

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

WEDNESDAY, DECEMBER 19, 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	Arrived at 9:12 am
Commissioner William F. Anderson	Present
Commissioner Sherry Hyman	Present
Commissioner Joanne Davis	<i>Absent</i>
Commissioner Sam Caliendo	<i>Absent</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 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	Bakcsi	Caliendo	Beatty
	6	Absent	6,9	8,9,11,12	9,11	6	Absent	6,9,10,11,12

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

MOTION: To Re-order the Agenda, moving Item 8 to the Regular Agenda and Item 11 to the Consent Agenda

Motion Carries 6-0

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

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS – NEW**

1. **DOA-2012-01840** Title: a Development Order Amendment application of JP Morgan Chase by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to modify a Condition of Approval (Signage)

General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 1-35
 Conditions of Approval Pages (14-24)
 Project Manager: Carrie Rechenmacher
 Size: 23.88 acres ±
 (Affected area 1.33 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 73 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Scott Backman, agent – in agreement with Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to modify a Condition of Approval (Signage) subject to Conditions of Approval as indicated in Exhibit C.

Motion Carries 6-0

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

DECISION: APPROVED AS ADVERTISED

2. **DOA-2012-01841** Title: a Development Order Amendment application of Gerald Barbarito by Colome & Associates Inc, Agent. Request: to reconfigure site plan and add square footage

General Location: Approximately 1,875 feet east of Jog Road on the south side of Hypoluxo Road (**St Matthew Catholic Church**) (Control 1996-00120)

Pages 36-59
 Conditions of Approval Pages (49-55)
 Project Manager: David McGuire
 Size: 13.19 ± acres

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 38 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Elizabeth Colome, agent – in agreement with Conditions of Approval

MOTION: To recommend approval of a Development Order Amendment to reconfigure site plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 6-0

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

DECISION: APPROVED AS AMENDED

3. **ZV/DOAR-2012-01839** Title: a Type II Variance application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow easement overlap in a right-of-way buffer and a decrease in setback for on-site directional signs

Title: a Development Order Amendment application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the site plan, add square footage, and delete a Condition of Approval (Signs)

Title: a Requested Use application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Medical Center

General Location: South of Boynton Beach Boulevard on the southwest corner of Hagen Ranch Road and Venture Center Way (**Bethesda Health Care MUPD**) (Control 1993-00035)

Pages 60-96

Conditions of Approval Pages (83-89)

Project Manager: Carol Glasser

Size: 39.58 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 28 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

George Gentile, agent – in agreement with Conditions of Approval

MOTION: To adopt a resolution approving Type II Variances to allow easement overlap in a right-of-way buffer and a decrease in setback for on-site directional signs subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carries 6-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, and delete a Condition of Approval (Signs) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carries 6-0

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

MOTION: To recommend approval of a Requested Use to allow a Medical Center.

Motion carries 6-0

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

DECISION: APPROVED AS ADVERTISED

- 4. **ZV-2012-02794** Title: a Type II Variance application of Toll FI V Limited Partnership by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow the elimination of a minimum 5 foot high by 10 foot long opaque wall or fence along the Zero Lot Line (ZLL) side of the ZLL homes

General Location: Southwest corner of Donald Ross Road and Ellison Wilson Road
(Parcel 32 PUD) (Control 2003-00033)

Pages 97-115
 Conditions of Approval Pages (106-106)
 Project Manager: Joyce Lawrence
 Size: 76.29 acres ±

BCC District 1

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:

Dan Siemsen, agent - in agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow the elimination of a minimum 5 foot high by 10 foot long opaque wall or fence along the Zero Lot Line (ZLL) side of the ZLL homes subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 6-0

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

DECISION: APPROVED AS ADVERTISED

- 5. **ZV-2012-02796** Title: a Type II Variance application of Sylvia Firestone by Calvin Giordano & Associates Inc., Agent. Request: to allow a reduction in the front setback for a private stable

General Location: Approximately 700 feet north of Heritage Farms Road on the west side of Park Lane Road (**Firestone Private Stable**) (Control 2000-30210)

Pages 116-136

Conditions of Approval Pages (130-130)

Project Manager: Donna Adelsperger

Size: 9.78 acres ±

BCC District 6

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:

Rick Reikenis, agent – in agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the front setback for a private stable subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 7-0

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

DECISION: APPROVED AS ADVERTISED

- 6. **ZV-2012-02799** Title: a Type II Variance application of Capstone Resdev LLC, Precious Property Management LLC by Urban Design Kilday Studios, Agent. Request: to allow an exception from the prohibition of a new educational facility within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of one half of the runway

General Location: Approximately 0.75 miles north of Gateway Boulevard on the northeast corner of Knollwood Road and Old Military Trail (**Franklin Academy -Boynton**) (Control 2005-00589)

Pages 137-170

Conditions of Approval Pages (145-145)

Project Manager: Joyce Lawrence

Size: 9.93 acres ±

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:

Wendy Tuma, agent – in agreement with Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow an Educational Facility within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of one half of the runway based on the findings and subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 7-0

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

DECISION: APPROVED AS ADVERTISED

7. **ZV-2012-02101** Title: a Type II Variance application of T-Mobile South LLC by Multipoint Wireless LLC, Agent. Request: to allow an existing 30-foot high hedge to exceed the maximum 12 feet height ; to eliminate the required canopy trees and plant materials within the Incompatibility Buffer along the west property line

General Location: Approximately 0.2 mile south of Linton Boulevard on the west side of Jog Road (**Temple Anshei Emuna (WP1219H) / Delray Synagogue**) (Control 1981-00225)

Pages 71-209
 Conditions of Approval Pages (181-181)
 Project Manager: Joyce Lawrence
 Size: 2.89 acres ±

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:

Milana Meshenberg, agent – in agreement with the Conditions of Approval
 Alan Reichbart, Bristol Pointe Home Owners Association, spoke in support.

MOTION: To adopt a resolution approving a Type II Variance to allow an existing 30-foot high hedge to exceed the maximum 12 feet height; to eliminate the required canopy trees and plant materials within the Incompatibility Buffer along the west property line subject to the Conditions of Approval as in Exhibit C.

Motion carries 7-0

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

DECISION: APPROVED AS ADVERTISED

E. ITEMS MOVED FROM REGULAR

11. **ZV-2012-02102** Title: a Type II Variance application of Claridge Jupiter Island Condominium by Perry & Taylor PA, Agent. Request: to allow a reduction in the front and side setbacks

General Location: Approximately 1.75 mile north east of the intersection of US Highway 1 and Beach Road on the east side of Beach Road (**Claridge Jupiter Island Condo**) (Control 1992-00038)

Pages 307 - 336
Conditions of Approval Pages (327 - 327)
Project Manager: Donna Adelsperger
Size: 2.83 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Marty Perry, agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the front and side setbacks subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 7-0

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

DECISION: APPROVED AS AMENDED

F. CORRECTIVE RESOLUTIONS

G. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 8. **ZV-2012-02802** Title: a Type II Variance application of Nathan Leaphart by Jon E Schmidt & Associates, Agent. Request: to allow the electrification of fencing and to allow an increase in height for fencing in the front, side and rear setbacks

General Location: Northwest corner of Military Trail and Kelly Drive (**Marine Connection**) (Control 1983-00035)

Pages 210-238
Conditions of Approval Pages (220-220)
Project Manager: Autumn Sorrow
Size: 3.35 acres ±

BCC District: 2

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

People who spoke on this application:

Autumn Sorrow, Senior Site Planner – gave a brief presentation
 Chris Barry, agent – gave a brief presentation in agreement with all Conditions of approval except Condition 9
 Cliff Hertz, agent
 Maryann Kwok, Chief Planner
 Bill Cross, Principal Site Planner
 Cindy Gsell – Electric Guard Dog representative
 Jani Gyllenberg, Marketing Director, Marine Connection

Discussion(s) among the applicant, Commissioners, and staff revolved around the function, safety, appearance, location, and pending ULDC amendments of the proposed electrified fence. The Zoning Commissioners ultimately approved the Variance application with an amendment to Condition Number 9; omitting the mesh screening from Military Trail and Kelly Drive.

MOTION: To adopt a resolution approving a Type II Variance to allow the electrification of fencing and to allow an increase in height for fencing in the front, side and rear setbacks subject to the Conditions of Approval as amended.

Motion carries 6-1

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

DECISION: APPROVED AS AMENDED

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 9. **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 and to allow extended hours of operation for a commercial property adjacent to a residential property

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 239 - 264
 Conditions of Approval Pages (254 - 256)
 Project Manager: Carol Glasser
 Size: 0.60 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1 and 9 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Carol Glasser, Site Planner II – gave a brief presentation
 Bob Bentz, agent – gave a presentation of the project’s history and objected to Engineering Conditions 1 and 2
 Dan Bowers, owner
 Joanne Keller, Director of Land Development
 Nick Uhren, Senior Professional Engineer – gave a brief presentation

Two residents of the residential community directly to the north of the subject site spoke in opposition of the proposed requests citing concerns of hours of operation, noise, light, air pollution and potential back-up of traffic from the drive-through window onto North Lake Boulevard.

MOTION: To adopt a resolution approving a Type II Variance to allow 100% easement overlap in a right-of-way buffer and to extend hours of operation for a commercial property adjacent to a residential property subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carries 7-0

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Type I Restaurant subject to the Conditions of Approval as amended.

Motion carries 7-0

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

DECISION: APPROVED AS AMENDED

D. ZONING APPLICATIONS – NEW

- 10. **DOA-2012-00116** 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 265 - 306
 Conditions of Approval Pages (287 - 299)
 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:

Marty Perry, agent – in agreement with the Conditions of Approval

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans and to modify and delete Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carries 7-0

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

DECISION: APPROVED AS ADVERTISED

12. **ZV-2012-00381** Title: a Type II Zoning Variance application of Recycling Amerigrow by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a reduction in required number of trees on site and reduction in the buffer width along the western portion of the south property line

General Location: Approximately 0.4 miles west of State Road 7 on the south side of West Atlantic Ave (**Amerigrow Recycling**) (Control 1993-00022)

Pages 337 - 387

Conditions of Approval Pages (368 - 368)

Project Manager: Donna Adelsperger

Size: 30.63 acres +

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

People who spoke on this application

Donna Adelsperger, Site Planner I – gave a brief presentation

Bonnie Miskel, agent – gave a presentation and submitted documents

Although staff recommended denial, the motion was amended to approve the Type II Variance.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in required number of trees on site and reduction in the buffer width along the western portion of the south property line.

Motion carries 7-0

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

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: 23 A.M.