

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, JUNE 7, 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	Present
Commissioner William F. Anderson	Present
Commissioner Sherry Hyman, Chair	Present
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Present
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Absent
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 8-0.

E. Adoption of the Minutes – Motion carried 8-0.

F. Swearing In

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
1,4	Absent	1,4	1,4	1,4	1,4,5,6,7,8,9	None	None	1,10

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

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

1. **CB-2012-00388** Title: a Class B Conditional Use application of Southern Waste Systems LLC by Urban Design Kilday Studios, Agent. Request: to allow a Recycling Plant. General Location: Northwest corner of Wallis Road and Tall Pines Road. (**Tidal Wave Central**) (Control 2007-236)

Pages 1-24

Project Manager: Donna Adelsperger

Size: 18.22 acres +

(affected area 10.56 acres±

BCC District: 2

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 – agrees with conditions of approval.

Alex Alan – asks that applicant be required to make road improvements.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Recycling Plant subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

2. **ZV-2011-2967** Title: a Type II Variance application of Robert Malt by Land Research Management Inc., Agent. Request: to allow 100% of the landscape material to be planted on the inside of a wall; to allow a reduction for an Incompatibility Buffer width along the west property line; to eliminate the landscape barrier; and to eliminate trees and shrubs within the Incompatibility Buffer along the west property line; and to allow 100% encroachment of an easement within an Incompatibility Buffer. General Location: Approximately 400 feet west of Military Trail on the north side of Orleans Court. (**Orleans Court Industrial**) (Control 2003-00098)

Pages 25 -47

Conditions of Approval Pages (38 -39)

Project Manager: Donna Adelsperger

Size: 1.58 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Kevin McGinley, agent – withdrew the request for 100% of the landscaping to be on the inside of the wall for the north 126 feet of the east buffer.

MOTION: To adopt a resolution approving a Type II Variance to allow 100% of the landscape material to be planted on the inside of a wall; to allow a reduction for an Incompatibility Buffer width along the west property line; to eliminate the landscape barrier; and to eliminate trees and shrubs within the Incompatibility Buffer along the west property line; and to allow 100% encroachment of an easement within an Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

3. **DOA-2011-3183** Title: a Development Order Amendment application of Allegro Development Company LLC by Cotleur & Hearing Inc., Agent. Request: To modify the Preliminary Site Plan to reconfigure the site, add beds, add square footage and modify Conditions of Approval (Planning). General Location: Approximately 0.5 mile south of Woolbright Road on the east side of Hagen Ranch Road. (**Allegro at Boynton Beach**) (Control 1997-00075)

Pages 48-74

Conditions of Approval Pages (62-65)

Project Manager: Joyce Lawrence

Size: 7.50 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to modify the Preliminary Site Plan, to reconfigure the site, add beds, add square footage and modify Conditions of Approval (Planning) subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

4. **ZV-2012-0982** Title: a Type II Variance application of Bethesda Healthcare System Inc by Urban Design Kilday Studios, Agent. Request: to allow internally lit signage and to allow a reduction in setback for an entry sign in the AGR Tier. General Location: Northeast corner of Boynton Beach Blvd and State Road 7. (**Bethesda West Hospital MUPD**) (Control 2006-00011)

Pages 75-108

Conditions of Approval Pages (91 -91)

Project Manager: Carrie Rechenmacher

Size: 58.83 acres +

BCC District: 5

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

MOTION: To adopt a Resolution approving a Type II Zoning Variance to allow internally lit signage and to allow a reduction in setback for an entry sign in the AGR Tier subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

Agenda items 5 and 6 were pulled from consent and moved to the regular agenda.

- 7. **ZV-2012-0697** Title: Type II Variance application of Estates Prop Owners Assn Inc by G.L. Homes, Agent. Request: to allow Temporary Residential Development Signs to be located off-site and to exceed the maximum square footage and the maximum height. General Location: Northlake Blvd approximately 4 miles west of Beeline Hwy. (**Stonewall PUD (Bay Hill)**) (Control 1983-00018)

Pages 179-203
 Conditions of Approval Pages (189-189)
 Project Manager: Douglas Robinson
 Size: 374.00 acres ±
 (affected area 10.00 acres ±)

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow Temporary Residential Development Signs to be located off-site and to exceed the maximum square footage and the maximum height subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0.

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

DECISION: APPROVED AS ADVERTISED

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 5. **DOAR/TDR-2012-0387** Title: a Development Order Amendment application of Cobblestone Place LLC by Miller Land Planning, Agent. Request: to reconfigure the Master Plan; to add beds and add an access point Title: a Requested Use application of Cobblestone Place LLC by Miller Land Planning, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF) and Transfer of Development Rights (TDR) Title: a Transfer of Development Rights (TDR) application of Cobblestone Place LLC by Miller Land Planning, Agent. Request: to allow 6 Transfer of Development Rights (TDR) units. General Location: Northwest corner of Ponderosa Drive and Cobblestone Way. (**Cobblestone Place CLF**) (Control 1975-00068)

Pages 109-140
 Conditions of Approval Pages (127-136)
 Project Manager: Joyce Lawrence
 Size: 1,814.00 acres ±
 (affected area 6.00 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 52 Conditions of Approval as indicated in Exhibit C-1, 12 Conditions of Approval as indicated in Exhibit C-2 and 7 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application:

Joyce Lawrence, Planner II – gave a brief presentation.

Bradley Miller, agent – gave a brief presentation and responded to Commissioner’s concerns.

Paul Poptrelli – spoke in support of the project.

Ronald White and Yohanan Berliwerblaw – spoke in opposition with concerns over building height, lighting, landscaping and lowering property values.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; to add beds and add an access point subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0.

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

MOTION: To recommend approval of Requested Uses to allow a Type 3 Congregate Living Facility (CLF) and Transfer of Development Rights (TDR) subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0.

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

MOTION: To recommend approval of Transfer of Development Rights (TDR) to allow 6 Transfer of Development Rights (TDR) units subject to Conditions of Approval as indicated in exhibit C-3.

Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

- 6. **DOA-2012-0116** Title: a Development Order Amendment application of Anasca Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, School Board). General Location: Northwest corner of Hagen Ranch Road and Atlantic Ave. (**Villaggio Isles PUD**) (Control 2004-00456)

Pages 141 - 178

Conditions of Approval Pages (160-171)

Project Manager: David McGuire

Size: 92.07 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

David McGuire, Planner II – gave a brief presentation.

Tim Bedner, agent – responded to resident and Commissioners concerns.

Henry Colon, Stephen Medow, Alberto Trujillo, Steve Dolak, Warren Datz, David Kline, Dawn Garnish, Jackie Sachs, Patricia Dube, Luke Lukomski, Shirley Sofia, Margaret Pansan, Marilyn Magazine, Francesco Fierra, Walter Kelley, Yvonne Bowman, Nicholas Campo, Joseph Case, Barbara Davis, Robert Davis, John Delatore, Eric Walters, Michael Belcher, Steven Pace, Kathleen Stafford, Jennifer Estis, Stan Smilan, Ranae Calderson, Ruth Delatore, Anthony Pedone, Nancy Cronin, Carmelo Catinella, Mark Thornaut, Norman Kaufmen, Juan Caraballo – opposition.

MOTION: To postpone to August 2, 2012.

Motion carried 8-0.

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

DECISION: POSTPONED TO AUGUST 2, 2012.

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. **Z/CA-2011-01995** Title: an Official Zoning Map Amendment application of Tri County Humane Society Inc. by Miller Land Planning, Agent. Request: to allow a rezoning from the Public Ownership (PO) and the Agriculture Residential (AR) Zoning Districts to the Institutional and Public Facilities (IPF) Zoning District Title: a Class A Conditional Use application of Tri County Humane Society Inc. by Miller Land Planning, Agent. Request: to allow a Type IV (Animal Shelter) Kennel General Location: Southwest corner of Boca Rio Road and Via Ancho Road (**Tri County Humane Society, Inc**) (Control 1976-00152)

Pages 204-230

Project Manager: Carol Glasser

Size: 14.05 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the rezoning with a Conditional Overlay Zoning (COZ) subject to 7 Conditions of Approval as indicated in Exhibit C-1; and approval of the Conditional Use subject to 9 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Carol Glasser, Planner II – gave a brief presentation.

Bradley Miller, agent – gave a brief presentation.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Public Ownership (PO) and the Agriculture Residential (AR) Zoning Districts to the Institutional and Public Facilities (IPF) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0.

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Type IV Kennel subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0.

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

DECISION: APPROVED AS AMENDED

D. ZONING APPLICATIONS – NEW

- 9. **ZV-2012-0967** Title: a Type II Variance application of Gateway Palms Properties LLC by Miller Land Planning, Agent. Request: to allow an extension for an existing mobile home to continue to be used as a Temporary Sales Model. General Location: Approximately 2 miles north of La Chalet Blvd on the west side of Military Trail. (**Gateway Gardens PUD**) (Control 1997-00085)

Pages 231 -246
 Conditions of Approval Pages (239 - 239)
 Project Manager: Douglas Robinson
 Size: 0.46 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request for failure to satisfy all of the Standards of Article 2.B.3.E.

People who spoke on this application:

Douglas Robinson, Planner I – gave a brief presentation.

Bradley Miller, agent – gave a brief presentation and responded to Commissioners concerns.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a time extension for an existing mobile home to continue to be used as a Real Estate Sales Office.

Motion carried 8-0.

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

DECISION: APPROVED

- 10. **ZV-2012-0981** Title: a Type II Variance application of Boynton Beach Associates XXIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow an increase in building coverage for single story single-family units within Pods D and E of the Trails at Canyon Agricultural Reserve-Planned Unit Development (AGR-PUD). General Location: Development parcel is located approximately 1 mile south of Boynton Beach Boulevard, on the east side of Acme Dairy Road. (**Trails at Canyon AGR PUD**) (Control 2006-00550)

Pages 247-274
 Conditions of Approval Pages (260-261)
 Project Manager: Donna Adelsperger
 Size: 201.94 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request for failure to satisfy the Standards of Article 2.B.3.E.

People who spoke on this application:

Donna Adelsperger, Planner I – gave a brief presentation.

Ken Tuma, agent – gave a brief presentation.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in building coverage for single story single-family units within Pods D and E.

Motion carried 6-2.

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

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT