

**PALM BEACH COUNTY
ZONING COMMISSION**
THURSDAY, July 2, 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:

Sherry Hyman, Vice Chair
Allen Kaplan, Commissioner
Joanne Davis, Commissioner
Sheri Scarborough, Commissioner
Kelley Armitage, Alternate Commissioner
Richard Bowman, Alternate Commissioner

County Staff Present:

Lenny Berger, Assistant County Attorney
Jon MacGillis, Zoning Director
Wendy Hernandez, Zoning Manager
David McGuire, Architectural Review
Robert Kraus, ERM
Joanne Koerner, Land Development
Ken Rogers, Director Land Development
Kenny Wilson, Health
David Wiloch, Planning Division
Sussan Gash, Planning Division
Quazi Bari, Traffic
Ron Sullivan, Senior Site Planner, Zoning
Carrie Rechenmacher, Senior Site Planner, Zoning
Andrea Harper, Site Planner II, Zoning
Anthony Wint, Site Planner II, Zoning
Carol Glasser, Site Planner II, Zoning
Joyce Lawrence, Site Planner II, Zoning
Donna Adelsperger, Site Planner I, Zoning
Zona Case, Zoning Technician
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 Hyman 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 Scarborough seconded by Commissioner Kaplan. Carried 5-0

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

Swearing in by Notary, Donna Adelsperger.

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	Absent	Absent	8, 9	Absent	None	Absent	None	None

POSTPONEMENTS

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

Staff:
Agent:
Public:
Discussion:

Motion: to postponed sixty (60) days to Thursday September 3, 2009. Carried 5-0

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

2. CB-2008-1517 Saddleranch Preschool

Staff:
Agent:
Public: Amy Pell – Had no objection to the postponement

Discussion: Commissioner Hyman recommended Ms. Pell talk with the Project Manager and the Agent to discuss her concerns.

Motion: None required withdrawal by right. Carried 5-0

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

WITHDRAWALS

3. ZV-2008-01675 JCL Contractor's Storage

Staff:
Agent:
Public:
Discussion:

Motion: None required withdrawal by right.. Carried – No Motion

Armitage	Brumfield	Davis	Hyman	Anderson	Scarborough	Zucaro	Kaplan	Bowman
None	Absent	Absent	None	Absent	None	Absent	None	None

Commissioner Davis arrived 9:15 a.m.

CONSENT AGENDA

4. ZV-2009-1496 Appolonia Farms PUD

Staff:
Agent: Chuck Millar, FPL, stated he was in agreement with all conditions of approval.

Public:
Discussion:

MOTION: To adopt a resolution approving a Type II Variance to allow an encroachment of an easement in a landscape buffer subject to conditions as indicated in Exhibit C.
Carried 6-0

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

5. ABN/Z-2009-0554 South Regional Water Reclamation Facility Rezoning

Staff:

Agent: Jean Dolan, JPR Planning Services, Inc, stated she was in agreement with all conditions as amended on add/delete

Public:

Discussion:

Motion: To recommend approval of a Development Order Abandonment to legislatively abandon the Special Exception granted under Resolution R-1989-338. Carried 6-0

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

As amended on add/delete to correct motion and add LWDD 1 condition of approval.

Motion: To recommend approval of an Official Zoning Map to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C. Carried 6-0

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

6. ZV-2009-2165 340 Pike Road

Staff:

Agent: Ray Thompson, stated he was in agreement with all conditions of approval as amended in add/delete

Public:

Discussion:

Motion: To adopt a resolution approving (3) Type II Variances to allow reduction of the front and side setbacks, and to allow reduction in lot depth subject to the Conditions of Approval as indicated in Exhibit C. Carried 6-0

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

REGULAR AGENDA

7. CA-2009-0210 LaMensa Academy

Staff:

Agent: Carrie Rechenmacher, a gave brief presentation
Christopher Barry, Jon E. Schmidt Associate, state he is in agreement with conditions of approval and amendments.

Public:

Mike Erickson, Indian Trail Improvement District
Pam Spetla
Jana Terry

Discussion:

Staff presented the application and pointed out that the 50 foot Rural Parkway easement would be included along Northlake Boulevard and that amendments to the landscape conditions for the parkway were on the add/delete sheet. The agent provided a power point presentation and discussion of daycare capacity in the area demonstrating consistency with other daycares in the area. Also the applicant volunteered to change the condition of approval for the hours of operation for the outdoor play area from 8-5 to 9-5. Mike Erickson spoke in opposition to the project. He wanted a right turn lane due to traffic back up and was concerned about the commercialization of the area for non residential uses. He felt this use could be located at Coconut and Northlake Boulevard to cluster non residential uses rather than a midblock location. He addressed the incompatibility with residential uses to the south. Commissioner Kaplan noted

that the petition was not a rezoning, she clarified that it was a Conditional Use. Pam Spetla and Jana Terry, who lived directly behind and south of the proposed daycare were opposed due to the negative impact of a large structure and noise and traffic of a non-residential use.

The agent defended the location and felt that the conditions addressed the noise and indicated that the existing daycares in the area were almost full at capacity. He continued to state that there is a fence around the play area and that the children are always accompanied by an adult. Commissioners discussed if staff should require a right turn lane or perhaps provide a condition to provide a right turn lane within 1 year if the daycare was successful and no turn lane if there is indeed an overage of child care facilities in the area. Ken Roger, Engineering Department, indicated that a left turn lane was required and he would review the issue of a right turn lane and provide a recommendation at the Board of County Commission Hearing.

Motion: To recommend approval of a Class A Conditional Use to allow a Daycare, General subject to the Conditions of Approval as indicated in Exhibit C. Carried 5-1

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

- 8. CA-2009-0206 Jupiter Seventh Day Adventists**
 Staff: Anthony Wint, gave brief presentation
 Agent: Alessandria Kalfin, Cotleur & Hearing, Inc., stated she is in agreement with conditions of approval and the amended conditions on add/delete.
 Public: Lois Taylor, President of Jupiter Farms Residents
 Ernest Bruorton, represent Jupiter Seventh Day Adventist Church
 Sam Arerlio, in support of church
 Mark Childs, in support of church
 Luann Dale, oppose the project
 Dennis McOmbler, in support of church
 Thomas F. O'Rourke, 103 Terrace North Representatives
 Ronald Barnett

Discussion:
 Lois Taylor of the Jupiter Farms Residents (JFR) complimented Cotleur & Hearing, Inc and the church for working with the residents by accommodating many of their requests. Ms. Taylor ask if any bells would be played and the applicant confirmed no. Ms. Taylor also stated that she still has concerns about the height of the lights.

Ernest Bruorton of the Jupiter Seventh Day Adventist Church stated that he met with Lois Taylor before he purchased the property and did everything he was required to do; his intent was never to leave out any of the residences, he tried to be an asset to the community and work with them. He asked for the project to move forward.

Luann Dale, resident, opposed the project. She stated that the natural beauty and abundant wildlife will be affected. In addition she indicated that the design only allowed one access off of 103rd Terrace North and the proposed design is not consistent with the rural tier.

Mr. O'Rourke stated that the church had more time to prepare for the Zoning Commission meeting then the residence had to prepare their argument and that the project is huge in comparison to the residential units on 103rd Terrace North and the church has failed to communicate with the residents of 103 Terrace North. He stated that the steeple will be too large for the neighborhood. Mr. O'Rourke stated that the residents of 103rd Terrace North are seeking a reduction of the size of the church and the applicant has not provided complete plans and documents for review.

He voiced concern that the development of the church will allow toxins to enter drinking water and introduce ecoli into drinking water. Mr. O'Rourke feels the church has not worked with the residence of 103 North Terrace and is in opposition of the church.

Mr. Ronald Barnett, church member, stated that he is upset that the church is being mad to look like demons, villains and that the church is willing to comply with whatever they have to. Mr. Barnett stated there is a junk yard at the end of their street. He also stated, if the residence were really worried about run-off they should be focusing on the hundred cars next to Lady Jean's Ranch on Mark's Auto Body. He also stated they are a church and they are going to do everything compliant and honorable. Mr. Barnett asked the Commissioner to let the church go forward.

Commissioner Kaplan clarified again that the request not a rezoning.

Commissioner Hyman inquired about what was north of the property from Indiantown Road to the site. Donaldson Hearing of Cotleur & Hearing, Inc replied, everything to the immediate West and immediate North of the subject site exist agricultural uses as well as a daycare, mainly nurseries. It is agricultural/residential in zoning.

Commissioner Davis needed clarification of what type of large events will be conducted on-site. Donaldson Hearing stated that the events won't be conferences. They will have no events that will exceed the capacity of the church. It will only be used for normal standard religious services. Commissioner Davis asked if the church will have anything like a fall festival at which Mr. Hearing said they will not have any outside carnivals or outside events. Jon MacGillis, Zoning Director, stated because in the Use Limitation portion of the conditions, we are recommending the church not be able to apply for special permits. Commissioner Davis also had questions about the lights. Mr. Hearing replied stating the outdoor lights will go off every night at 9:00pm. Commissioner Davis wanted to know if the light can go off earlier than 9:00pm when there is no business being conducted at the church. Mr. Hearing said it wasn't an unreasonable request and they would work with staff and the applicant. She also wanted to know if they can go down on the height of the building at which Mr. Hearing said that only the steeple is 35' and the balance of the structure is only 30 feet.

Commissioner Scarborough inquired about the road and the applicant's engineer Mr. Jeff Irvani described the construction of the road as an open grade mixed asphalt that is more pervious than other roads. Mr. Irvani added that most of the run-off goes directly into the porous road and is friendly to the environment. Commissioner Scarborough also wanted to know if the steeple was mandatory. Mr. Hearing answered "it's not mandatory but it is important to the church".

Commissioner Hyman wanted to know if we approved any church of this size off of a main road. Jon MacGillis said the code requires anything over 15,000 feet to be located on a major road and the church is 12,000 ft.

Motion: To recommend approval of a Class A Conditional Use to allow a Place of Worship, subject to Conditions of Approval as indicated in Exhibit C. Carried 5-1

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

9. DOA-2008-2226 Villaggio Isles PUD

Staff: Anthony Wint, gave a brief presentation
 Agent: Bradley Miller, Miller Land Planning Consultants for Anasca Community, in agreement with conditions of approval and amendments on add/delete.
 Public: Solomon Rosen, has no object to project
 Stephen Medow, has no object to project
 Mike Adler, President of Evergreen Condo, has no objection to project.
 Charles Simmons has issues with increased traffic.

Discussion:

Bradley Miller read into record a letter he received from The Alliance of Delray voicing no objection to the project.

Motion: Accept into record. Carried 6-0

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

The main concerns from concerned residents pertain to the acceleration of signalization installation which was addressed by Engineering director, Ken Rogers and an increase in units and increase in traffic.

Zoning Commissioners Hyman and Scarborough stated that they also wanted to see a traffic light installed early in the development stage. Commissioner Kaplan made a motion to approve the project as amended.

Motion: to recommend approval of a Development Order Amendment to reconfigure the master plan; modify conditions of approval (Architectural Review, Engineering, Landscape, Planning, Planned Unit Development); to increase the number of dwelling units and; to restart the commencement clock subject to the conditions of approval as indicated in Exhibit C. Carried 6-0

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

10. ZV-2009-0978 Texaco Gas Station

Staff: David McGuire
 Agent: Christopher Barry, Jon E. Schmidt Associate, stated he was in agreement with all conditions of approval.

Public:

Discussion: None

Motion: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the front (South) and side (West) setbacks, a reduction of the required parking spaces, the elimination of the queuing spaces, a reduction of the required interior tree quantities, a reduction of the required pervious surface area, the elimination of the required tree in the side foundation planting area (South), a reduction of the foundation planting area (North), a reduction in the width of the foundation planting area width (South), a reduction of the Lake Worth ROW buffer width, a reduction to the compatibility buffer in width (West), the elimination of the required large shrubs in the ROW buffers (Lake Worth and Pinehurst), a reduction to the interior landscape island width and the elimination of the required dumpster landscape screening. Carried 6-0

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

Meeting adjourned at 11:13am

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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