

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, AUGUST 2, 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	Present
Commissioner William F. Anderson	Present
Commissioner Sherry Hyman	Present
Commissioner Joanne Davis	Present
Commissioner Sam Caliendo	Present
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 9-0,

E. Adoption of the Minutes – Motion carried 9-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
6	6	6	4	6	1,6	6	4	4

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

Request by Applicant to be pulled and postponed not by right

- 7. 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 143 - 181

Conditions of Approval Pages (163 - 174)

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.

MOTION: To postpone to September 6, 2012

Motion carried 9-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Decision: Postpone to September 6, 2012

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

- 1. **CA-2011-01993** Title: a Class A Conditional Use application of Lake Worth Property Enterprises LLC by H & L Planning & Development, Agent. Request: to allow a Convenience Store with Gas Sales General Location: Northwest corner of Okeechobee Boulevard and Indian Road (**European BP**) (Control 1992-10020)

Pages 1 - 20

Conditions of Approval Pages (15 - 16)

Project Manager: Joyce Lawrence

Size: 0.43 acres +

BCC District: 7

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

People who spoke on this application:

Ramsey Buckeley, agent substituting for James Hackett - in agreement with Conditions of Approval as amended.

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to Conditions of Approval as indicated in Exhibit C.

Motion Carried 9-0

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

DECISION: APPROVED AS AMENDED

2. **CA-2012-00688** Title: a Class A Conditional Use application of Garry Bernardo by Frogner Consulting LLC, Agent. Request: to allow a Pawnshop General Location: East side of Military Trail two blocks North of Southern Blvd. (**American Jewelry and Guns**) (Control 2011-00552)

Pages 21 - 41

Conditions of Approval Pages (36 - 37)

Project Manager: David McGuire

Size: 0.30 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Jim Frogner, agent – In agreement with Conditions of Approval as amended.

MOTION: To recommend approval of a Class A Conditional Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED

3. **CB-2012-00376** Title: a Class B Conditional Use application of Prime Realty Capital LLC by Land Design South Inc., Agent. Request: to allow Chipping and Mulching General Location: Approximately 650 feet east of Cleary Road on the north side of Wallis Road (**Southern Waste Systems**) (Control 2007-00310)

Pages 42 - 60

Conditions of Approval Pages (55 - 56)

Project Manager: Donna Adelsperger

Size: 5.00 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Brad Currie, agent – In agreement with Conditions of Approval as amended.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow Chipping and Mulching subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED

5. **ZV-2012-01582** Title: a Type II Variance application of KRG/Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in building design transparency General Location: Northwest corner of West Atlantic Avenue and Lyons Road (**Delray Marketplace**) (Control 2004-00616)

Pages 91 - 108
 Conditions of Approval Pages (100 - 100)
 Project Manager: Carol Glasser
 Size: 88.55 acres +
 (affected area 32.82 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 5 Conditions of Approval 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 a reduction in building design transparency subject to the Conditions of Approval in Exhibit C.

Motion carried 9-0

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

DECISION: APPROVED AS ADVERTISED

E. CORRECTIVE RESOLUTIONS

D. ZONING APPLICATIONS – NEW

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

4. **ZV-2012-00983** Title: a Type II Variance application of MBSA 3 LLC by Atlantic Land, Agent. Request: to allow a reduction in the minimum lot size, the minimum square footage threshold for Multiple Use Planned Development (MUPD) and the lot depth General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages 61 - 90
 Conditions of Approval Pages (75 - 75)
 Project Manager: Joyce Lawrence
 Size: 4.20 acres +

BCC District: 3

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:

Carrie Rechenmacher, Senior Site Planner – gave brief presentation
 Bob Bentz, agent – gave brief presentation.
 Carol Nicholls and Ellie Halperin spoke in opposition of the application.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the minimum lot size, the minimum square footage threshold for Multiple Use Planned Development (MUPD) and the lot depth subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

DECISION: APPROVED AS AMENDED

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

6. **ABN/Z/DOA/CA-2012-00696** Title: a Development Order Abandonment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to abandon Resolution R-2007-1620 for a Class A Conditional Use to allow Townhouses Title: an Official Zoning Map Amendment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District Title: a Development Order Amendment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, to add land area, add an access point and to delete the Conditional Overlay Zone (COZ) all Conditions of Approval for Resolution R-2007-1619 Title: a Class A Conditional Use application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to allow a School, Elementary or Secondary School (Charter) General Location: 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 109 - 142
 Conditions of Approval Pages (125 - 128)
 Project Manager: Joyce Lawrence
 Size: 9.93 acres +

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; approval of the Official Zoning Map Amendment; approval of the Development Order Amendment subject to 19 Conditions of Approval as indicated in Exhibit C-1; approval of the Class A Conditional Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – gave brief presentation
 Ken Tuma, agent – gave brief presentation

Deborah McNuly, John Tharp, Natalie Maranda, Heather Abell, Tom Rogers, Tom Firth and Greg Rust all spoke in support of the application. Stuart Caine, representative of COWBRA, presented a letter which addressed six conditions. The Commissioners agreed to amend the Architectural Condition to allow concrete tile instead of barrel tile for the roof of the proposed building. The applicant modified conditions to address COWBRA's recommended conditions.

Steve Sabal, Tina Fox, and Richard Nevitte spoke in opposition of the application. Their concerns primarily centered on the increase in traffic and the potential disruption to the rural and equestrian community directly to the south of the subject site. They also pointed out that there was a public school just to the north and across the street that was not filled to capacity.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-2007-1620 for a Class A Conditional Use to allow Townhouses.

Motion carried 9-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
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 Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District.

Motion carried 9-0

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 9-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Bakcsi	Caliendo	Beatty
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 (Charter School) subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 9-0

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

DECISION: APPROVED AS AMENDED

D. ZONING APPLICATIONS – NEW

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT 10:34am