

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, NOVEMBER 4, 2010**  
9:00A.M., 1<sup>ST</sup> Floor  
Vista Center Hearing Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

- A. Roll Call 9:05 a.m.**  
 Commissioner Sherry Hyman, Chair **Present**  
 Commissioner Sheri Scarborough, Vice Chair **Present**  
 Commissioner William F. Anderson *Arrived 9:05*  
 Commissioner Allen Kaplan **Absent**  
 Commissioner Joanne Davis **Present**  
 Commissioner Alex Brumfield *Arrived 9:05*  
 Commissioner Sam Caliendo *Arrived 9:05*  
 Commissioner Mark Beatty **Present**  
 Commissioner Robert Currie **Absent**

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

**C. Remarks of the Chair**

**D. Proof of Publication** – Motion to receive and file, carried 7-0.

**E. Adoption of the Minutes** – Carried 7-0

**F. Swearing In**

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

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **PDD/R-2009-03941** Title: an Official Zoning Map Amendment to a Planned Development District application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Requested Use application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant and a Convenience Store with Gas Sales including an accessory car wash. General Location: Southwest corner of Coconut Boulevard and Northlake Boulevard. **(Shops at Indian Trails)** (Control 2006-00147)

Pages 1-1  
 Project Manager: Joyce Lawrence  
 Size: 30.71 acres ±  
 BCC District: 6

**MOTION:** To postpone the application to December 2, 2010, carried 7-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
		Seconded	Moved					

**DECISION: POSTPONED TO DECEMBER 2, 2010**

2. **DOA-2010-00143** Title: a Development Order Amendment application of Boynton Hagen LLC Ram Realty Assoc by Land Design South Inc., Agent. Request: to modify the site plan and add square footage. General Location: Northwest corner of Boynton Beach Boulevard and Hagen Ranch Road. **(Hagen Ranch/Boynton Beach MUPD)** (Control 2006-00520)

Pages 2-2

Project Manager: Joyce Lawrence

Size: 3.70 acres ±

BCC District: 5

**MOTION:** To postpone the application to December 2, 2010, carried 7-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
		Seconded	Moved					

**DECISION: POSTPONED TO DECEMBER 2, 2010**

**B. REMANDS**

**C. WITHDRAWALS**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

4. **CB-2010-01734** Title: a Class B Conditional Use application of Aquarius Development LLC by Urban Design Kilday Studios, Agent. Request: to allow Chipping and Mulching. General Location: Located on the southwest corner of Tall Pines Road and the LWDD L-4 Canal. **(Tidal Wave North)** (Control 2009-02435)

Pages 41 – 63

Conditions of Approval Pages (55 - 55)

Project Manager: Donna Adelsperger

Size: 18.54 acres +

(affected area 5.00 acres +)

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Joni Brinkman, agent, in agreement with conditions of approval.

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow Chipping and Mulching Facility subject to the Conditions of Approval as indicated in Exhibit C. Carried 7-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
		Seconded	Moved					

**DECISION: APPROVED AS ADVERTISED**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

3. **SV/ZV-2010-01983** Title: a Subdivision Variance application of Donald Carver, Investments Moody, James Moody by Cotleur & Hearing Inc., Agent. Request: to allow access onto a 30-foot platted right-of-way, Woodside Trail, for four subdivision lots. Title: a Type II Standalone Variance application of Donald Carver, Investments Moody, James Moody by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the required lot depth for the Residential Transitional (RT) Zoning District. General Location: Northeast Corner of Center Street and Woodside Trail (**Moody-Carver**) (Control 2010-00272)

Pages 3 – 40

Conditions of Approval Pages (18 - 19)

Project Manager: Donna Adelsperger

Size: 2.60 acres +

BCC District: 1

Pages 5 - 26

Staff Recommendation: Staff recommends approval of the Subdivision Variance subject to 4 Conditions of Approval as indicated in Exhibit C-1 and approval of the Type II Zoning Variance subject to 4 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Donna Adelsperger – Site Planner I, gave a brief presentation in support of the application.

Donaldson Herring – Agent, gave a brief presentation in support of the application.

Teresa Swiatkowska-Vitous, Wayne Reynolds, Mary Reynolds, Angelo Dipierro, Charles Bolz, Robert Davis and Lisa Davis spoke in opposition of the application due to an increase in traffic, increase in visitors, and maintenance of the swales, adequate parking, previous use of the site as a nursery, concerns over increase in density and provision of access to a private road. James Moody and Donald Carver, property owners of the subject site spoke in support of the application.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow access onto a 30-foot platted right of way, Woodside Trail, for four single family lots subject to the Conditions of Approval as indicated in Exhibit C-1. Carried 7-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
			Seconded					Moved

**MOTION:** To adopt a resolution approving Type II Zoning Variances to allow a reduction in the required lot depth for the Residential Transitional (RT) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2. Carried 7-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
			Seconded					Moved

**DECISION: APPROVED AS ADVERTISED**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

5. **DOA-2010-01426** Title: Development Order Amendment application of Toll FI V Limited Partnership by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to redesignate the housing type and to modify and delete conditions of approval (Engineering)  
 General Location: Southwest corner of Donald Ross Road and Ellison Wilson Road (**Parcel 32 PUD**) (Control 2003-00033)

Pages 64 – 96

Conditions of Approval Pages (80 - 91)

Project Manager: Joyce Lawrence

Size: 76.29 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 39 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Joyce Lawrence – Site Planner II, gave a brief presentation in support of the application.

George Gentile – Agent, gave a brief presentation in support of the application.

Louis Vilardo, president of the Juno Isles Civic Associates (JICA), Ellen Smith, past president of the JICA and Harvey Oyer, Toll Brothers representative spoke generally in favor of the application.

MOTION: To recommend approval of a Development Order Amendment to redesignate the housing type, and to modify and delete Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C. Carried 7-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
							Seconded	Moved

**DECISION: RECOMMEND APPROVAL AS AMENDED**

6. **ZV-2010-01980** Title: A Type II Standalone Variance application of Craig Lichtblau by Frogner Consulting Inc., Agent. Request: to allow accessory structures to be located in the front yard. General Location: Approximately 460 feet north of Pennock Point Road east of Loxahatchee River Road. (**Lichtblau Residence**) (Control 2010-00259)

Pages 3-3

Project Manager: Douglas Robinson  
Size: 1 .01 acres ±

BCC District: 1

Staff Recommendation: Staff recommends denial of the request to allow accessory structures to be allowed in the front yard.

**People who spoke on this application:**

Douglas Robinson – Site Planner I, gave a brief presentation in opposition to the request.

Jim Frogner – Agent, gave a brief presentation in support of the request.

The Commissioners discussed the merits of the request and whether to approve or deny the Type II Variance request. The Commission supported and approved the request based on the configuration of the lot, the proximity of the house in relation to the Intracoastal Waterway, the size of the lot, existing screening and landscape buffering of the lot, and lack of visibility of the structures from the adjacent properties or street. The Commission determined that this was a unique parcel configuration and placement of the dwelling and contributed to the support for the Type II Variance request rather than follow Staff recommendation of denial.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow accessory structures in the front yard subject to the conditions of approval as indicated in exhibit C. Carried 7-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes	Yes
			Moved				Seconded	

**DECISION: APPROVED AS AMENDED**

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

**COMMISSIONER COMMENTS**

**ADJOURNMENT** – Meeting adjourned at 11:14 a.m.

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