Zoning Map Amendment to a Planned Development District application of Behavioral Health of the Palm Beaches, Inc. Agent. Request: to allow a rezoning from the Commerical High Office (CHO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Requested Use application of Behavioral Health of the Palm Beaches Inc by Urban Design Kilday Studios, Agent. Request: to allow a Type III Congregate Living Facility. Title: Transfer of Development Rights application of Behavioral Health of the Palm Beaches Inc by Urban Design Kilday Studios, Agent. Request: to allow a Transfer Development Rights (TDR) for 18 units. General Location: Northeast corner of Lake Worth Road and the Florida Turnpike. **(Lake Worth Road CLF)** (Control 1981-00013)

Pages 107-140

Project Manager: David McGuire

Size: 6.06 acres +

BCC District: 2

**People who spoke on this application:**

David McGuire, Site Planner II – gave a brief presentation.

Marty Perry and Joni Brinkman, agents – gave a presentation and responded to Commissioner’s concerns. Joni Brinkman submitted into record nine letters of support from various business entities.

Steven Daniels, representing Willowbend POA, spoke of security concerns and the installation of security cameras including the additional camera pointed North.

Arleen Darziges, Allan Dellocono, Rae Zacharia and Barbara Susco – spoke in opposition. The main concerns were security issues, location for the use of rehab facility and the number of TDR units being requested.

Staff Recommendation: Staff recommends approval of Type II Zoning Variances subject to 6 Conditions of Approval as indicated in Exhibit C-1; approval of the rezoning subject to 5 Conditions of approval as indicated in Exhibit C-2; approval of the Requested Use subject to 10 Conditions of Approval as indicated in Exhibit C-3; and approval of the Transfer of Development Rights subject to 5 Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a resolution approving a Type II Variance to allow a reduction in the right-of-way buffer for 171 feet of Lake Worth Road; and to eliminate the small shrubs, medium shrubs, groundcover and to allow to be planted in a linear pattern subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of a Requested Use to allow Type III Congregate Living Facility and to allow a Transfer of Development Rights (TDR) subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of a Transfer of Development Rights to allow a Transfer Development Rights (TDR) for 18 units subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT – 11: 15 a.m.**