

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, MAY 2, 2013**

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 Amir Kanel	Present
Commissioner Joseph R. Snider	Present
Commissioner William F. Anderson	Present
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	<i>Arrived 9:10</i>
Commissioner Mark Beatty	Present
Commissioner Robert Currie	<i>Arrived 9:04</i>

**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

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
3,8,9	None	2,3,5,9,10	Absent	9, 10	8, 9	None	8,9,10	8

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **ABN/Z/CA-2012-03377** Title: a Development Order Abandonment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to abandon the Class B Conditional Use for a Veterinary clinic approved via Resolution ZR-2006-003 and R-2006-1547 Title: an Official Zoning Map Amendment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District Title: a Class A Conditional Use application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a Car Wash General Location: Approximately 1,000 feet west of Military Trail on the south side of Hypoluxo Road (**Barkley Place**) (Control 2003-00040)

Pages 1 - 1  
Project Manager: David McGuire  
Size: 3.04 acres + BCC District: 3

Staff Recommendation: Staff recommends a postponement to June 6, 2013.

**MOTION:** To postpone to June 6, 2013.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Seconded		Moved						

**Items moved to postponement**

- 5. **DOA/R-2012-01264** Title: a Development Order Amendment application of Rreef America Reit li Corp J by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage General Location: Southeast corner of Glades Road and SR 7 (**Festival Shoppes of Boca PCD**) (Control 1990-00024)

Pages 89 - 117  
 Conditions of Approval Pages (94 - 103)  
 Project Manager: David McGuire  
 Size: 36.96 acres +  
 (affected area 2.63 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 70 Conditions of Approval as indicated in Exhibit C.

**MOTION**: To postpone to June 6, 2013

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

- 7. **ZV/DOA-2012-03106** Title: a Type II Variance application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to allow a utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a type III incompatibility buffer and parking Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage General Location: Southwest corner of Military Trail and Champion Boulevard (**Polo Club Shoppes**) (Control 1986-00090)

Pages 170 - 204  
 Conditions of Approval Pages (178 - 180)  
 Project Manager: David McGuire  
 Size: 13.64 acres ±  
 (affected area 1.83 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 14 Conditions of Approval as indicated in Exhibit C-2.

**MOTION**: To postpone to June 6, 2013

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

**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**

- 2. **ABN/CA-2012-02097** Title: a Development Order Abandonment application of Charles Bedner by Land Design South Inc., Agent. Request: to abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-9174. Title: a Class A Conditional Use application of Charles Bedner by Land Design South Inc., Agent. Request: to allow an Agriculture Marketplace General Location: Southwest corner of Lee Road and SR 7/US 441 (**Bedner Oaks**) (Control 2007-00357)

Pages 2 - 21  
 Conditions of Approval Pages (7 - 9)  
 Project Manager: Joyce Lawrence  
 Size: 81.80 acres ±  
 (affected area 7.00 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Jeff Brophy - agent, in agreement with Conditions of Approval as amended.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon Resolution R-2008-917

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded					Moved	

**MOTION**: To recommend approval of a Class A Conditional Use to allow an Agriculture Marketplace subject to Conditions of approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded					Moved	

**Decision: Approved as amended 9-0**

3. **DOA/CA-2012-03113** Title: a Development Order Amendment application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation) Title: a Class A Conditional Use application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a School, Elementary, or Secondary General Location: North side of Lake Worth Road west of Lyons Road (**Wellington Preparatory School**) (Control 1998-00012)

Pages 22 - 48

Conditions of Approval Pages (28 - 35)

Project Manager: Carol Glasser

Size: 3.19 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 41 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Bonnie Miskel - agent, in agreement with Conditions of Approval with the exception of engineering condition #5.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

**MOTION:** To recommend approval of a Class A Conditional Use to allow a School, Elementary or Secondary subject to the Conditions of Approval as indicated in Exhibit C-2

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

**DECISION: Approved as advertised 9-0**

**D. ZONING APPLICATIONS - NEW**

4. DOA-2013-00152 Title: a Development Order Amendment application of Rab Group Jupiter Llc, Calvary Chapel Of Jupiter Inc by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan to expand a Place of Worship into a former Medical Office General Location: Southwest corner of Jupiter Farms Road and Indiantown Road (**Jupiter Farms Shopping Center**) (Control 1992-00017)

Pages 49 - 88

Conditions of Approval Pages (54 - 71)

Project Manager: David McGuire

Size: 37.89 acres +

(affected area 0.89 acres +)

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 106 Conditions of Approval as indicated in Exhibit C-1.

**People who spoke on application**

Jan Polson, agent, in agreement with Conditions of Approval as advertised.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan and expand a Place of Worship into an existing approved building subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

**Decision: Approved as advertised 9-0**

**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**

- 6. ZV/DOA/R-2012-00979** Title: a Type II Variance application of SE Petro One LLC by Core States Group, Agent. Request: to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, dumpster setback, and a reduction in the number of feet of queuing Title: a Development Order Amendment application of SE Petro One LLC by Core States Group, Agent. Request: to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design) Title: a Requested Use Request application of SE Petro One LLC by Core States Group, Agent. Request: to allow a Convenience Store with Gas Sales General Location: South side of Glades Road east of Florida's Turnpike (**Arvida Parkway Center**) (Control 1980-00161)

Pages 118 - 169  
Conditions of Approval Pages (133 - 140)  
Project Manager: Carol Glasser  
Size: 23.84 acres ±  
(affected area 1.46 acres +)

BCC District: 5

**Staff Recommendation:** Staff recommends approval of the Type II Variance request to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, and dumpster setback subject to 6 Conditions of Approval indicated in Exhibit C-1. Staff recommends denial of the Type II Variance to allow reduction in the number of feet of queuing; and denial of the Development Order Amendment and Requested Use. Staff recommends denial of the Type II Variance to allow reduction in the number of feet of queuing; and denial of the Development Order Amendment and Requested Use.

**People who spoke on this application:**

Carol Glasser, Site Planner II - Gave a brief presentation.  
 Craig Carden, Agent - Gave a brief presentation

Commissioner Caliendo indicated the applicant had done what the Zoning Commission requested fairly well; and, the revised plan is better than the existing development. Commissioner Caliendo moved for approval based on the March 14, 2013 plan subject to the recommended Conditions of Approval.

**MOTION:** To adopt a resolution approving a Type II Variance to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, and dumpster setback subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Nay	Yes	Yes	Yes
		Seconded	Moved					

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design).

Motion carried 7-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Nay	Yes	Yes	Yes	Nay	Yes	Yes	Yes
		Seconded	Moved					

**MOTION:** To recommend denial of a Requested Use to allow a Convenience Store with Gas Sales

Motion carried 8-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Nay	Yes	Yes	Yes
		Seconded	Moved					

**Decision: Approved as Amended 8-1**

8. **ABN/SV/Z/CA-2012-03116** Title: a Development Order Abandonment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957 Title: a Subdivision Variance application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width Title: an Official Zoning Map Amendment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District Title: a Class A Conditional Use application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter) General Location: Approximately 0.3 mile north of Church Road on the east side of Limestone Creek Road (**Els Center of Excellence**) (Control 1975-00168)

Pages 205 - 242

Conditions of Approval Pages (213 - 217)

Project Manager: Joyce Lawrence

Size: 25.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests for a Development Order Abandonment and the Official Zoning Map Amendment subject to the Conditional Overlay Zone and 8 Conditions of Approval as indicated in Exhibit C-1.

**People who spoke on application**

Joyce Lawrence, Site Planner II - Gave a brief presentation.

Don Hearing, Agent - Gave a brief presentation.

Tony Miller, Land Development - Gave a brief presentation

Dave Lindley and Edna Runner spoke in support of application. William and Susan Copper spoke in opposition of the application due to concerns with increase in traffic and safety within the community.

Mr. Hearing agreed to modify conditions to include changes in landscaping, buffering, streetscape, grass parking, lighting and to offset any potential conflict of traffic.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
						Moved	Seconded	

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded			Moved		

**MOTION**: To adopt a subdivision variance and make findings that the variance meet all criteria's as stated in the code.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded				Moved	

**MOTION:** To approve a Class A Conditional Use to allow an Elementary or Secondary School (Charter).

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded			Moved		

**DECISION: Approved as Amended 9-0**

**D. ZONING APPLICATIONS – NEW**

9. **DOAR-2012-01578** Title: a Development Order Amendment application of Loxahatchee Venture 34, LLC by Land Design South Inc., Agent. Request: to reconfigure the Site Plan Title: a Requested Use application of Loxahatchee Venture 34, LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant General Location: Southeast corner of Seminole Pratt Whitney Road and Orange Boulevard (**Seminole Orange Plaza**) (Control 2006-00012)

Pages 262 - 320

Conditions of Approval Pages (268 - 275)

Project Manager: Carol Glasser

Size: 9.87 acres +

BCC District: 6

Staff Recommendation: Staff recommends approval subject to 34 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2

**People who spoke on application**

Carrie Rechenmacher for Carol Glasser, Senior Site Planner - gave brief presentation.  
Brian Terry, Agent - gave brief presentation

Carol Jacobs, Penelope Riccio and Patricia Curry spoke in opposition of the application citing traffic concerns, elimination of open space, and opposition to a Type I Restaurant with a drive through and to any changes to the previously approved plan.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved		

**MOTION:** To recommend approval of a Requested Use to allow a Type I Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved		

**Decision; Approve as Advertised 9-0**

10. **ZV/DOA/CA-2012-03115** Title: a Type II Variance application of 6201 Plaza II Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in the required parking spaces and to allow extended hours of operation within 250 feet of a residential district Title: a Development Order Amendment application of 6201 Plaza II Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure site plan, add a Conditional Use and modify a Condition of Approval (Signage) Title: a Class A Conditional Use application of 6201 Plaza II Llc by Dunay Miskel Blattner LLP, Agent. Request: to allow a Type I Restaurant General Backman and Location: Approximately 0.18 mile south of Lantana Road on the west side of Jog Road (**Lantana Square Plaza Two**) (Control 2002-00034)

Pages 321 - 351

Conditions of Approval Pages (329 - 333)

Project Manager: Carrie Rechenmacher

Size: 2.41 acres +

BCC District: 3

Staff Recommendation: Staff recommends denial of the Type II Variance and approval of the Development Order Amendment subject to 18 Conditions of Approval as indicated in Exhibit C-2, and approval of the Class A Conditional Use.

**People who spoke on application**

Carrie Rechenmacher, Senior Site Planner - Gave a brief presentation.

Scott Backman, Agent - Gave a brief presentation.

Zoning Commissioners had concerns about the LWDD L-16 Canal and parking. Zoning Commissioners split the motion into two separate motions: one motion for the variance for parking and one motion for an additional hour of operation for the Type 1 restaurant.

**MOTION:** To adopt a resolution approving a Type II Variance request to allow a reduction in the required parking spaces subject to conditions in Exhibit C-1 with added conditions regarding reduction seats in the restaurant.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Moved							Seconded	

Motion: to allow extended hours of operation within 250 feet of a residential district subject to Conditions of Approval limited to a Type I Restaurant only.

Motion carried 7-2

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Nay	Yes	Yes	Yes	Yes	Nay	Yes	Yes	Yes
			Seconded				Moved	

**MOTION:** To recommend approval to reconfigure site plan, add a Conditional Use and modify Conditions of Approval (Signage) subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded				Moved	

**MOTION:** To recommend approval to allow a Class A Conditional Use for a Type I Restaurant.

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
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**

**C. COMMISSIONER COMMENTS**

**ADJOURNMENT**