

**PALM BEACH COUNTY
ZONING COMMISSION**

THURSDAY, February 5, 2009 9:00 a.m.

MINUTES OF THE MEETING

The Zoning Commission met on the 1st Floor of Vista Center, 2300 N. Jog Road, West Palm Beach, FL 33411.

Members Present:

William F. Anderson, Chairman
Sherry Hyman, Vice Chair
Allen Kaplan, Commissioner
Joanne Davis, Commissioner
Kelley Armitage, Alternate Commissioner
Richard Bowman, Alternate Commissioner

NOTE: Commissioner Zucaro, Scarborough and Brumfield absent.

County Staff Present:

Robert Banks, Assistant County Attorney
Jon MacGillis, Zoning Director
Wendy Hernandez, Zoning Manager
Maryann Kwok, Chief Planner
Dorine Kelley, Customer Relations Manager
Joanne Koerner, Land Development
Ken Rogers, Director Land Development
Sussan Gash, Planning Division
Ron Sullivan, Senior Site Planner, Zoning
Douglas Robinson, Site Planner I, Zoning
Ora Owensby, Site Planner II, Zoning
Anthony Wint, Site Planner II, Zoning
Autumn Sorrow, Senior Site Planner, Zoning
Donna Adelsperger, Site Planner I, Zoning
Zona Case, Zoning Technician
Eileen Platts, Secretary
Nick Uhren, Senior Professional Engineer, Traffic Division
Kenny Wilson, Health Department
Robert Kraus, ERM

Robin Parker, Secretary – Prepared Minutes

Meeting was called to order at 9:00 a.m.

Opening prayer and Pledge of Allegiance

Proof of Publication – Commissioner Anderson asked for confirmation of proof of publication, Wendy Hernandez confirmed.

Adoption of Minutes – Motion: Commissioner Kaplan moved to adopt the January minutes, seconded by Commissioner Hyman.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Seconder		Maker	

Swearing in by Assistant County Attorney, Bob Banks.

Disclosures - The Commissioners disclosed that they had met with or spoken to the agent, owner and/or public on the following item numbers:

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
	13	15,6			

POSTPONEMENTS/REMANDS/WITHDRAWALS

1. ZV-2008-1675 JCL Contractor's Storage

Staff: N/A
 Agent: N/A
 Public: N/A
Discussion: N/A

MOTION: To postpone thirty (30) days to Thursday, March 5, 2009, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Secunder		Maker	

2. ZV/PDD-2008-1525 Turnpike Crossing East Industrial Property

Staff: N/A
 Agent: N/A
 Public: N/A
Discussion: N/A

MOTION: To postpone thirty (30) days to Thursday, March 5, 2009, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Secunder		Maker	

3. ZV/PDD/DOA/W/R-2008-1369 Moroso Circle Track

Staff: N/A
 Agent: N/A
 Public: N/A
Discussion: N/A

MOTION: To postpone thirty (30) days to Thursday, March 5, 2009, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
Secunder				Maker	

4. ZV/DOA-2008-1698 Manheim Palm Beach MUPD

Staff: N/A
 Agent: N/A
 Public: N/A
Discussion: N/A

MOTION: To postpone thirty (30) days to Thursday, March 5, 2009, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
Secunder				Maker	

12. Z-2008-1669 Peanut Island Rezoning

Staff: Staff requests to postpone the item thirty (30) days, to Thursday, March 5, 2009.

Agent: N/A

Public: N/A

Discussion: Jon MacGillis asked to move Item 12 to postponements, as the Town of Palm Beach and interested parties had concerns with the project. Jon stated this item has had several postponements already and interested parties need to notify staff if they haven't done so to receive the staff reports before the hearings.

MOTION: To postpone thirty (30) days to Thursday, March 5, 2009, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
Secunder				Maker	

CONSENT AGENDA

PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. CA-2008-0616 New Worldwide Apostolic Church

Staff: N/A

Agent: Burt Smith, agent for the applicant, stated he agrees with the conditions.

Public: N/A

Discussion: None.

MOTION: To recommend approval for a Class A Conditional Use to allow a place of worship, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker		Secunder	

6. Z/DOA-2007-1185 Winners Church

Staff: Ora Owensby answered Commissioner Davis's concerns, and Staff stated that the technical requirements for dark skies would be added to the BCC report.

Agent: Kevin McGinley, agent for the applicant, stated he agrees with the conditions, and responded to Commissioner Davis's concerns.

Public: No members of the public to speak.

Discussion: Discussion included Commissioner Davis's concerns about landscaping conditions to have an undulating berm to save pine trees, grass parking use (was it 1/3 of all 629 spaces for grass parking), lighting (dark skies compatible) and neighbor approval. Kevin McGinley confirmed that an undulating berm would be possible, clarified grass parking use and intensity, lighting would be to Code and issues from the surrounding homeowners, Pioneer Road Association and Gun Club Road Association groups have been satisfied.

MOTION: To recommend approval of the Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Estate (RE) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker		Secunder	

MOTION: To recommend approval of the Development Order Amendment to reconfigure the site plan, add land area, and add building square footage, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker		Seconder	

7. ZV/Z-2008-1518 Palmwood Shaw Rezoning

Staff: N/A

Agent: Peter Breton, agent for the applicant, stated he agrees with the conditions.

Public: NA

Discussion: Commissioner Davis questioned how the project got this way. Wendy Hernandez indicated that they asked for the rezoning thus creating the need for the variances to vest the uses/square footage with regard to setbacks.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the side setback and to allow an accessory structure to be located in the front yard, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Seconder		Maker	

MOTION: To recommend approval of an Official Zoning Map Amendment rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ), motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Seconder		Maker	

This item was moved to the consent agenda by requesting on the add/delete sheet.

14. Z/CA-2008-0437 Haitian Christian Church

Staff: N/A

Agent: Kevin McGinley, agent for the applicant, agrees to the conditions. Kevin presented elevations for proposed church.

Public: N/A

Discussion: None.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Seconder			Maker	

MOTION: To recommend approval of a Class A Conditional Use to allow a place of worship and to allow a daycare, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Seconder			Maker	

CONSENT AGENDA

ZONING APPLICATIONS- NEW

8. Z/ABN-2008-1682 Cherry Road Complex Rezoning

Staff: N/A
 Agent: Collene Walter, agent for the applicant, stated she agrees with the voluntary commitments placed.
 Public: N/A
Discussion: None.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Public Ownership (PO) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Secunder	Maker			

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exceptions and approvals granted via Resolutions R-73-621, R-91-243, and R-2005-0601, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Secunder	Maker			

9. ZV/Z/DOA-2008-0456 PBC Water Treatment Plant No. 9

Staff: N/A
 Agent: Jean Dolan, agent for the applicant, stated she agrees with the conditions.
 Public: N/A
Discussion: None.

MOTION: To adopt a resolution approving a Type II Zoning Variance to eliminate the perimeter buffer, to reduce the interior tree requirement and to reduce the existing lake setback, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Secunder			Maker	

MOTION: To recommend approval of an Official Zoning Map Amendment rezoning from the Single-family Residential (RS) Zoning District and the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ), motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Secunder		Maker	

MOTION: To recommend approval of a Development Order Amendment request to legislatively abandon Resolution R-89-942, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Secunder		Maker	

10. Z/ABN-2008-1681 Palm Beach County Fire Rescue #34

Staff: N/A
 Agent: Jan Polson was the agent for the applicant.
 Public: N/A

Discussion: None.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Estate (RE) Zoning District to the Public Ownership (PO) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Secunder	Maker			

MOTION: To recommend approval of a Development Order Abandonment request to abandon the approval granted pursuant to Zoning Resolution No. R-89-355 to allow Governmental Services and accessory buildings and structures (fire station), including a commercial radio, television, microwave transmission and relay stations and towers, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker		Secunder	

11. ZV-2008-2222 Davis Variance

Staff: N/A
Agent: Jan Polson, agent for the applicant, stated she agrees with the conditions.
Public: N/A
Discussion: None.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow encroachment into a drainage easement for a roof overhand and the foundation footer for a single family dwelling, and the wood bulkhead and around an existing pond, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
	Secunder			Maker	

The following items were moved to the consent agenda by requesting on the add/delete sheet.

16. Z-2008-1745 Habitat for Humanity – Kennedy Estates II

Staff: N/A
Agent: Jennifer Tighe, agent for the applicant, stated she agrees with the conditions.
Public: N/A
Discussion: None.

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District with a Conditional Overlay Zone (COZ), motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker		Secunder	

17. Z/CA-2008-1702 JARC I

Staff: N/A
Agent: Kieran Kilday, agent for the applicant, stated he agrees with the conditions.
Public: Giuseppe Mignano spoke in support of the project, and provided a petition of support signed by surrounding neighbors, which was received and filed. Four comment cards in support were received for Items 17 and 18.

Discussion: Commissioner Hyman made a statement about a possible disclosure because she may have had dinner with friends from JARC.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
Seconder				Maker	

MOTION: To recommend approval of a Class A Conditional Use to allow a Congregate Living Facility, Type II, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
Seconder				Maker	

18. Z/CA-2008-1703 Jarc II (Pine Tree Drive)

Staff: N/A

Agent: Kieran Kilday, agent for the applicant, stated he agrees with the conditions.

Public: None.

Discussion: Four comment cards in support were received for Items 17 and 18.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
				Maker	Seconder

MOTION: To recommend approval of a Class A Conditional Use to allow a Congregate Living Facility, Type II, motion carried 6,0.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
				Maker	Seconder

REGULAR AGENDA

PREVIOUSLY POSTPONED ITEMS

13. DOA-2008-0461 T-Mobile Horizon Baptist

Staff: Douglas Robinson addressed commissioner questions.

Agent: Neil Schiller and Betty Tufford, agents for the applicant, made a presentation with a handout of photo simulations of the proposed project.

Public: Sherman Dibble, Pastor for Horizon Baptist church, spoke briefly and confirmed his congregation was in support of the tower.

Discussion: There was a detailed discussion on the issue of the size of the tower and not being in rural character of the neighborhood. Commissioner Davis asks if the tower can be scaled down and expressed that it was not in the rural character of the neighborhood. Com. Davis also asked if the congregation had any objections to the tower.

Commissioner Hyman expressed that she didn't have any problem with the cross, but opposed the size of the 100 foot cross. Asked if the tower could be scaled down from 100 feet, Com Hyman also wanted to see something else that blends with the neighborhood and suggested a monopole tower. Com. Hyman

suggested that the applicant come back with something more in character with the neighborhood.

Commissioner Anderson inquired about the electrical component of the tower and if the tower be built without the horizontal part of the cross.

The applicant responded to the inquires of the tower height that this was the minimum height to reach the capacity needed to service this cell phone area. Pastor Sherman Dibble also responded that he had spoken to the congregation about the cross and there was overwhelming support for it.

Commissioner Bowman disagreed with Commissioners Hyman and Davis about not being in rural character and the size of the tower. Com. Bowman responded that he'd like to see one tower that would reach full service capacity as opposed to several towers disseminated about the acreage.

MOTION: To recommend approval of a Development Order Amendment request to modify/delete conditions of approval (Building & Site Design, Landscaping), motion carried 4,2.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Denial	Yes	Denial	Yes
Seconder					Maker

REGULAR AGENDA

ZONING APPLICATIONS – NEW

15. Z/CA-2007-1608 RaceTrac Haverhill

Staff: Wendy Hernandez gave a brief presentation.
 Agent: N/A
 Public: N/A

Discussion: Discussion included Engineering staff stating they had met with the agent, Gary Brandenburg, prior to the meeting and applicant may need to seek a variance, however Gary was not present to have the item heard or discussed. Zoning staff recommended a thirty (30) day postponement for this item.

MOTION: To postpone thirty (30) days to March 5, 2009.

Armitage	Davis	Hyman	Anderson	Kaplan	Bowman
Yes	Yes	Yes	Yes	Yes	Yes
		Maker			Seconder

DIRECTOR COMMENTS – ZONING DIRECTOR

19. Zoning Commission Annual Workshop

Discussion: Jon MacGillis, Maryann Kwok and Wendy Hernandez presented Zoning updates for the annual workshop, including Workforce Housing, Urban Redevelopment Area, Infill Redevelopment and 2009 ULDC Amendments. Bob Banks reviewed quasi-judicial proceedings, ethics laws and disclosures.

COMMISSIONER COMMENTS

Commissioner Bowman inquired as to why the Zoning Commission handles the consent agenda different from the BCC hearings. Commissioner Bowman stated he would like to see the consent agenda passed with one motion, not by each item. Commissioner Hyman and Commissioner Anderson disagreed, stating they would like to see the consent agenda remain the same as it is now. Board agreed not to change the agenda.

Election of Chair and Vice Chair

Discussion: Commissioner Hyman moved to re-appoint Commissioner Anderson to Chair. Seconded by Commissioner Kaplan, motion carried 6,0.

Commissioner Armitage moved to re-appoint Commissioner Hyman to Vice-Chair. Seconded by Commissioner Kaplan, motion carried 6,0.

Meeting adjourned at 10:44 a.m.

PLEASE NOTE:

The Zoning Commission (ZC) and Board of County Commission (BCC) Hearings are broadcasted live on Channel 20 the day of the hearing. Video is archived and available for viewing on the Palm Beach County Website. Please allow 24 to 48 hours after the hearing date for the video to be available.

Click below to view listings and watch the ZC and BCC archived hearing videos:

http://www.pbcgov.com/countycommissioners/bcc_meeting_videos.htm

If you wish to purchase a DVD or VHS Tape of the Zoning Commission or Board of County Commission Hearing a copy can be made available by contacting Channel 20. To purchase a copy of the hearing, please call Victoria Leveille at 561-355-1790 or 561-355-4573 or email her directly at vleveille@pbcgov.com

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