

**PALM BEACH COUNTY  
ZONING COMMISSION**  
FRIDAY, January 9, 2009

MINUTES OF THE MEETING

The Zoning Commission met on the 1<sup>st</sup> 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  
Sheri Scarborough, Commissioner  
Kelley Armitage, Alternate Commissioner  
Richard Bowman, Alternate Commissioner

**County Staff Present:**

Robert Banks, Assistant County Attorney  
Barbara Alterman, Director Planning, Zoning & Building  
Jon MacGillis, Zoning Director  
Wendy Hernandez, Zoning Manager  
Robert Kraus, ERM  
Joanne Koerner, Land Development  
Ken Rogers, Director Land Development  
Jean Matthews, Parks & Recreation  
Sussan Gash, Planning Division  
Isaac Hoyos, Principal Planner  
Ed Nessenthal, Planning Division  
Michael Owens, School Board  
Kenny Wilson, Health Department  
Autumn Sorrow, Senior Site Planner, Zoning  
Ron Sullivan, Senior Site Planner, Zoning  
Douglas Robinson, Site Planner II, Zoning  
Joyce Lawrence, Site Planner II, Zoning  
Carol Glasser, Site Planner II, Zoning  
Donna Adelsperger, Site Planner I, 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** – Zoning Director submitted and accepted by Commissioners.

**Commissioner Hyman discussed briefly ways to rearrange and discussed corrections for the November minutes. Commissioner Scarborough discussed corrections for the December minutes. Commission Hyman made a motion to accept the minutes as amended for the November and December hearings.**

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	Bowman
None	None	Absent	6	4	6, 16	4	Absent	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS**

**1. CA-2008-616 Sacred Africa Church**

Staff: N/A  
 Agent: N/A  
 Public: N/A  
**Discussion:** None

MOTION: To postpone thirty (60) days to Wednesday, February 25, 2009.  
 Carried. 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**2. Z/DOA/CA 2007-1185 Winners Church**

Staff: N/A  
 Agent: N/A  
 Public: N/A  
**Discussion:** None

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.  
 Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**3. ZV-2008-1675 JCL Contractor's Storage**

Staff: N/A  
 Agent: N/A  
 Public: N/A  
**Discussion:** None

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.  
 Carried.7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**5. Z/CA-2008-0437 Haitian Christian Church**

Staff: N/A  
 Agent: Kevin McGinley – Request 30 Day Postponement  
 Public: N/A  
**Discussion:** None

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.  
 Carried.7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**14. ZV/Z-2008-1518 Palmwood Shaw Rezoning**

Staff: N/A

Agent: N/A

Public: N/A

**Discussion:** None

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.  
Carried.7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Second			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**CONSENT AGENDA**

**4. DOA-2008-1365 Colonial Lakes**

Staff: Anthony Wint – no presentation

Agent: Jennifer Vail – In agreement with conditions of approval except for #4 on the add/delete. She stated she would work with staff.

Public: N/A

**Discussion:** Wendy Hernandez read into the record a letter from the City of Greenacres objecting to the proposal. Commissioner Armitage made a motion to accept the letter into record; it was seconded by Commissioner Hyman.

Motion made by Commissioner Armitage to accept the letter for the record. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded					Maker		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Development Order Amendment to modify conditions of approval, reconfigure site plan and delete units. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded					Maker		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**6. ZV/DOA-2008-1038 Loggers Run Commercial**

Staff: Joyce Lawrence – no presentation

Agent: Stephanie Toothaker – Agree to all staff conditions

Public: N/A

**Discussion:** Commissioner Scarborough wants a Condition of Approval regarding the hours of operations in the conditions of approval.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the right-of-way buffer width and hedge materials, to allow a 100% utility easement encroachment into the buffer, to delete the berm along the right-of-way buffer and to reduce the required queuing spaces. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add square footage. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**7. ZV-2008-1696 Lantana Plaza/Place**

Staff: Joyce Lawrence – no presentation  
 Agent: Brian Terry – In agreement with conditions  
 Public: N/A  
**Discussion:** None

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a minimum 5 foot overlap easement into the right-of-way buffer along the south and the west property lines. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**8. ZV/DOAR-2008-1357 Fantastic Finishes**

Staff: Joyce Lawrence – no presentation  
 Agent: Chris Barry – In agreement with conditions of approval.  
 Public: N/A  
**Discussion:** None

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in required off-street parking. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan. Carried 7- 0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Requested Use to allow an auto paint or body shop. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**9. ZV/DOAR-2008-1523 Garden Shops at Boca II**

Staff: Autumn Sorrow – no presentation  
 Agent: Joni Brinkman – In agreement with conditions of approval as amended.  
 Public: N/A  
**Discussion:** None

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow utility easement overlaps in R-O-W buffers. Carried 7 – 0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Development Order Amendment to reconfigure site plan and add square footage. 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with drive Thru. Carried 7 – 0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**10. SV/Z-2008-0439 Gastaliturri Rezoning**

Staff: Carol Glasser, Sussan Gash, Issac Hoyos presented application

Agent: Missy Washington – In agreement with conditions of approval.

Public: John Obarowski had questions regarding whether the area will be considered rural and no longer urban.

**Discussion:** Sussan Gash and Issac Hoyos from the Planning Division stated it's not considered rural based on the tier.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that each lot be provided with a service connection to a central sewage collection/transmission system, to allow use of individual septic tanks. 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
			Maker		Seconded			
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**11. ZV/CA/TDR-2008-0612 Village of Hope**

Staff: Carol Glasser – no presentation

Agent: Jan Polson – In agreement with conditions of approval.

Public: N/A

**Discussion:** Commissioner Hyman commented on the elevations drawings, she feels that the drawings are bare. The agent responded that they had architectural approval. Final review will be at DRO. She stated that the paper drawings may look bland but they do enhance the area.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in side and rear setbacks, parking dimensions, walkway widths, incompatibility buffer widths, and right-of-way buffer width. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
			Maker		Seconded			
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Conditional Use to allow a Type 3 Congregate Living Facility. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
			Maker		Seconded			
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval of a Transfer of Development Rights for 3 units and to designate this site as the receiving area, and to allow the reduced cost of \$1.00 per unit for the Transfer of Development Rights units. Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
			Maker		Seconded			
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**13. Z/CA-2007-2010 ETC Office/Warehouse**

Staff: Wendy Hernandez – no presentation  
 Agent: Wes Blackman – In agreement with conditions of approval but didn't like planning COA #1. He will be meeting with Brian Davis from planning prior to BCC regarding a condition of approval..  
 Public: N/A

**Discussion:** Commissioner Hyman requested staff to look at the ownership affidavits for the disclosures as they were not signed or filled out in the packets.

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the General Commercial (CG) and the Residential High Density (RH) Zoning District to the Light Industrial (IL) Zoning District.  
 Carried 7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

MOTION: To recommend approval to allow office space in excess of 30%.  
 Carried.7-0

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**15. Corrective Resolution**

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
Seconded			Maker					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Absent	Yes

**REGULAR AGENDA**

**ZONING APPLICATION**

**12. PDD/R/W-2008-1372 Retreat at Palm Beach**

Staff: Carol Glasser, Ed Nessenthaler – brief presentations  
 Agent: David Keir – Objects to engineering conditions #2 & #3 and has comments on #4, #5 and #6. Object to planning conditions # 2.  
 Public: N/A

**Discussion:** This item was moved from the Consent Agenda to the Regular Agenda at the request of the Agent in order to enter comments/objections regarding the recommended conditions of approval into the ZC record.

The Agent presented an overview of the project. The Agent stated that approximately six-months of free rent and relocation assistance would be given to the MHP residents.

The Agent commented on the Engineering condition to provide grading cross sections prior to final approval by the DRO as redundant to SFWMD requirements for development; to combine the property into a single lot of record; and, to provide an FDOT approval letter for the decorative pavers shown in the ROW on the Preliminary Site Plan. The Agent objected to the Planning condition to pave the southeast cross access point and Engineering conditions regarding median landscaping and to improvements to the left turn lane. Based on the documentation submitted to Engineering Staff by the agent, Staff's recommendations were that the conditions remain.

Discussion between staff, Commissioners and agent regarding paving the cross access prior to Certificate of Occupancy included: Loss of pervious and landscaping for future cross access; BCC policy on cross access; and, burden on Staff and possible future property owner to enforce the condition. The ZC directed that the condition remain in the petition as is and for Staff to communicate the BCC decision on this condition to the ZC.

The Agent stated that the Engineering condition to modify the left turn lane taper was a deal-breaker and is unnecessary due to future URA plans.

Engineering Staff and Commissioner Anderson stated that the new taper design addresses a safety issue and allows more vehicles to stack versus half of vehicle blocking travel lane. Engineering Staff stated the condition is warranted by the increased trips for the development as indicated in the submitted Traffic report.

Commissioner Zucaro stated that the condition benefits the common good and does not directly benefit the property owner. Engineering stated that the applicant has provided no support in the submittals for the objection. The ZC stated that the applicant's Traffic Engineer is not present to support the objection.

Commissioner Hyman stated to keep the condition in and object at BCC.

As to the applicant's objection that the Engineering condition regarding drainage is redundant to ULDC and SFWMD requirements during the building permit process, the ZC stated that the issue of redundant or not redundant needs to be resolved before the applicant moves forward.

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Neighborhood Commercial (CN) and the Multifamily Residential (RM) Zoning Districts to the Mixed Use Planned Development (MXPDP) Zoning District. Carried 6-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	No	Absent	Yes

MOTION: To recommend approval of a Requested Use to allow a Type 3 Congregate Living Facility. Carried 6-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
	Seconded		Maker					
Yes	Yes	Absent	Yes	Yes	Yes	No	Absent	Yes

MOTION: To recommend approval of a waiver to allow a reduction of lot frontage on the north property line for a Planned Development District. Carried 6-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
			Maker		Seconded			
Yes	Yes	Absent	Yes	Yes	Yes	No	Absent	Yes

Commissioner Hyman recused herself from the voting for item # 16 since her husband was the Agent. Form 8B filled out.

**16. ZV-2008-1919 Kings Point**

Staff: Donna Adelsperger brief presentation  
 Agent: Keri Kilday  
 Public: Jerry DiBlasid – Concerns about the flagpole. Wanted to keep the flagpole as landmark to see entrance to complex.  
 Mae Yates – Concerned about not being able to see the entrance of the complex without the flagpole as her landmark.  
 Mike Hyman – Concerned with traffic not being visible at night, feels light on pole will help.

**Discussion:** Commissioner Scarborough visited the site and found it difficult to find entrance. She agrees and feels flagpole is needed for safety.

Commissioner Anderson thought the seven criteria’s were met and agreed with applicant.

Wendy Hernandez recommended to the ZC that they modified conditional of approval #3 to 35’ in height.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of setback (for flagpole) to south property line. Carried 5-1

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
					Maker	Second		
No	Yes	Absent	N/A	Yes	Yes	Yes	Absent	Yes

**ZONING DIRECTOR COMMENTS**

Workforce Housing Workshop will be held by the BCC, January 27, 2009 9:00am. Staff will send Agenda when completed. Elevator issues were discussed by the BCC on January 8, 2009. The BCC appreciates the Zoning Commissions effort but since it wasn’t policy that the condition wasn’t necessary on Workforce Housing Projects and they will take the issue up at the Workforce Housing Workshop. Re-appointment, Sheri Scarborough’s papers has been approved and waiting for Commissioner Santamaria to respond for Joanne Davis’ reappointment. Next month is the ZC workshop to go over key issues and things that staff is working on. Staff will send a draft agenda for comments by Commissioners.

Meeting adjourned at 11:04am.

**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](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](mailto:vleveille@pbcgov.com)

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