

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, NOVEMBER 8, 2012**

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 Sheri Scarborough, Chair	Present
Commissioner Alex Brumfield, Vice Chair	Absent
Commissioner William F. Anderson	Arrived 9:05 am
Commissioner Sherry Hyman	Arrived 9:05 am
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Present
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present
Commissioner Jennifer Bakcsi	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	Bakcsi	Caliendo	Beatty
Absent	4	4	4	4	3, 4	4	4	4

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

***Request by Applicant to be pulled and postponed to December 6, 2012***

- 3. ZV/CA-2012-01258** Title: a Type II Variance - Concurrent application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow 100% easement overlap in a right-of-way buffer Title: a Class A Conditional Use application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow a Type I Restaurant General Location: Approximately 800 feet east of Congress Avenue on the north side of Northlake Boulevard (**South Gardens Donuts**) (Control 1985-00027)

Pages 77 - 99

Conditions of Approval Pages (91 - 93)

Project Manager: Carol Glasser

Size: 0.60 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 4 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Class A Conditional Use subject to 10 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To postpone to December 6, 2012

Motion carries 8-0

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

**DECISION: POSTPONED TO DECEMBER 6, 2012**

**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**

**E. CORRECTIVE RESOLUTIONS**

**D. ZONING APPLICATIONS – NEW**

- 1. W/DOA-2012-01838** Title: a Waiver application of Boca Raton Associates VI LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of cul-de-sacs  
Title: a Development Order Amendment application of Boca Raton Associates VI LLLP  
Conditions of Approval (Planning) General Location: Approximately 1.5 miles south of W. Atlantic Avenue on the east Road (**Bridges AGR PUD**) (Control 2004-00250)

Pages 1 - 39

Conditions of Approval Pages (25 - 32)

Project Manager: Carol Glasser

Size: 722.53 acres +

(affected area 299.07 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the Waiver; and, approval of the Development Order Amendment subject to 37 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Cliff Hertz – agent substituting for Kevin Ratterree – in agreement with Conditions of Approval.

**MOTION:** To recommend approval of a Waiver to allow an increase in the number of cul-de-sacs.

Motion carries 8-0

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan, delete units; and, modify Conditions of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

Motion Carries 8-0

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

**DECISION: APPROVED AS ADVERTISED**

- ZV/DOA-2012-00985** Title: a Type II Variance application of Palm Beach Marketplace LLC by Cotleur & Hearing Inc., Agent. Request: to allow an increase in the percentage of palm trees within a buffer and pedestrian circulation areas; to allow an increase in square footage for wall and freestanding signage; to allow a wall sign facing a parking lot; and, to allow an increase in height for free standing sign Title: a Development Order Amendment application of Palm Beach Marketplace LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Preliminary Site Plan, to add an access point, and modify a Condition of Approval (Signage) General Location: Southeast corner of Frank Street and Okeechobee Blvd (**Palm Beach Market Place**) (Control 1988-00029)

Pages 40 - 76

Conditions of Approval Pages (57 - 61)

Size: 5.84 acres +

BCC District: 2

Staff Recommendation: Staff Recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 23 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Alessandria Kalfin, agent – in agreement with Conditions of Approval as amended.

**MOTION:** To adopt a resolution approving Type II Variances to allow an increase in the percentage of palm trees within a buffer and pedestrian circulation areas; to allow an increase in square footage for wall and freestanding signage; to allow a wall sign facing a parking lot; and, to allow an increase in height for free standing sign subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carries 8-0

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Preliminary Site Plan, to add an access point, and modify a Condition of Approval (Signage) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carries 8-0

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

**DECISION: APPROVED AS AMENDED**

**E. CORRECTIVE RESOLUTIONS**

**F. SUBDIVISION VARIANCE**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS – NEW**

- 4. **ZV/DOAR-2012-01256** Title: a Type II Variance application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow 24 hours of operation within 250 feet of a residential Zoning District Title: a Development Order Amendment application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to reconfigure the Site Plan, reduce square footage and to restart the commencement clock Title: a Requested Use application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a Convenience Store with Gas Sales and a Type I Restaurant General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages 100 - 140  
 Conditions of Approval Pages (120 - 127)  
 Project Manager: Joyce Lawrence  
 Size: 4.20 acres +

BCC District: 3

Staff Recommendation: Staff recommends denial of the Type II Variance request; approval of the Development Order Amendment subject to 28 Conditions of Approval as indicated in Exhibit C-2 and approval of the Requested Use subject to 5 Conditions of Approval as indicated in Exhibit C-3.

Should the Zoning Commission recommend approval of the Type II Variance, staff recommends the Conditions of Approval as indicated in Exhibit C-1, or as determined by the Zoning Commission.

**People who spoke on this application:**

Joyce Lawrence, Site Planner II – gave brief presentation  
 Bob Bentz, agent – gave brief presentation

One resident from the surrounding neighborhood was in support of the proposed requests and eleven residents spoke in opposition. Ms. Eleanor Halperin, representative for one of the neighbors, and the President of the Lake Osborne Homeowners’ Association, also spoke in opposition of the application. The concerns included: noise from the request for extended hours of operation, environmental issues, security issues, devaluation of property value, encroachment, ruin and disruption of a quiet viable, affordable neighborhood, and an increase in traffic. Also discussed was the increase in traffic in the mornings at the intersection of High Ridge Road and Hypoluxo Road since a new school was built on High Ridge Road south of this site, and the proposed 24 hours of operation. The Zoning Commission recommended Conditions of Approval to address traffic impacts from the proposed uses and to limit the hours of operation from 5:00 AM to 12:00 AM (midnight).

**MOTION:** To adopt a resolution denying the Type II Variance to allow 24 hours of operation within 250 feet of a residential Zoning District.

Motion carries 8-0

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage and to re-start the time of commencement subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carries 8-0

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

**MOTION:** To recommend approval of the Requested Uses approval to allow a Type I Restaurant and a Convenience Store with Gas Sales subject to 5 Conditions of Approval as indicated in Exhibit C-3.

Motion carries 8-0

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

**DECISION: APPROVED AS AMENDED**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT *11:07 a.m.***