

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, JUNE 2, 2011

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	Present
Commissioner Sheri Scarborough, Vice Chair	Present
Commissioner William F. Anderson	Present
Commissioner Allen Kaplan	Present
Commissioner Joanne Davis	<i>Arrived 9:10 a.m.</i>
Commissioner Alex Brumfield	Absent
Commissioner Sam Caliendo	Present
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present

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 – Motion carried 7-0.

F. Swearing In

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Absent	10	n/a	8	10	10	8	n/a	6

Commissioner Davis arrived 9:10 a.m.

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV/DOAW-2011-00419** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow alternative street cross sections for Main Street; to eliminate the limitation on Free Standing Structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; and to allow a reduction in the number of queuing spaces. Title: a Development Order Amendment application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, reduce square footage, modify/delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Signs, Use Limitations), and restart the Commencement of Development clock. Title: a Waiver application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the length of the Main Street and the minimum length of a block. General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. (**Delray Marketplace**) (**Control 2004-00616**)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 82.99 acres ±

(affected area 32.82 acres ±)

BCC District: 5

Staff Recommendation: To postpone to Thursday July 7, 2011.

MOTION: To postpone to Thursday July 7, 2011. Motion carried 8-0.

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

DECISION: TO POSTPONE TO JULY 7, 2011

Item 10 on the add/delete requesting to postpone 30 days.

10. **ZV/CA-2010-00974** Title: A Type II Concurrent Variance application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow 24 hours operation within 250 feet of a residential district. Title: A Class A Conditional Use application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales. General Location: Northwest corner of Military Trail and Landar Road within 1,000 feet of Lake Worth Road. (**Military Trail Commercial**) (**Control 1977-00190**)

Pages 272-330

Conditions of Approval Pages (297-301)

Project Manager: Joyce Lawrence

Size: 3.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

MOTION: To postpone to Thursday July 7, 2011. Motion carried 8-0.

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

DECISION: TO POSTPONE TO JULY 7, 2011

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

2. **W/DOA-2011-00150** Title: a Waiver application of Boca Raton Assocs VI LLLP by G.L. Homes, Agent. Request: to allow 58% of streets to terminate in a cul-de-sac. Title: a Development Order Amendment application of Boca Raton Assocs VI LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan; increase dwelling units; relocate model row; amend Conditions of Approval (Engineering, Planning, Landscaping): and, restart the Commencement of Development clock. General Location: East side of Lyons Road south of W. Atlantic Ave. between the L-37 and L-38 Canals (**Dubois AGR-PUD**) (**Control 2004-00250**)

Pages 2-41

Conditions of Approval Pages (26-33)
 Project Manager: Carol Glasser
 Size: 722.64 acres ±
 (affected area 299.18 acres)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 37 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Kevin Ratterree, Agent – agrees with the conditions of approval.

MOTION: To recommend approval of a Waiver to allow 58% of streets to terminate in a cul-de-sac. Motion carried 8-0.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; increase dwelling units; relocate model row; amend Conditions of Approval (Engineering, Planning, Landscaping); and, restart the Commencement of Development clock subject to Conditions of Approval as indicated in Exhibit C. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

3. **DOA/R-2010-02573** Title: a Development Order Amendment application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to reconfigure the sits plan; relocate requested uses; and, to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations). Title: a Requested Use application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to allow a Type 1 Restaurant. General Location: Northeast corner of Jog Road and Lantana Road. **(Chick-fil-A at Lee Square) (Control 1981-00186)**

Pages 42-95
 Conditions of Approval Pages (67-81)
 Project Manager: Carol Glasser
 Size: 38.19 acres ±
 (affected area 12.09 acres)

BCC District: 3

Staff Recommendation: Staff recommends approval of both requests subject to 66 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Craig McDonald, Agent – agrees with conditions of approval and is working with staff to finalize one condition before BCC.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan; relocate requested uses; and, to modify and delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitation) subject to Conditions of Approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

4. **DOA/R-2010-02568** Title: a Development Order Amendment application of West Palm Land Group LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan and modify uses. Title: a Requested Use application of West Palm Land Group LLC by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales. General Location: North of Persimmon Blvd., just east of Seminole Pratt Whitney Road. **(The Grove Market) (Control 1995-00106)**

Pages 96-125

Conditions of Approval Pages (111 -120)

Project Manager: Joyce Lawrence

Size: 0.71 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in Exhibit C-1, and 6 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Jennifer Morton, Agent – agrees with the conditions of approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and modify uses subject to Conditions of Approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of the Requested Uses to allow a Convenience Store with Gas Sales subject to Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

Item 5 was pulled off the consent agenda and moved to regular regarding concerns from COBWRA, and the agent agrees.

Item 6 was pulled off the consent agenda and moved to regular regarding concerns from the Commissioners.

7. **DOA-2011-00159** Title: a Development Order Amendment application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to reconfigure the Site Plan and delete a Condition of Approval (Engineering). General Location: Approximately 0.5 mile south of Glades Road on the west side of 95th Avenue **(Weinbaum Yeshiva High School) (Control 1997-00056)**

Pages 175-204

Conditions of Approval Pages (195- 200)

Project Manager: Donna Adelsperger
Size: 15.70 acres ±
(affected area 5.90 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 25 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Jennifer Morton, Agent- agrees with the conditions of approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

5. **DOA/R-2011-00403** Title: a Development Order Amendment application of Temple Torah of West Palm Beach Inc by Cotleur & Hearing Inc., Agent. Request: to modify the Master Plan, Site plan and uses. Title: a Requested Use application of Temple Torah of West Palm Beach Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Private Charter School. General Location: Northeast corner of Jog Road and Gateway Boulevard (**Temple Torah**) (**Control 1980-00153**)

Pages 126-159
Conditions of Approval Pages (140-151)
Project Manager: Joyce Lawrence
Size: 6.49 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 65 Conditions of Approval as indicated in Exhibit C-1 and 13 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Joyce Lawrence, Site Planner II – gave a brief presentation.

Alessandria Kalfin, agent – Addressed concerns from COBWRA. The agent agreed to place a condition as a use limitation restricting exiting traffic to right turn only during school hours, regarding Zoning Commission recommendation.

Ken Lassiter, COBWRA – suggested a recommended condition of approval restricting traffic exiting from Temple Torah.

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan, Site plan and uses subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of a Requested Use approval to allow a Private Charter School subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

6. **Z-2011-00406** Title: an Official Zoning Map Amendment application of Wilshire Country Oaks LLC by Gentile Holloway O’Mahoney & Assoc, Agent. Request: to allow a rezoning from Residential Single Family (RS) Zoning District to Residential Transitional District (RTS) Zoning District. General Location: Located on the south side of Country Oaks Lane, east of Prosperity Farms Road and Bounded on the east by Intracoastal Waterway. (**Wilshire Country Oaks**) (**Control 2004-0450**)

Conditions of Approval Pages (170-170)

Project Manager: Douglas Robinson

Size: 1.35 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) subject to 3 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Douglas Robinson, Site Planner I – gave a brief presentation.

Dodi Glas and George Gentile, agent – responded to Commissioner Beatty’s concerns with 1) preservation of existing native vegetation; 2) an access easement adjacent to existing properties and to the water; and 3) Building Permit plans.

Paul Haas spoke in opposition of the project.

General Discussion:

The Zoning Commissioners were concerned about how the existing homes adjacent to the property were able to access from a dirt road. The agent stated that although the pavement ends, the adjacent homeowners continue to have access to their property and that the easement will not be abandoned during the plat review process. A new Condition of Approval (Landscaping #1) addresses the preservation of the existing native vegetation at time of Building Permit.

MOTION: To recommend approval of a Rezoning from Residential Single Family (RS) Zoning District to Residential Transitional District (RTS) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. **DOA/TDR-2010-03019** Title: a Development Order Amendment application of Westbrooke Homes Inc., Standard Pacific of South Florida by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, Site Plan, and change the type of dwelling units, to decrease the number of dwelling units, and to restart the commencement of development. Title: a Transfer of Development Rights application of Westbrooke Homes Inc., Standard Pacific of South Florida by Land Design South Inc., Agent. Request: to allow for a reduction in the number of previously approved Transfer of Development Rights. General Location: Approximately 0.25 mile south of Lake Worth Road on the east side of Lyons Road (**Andalucia PUD**) (**Control 2008-00129**)

Pages 205 - 252

Conditions of Approval Pages (234 -247)

Project Manager: Autumn Sorrow

Size: 58.03 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 38 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Jeff Brophy, Agent – agrees with the conditions of approval but working with staff on landscape condition for North and West Property line.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, Site Plan, and change the type of dwelling units, to decrease the number of dwelling units, and to restart the commencement of development subject to the conditions of approval as indicated in Exhibit C-1. Motion carried 8-0.

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

MOTION: To recommend approval of the Transfer of Development Rights allow for a reduction in the number of previously approved Transfer of Development Rights subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

9. **ZV-2011-00407** Title: a Type II Standalone Variance application of Loxahatchee River District by Gentile Holloway O’Mahoney & Assoc, Agent. Request: to eliminate the required hedges and shrubs along the north, south, east, and west property lines. General Location: Located on the south side of Jupiter Park Drive 0.52 miles south of Indiantown Road and Central Boulevard. (**Loxahatchee River District**) (**Control 1974-00034**)

Pages 253-271

Conditions of Approval Pages (264 -264)

Project Manager: Autumn Sorrow

Size: 161.54 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of a Type II Zoning Variance subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Autumn Sorrow, Senior Planner – gave a brief presentation.

George Gentile, agent and Loxahatchee River District, Director – addressed Commissioners concerns.

Frank Barrella – spoke in support of the project.

Paula Couch – spoke in opposition of the project. Her concerns included overgrown vegetation and maintenance issues.

General Discussion - Commissioner Kaplan was opposed to the barbed wire on the perimeter of the property.

MOTION: To adopt a resolution approving a Type II Zoning Variance to eliminate the required hedges and shrubs along the north, south, east, and west, property lines subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 7-1.

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

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 – 10:25 a.m.