

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY NOVEMBER 5, 2009
9:00A.M. 1ST Floor
Vista Center
2300 N. Jog Road, West Palm Beach, FL 33411

CALL TO ORDER

- A. Roll Call 9:00 A.M.**
Commissioner William F. Anderson, Chairman
Commissioner Sherry Hyman, Vice Chair
Commissioner Allen Kaplan
Commissioner Al Zucaro
Commissioner Sheri Scarborough
Commissioner Joanne Davis
Commissioner Alex Brumfield - Arrived at 9:10am

- B. Opening Prayer and Pledge of Allegiance**

- C. Remarks of the Chair**

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center 1st Floor Hearing Room VC-IW-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Tuesday, December 8, 2009 to take final action on the applications listed below.

- D. Proof of Publication**

- E. Swearing In**

- F. Adoption of the Minutes - 6-0**

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded	

- G. Disclosures**

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	None	Yes
	10	10	10	10		10

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. DECISION:

ZV-2009-02685 Title: a Type II Variance application of Richard Fulcher by Land Design South Inc., Agent. Request: to allow a reduction in required parking spaces. General Location: Approximately 0.5 miles east of the intersection of Okeechobee Blvd. and Jog Road.

(Vista Center Parcel 23 - Subparcel 5) (Control 1984-00130)

Pages 1 - 1

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

MOTION: To postpone 30 days to December 4, 2009. Carried 6-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
		Moved		Seconded		

B. REMAND

2. DECISION:

PDD/TDR-2008-1907 Title: an Official Zoning Map Amendment to a Planned Development District application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. Title: a Transfer of Development Rights application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Rights for 89 units, approve the reduced cost of \$1.00 per unit, and designate the subject property as the receiving area. General Location: Approximately 1000 feet north of Hypoluxo Road, on the east side of Military Trail. (**Southern Trails PUD**) (Control 2003-00501)

Pages

Project Manager: Ora Owensby

Size: 21 .80 acres ±

BCC District: 3

MOTION: To remand to the Development Review Officer. Carried 6-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded

C. WITHDRAWALS

3. DECISION:

ZV-2009-03935 Title: a Type II Variance application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a reduction in minimum land area for a Planned Industrial Park Development (PIPD) General Location: Southwest corner of Belvedere Road and Cleary Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages 2 - 2

Project Manager: Carol Glasser

Size: 47.83 acres +

BCC District: 6

MOTION: None required. Withdrawn by applicant.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT AGENDA

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

4. DECISION: APPROVED AS ADVERTISED

ZV/W-2008-01516 Title: a Type II Variance application of dba Verizon Wireless by SBA Network Services Inc., Agent. Request: to allow a reduction in minimum lot size and front setback for an accessory structure. General Location: West side of SR7/US441 approximately 1.25 miles north of Clint Moore Road. **(Verizon/FPL Pinewood Substation)** (Control 2001-00019)

Pages 3 - 40
 Conditions of Approval Pages (18 - 19)
 Project Manager: Carol Glasser
 Size: 4.39 acres +

BCC District: 5

General Discussion:

Janna Lhota, agent, Holland & Knight, agreed to conditions of approval. Commissioner Hyman asked for an explanation of the classification of the tower as a “camouflage” tower. Carol Glasser, project manger, explained, the tower does not have branches to appear like a tree. As stated in the definition for a Camouflage Tower, the tower is incorporated into and is compatible with the existing electrical distribution center. The tower mimics the existing FPL poles on the site.

MOTION: To adopt a resolution approving Type II Variances for a reduction in minimum lot size and front setback for an accessory structure subject to the Conditions of Approval as indicated in Exhibit C-1. Carried 6-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

5. DECISION: APPROVED AS ADVERTISED

ZV-2009-03916 Title: a Type II Zoning Variance application of Paul Tremblay by Greenberg Traurig PA, Agent. Request: to extend hours of operation for a commercial use adjacent to a residential district. General Location: Northwest corner of Military Trail and Okeechobee Boulevard. **(CVS Store No. CS 49771)** (Control 1976-00138)

Pages 41 - 61
 Conditions of Approval Pages (49 - 49)
 Project Manager: Donna Adelsperger
 Size: 4.20 acres +

BCC District: 2

General Discussion:

Seth Behn, agent, Greenberg Traurig, agreed to conditions of approval.

MOTION: To adopt a resolution approving a Type II Zoning Variance to extend the hours of operation for a commercial use adjacent to a residential district subject to the Conditions of Approval as indicated in Exhibit C. Carried 6-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
				Seconded		Moved

6. DECISION: APPROVED AS ADVERTISED

ZV-2009-03932 Title: a Type II Zoning Variance application of Rita Romano by Miller Land Planning, Agent. Request: to allow a reduction of the required setbacks for the existing structures, to allow the existing buildings to encroach into the required landscaping buffers, and to allow an accessory structure in the side street yard. General Location: West side of Skees Road between Golden River Drive and Palmdale Road (**Hippocrates PUD/CLF**) (Control 1987-00032)

Pages 62 - 86

Conditions of Approval Pages (80 - 80)

Project Manager: Andrea Harper

Size: 7.36 acres +

BCC District: 2

General Discussion:

Bradley Miller, agent, Miller Land Planning, agreed to conditions of approval.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the required setbacks for the existing structures, to allow the existing building to encroach into the required landscaping buffers and to allow an accessory structure in the side street yard subject to the Conditions of Approval as indicated in Exhibit C. Carried 6-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

7. DECISION: APPROVED AS ADVERTISED

DOA-2008-01360 Title: a Development Order Amendment application of Beach Delray by Andrew Pizey, Agent. Request: to add square footage and reconfigure the site plan General Location: Approximately 200 feet north of Ridgewood Road East the west side of Barwick Road (**Kingdom Hall of Jehovah Witnesses**) (Control 1987-00054)

Pages 87 - 105

Conditions of Approval Pages (99 - 101)

Project Manager: Andrea Harper

Size: 2.00 acres +

BCC District: 4

General Discussion:

John Vaughn, agent, GRW Architecture, agreed to conditions of approval.

MOTION: To recommend approval of Development Order Amendment to add square footage and reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

8. DECISION: APPROVED AS ADVERTISED

DOA/R-2009-03288 Title: a Development Order Amendment application of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to add a Requested Use to the Master Plan Title: a Requested Use application of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to allow a Pawnshop General Location: Southwest corner of Palmetto Park Road and Powerline Road (**Raymond Lee Jewelers**) (Control 1981-00115)
 Pages 106 - 136
 Conditions of Approval Pages (119 - 126)
 Project Manager: Carol Glasser
 Size: 5.76 acres + BCC District: 4

General Discussion:

Jeff Evans, agent, Covelli Design Associates, Inc., agreed to conditions of approval.
 Commission Hyman requested an explanation of the disclosure form for the property, wherein the shopping center property owner indicated that the ownership interests for Bell Palms Plaza, LLC is "Confidential."
 County Attorney, Bob Banks indicated that stating confidential on the disclosure form is not a certification issue and could result in the BCC postponing the application.

MOTION: To recommend approval of a Development Order Amendment to add a Requested Use to the Master Plan subject to the Conditions of Approval as indicated in Exhibit C-1. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

MOTION: To recommend approval of a Requested Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C-2. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. DECISION: APPROVED AS AMENDED

DOA/CA-2008-01358 Title: a Development Order Amendment application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to add square footage, reconfigure site plan and to modify and delete conditions of approval. Title: a Class A Conditional Use application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to allow for the expansion of the previously approved Convenience Store with Gas Sales. General Location: Southwest corner of US 441 and Atlantic Avenue. **(Stop & Shop)** (Control 1999-00029)

Project Manager: Wendy Hernandez
 Size: 5.10 acres ±

BCC District: 5

General Discussion:

Chris Barry, agent, Jon E. Schmidt & Associates, agreed to conditions of approval.

Commissioner Davis asked why the applicant decided to get rid of the pool hall. Chris Barry, agent, said that the client did not feel it was economically feasible.

MOTION: To recommend approval of the Development Order Amendment to add square footage, reconfigure the site plan, and to modify and delete Conditions of Approval (Architectural Review, Building and Site Design, Use Limitations, Engineering, Landscape, Health, and Sign) subject to the Conditions of Approval as indicated in Exhibit C. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded

MOTION: To recommend approval of the Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales within the Agricultural Reserve (AGR) Zoning District subject to the Conditions of Approval as indicated in Exhibit C. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded

10. DECISION: APPROVED AS ADVERTISED

DOA-2009-02672 Title: a Development Order Amendment application of Centers Southland by Land Design South Inc., Agent. Request: to amend a Condition of Approval (Use Limitation). General Location: Northeast corner of Jog Road and Lake Ida Road. **(Spalding Property)** (Control 1999-00092)

Pages 2-2

Project Manager: Ora Owensby
 Size: 25.82 acres ±

BCC District: 5

General Discussion:

Jeff Brophy, agent, Land Design South, agreed to conditions of approval.

MOTION: To recommend approval of a Development Order Amendment to modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval indicated in Exhibit C. Carried 7-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Seconded				Moved

D. ZONING APPLICATIONS - NEW

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

The Board of County Commissioners adopted the Unified Land Development Code Amendment on October 22, 2009 which included the revised membership qualifications and the duties of the Zoning Commission.

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT

Meeting adjourned at 9:20 a.m.