

**PALM BEACH COUNTY
ZONING COMMISSION**

THURSDAY, NOVEMBER 6, 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:

- Frank Barbieri, Jr., Chairman
- William F. Anderson, Vice Chairman
- Allen Kaplan, Commissioner
- Sherry Hyman, Commissioner
- Alex Brumfield, Commissioner
- Joanne Davis, Commissioner
- Alex Brumfield, Commissioner
- Kelley Armitage, Alternate
- Richard Bowman, Alternate

County Staff Present:

- Robert Banks, Assistant County Attorney
- Jon MacGillis, Zoning Director
- Wendy Hernandez, Zoning Manager
- Joanne Koerner, Land Development
- Ken Rodgers, Director Land Development
- Sussan Gash, Planning Division
- Michael Owens, School Board
- Jean Matthews, Parks & Recreation
- Robert Kraus, ERM
- Nick Uhren, Senior Professional Engineer, Traffic Division
- Kenny Wilson, Health Department
- Ron Sullivan, Senior Site Planner, Zoning
- Carrie Rechenmacher, Senior Site Planner, Zoning
- Autumn Sorrow, Senior Site Planner, Zoning
- Anthony Wint, Site Planner II, Zoning
- Joyce Lawrence, Site Planner II, Zoning
- Douglas Robinson, Site Planner II, Zoning
- Donna Adelsperger, Site Planner I, Zoning
- Dorine Kelley, Manager, Customer Relations

Stacey Smalls, Secretary – Prepared Minutes

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

Opening prayer and Pledge of Allegiance

Proof of Publication – Motion: to accept proof of publication, carried 6-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes
	Maker							

Commissioner Davis arrived.

Adoption of Minutes – Motion: to accept the minutes from October 2, 2008, ZC meeting carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
	Maker							Secunder

Swearing in by Assistant County Attorney, Bob Banks.

Disclosures -

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
None	None	None	Absent	Absent	9, 10	None	None	None

POSTPONEMENTS/REMANDS/WITHDRAWALS

1. CB-2008-01181 Shark Enterprises

Staff:

Agent:

Public:

Discussion: None

Motion: To postpone 30 days to Friday, December 5, 2008, carried 7-0

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
Maker								Second

2. DOA-2008-0461 T-Mobile Horizon Baptist

Staff:

Agent:

Public:

Discussion: None

Motion: To postpone 30 days to Friday, December 5, 2008, carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
Maker								Second

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

Staff:

Agent:

Public:

Discussion: None

Motion: To postpone 30 days to Friday, December 5, 2008, carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
Maker								Second

4. ZV2008-1356 Santos Building

Staff:

Agent:

Public:

Discussion: None

Motion: To postpone 30 days to Friday December 5, 2008, carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
Maker								Second

5. ZV/DOA/R-2007-2022 Sykes Commercial

Staff:

Agent:

Public:

Discussion: None

Motion: To postpone 30 days to Friday December 5, 2008, carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes
Maker								Second

9. DOA-2008-1196 Okeelanta CO-Generation Plant

Staff: No presentation
 Agent: Kilday & Associates
 Public: No one to speak
Discussion: N/A

Motion: To postpone ninety (90) days to Thursday February 25, 2009 7-0.

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

CONSENT AGENDA

Commissioner Barbieri arrived and is a voting member. Commissioner Bowman abstains from voting.

6. DOA/R-2008-1018 US 441 Land Trust

Staff: No presentation
 Agent: Chris Barry – Agreed to accept the conditions.
 Public: No one to speak
Discussion: None

Motion: To recommend approval of a Development Order Amendment to reconfigure the site plan, modify and delete conditions of approval and add square footage. Carried 7-0

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

Motion: To recommend approval of a Requested Use to allow auto paint or body shop. Carried 7-0

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

7. DOA-2008-0627 T-Mobile

Staff: Anthony Wint – PM – Gave presentation about the project.
 Jon MacGillis - ZD - Explained that if the American flag was changed to a Florida Flag the DOA would not be required. The Federal Statute requires the American Flag to be lit if flown 24 hours a day. The applicant states they want to fly flag 24 hours so there is a conflict with existing lighting conditions. Mr. MacGillis recommended that is the applicant agreed to substitute the flag for a Florida Flag the DOA would not be required and the applicant could withdraw the application.

Agent: Betty Tufford – T-Mobile – Stated, she met with COBWRA representative Gerry Morrison and there wasn't a problem with the motion.

Public: Barbara Katz – COBWRA – Oppose project, requested a 30 day postponement so community can meet with agent.
 Stuart Hershman – Oppose project
 Frank Marcellino – Oppose project

Agent: Agreed with staff recommendation and withdrew application

Discussion: There was a discussion regarding the flag pole and why it had to be lit 24 which conflicts with existing conditions on the prior approval. Commissioner Hyman made a recommendation to agent to withdraw petition if they agreed to staff recommendation to change the American Flag to a Florida flag. Agent agreed to withdraw project.

Motion: To recommend approval of a Development Order Amendment to modify a (Lighting) condition of approval carried.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	N/A
	Maker	Second						

8. DOA-2008-1195 Regions Bank at Carlyle

Staff: No presentation
Agent: Bradley Miller – Agent in agreement with conditions.
Public: No one to speak
Discussion: None

Motion: To recommend approval of a Development Order Amendment to reconfigure the site plan carried 7-0.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	N/A
Second	Maker							

10. ZV2008-1184 Canyon Town Center TMD

Staff: No presentation
Agent: Kilday & Associates, Accept conditions.
Public: No one to speak
Discussion: None

Motion: To adopt a resolution approving a Type II Zoning Variance to extend hours of operation for commercial adjacent to residential (for Type II restaurants in buildings A-1, B-1, A-2, and B-2 from 11:00 PM to 1:00 AM on Friday and Saturday only, not including deliveries and stocking.) carries 7-0

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	N/A
Second	Maker							

REGULAR AGENDA

11. ZV-2008-1352 Southern/Sansbury's MUPD (Kohl's)

Staff: Wendy Hernandez read condition into the record.
 Anthony Wint, Site Planner II, gave a PowerPoint presentation of petition. Staff recommends denial of petition. Staff stated the variance did not comply with the variance criteria necessary for granting the requisition.
Agent: Bonnie – Kohl's representative, disagree with zoning staff's variance criteria, stated that she would like to have the same consideration as Dick's which was approved during the October 2008 ZC meeting.
Public: No one to Speak
Discussion: Commissioner Hyman found the applicant did demonstrate compliance with the 7 criteria necessary to grant the variance request and made motion to replace original motion and approved agents request for variance. Commissioner Armitage did not support the motion for denial and did not state reason.

Motion: To adopt a resolution approving the requests for Type II Variance for Building A to allow signage on the eastern façade which does not face a street; to allow larger wall signage on the eastern façade, and to allow the entire length of the south façade, which includes a projection of more than 10 feet, to be considered continuous for the purpose of calculating the square footage of wall signage allowed, carried 6-1.

Kaplan	Hyman	Anderson	Zucaro	Barbieri	Davis	Brumfield	Armitage	Bowman
Yes	Yes	Yes	Absent	Yes	Yes	Yes	No	N/A
	Maker	Seconder						

Commissioner Barbieri gave a brief farewell speech. He will be moving to the School Board. He will be serving as

12. DOAR/TDR-2008-0441 Woodwind PUD

Staff: Autumn Sorrow – Brief presentation
 Agent: Bob Bentz – Gave presentation. Agent disagrees with the adding of elevators as a condition to the petition.
 Public: Ted Jako – Oppose Petition, stated there was enough rental properties and worried about traffic and congestion.

Discussion: Commissioner Hyman suggested a condition to add elevators; stated Workforce Housing deserves same as upscale locations. There was a brief discussion on the addition of elevators. Commissioner Kaplan suggests the condition to add elevators be deleted and added as a suggestion. Commissioner Anderson suggest redesigning some buildings to add elevators if petition is rejected by BCC.

Motion: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, to increase the number of dwelling units, and to restart the commencement clock for development. Carried 7 – 0

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

Motion: To recommend approval of a Transfer of Development Rights for 109 units, designate the subject property as the receiving area, and approved the reduced cost of \$1.00 per unit for the Transfer of Development Rights units.

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

13. ZV/Z/DOA-2008-1192 Royal Palm Presbyterian Church

Staff: Joyce Lawrence – Gave brief presentation.
 Agent: Bradley Miller – Gave brief presentation. Is aware of the opposition by COWBRA to change roofing but want to keep metal roofing due to Barrel Roof being much more expensive.
 Public: Ellen Tannebill – Oppose petition due to the lighting, suggested a postponement so neighbors can be informed.
 Dennis Mckenzie – Oppose petition
 Barbara Katz - Only object to the roofing and would like petition to be placed on consent.

Discussion: Commissioner Davis moved to have petition postponed for 30 days to the December 5, 2008 ZC Hearing.

Motion: To postpone 30 days to Friday, December 5, 2008, carried 7-0

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

Meeting adjourned at 11:20 AM

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