

**PALM BEACH COUNTY
ZONING COMMISSION**
THURSDAY, May 7, 2009

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
Al Zucaro, Commissioner
Alex Brumfield, III, Commissioner
Allen Kaplan, Commissioner
Joanne Davis, Commissioner
Sheri Scarborough, Commissioner
Kelley Armitage, Alternate Commissioner

Commissioners Scarborough arrived after role call at 9:04 a.m.

County Staff Present:

Robert Banks, Assistant County Attorney
Jon MacGillis, Zoning Director
Wendy Hernandez, Zoning Manager
Terry Verner, Code Enforcement Director
Gail Vorpapel, Senior Code Enforcement Officer
Quazi Bari, ERM
Robert Kraus, ERM
Joanne Koerner, Land Development
Ken Rogers, Director Land Development
David Wiloch, Planning Division
Sussan Gash, Planning Division
Michael Owens, School Board
Autumn Sorrow, Senior Site Planner, Zoning
Ron Sullivan, Senior Site Planner, Zoning
Carrie Rechenmacher, Senior Site Planner, Zoning
Anthony Wint, Site Planner II, Zoning
Carol Glasser, Site Planner II, Zoning
Douglas Robinson, Site Planner I, Zoning
Monica Cantor, Site Planner II, Zoning
Joyce Lawrence, Site Planner II, Zoning
Dorine Kelley, Customer Relations Manager
Eileen Platts, Secretary, Zoning

Stacey Smalls, 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 if there was proof of publication, Jon MacGillis, Zoning Director, confirmed Proof of Publication. No vote was taken.

Adoption of Minutes – Motion made by Commissioner Hyman seconded by Commissioner Brumfield. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Seconded		Maker					

* Alternates did not vote as all regular members were present; therefore space is left blank

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	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
None	None	Received an e-mail by LDS but did not talk to them. Davis did not reference a project.	9	9	None	None	None

POSTPONEMENTS

- ZV-2009-0970 Hippocrates PUD Pod B**
 Staff: N/A
 Agent: N/A
 Public: N/A
Discussion: N/A

Motion: to postponed thirty (30) days to Thursday June 4, 2009. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes
			Seconded			Maker	

CONSENT AGENDA

- PDD-2008-1035 Morikami Park Nursing Center**
 Staff:
 Agent: Bradley Miller, Miller Land Planning, agreed with all the conditions of approval including the conditions included on the add/delete.
 Public:
Discussion:

MOTION: To recommend approval of an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple use Planned Development (MUPD) Zoning District. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Seconded					Maker	

- DOA-2008-0792 Target Shopping Center – 10Cent Bingo**
 Staff:
 Agent: Kara Cannizzaro, Siemon & Larsen, PA, agreed with all conditions of approval
 Public:
Discussion:

Commissioner Hyman requested the applicant to bring the existing nonconforming pole sign up to Code. Jon MacGillis, Zoning Director, stated that there is no rational nexus for the change in signage. Jon MacGillis further stated that the current Development Order Amendment

does not trip any thresholds that require the applicant to replace the existing signage.

MOTION: To recommend approval of a Development Order Amendment to modify/delete conditions of approval (Engineering and Use Limitation), subject to the Conditions as indicated in Exhibit C. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
			Seconded				Maker	

4. PDD/DOA-2008-1536 Fogg South PUD

****This item was pulled from the consent agenda.

Staff: Joyce Lawrence, gave a brief presentation.
 Agent: Kerry Kilday, Urban Design Kilday Studios, stated that he is in agreement with the conditions of approval including the conditions contained on the add/delete. Mr. Kilday commented that the 22 additional acres that are being added in the preserve area are privately owned and not owned by the South Florida Water Management District. Commissioner Hyman asked Mr. Kilday if the purpose of the DOA was just to increase the density.

Public: Robert Konrad, resident of Canyon Springs, is in opposition to the project because he feels the increase in density and the resulting residential units types (zero-lot-lines) would devalue existing properties.

Discussion: Kerry Kilday gave a brief presentation after the item was pulled from the consent agenda and placed on the regular agenda. Robert Konrad, spoke again and stated that there is general opposition to the project throughout his community, however most people could not take off work to come to the ZC meeting but will be at the BCC meeting. Mr. Konrad stated that GL Homes has not lived up to the promises that they made the residents when they bought their homes. Mr. Konrad stated: 1) that there were playing fields that were supposed to be provided and they have not started constructing them; and 2) there was supposed to be a continuation of Lyons Roads to reduce congestion in the area and after three years, GL Homes still hasn't built the remainder of the property. Mr. Konrad stated that the residents do not like the proposed zero-lot-line homes next to their million dollar homes, as they feel this will cause a de-valuation in property values.

Commissioner Hyman asked about the playing fields and the continuation of Lyons Road not being provided. Kerry Kilday said GL Homes gave the land to the County for the play fields and it is the County's obligation to build it. Kerry Kilday further stated that Lyons Road is a County road and it is the County's responsible to build it. Commissioner Davis inquired about the money Commissioner Aaronson designated for Lyons Roads to be built within 5 years. Kevin Ratterree stated it is in the five year road program. Commissioner Davis wanted to know if the County knew when they're going to get started on the road. Mr. Ratterree said he was told it would be sometime in the summer of next year. Mr. Konrad stated that the homeowner's biggest concern is that Pod C is proposed to be very close to the expensive houses and they fear their homes will be devalued. Mr. Ratterree stated he will be happy to meet with Mr. Konrad and the homeowners prior to the BCC meeting or will be happy to delay the BCC Hearing if necessary. Commissioner Hyman stated she doesn't know why the ZC should pass this un-resolved issue along to the BCC, as the Agent has the burden to show that the requested DOA is warranted and that a need exists to support the DOA; however, by your own (Mr. Ratterree) admission you've haven't met that burden. Commissioner Hymen didn't want to pass this issue along to the BCC and Commissioner Zucaro

agreed with her and encouraged residents to come with evidence of decreasing property values to the next ZC hearing. Mr. Konrad stated that it would be hard to provide evidence of the devaluation, but it's the perception of devaluation. Commissioner Hyman didn't think it was right for GL Homes to go against their original plan and replace it with something less than the original intent and approval. Kevin Ratterree requested a 30 to 60 day postponement to meet with the homeowners. Commissioner Davis recommended that Mr. Konrad bring lots of people to the next meeting.

MOTION: To postpone sixty (60) days to Thursday July 2, 2009. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
					Seconded	Maker		

5. PDD/R-2008-1913 Hagen Commercial MUPD

****This item was pulled from the consent agenda.

Staff: Joyce Lawrence gave a brief presentation.

Agent: Bob Bentz, Land Design South, gave a presentation after this item was pulled from the consent agenda and placed on the regular agenda. Mr. Bentz stated that he is withdrawing the request for a Requested Use to allow a Type II Restaurant due to the community's opposition. Mr. Bentz also stated that he would like to amend a condition of approval regarding hours of operation to be for 7 days of the week instead of 6.

Public: Kenneth Lassiter, COBWRA President, recommends approval of the rezoning and the deletion of Requested Use for a Type II Restaurant. Mr. Lassiter read off a list of uses that COBWRA would like to be prohibited on-site. Jon MacGillis requested to see a copy of the list. Bob Bentz is in agreement with the list of prohibited uses.

Jon MacGillis and Wendy Hernandez went over the list to clarify what uses would be allowed by right and what uses would have to be approved as a requested use. There was discussion between the Board, staff, and the applicant regarding uses such as tire installation versus tire sales and retail stores such as jiffy lubes. After considerable discussion it was determined that automotive retail stores could be allowed on-site as long as repair and/or installation did not occur on-site. Commissioner Hyman wanted to know what indoor entertainment is classified as. Jon MacGillis stated it included anything where people are congregating for entertainment. Commissioner Hyman wanted to know if Bob Bentz was ok with prohibiting that use. Bob wanted to know if it was a requested use or allowed by right. Wendy Hernandez stated that it was a Requested Use.

Guilit Rudden, retail owner, opposed the rezoning, as she feels it is unnecessary due to the economy and the fact that there are already a lot of vacant retail spaces in the immediate area. Ms. Rudden requested a 30 to 60 day postponement to gather some people together to explain why the rezoning should not be approved.

Aline Bricks, President of Palm Isles Associates, is in support of the proposed rezoning request. Ms. Bricks thanked the applicant for withdrawing the Requested Use for a Type II Restaurant and is pleased that the eyesore will be gone now with the construction of the proposed project.

Discussion:

Commissioner Davis stated she disagreed with the proposed plan as she feels that it is not urban, and it looks like a strip shopping center to her. Commission Davis also asked about the staff report language and the

deletion of the Type II Restaurant and why it shows up on the site plan. Wendy Hernandez explained that the request to delete the Type II Restaurant was just received on Monday. Commissioner Davis wanted to know if this site went through a comp plan amendment. Sussan Gash, Planning Division, said it has a concurrent Small Scale Amendment in process. In regards to the Small Scale Land-Use Amendment, Commissioner Davis stated that the applicant is required to provide data and analysis indicating a demonstration of need for a specific change in land use. Mr. Bentz stated that there is a mixture of uses and that they have a diminutive amount of retail space. David Wiloch, Planning Division, stated that the agent submitted an application with a justification and demonstration of need that has been reviewed and supported by the Planning Division. Commissioner Davis questioned how the Planning Division addressed the significant amount of vacant retail spaces.

Sussan Gash, Planning Division stated there was a demonstration of need because the vacant spaces and the excess amount of office use identified a need for retail use. Ms. Rudden wanted to know when the study was done because excessive vacant retail space has occurred in the last three months. Commissioner Hyman stated that an approval won't get the project built for another two years and the economy could improve. Commissioner Hyman stated that since the project meets the Code requirements she will support the project. Ms. Rudden requested a 30 day postponement to afford her the time to bring more people to the next ZC hearing who are not happy with the project; she also wanted to know who reviews the courtesy notice when they are returned because she's surprised people just oppose one thing and nothing else. Jon MacGillis told her that most people just check off oppose and they don't always state why. Commissioner Anderson stated even if this item is not postponed she will have another opportunity to address the Board of County Commissioners. He also wanted to know when the concurrent Small Scale Land-Use hearing will take place. Sussan Gash stated it would be on May 28th. Commissioner Anderson told Ms. Rudden she can bring any evidence she has to that meeting and address any issues she has.

Joyce Lawrence stated she will speak with the agent regarding the condition of approval regarding hours of operation because staff is not in support of the change for the hours of operation. Joyce Lawrence stated that the condition was drafted based on the site that was approved on the northwest corner. Commissioner Zucaro wanted to know when the property notices are sent and if it includes commercial property owners. Jon MacGillis stated that everyone with 300 feet receives a certified letter and everyone within 500 feet receives a letter via regular mail. Commissioner Zucaro wanted to know if this included the retail tenants of a shopping center. Mr. MacGillis said, if they had a specific address that was in the property appraiser screen they would be notified but generally it's the property association/owner that is notified. He also stated that yellow boards are posted with the information. Commissioner Davis asked Bob Bentz if he would consider postponing the project 30 days. Bob Bentz said he is willing to meet with the people but did not want to take a postponement. Commissioner Zucaro stated that he feels the burden is on Ms. Rudden to bring evidence to the table and he feels that her voice should be heard at the Zoning Commission and should be taken in as evidence because she is a property owner that has some sensitivity as to what is going on. He also stated that he knows the point that she makes because currently there are a lot of property owners that are reducing their rent or giving free rent because the economy is so bad. Commissioner Zucaro supports the idea of giving Ms. Rudden time to bring evidence to counter their study (demonstration of need), but feels she should have had the evidence today so he is going to vote in favor and let her bring the evidence to the Board of County Commissioners.

MOTION: To recommend approval of an official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to conditions contained in Exhibit C. Carried 7-0.

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Seconded		Maker					

SECOND MOTION WITHDRAWN BY APPLICANT.

6. CA-2008-1188 King of Kings

****This item was pulled from the consent agenda.

Staff: Ron Sullivan, gave a presentation
 Agent: Kevin McGinley, Land Management Research
 Public: Lionel Easterling and Jeffrey Goebel, residents, spoke in opposition to the Class A Conditional Use for a Place of Worship.

Discussion:

Kevin McGinley gave a brief presentation after the item was pulled from the consent agenda and placed on the regular agenda. Mr. McGinley stated that he is in agreement with all the Conditions of Approval. Commissioner Hyman asked Mr. McGinley if any changes to the building are proposed and where the parking is proposed. Mr. McGinley stated that the only changes to the buildings will be in regards to the expansion of the foundation landscape plantings to be in compliance with the Tier requirements and that parking will be provided to the east of the site and most parking spaces will be grass.

Lionel Easterling spoke in opposition to the project and identified three issues that he is concerned about: 1. the septic tank drain field is only three feet from the property line on the west and it is located within the landscape buffer. 2. The existing residence is not built in compliance with building codes for a place of worship. Mr. Easterling stated that interior renovations have commenced without permits and that the windows and bathrooms are not up to code. 3. Mr. Easterling stated that his main concern is that (if this is approved) there will be two places of worship adjacent to each other in a predominantly residential area. Mr. Easterling stated that the structure is being used primarily as a place of worship and not a residence and questioned why the County should allow Code violations to continue. Mr. Easterling also talked about an altercation that occurred between the Pastor (Mr. Lopez) and himself on the previous Sunday.

Jeffrey Goebel, spoke in opposition to the project and stated that the group has not been a good neighbor. Mr. Goebel has stated that he has counted 35 cars on the site when the proposed site plan only provides for 24 spaces. Mr. Goebel feels that the site is too small to accommodate people, landscape buffers, parking, etc. Mr. Goebel feels that the owners are making a mockery of the County's Codes and regulations.

Kevin McGinley talked about the history of the project and said that he was first contacted by Mr. Lopez in 2002 who inquired what he could do on his property regarding worship activities. Mr. McGinley stated that he told Mr. Lopez that he could have prayer meetings at his house under certain circumstances. Mr. McGinley stated that he did not hear from Mr. Lopez until the site was cited by Code Enforcement for operating the site as a place of worship without approval. Due to the Code Enforcement action, the operation as a place of worship has been ordered to cease unless approval is obtained. There was considerable discussion between the residents, the applicant, the owner, and the ZC on the issue of whether or not Mr. Lopez lives at the residence. If Mr. Lopez lives at the residence he is allowed to have prayer meetings at his house; the

residents claim that Mr. Lopez does not live at the residence but still has meetings at the residence and therefore he is in violation of the code enforcement action. Commissioner Zucaro stated that the residence is owned by a Corporation and not Mr. Lopez. Mr. McGinley stated that Mr. Lopez is living in the House. Commissioner Kaplan asked if there are any outstanding Code Enforcement violations, Mr. McGinley stated that they have been resolved.

Commissioner Hyman asked about the signage and how many times a week meetings are held onsite. Mr. McGinley stated that the sign has been taken down and that meetings occur on Tuesdays and Fridays from 7:00 PM to 9:00 PM and Sunday at 11:00 AM. Commissioner Scarborough wanted to know why the County is allowing single-family homes to convert to places of worship and asked if it is a result of the economy. Jon MacGillis stated that based on the First Amendment the County cannot deny a place of worship in a residential district. Bob Banks, County Attorney, talked about the special privilege for places of worship and also confirmed that it is very difficult to deny approval. Mr. McGinley stated that the place of worship is only proposed for 70 seats and once the place of worship out grows it, they will move to other location. Commissioner Davis questioned the first amendment and stated that her issue is the fact that the building is a single-family home that is small and located in a rural community. Commission Davis asked if upgrades to the structures have been made to reduce noise, etc. to accommodate a place of worship. Commissioner Hyman said, even though we have recently approved a church on the adjacent lot to the east and it is located on a major road, we still need to make sure the use and the effect of the use on the neighborhood are mitigated and she suggested conditioning the approval to make the use and structure more suitable for the neighborhood. Commissioner Zucaro stated that the evidence presented by the two residents and agent who spoke would suggest that the owner of the house is not a good neighbor in terms of the current use of the house, and there is evidence that suggests we are being misled in terms of activities going on in the house right now and we should take a harder look at this. He said this is not something he could support. It was mentioned by the Zoning Director that the residence will be required to comply with the commercial building requirements for an A-3 (Assembly) for a place of worship, and would have to be upgraded prior to using the structure as a place of worship. The Zoning Director read a proposed condition of approval requiring the property owner, prior to using the facility as a place of worship, to obtain all required building permits and inspections to convert the existing single family residence to meet commercial building requirements. Hours of operation were also discussed and there is a proposed use limitation condition that limits hours of operation to 7:00 a.m. to 9:00 p.m. excluding holidays. The applicant and agent further offered to extend the condition to include holidays. Commissioner Anderson urged the applicant and representatives of the church to meet with residents and work out differences.

Motion: To recommend approval of a Class A Conditional Use to allow a place of worship subject to the Conditions as indicated in exhibit C. Carried 5-2

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Nay	Nay	Yes	
			Maker				Seconded	

7. DOA-2008-1891

Arvida Turnpike Plaza

Staff:

Agent:

Jennifer Vail, Land Design South, stated that she is in agreement with all of the conditions of approval, but is working out add/delete condition language with the Engineering Division.

Public:
Discussion:

MOTION: to adopt a resolution approving a Development Order Amendment to reconfigure the site plan, subject to Conditions of Approval as indicated in Exhibit C.
 Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	
*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
		Seconded					Maker	

COMMISSIONER KAPLAN HAS LEFT AND THE ALTERNATE COMMISSIONER ARMITAGE WILL NOW VOTE.

8. ZV-2009-0991 Canyon Town Center TMD

****This item was pulled from the consent agenda.

Staff: Jon MacGillis, Zoning Director, explained that there are only two Agricultural Traditional Marketplace Developments (AG-TMD) approved by the BCC in the County as part of a “beauty contest”. Staff worked on the code amendments to facilitate the 2 unique projects to be developed. The Development Order Amendment for the 2 projects determined certain amount of residential units in them. The commercial component in Canyon’s Town Center particularly is getting close to final construction while the residential units are not, due to the decline in the market. The Applicant is proposing not to build the plaza located next to the future residential units this time. Staff anticipated this type of development to be constructed in one phase and all public amenities including plazas to be built within one phase. The Zoning Director was directed to amend the code to allow phasing in the AGR TMDs to phase the residential component with the hopes that the market improves and the residential component will be built. Mr. MacGillis also added that there are some components such as streets and plazas that needed to be build prior to any certificate of occupancy (CO). The Zoning Division and Building Division issued, by mistake, several COs for some of the commercial buildings without Plaza #2 being constructed. Plaza #2 was intended to be constructed for the multi-family buildings. Mr. MacGillis clarified that the variance is to allow the issuance of the COs prior to the construction of Plaza #2. In the meantime GLHomes has issued a bond to cover the issuance of the COs prior to the construction of Plaza #2. The approval of this variance will, until the code amendment takes place in October 2009, allow 2 phases of development and allow the residential component to be provided in the second phase. If Plaza #2 gets constructed now it could be damaged when they come to build the residential units.

Agent: Kerry Kilday, Urban Design Kilday Studios, in agreement with all the conditions of approval.

Public:
Discussion:

Commissioner Zucaro asked Jon MacGillis who directed him to make code changes for which Jon MacGillis answered that he got direction from Barbara Alterman, PZB Executive Director and the BCC.

Commissioner Davis stated that the County violated its own code. She said that this developer along with the other developers who wanted to do the TMD were very active in the writing of the code and attended several meetings and applied all of their influence and good deeds and now they don’t want to meet the code that they helped write and they want a variance to the code and talk of amending the code to suit the need of the moment. Commissioner Davis stated she has real ethical issues with it.

Jon MacGillis responded that this board is voting on the variance and with Commissioner Davis sitting on the LDRAB she will have the opportunity to support or deny the amendment to the code to allow two phases in the AGR TMD, right now it's one phase. All public improvements have to be provided in phase one.

Commissioner Davis asked why are you (GL Homes) proposing to put zero-lot-line homes on another project in the County, but yet stating that this project can't support residential units based on the current market? She stated there is inconsistency, first with meeting the code and she can't support it.

Kevin Ratterree from GLHomes said that this code was drafted primarily for 2 developments. Canyon's Town Center and Delray Marketplace and of the 2 this is the only one constructed yet. He said that the project was being issued COs and the county came to have some inspections because county is working now on some Lifestyle Commercial Center code language and this provision of the code was tagged. He also referred to the TMD as a complicated code to develop under and it was drafted by a consultant hired by the County. He clarifies that it was always the intent of the plaza to be constructed when the residential units get built. The multi-family buildings rap around the plaza so if constructed it would be isolated from the remainder of the development. Mr. Ratterree also added that this project has been already determined to have commenced development and has met the standard of the code relative to this project. GL Homes does not have to build the multi-family units now or 2 years from now since this project has met the standards of commencement of construction and the only site development that could be permitted on the site is what it has been built on the site. He also mentioned that it was important to understand when considering for this variance what has been built on the site other than the commercial component of the center. He pointed out that GL Homes obligated themselves through the approval process to do significant improvements for Palm Beach County to go on Palm Beach County's land for the betterment not only of the center but the residents that surround it. Mr. Ratterree presented pictures of the existing buildings of Canyon's Town Center and he continued that there are 10.88 acres of the overall center that were conveyed to the County. The development has an existing soccer field that was constructed by GLHomes and given to the County to operate and provide services. In addition the County did not have funds to build on the 52 acres park. Also there is a portion of the main project where an amphitheatre is built by GL Homes. He added that the repercussion of the denial of the variance is to that development will have to cease in order to wait for the Code to be amended - if in fact is amended. If not, then GL Homes will have to go and build the plaza although they the residential component is not constructed. GL Homes has to adjust business to today's market.

Commissioner Davis stated her concerns are that, in the future, if GL Homes decides they don't want to build the multi-family units then they will go back and start ripping into the code again. Her concerns are that GL Homes gave their word and said what they were going to do and then now they have changed what they said they were going to do and want the County staff to fix the Code for them so they don't have to do it.

Kevin Ratterree responded that if that is a pattern then he would appreciate somebody coming and tell him about that before they spent half of a million dollars making improvements for the County.

Commissioner Hyman asked for clarification that if the ZC grants the variance they are not bending the Code for which Mr. MacGillis replied no, this is to allow Certificates of Occupancy to be issued prior to construction of plaza #2. Commissioner Hyman also agreed that Code Revision for specific uses is not probably appropriate.

COMMISSIONER ZUCARO LEFT AT 11:40

Motion: To adopt a resolution approving a Type II Zoning Variance to allow construction of Plaza #2 including required landscaping after the issuance of any certificate of occupancies. Carried 4-2

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough			
Nay	Yes	Nay	Yes	Yes	Yes			
			Maker		Seconded			

REGULAR AGENDA

9. ZV/DOA-2008-1377 JFK Medical Center Charter School

Staff: Carol Glasser gave a brief presentation.
 Agent: Richard Carlson, JFK Medical Center Charter School and Chuck Shaw, Principal. Richard Carlson gave presentation and handed out a letter and an aerial photo

Public:

Discussion:

Commissioner Hyman wanted to know if this was a public school and not a charter school would landscaping not be required around the play area. Carol Glasser stated that Michael Owens from the School Board confirmed that they prefer little or no shrubbery around the schools for security. Jon MacGillis added that the school board’s goal is not to have any landscaping on the perimeter of their sites. The public schools are not subject to the same Codes as the JFK Charter School.

Commissioner Hyman stated it didn’t make a difference if they had hedges because of the two story apartments. Commissioner Davis wanted to know if they were asking for perimeter buffers and stated it would not impede seeing what’s going on with the students while their on site.

Richard Carlson stated the students are under supervision so it doesn’t preclude internal observation. It’s a six foot fence. Mr. Carlson stated the problem is you can’t see what goes on in the alley. It’s a free flowing alleyway. Commissioner Anderson asked if he looked into having the alleyway closed. He responded, no, it’s a County easement.

Commissioner Davis stated it could be used as a greenway and she’s not opposed to have some shade trees out there. Mr. Carlson stated, if the County wanted to plant trees it would be wonderful. Commissioner Davis told him it could be part of his buffer.

Jon MacGillis stated the alley is part of the project to the east, it's part of the multi-family project.

Commissioner Hyman wanted to know if there were utility lines there because it seems like a strange open space. Wendy Hernandez stated that the staff report indicates a thirty foot drainage easement and a twenty foot maintenance easement so that’s the fifty feet total. It’s part of the site plan as an easement.

Commissioner Davis wanted to know if there was a way to improve the situation. Richard Carlson stated the school has limited resources. Mr. Shaw said he would put in the seven trees. Mr. Carlson suggested that they be placed on the east side of the fence.

Wendy Hernandez wanted to know if the trees were going to be placed in a buffer since Mr. Carlson is asking for no buffer at all. Mr. Carlson stated he just wants the trees on the east side of the fence with no buffers. Jon

MacGillis suggest that the buffers be reduced down to a minimum of five feet. Commissioner Hyman stated it still will be a designated buffer area but it will only consist of the seven trees. Jon MacGillis asked if she were granting the variance for a five foot buffer and seven trees.

Mr. Carlson stated that the applicant has a leasehold interest in the added parcel and that the property owner does not agree to Engineering Condition of Approval number 6.

MOTION: To the amended conditions to require a minimum 5-foot buffer with seven trees only, no shrubs or hedges. Carried 5-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough			
Nay	Yes	Yes	Yes	Yes	Yes			
			Maker		Seconded			

MOTION: To recommend approval of a Development Order Amendment to add land area and reconfigure the site plan. Carried 5-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough			
Nay	Yes	Yes	Yes	Yes	Yes			
			Maker		Seconded			

Meeting adjourned at 12:05 pm

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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