

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, AUGUST 4, 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	<i>Present</i>
Commissioner Sheri Scarborough, Vice Chair	<b>Absent</b>
Commissioner William F. Anderson	<i>Present</i>
Commissioner Joanne Davis	<i>Present</i>
Commissioner Alex Brumfield	<i>Present</i>
Commissioner Sam Caliendo	<b>Arrived at 9:15 a.m.</b>
Commissioner Mark Beatty	<i>Present</i>
Commissioner Robert Currie	<i>Present</i>

Commissioner Hyman recognized Commissioner Allen Kaplan’s service to the Zoning Commission and his dedication and service to the public. She asked everyone to observe a moment of silence in his memory.

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

**C. Remarks of the Chair**

**D. Proof of Publication** – Motion to receive and file, carried 6-0.

**E. Adoption of the Minutes** – Motion carried 6-0.

**F. Swearing In**

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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Beatty
None	5,6	None	None	5,6	Absent	Absent	5,6

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **ZV-2011-00932** Title: a Type II Zoning Variance application of Pine Trail Square Llc by Seigel Lipman Dunay Shepart & Miskel LLP, Agent. Request: to allow an increase in square footage for wall signage along the north facade and to allow signage on a facade not facing a street. General Location: Generally located on the southwest corner of Military Trail and Okeechobee Boulevard. (Pine Trail Square) (Control 1978-00273)

Pages 1 -1

Project Manager: Douglas Robinson

Size: 22.26 acres ±

BCC District: 2

Staff Recommendation: To postpone to Thursday September 1, 2011.

**MOTION:** To postpone to Thursday September 1, 2011. Motion carried 6-0.

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

**DECISION: TO POSTPONE TO SEPTEMBER 1, 2011.**

2. **ZV/DOAR-2011-00413** Title: a Type II Variance application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential zoning district. Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan, modify uses and modify Conditions of Approval (Use Limitation). Title: a Requested Use application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Medical Center. General Location: Northwest corner of Woolbright Road and Jog Road (Valencia Square MUPD) (Control 1998-00078)

Pages 2-2

Project Manager: Joyce Lawrence

Size: 23.54 acres ±

BCC District: 5

Staff Recommendation: To postpone to Thursday September 1, 2011.

**MOTION:** To postpone to Thursday September 1, 2011. Motion carried 6-0.

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

**DECISION: TO POSTPONE TO SEPTEMBER 1, 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**

**E. CORRECTIVE RESOLUTIONS**

**F. SUBDIVISION VARIANCE**

Item 3. SD-140 was pulled from consent due to comment cards received for this item.

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

*Commissioner Caliendo arrived 9:15 a.m.*

- 3. SD-140 American Orchid Society, Inc. and Sannior Properties II, LLC, requesting Variance from the requirement that access to a non-residential subdivision lot shall be by a street of suitable right-of-way width as established by the subdivision regulations.

Requirements are set forth in the Unified Land Development Code, Table 11 E.2.A-2 (Chart of Minor Streets).

Location: north side of Morikami Park Road, west of Jog Road, in the RTS Zoning District. (Control 1995-034)

Staff Recommendation: Approval of the request subject to 3 Conditions of Approval.

**People who spoke on this application:**

Kieran Kilday, agent – gave a brief presentation.

Ryan Aboud, attorney for Grande Orchid Estates HOA – expressed concerns by the HOA regarding traffic and access issues.

Harry Kutcher – expressed opposition and concerns regarding unsafe road width and access.

Pages 3-15

**MOTION:** To adopt a resolution approving a Type II Subdivision variance to allow access onto a 60 foot road right of way to remain, subject to the conditions of approval in the Staff Report. Motion carried 7-0.

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

**DECISION: APPROVED AS ADVERTISED**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 4. **ZV/ABN/PDD/R-2009-03943** Title: a Type II Zoning Variance application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow an increase in the number of freestanding buildings in an MUPD. Title: a Development Order Abandonment application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to abandon the Special Exceptions granted under Resolutions R-1975-768 and R-1978-276 and Type II Variance granted under ZR-2010-17. Title: an Official Zoning Map Amendment to a Planned Development District application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) District. Title: a Requested Use application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale. General Location: Northwest corner of Benoist Farms Road and

Pages 16-49  
Conditions of Approval Pages (34-37)  
Project Manager: Autumn Sorrow  
Size: 11 .44 acres ±

Staff Recommendation: Staff recommends denial of the Type II Variance request and approval of the Development Order Abandonments and approval of the rezoning request subject to 17 Conditions of Approval as indicated in Exhibit C-2 and approval of the Request Use subject to 2 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on this application:**

Autumn Sorrow, Senior Planner – gave a brief presentation.  
Chris Barry, agent – gave a brief presentation and responded to Commissioners concerns regarding excessive buildings.

**General Discussion -**

There was a brief discussion on the fact that if the variance was denied the buildings would be required to be tied together or the proposed number of buildings would have to be reduced. There was also a discussion of the recent code amendments exempting warehouse uses from the freestanding structure limitation and how this project is subject to the prior code based on the initial submittal which requires the variance. The Commissioners expressed concerns regarding the number of buildings for this site and why the variances were needed. The applicant stated on record that the project as designed can comply with all current codes in effect now for industrial MUPDs and withdrew the variance request at the hearing.

**MOTION:** To adopt a resolution denying a Type II Variance to allow more than one freestanding structure in an MUPD. No motion required, withdrawn by applicant.

**DECISION: WITHDRAWN**

**MOTION:** To adopt a Resolution abandoning the Type II Variance granted under ZR-2010-17 and to recommend approval of a resolution approving a Development Order Abandonment to abandon the Special Exceptions granted under Resolutions R-1975-768 and R-1978-276. Motion carried 7-0.

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

**DECISION: APPROVED AS ADVERTISED**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to a Planned Development District rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District Subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 7-0.

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

**DECISION: APPROVED AS ADVERTISED**

**MOTION:** To recommend approval of a Requested Use to allow Gas and Fuel, Wholesale subject to the Conditions of Approval as indicated in Exhibit C-3. Motion carried 7-0.

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

**DECISION: APPROVED AS ADVERTISED**

5. **ZV/DOA-2011-00923** Title: a Type II Zoning Variance application of Palm Beach County by Urban Design Kilday Studios, Agent. Request: to allow for a reduction in the setback from the right-of-way for a ground mounted sign and to allow for an additional ground mounted sign. Title: a Development Order Amendment application of Palm Beach County by Urban Design Kilday Studios, Agent. Request: to delete land area; to reconfigure the site plan to add square footage; to modify and delete conditions of approval (Engineering, Landscape, Lighting and Signage); and to add two access points. General Location: Approximately 0.25 mile South of Orange Blvd., on the west side of 140th Avenue North. (Acreage Community Park) (Control 2002-00019)

Pages 50-81

Conditions of Approval Pages (66-70)

Project Manager: Donna Adelsperger

Size: 28.98 acres ÷

BCC District: 6

(affected area 27.76 acres)

**People who spoke on this application:**

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

Collene Walter, agent – gave a brief presentation and responded to Commissioners concerns.

Peter Brynes spoke in opposition of the project with concerns regarding the easement and buffers abutting his property. He further requested to be contacted in order to understand the project further. The Agent agreed to contact him.

Commissioner concerns included – parking area (pervious or asphalt), maintaining native vegetation, utilize bio-swales, the equestrian substrate and concerns for protection of slash pines.

Staff Recommendation: Staff recommends denial of the Type II Zoning Variance and approval of the Development Order Amendment subject to 13 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution denying a Type II Zoning Variance to allow for a reduction in the setback from the right-of-way for a ground mounted sign and to allow for an additional ground mounted sign. Motion carried 7-0.

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

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of a Development Order Amendment to delete land area; to reconfigure the site plan; to add square footage: to modify/delete Conditions of Approval (Engineering, Landscape, Lighting and Signage); and to add two access points subject to the Conditions of Approval as indicated in Exhibit C-2. Motion carried 7-0.

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

**DECISION: APPROVED AS AMENDED**

6. **Z/CA-2011-00404** Title: an Official Zoning Map Amendment application of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to rezone from the Residential Transitional Suburban (RTS) District to the Commercial Low-Office(CL-O) Zoning District. Title: a Class A Conditional Use application of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to allow Medical or Dental Office. General Location: Southwest corner of Lantana Road and Hagen Ranch Road. (Stunkel Medical Office) (Control 1999-00033)

Pages 82-109  
 Conditions of Approval Pages (100-103)

Project Manager: Carrie Rechenmacher  
 Size: 2.30 acres ± (affected area 2.09 acres ÷) BCC District: 3

Staff Recommendation: Staff recommends denial of the requests.

**People who spoke on this application:**

Carrie Rechenmacher, Senior Planner – gave a brief presentation.

Brian Cheguis, agent – gave a brief presentation and addressed neighbors concerns.

Stuart Caine, COBWRA and Bob Stunkel – spoke in support of the application.

Paul Hershoin, Steven Morrell, Donna Morrell, Kimberly Villosky, Karla Kegolis spoke in opposition of the application with concerns regarding a medical office use too close to residential, spot commercial, no need for additional commercial uses with so many commercial vacancies close by, decrease of property values and an increase in traffic. A resident from Plantation Mobile Home Park located to the east submitted a petition in opposition with 56 signatures.

**MOTION:** The applicant agreed with the Commissioners suggestion to postpone the item to October 6, 2011 Zoning Commission in order to meet with the neighbors to address their concerns. Motion carried 7-0.

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

**DECISION: POSTPONED TO OCTOBER 6, 2011.**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT – 11:43 a.m.**