

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, MAY 3, 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	<i>Arrived 9:07 a.m.</i>
Commissioner Sam Caliendo	<i>Arrived 9:05 a.m.</i>
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
5,6,7,8	5,6,7,8	6	5,6,7,8	2,5,6,7,8	2,5,7,8	6,7	5,8	2,5,6,7,8

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **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 1 - 1

Project Manager: Carol Glasser

Size: 14.05 acres +

BCC District: 5

Staff Recommendation: Staff recommends postponement to Thursday June 7, 2012.

MOTION: To postpone to Thursday June 7, 2012.

Motion carried 9-0

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

DECISION: Postponed to June 7, 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

D. ZONING APPLICATIONS – NEW

- 3. **DOA-2011-02353** Title: a Development Order Amendment application of Delray 282 LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master Plan, add land area, add 1 additional unit, modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planning, PREM, PUD) and to restart the time to commence development General Location: Approximately 2.25 miles north of Atlantic Avenue on the east side of US 441 (**Monticello AGR-PUD**) (Control 2005-00014)

Pages 37 - 75

Conditions of Approval Pages (53 - 71)

Project Manager: Joyce Lawrence

Size: 283.37 acres +

BCC District: 5

People who spoke on this application:

Jonathan Reinsvold, agent, in agreement with conditions of approval.

Staff Recommendation: Staff recommends approval of the requests subject to 53 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master Plan, to add land area, add 1 additional unit, modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planning, PREM, PUD) and restart the time to commence development subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED 9-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

2. **ABN/DOAR/TDR-2011-03177** Title: a Development Order Abandonment Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to abandon Resolutions R-2005-1048, R-2005-1049, and R-2010-0310 Title: a Development Order Amendment Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans; to delete and modify Conditions of Approval (Engineering, Planned Development, and Site Design) and to add units Title: a Requested Use Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the Transfer of Development Rights (TDR's) Title: a Transfer of Development Rights application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the purchase of 185 Transfer of Development Rights (TDR's) units and designate the site as a receiving area General Location: Site is located along the south side of Hypoluxo Road east of Haverhill Road and approximately 1,560 feet west of Military Trail. **(Toscana Isles PUD)** (Control 2004-00458)

Pages 2 - 36

Conditions of Approval Pages (23 - 32)

Project Manager: David McGuire

Size: 70.61 acres +

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; approval of the Development Order Amendment subject to 35 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Requested Use subject to 7 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

David McGuire, Site Planner II – gave a brief presentation.

Marty Perry, agent – gave a presentation.

Jonathan Reinsvold, CMS agent – gave a presentation.

Steven Dolak, Monika Boules, Joseph Case, Pam Rothman, David Kline and Kathy Stafford – spoke in opposition. The main concerns were regarding the additional density and the impact on property values, the roadways, proposed building height and schools.

Stuart Caine, COWBRA representative - stated that the Growth Management Committee met on Tuesday, May 1, 2012 with a large crowd from the neighboring communities closest to the proposed Toscana Isles PUD in attendance. The residents raised several issues including the proposed density of the property, the height of the buildings and schools. COWBRA indicated that a three story building or a two story building at thirty foot height is still thirty foot, regardless. The residents raised concerns regarding schools and their enrollment. COBWRA Board meeting, the following motions were passed:

1. Keep the density as presently approved at 5.9 du/a.
2. Increase the height of the Bern along Hypoluxo Road to six feet.
3. Add .architectural features to the North end of the building.

Staff responded to the proposed conditions noting that the additional height to the buffer along Hypoluxo road would be inconsistent with the adjoining buffers and that the additional height could not be accommodated within the 20' buffer currently shown on the plan. Staff also clarified the issue on height, in that the previously approved plan approved the MF buildings at 35' and three stories excluding one building at two stories. The proposed plan has one building proposed at 19 feet to the top of the beam and five buildings at 28 feet to the top of the beam.

MOTION: To recommend approval of the Development Order Abandonment of Resolutions R-2005-1048, R-2005-1049, and R-2010-0310. Motion carried 8-1

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

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans; to delete and modify Conditions of Approval (Engineering, Planned Development, and Site Design) and add units subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-1

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

MOTION: To recommend approval of the purchase of Transfer of Development Rights (TDR's).

Motion carried 8-1

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

MOTION: To recommend approval of the purchase of 185 Transfer of Development Rights (TDR's) units and designate the site as a receiving area subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-1

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

DECISION: APPROVED AS AMENDED 8-1

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 4. CA-2011-02908** Title: a Class A Conditional Use application of Moc Thuy Nguyen by Jon E Schmidt & Associates, Agent. Request: to allow a Place of Worship. General Location: East Northeast corner of Gun Club Road and Cypress Avenue. **(Florida Buddhist Centers, Inc – Lotus Monastery)** (Control 1978-00204)

Pages 76 - 93
 Conditions of Approval Pages (88 - 89)
 Project Manager: David McGuire
 Size: 1.66 acres +
 (affected area 1.52 acres +)

BCC District: 2

People who spoke on this application:

David McGuire, Site Planner II – gave brief presentation.
 Chris Barry, agent – In agreement with conditions of approval.
 Penelope Humphries, George Humphries, Cynthia Godfrey, Carolyn Lane, Barbara Roth and M'Lisse Ramsey all spoke in approval of application. Mr. George Humphries, provided the conditions of approval that he and the applicant had agreed upon were included.

Jon MacGillis, Zoning Director – went over the conditions presented by George Humphries and instructed on which can be added to the conditions of approval.

Staff discussed including six of the conditions proposed by Mr. Humphries. However, many could not be included as they were not enforceable or inconsistent with the previous conditions applied to Places of worship. A copy of the conditions of approval is included in Exhibit E

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED 9-0

D. ZONING APPLICATIONS – NEW

- 5. ABN/PDD/R-2011-02637** Title: a Development Order Abandonment application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to abandon the Conditional Overlay Zone that was granted under Resolution R-1994-1673 Title: an Official Zoning Map Amendment to a Planned Development District application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Requested Use application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales General Location: Northeast corner of Northlake Boulevard and I-95 (**Roan Lane Commercial**) (Control 1994-00061)

Pages 94 - 129

Conditions of Approval Pages (117 - 121)

Project Manager: Carrie Rechenmacher

Size: 4.52 acres +

BCC District: 1

People who spoke on this application:

Carrie Rechenmacher, Senior Site Planner – gave a brief presentation.

Jennifer Morton, agent – in agreement with Conditions of Approval with the exception of Condition of Approval on the Add/Delete Agenda to allow Saw Palmetto as the small shrub instead of the large shrub.

William Waller, Charles Clark spoke in opposition of the application and Dave Kouns spoke in favor of the project. The residents expressed concern about an increase in commercial uses and infringement to a residential area. The primary concern was an increase in traffic and conflict with the merge lanes for I-95 and potential accidents with children on bikes and school bus pick up and drop off of the neighborhood children.

Staff Recommendation: Staff recommends approval of the requests subject to 22 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Abandonment to allow the abandonment of a Conditional Overlay Zone granted under Resolution R-1994-1673.

Motion carried 9-0

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

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

Motion carried 9-0

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

DECISION: APPROVED AS ADVERTISED 9-0

- 6. **ZV/ABN/CA-2011-02630** Title: a Type II Variance application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to allow an easement overlap of an incompatibility and compatibility landscape buffers Title: a Development Order Abandonment application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to abandon the Special Exception approved under Resolution R-81-216 and R-99-984 Title: a Class A Conditional Use application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales General Location: Approximately 1,000 feet west of I-95 on the north side of Hypoluxo Road (**Hypoluxo Convenience with Gas Sales**) (Control 1981-00010)

Pages 130 - 162

Conditions of Approval Pages (149 - 152)

Project Manager: Carol Glasser

Size: 1.62 acres +

BCC District: 3

People who spoke on this application:

Carol Glasser, Site Planner II – gave brief presentation.

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

Staff Recommendation: Staff recommends approval of the Type II Variance request subject to 5 Conditions of Approval as indicated in Exhibit C-1; approval of the Development Order Abandonment; and, approval of the Class A Conditional Use subject to 21 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Type II Variance to allow easement overlap of an incompatibility and compatibility landscape buffers subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception approved under Resolution R-81-216 and R-99-984.

Motion carried 9-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

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

DECISION: APPROVED AS ADVERTISED 9-0

7. **DOA-2012-00111** Title: a Development Order Amendment application of Lion Country Safari Inc by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan to transfer acreage from Pod A to Pod D; add square footage in Pod D; and to amend and delete Conditions of Approval (Use Limitations, Noise, and Signs) General Location: West of Seminole Pratt Whitney Road, north of Southern Boulevard on Lion Country Safari Road (**Lion Country Safari MUPD**) (Control 1998-00050)

Pages 163 - 193

Conditions of Approval Pages (179 - 189)

Project Manager: Joyce Lawrence

Size: 566.53 acres +
(affected area 64.15 acres +)

BCC District: 6

People who spoke on this application:

Joyce Lawrence, Site Planner II – gave brief presentation.

Keri Kilday, agent - informed the ZC that the applicant is not in agreement with 2 of the proposed Conditions of Approval (Use Limitations Conditions 6 and 12) which restricts noise and height. In the presentation, Mr. Kilday showed the affected area for the proposed expansion, the existing uses and he stated the reason for the proposal. He also explained that the affected area, Pod D, is located towards the interior of the site, the site is heavily landscaped and is setback approximately 1,416 feet from the nearest property line.

There was a brief discussion on the noise, the height, existing vegetation and the location of the affected area.

Staff Recommendation: Staff recommends approval of the request subject to 53 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to transfer acreage from Pod A to Pod D, add square footage in Pod D and to amend and delete Conditions of Approval (Use Limitations, Noise and Signs) subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED 9-0

- 8. **ZV/DOA-2011-02350** Title: a Type II Zoning Variance application of SPBC Federation Housing Inc by Land Design South Inc., Agent. Request: to allow a reduction in the required parking Title: a Development Order Amendment application of SPBC Federation Housing Inc by Land Design South Inc., Agent. Request: to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) General Location: Southeast corner of the terminus of 95th Ave. **(Rainberry PUD Pods A & B)** (Control 1984-00139)

Pages 194 - 243
 Conditions of Approval Pages (222 - 231)
 Project Manager: David McGuire
 Size: 40.10 acres +
 (affected area 6.20 acres +)

BCC District: 5

People who spoke on this application:

David McGuire, Site Planner II – gave brief presentation.
 Jennifer Morton, Agent – in agreement with conditions of approval as read into record.

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 6 Conditions of Approval as indicated in Exhibit C-1, and approval of the request to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) subject to 38 conditions of approval as exhibited in Exhibit C-2, and 11 conditions of approval as exhibited in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance for a reduction in the required parking subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

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

MOTION: To recommend approval of a Development Oder Amendment to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) subject to 38 conditions of approval as indicated in Exhibit C-2 and 11 conditions of approval as indicated in Exhibit C-3.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED 9-0

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT – 11:03 a.m

This page left blank intentionally