

**PALM BEACH COUNTY
ZONING COMMISSION**

FRIDAY, December 5, 2008 9:00 a.m.

MINUTES OF THE MEETING

The Zoning Commission met on the 1st Floor of Vista Center, 2300 N. Jog Road, West Palm Beach, FL 33411.

Members Present:

William F. Anderson, Chairman
Sherry Hyman, Vice Chair
Allen Kaplan, Commissioner
Al Zucaro, Commissioner
Joanne Davis, Commissioner
Alex Brumfield, III, Commissioner
Sheri Scarborough, Commissioner
Kelley Armitage, Alternate Commissioner

County Staff Present:

Robert Banks, Assistant County Attorney
Jon MacGillis, Zoning Director
Wendy Hernandez, Zoning Manager
Joanne Koerner, Land Development
Ken Rogers, Director Land Development
Sussan Gash, Planning Division
Carol Glasser, Site Planner II, Zoning
Ron Sullivan, Senior Site Planner, Zoning
Douglas Robinson, Site Planner II, Zoning
Joyce Lawrence, Site Planner II, Zoning
Nick Uhren, Senior Professional Engineer, Traffic Division
David Garrard McGuire, Planner II, Zoning
William Cross, Senior Site Planner, Zoning
Kenny Wilson, Health Department
Robert Kraus, ERM
Autumn Sorrow, Senior Site Planner, Zoning
Donna Adelsperger, Site Planner I, Zoning

Robin Parker, Secretary – Prepared Minutes

Meeting was called to order at 9:00 a.m.

Opening prayer and Pledge of Allegiance

Commissioner Hyman presented Frank Barbieri with a plaque for his years of service with the Zoning Commission.

Proof of Publication – Motion: to accept proof of publication, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Seconder				Maker

Swearing in by Assistant County Attorney, Bob Banks.

Disclosures - The Commissioners disclosed that they had met with or spoken to the agent, owner and or public on the following item numbers:

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
			4,8,14	4,8,14,16	8, 15	15		8

Sherry Hyman made a brief presentation acknowledging Frank Barbiari for service to the Zoning Commission and presented him with an award.

ZONING DIRECTOR COMMENTS

POSTPONEMENTS/REMANDS/WITHDRAWALS

1. Z/DOA/CA 2007-1185 Winners Church

Staff: None
 Agent: None
 Public: None
Discussion: None

MOTION: To postpone thirty (30) days to Friday, January 9, 2009, motion carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Maker				Seconder

2. DOA2008-461 T-Mobile Horizon Baptist

Staff: None
 Agent: None
 Public: None
Discussion: None

MOTION: To postpone sixty (60) days to Thursday, February 5, 2009, motion carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Seconder		Maker		

3. CA2008-616 Sacred Africa Church

Staff: None
 Agent: None
 Public: None
Discussion: None

MOTION: To postpone thirty (30) days to Friday, January 9, 2009, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Seconder				Maker

CONSENT AGENDA

4. ZV/DOA/R2007-2022 Sykes Commercial

Staff: None
 Agent: David Carpenter, agent for applicant, accepts conditions of approval.
 Public: None
Discussion: None

MOTION: To adopt a resolution approving a Type II Variance to allow 24 hours for business operations carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Secunder	Maker				

MOTION: To recommend approval of a Development Order Amendment request to reconfigure site plan, add square footage, and restart the commencement clock, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Maker				Secunder

MOTION: To recommend approval of a Requested Use allowing a second hotel carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Maker				Secunder

5. ZV/PDD/DOA2008-448 Amestoy AGR PUD

Staff: None
 Agent: Kieran Kilday, agent for applicant, accepts conditions of approval.
 Public: None
Discussion: None

MOTION: To adopt a resolution approving the reduction of the required width of the AGR buffer, to allow reduction in the number of shrubs; and to allow plant material to be planted in a linear pattern, rather than a meandering, naturalistic pattern, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
							Secunder	Maker

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
							Secunder	Maker

MOTION: To recommend approval of a Development Order Amendment to reconfigure the master plan, to delete land area, to add land area, to create a model row, to amend a condition of approval (Landscaping), and to restart the commencement clock, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
							Secunder	Maker

6. PDD/DOA2008-626 Lyons West AGR PUD

Staff: None
 Agent: Kieran Kilday, agent for applicant, accepts conditions of approval.
 Public: None
Discussion: None

MOTION: To recommend approval of an Official Zoning Map Amendment to a Planned Development District from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconder		Maker				

MOTION: To recommend approval of a Development Order Amendment to reconfigure the master plan, add land area, reduce land area, reduce number of units, delete a condition of approval (Landscape), and restart the commencement clock, 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconder		Maker				

7. Z2008-1368 Hyder Preserve B

Staff: None
 Agent: Kieran Kilday, agent for applicant, accepts conditions of approval.
 Public: None
Discussion: None

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, carried 7-0.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconder						Maker

8. PDD2008-1177 Cheney Ranch

Staff: None.
 Agent: Robert Bentz, agent for the applicant, informed the ZC and staff that prior to the BCC hearing that the roadway easement south of the “east” site labeled as “Parcel 1” will be deleted from the development.
 Public: George Humphries, President of the West Gun Club Road Property Owners Assn., Inc., spoke in support of the project and agrees with the changes of deleting property area before the BCC.

Discussion: At the December 5, 2008 ZC Hearing this item was pulled from the consent agenda so that the Commissioners could discuss issues relating to workforce housing, conditions of approval, and to hear from members of the public. A majority of the discussion between the Commissioners and the applicant related to requiring elevators in the apartment buildings. The applicant presented the ZC with information on existing apartment complexes in the county without elevators and the fact that the Florida Building Code and Health and Safety Codes do not require elevators. The applicant stated that requiring elevators would place a financial hardship on the project and would not be consistent with recent WFH approvals. The ZC members also discussed if it was in their purview to impose a condition requiring elevators. Several ZC members also discussed the need to rethink the Workforce Housing program altogether. Commissioner Davis stated that she is in support of workforce housing projects; however, she feels that the recently approved WFH projects are not compatible with the adjacent uses in regards to density and housing types. The Zoning Commission recommended approval of the petition with a vote of 7-0 with a note

requesting direction from the BCC if elevators should be required in three-story apartment buildings.

MOTION: To recommend approval of a rezoning from the Residential Transitional (RT) and the Agricultural Residential (AR) Zoning Districts to the Planned Unit Development (PUD) Zoning District, carried 6-1.

Armitage	Bowman	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	N/A	Yes	Yes	Yes	Yes	Yes	No	Yes
				Maker		Secunder		

9. CB2008-1181 Shark Enterprises

Staff: Carol Glasser, Project Manager, read a proposed condition addressing the wall setback and phasing. A Landscape Plan or Alternate Landscape Plan is required prior to final approval by the DRO. Wall maintenance is a Code requirement of the property owner.

Agent: Jim Frogner, agent, agreed to the conditions as amended for the required wall to be installed prior to the first C.O.

Public: Lori Vinikoor representing Paradiso Trovato, LLC, and owner of the adjacent residence to the west had concerns with the phasing of the wall, wall setback, maintenance of the wall, and quantity of landscape material.

Discussion: Item was pulled from consent.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow Agriculture, Sales and Service, carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
					Secunder		Maker

10. ZV2008-1356 Santos Building

Staff: None.

Agent: Chris Barry, agent for the applicant, agreed to a condition to maintain and install fence and landscape. The proposed 3' buffer was widened to 5' buffer with a reduced drive aisle.

Public: Mary Cannon, a neighbor of the applicant, expressed concerns for adequate fencing for the proposed request.

Discussion: Discussion included concerns from a neighbor about fencing. Thuy Shutt from WCRA mentioned that grants were available to help place the wall or fence.

MOTION: To adopt a resolution approving the request for Type II Variances, motion carried 6-1.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Secunder					Maker	

11. ZV/W2008-1359 Western Palm Beach Farm Bureau

Staff: None

Agent: Ann Murray-Delago, agent for the applicant, accepts conditions of approval.

Public: None

Discussion: None

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in setbacks, motion carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
						Seconded	Maker

REGULAR AGENDA

PREVIOUSLY POSTPONED ITEMS

12. DOA/R2008-303 Lantana Civic Pavillion

Staff: Ronald Sullivan, Project Manager, made a brief presentation of the project.

Agent: Jan Polson, Cotleur & Hearing, agent for the applicant, agreed to barrel tile roofing material suggested by COBWRA.

Public: Barbara Katz, President of COBWRA, suggested barrel tile roofing material, which was agreed to by agent for the applicant. Edith Nowicki spoke about an objection to the daycare center and concerns about the use not in compliance with civic zoning. Staff mentioned the daycare center is a permitted use.

Discussion: Discussion included roofing materials and type, and also concerns about an objection to the daycare use.

MOTION: To recommend approval of a Development Order Amendment to add two external access points to the PUD for the Civic parcel, carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
	Seconded						Maker

MOTION: To recommend approval of a Requested Use to allow a Place of Worship, a Private School, and a Daycare, carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
	Seconded						Maker

13. ZV/Z/DOA2008-1192 Royal Palm Presbyterian Church

Staff: Joyce Lawrence made a brief presentation.

Agent: Bradley Miller- Miller Land Planning, agent for the applicant, made a presentation of the project.

Public: Six cards to speak were received from concerned neighbors. Barbara Katz, COBWRA, had architectural concerns. Roxanne Auld objected to the additional access proposed and the use. Carl Terwilliger opposed the design due to the lack of green space/buffer surrounding the parking area, was concerned with the noise levels, height of the lighting, steeple height and too much parking. Dennis McKenzie had architectural concerns with steeple height. Ron Armstrong objects the additional access and had concerns with traffic. Ellen Tannehill expressed opposition to the use and traffic concerns.

Discussion: Discussion included neighbors concerns about access, parking, buffers, landscape and architectural issues

MOTION: To recommend approval for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District, carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
Second						Maker	

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, to add square footage, to modify Conditions of Approval (Landscape and Lighting), and to add land area and to recommend denial to amend the Engineering and Signage Conditions of Approval, carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
						Maker	Second

14. PDD/R/TDR2008-798 Andalusia PUD

Staff: William Cross, Project Manager, made a presentation with Powerpoint and addressed Commissioners concerns and questions.

Agent: Kieran Kilday – Kilday & Associates, agent for the applicant, made a presentation and addressed concerns about buffering and use compatibility with surrounding properties. Access issues were discussed for surrounding property owners. Bonnie Miskel, attorney for applicant, discussed access concerns and agreed to a condition language with access and paving to the gate for Ms. Garvey.

Public: Three cards were received from the public for this item. Lyn Harris, representing Gulfstream Polo Club, opposed and discussed use compatibility with the surrounding active polo fields and concerns about safety. Ellie Halperin, representing Ted Brinkman, surrounding property owner, also opposed with concerns about density and access. Patricia Garvey, adjacent property owner, objected to density, access and compatibility with existing uses.

Discussion: Discussion for this project included density concerns, compatibility, access issues.

MOTION: To recommend approval of a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District carried 4-3.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
No	Yes	No	Absent	No	Yes	Yes	Yes
						Second	Maker

MOTION: To recommend approval to allow the Transfer of Development Rights carried 4-3.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
No	Yes	No	Absent	No	Yes	Yes	Yes
					Second		Maker

MOTION: To recommend approval to allow the Transfer of Development Rights for 115 units, to designate this site as a receiving area, and to allow a reduced cost of \$1.00 per unit for 59 Transfer of Development Rights units, motion carried 4-3.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
No	Yes	No	Absent	No	Yes	Yes	Yes
						Second	Maker

15. DOA2008-786 Shoppes of Boca Green – T-Mobile

Staff: Douglas Robinson made a brief presentation and addressed issues raised.

Agent: Neil Schiller, representing T-Mobile, made a presentation for the project.

Public: Eight cards were received in opposition to the request for additional tower height. Nanmichele Miller, representing West Boca Community Council, Gregg Kiken, Liz Solazzo, representing Boca Greens County Club Norman Weiss, Lorraine Rosenblatt, Lorraine Broderick, Stanton Bernstein, and Fred Apel were opposed to tower height and location.

Discussion: Discussion included heavy opposition to tower height.

MOTION: to recommend denial of the Development Order Amendment request to modify a condition of approval (Commercial Pod), motion carried 6-1.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
No	No	No	Absent	Yes	No	No	No	
						Secunder	Maker	

16. DOA2008-1353 South Road Office MUPD

Staff: None

Agent: Bradley Miller, agent for the applicant, made a brief presentation.

Public: Two cards from the public were received from Laura Cotty and Judith Hall in support of the project.

MOTION: To recommend approval of a Development Order Amendment to modify Landscape Conditions and to recommend denial to delete Access and Building and Site Design Conditions of Approval, carried 6-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes
						Secunder	Maker

17. Z2008-1669 Peanut Island Rezoning

Staff: None

Agent: None

Public: None

Discussion: Item was postponed on the add/delete for sixty (60) days to February 5, 2009.

MOTION: Request to postpone sixty (60) days to February 5, 2009, motion carried 6-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Maker	Secunder				

Meeting adjourned at 2:10 p.m.

PLEASE NOTE:

The Zoning Commission (ZC) and Board of County Commission (BCC) Hearings are broadcasted live on Channel 20 the day of the hearing. Video is archived and available for viewing on the Palm Beach County Website. Please allow 24 to 48 hours after the hearing date for the video to be available.

Click below to view listings and watch the ZC and BCC archived hearing videos:

http://www.pbcgov.com/countycommissioners/bcc_meeting_videos.htm

If you wish to purchase a DVD or VHS Tape of the Zoning Commission or Board of County Commission Hearing a copy can be made available by contacting Channel 20.

To purchase a copy of the hearing, please call Victoria Leveille at 561-355-1790 or 561-355-4573 or email her directly at vleveille@pbcgov.com

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