

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, August 5, 2010
9:00 A.M., 1ST Floor
Vista Center 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 Sherry Hyman, Chair **Present**
 Commissioner Sheri Scarborough, Vice Chair **Present**
 Commissioner William F. Anderson **Absent**
 Commissioner Allen Kaplan **Present**
 Commissioner Joanne Davis **Present**
 Commissioner Alex Brumfield **Present**
 Commissioner Sam Caliendo **Present**
 Commissioner Mark Beatty **Absent**
 Commissioner Robert Currie **Present**

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair – Commissioner Anderson arrived 9:02 a.m.

D. Proof of Publication – Motion to receive and file, carried 8-0.

E. Adoption of the Minutes – as amended, carried 8-0.

F. Swearing In

G. Disclosures- Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
None	6,8	None	6,8	None	6,8	6,8	6,8	<i>Absent</i>

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **DOA-2010-00143** Title: a Development Order Amendment application of Boynton Hagen LLC - Ram Realty Assoc by Land Design South Inc., Agent. Request: to modify the site plan and add square footage. General Location: Northwest corner of Boynton Beach Boulevard and Hagen Ranch Road (**Hagen Ranch/Boynton Beach MUPD**) (Control 2006-00520)

Pages 1 – 24
 Conditions of Approval Pages (15 - 20)

Project Manager: Joyce Lawrence
 Size: 3.70 acres+
 BCC District: 5

MOTION: To postpone to September 2, 2010, carried 8-0.

DECISION: POSTPONE TO SEPTEMBER 2, 2010

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
Maker							Seconded	

Item 5 was moved to the postponement agenda on the add/delete.

- 5. **DOAR-2010-00144** Title: a Development Order Amendment application of Costco Wholesale Corp by BOHLER Engineering, Agent. Request: to modify/delete Conditions of Approval (Building and Site Design, MUPD, Signs, and Use Limitations), to reconfigure the site plan and add square footage. Title: a Requested Use application of Costco Wholesale Corp by BOHLER Engineering, Agent. Request: to allow an auto service station. General Location: Approximately 0.8 mile north of the intersection of Clint Moore Road and Congress Avenue, on the east side of Congress Avenue. **(Boca Congress Center/ Costco Gas)** (Control 1995-00063)

Pages 79 - 111
 Conditions of Approval Pages (97 - 106)

Project Manager: Autumn Sorrow
 Size: 21.02 acres+
 BCC District: 4

MOTION: To postpone to September 2, 2010, carried 8-0.

DECISION: POSTPONE TO SEPTEMBER 2, 2010

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent
Seconded						Maker		

CONSENT AGENDA

D. ZONING APPLICATIONS – NEW

- 2. **ZV-2010-01430** Title: A Type II Standalone Variance application of Tidal Wave Management Corp Inc by Urban Design Kilday Studios, Agent. Request: to eliminate a wall within a Type III incompatibility buffer along the west property line. General Location: Located on the southwest corner of Tall Pines Road and the LWDD L-4 Canal. **(Tidal Wave North)** (Control 2009-02435)

Pages 25 – 42
 Conditions of Approval Pages (35 - 35)

Project Manager: Donna Adelsperger
 Size: 18.54 acres +
 BCC District: 6

Staff Recommendation: Staff recommends approval the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Joni Brinkman, agent – agrees with the conditions of approval.

Ruth Finkel – surrounding property owner, has concerns and item was pulled from the consent agenda. Commissioner Kaplan motioned to reorder the agenda, seconded by Commissioner Anderson, motion carried 8-0.

- 3. **Z-2010-00980** Title: an Official Zoning Map Amendment application of Indian Trail Improvement District by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 0.2 miles

south of Northlake Boulevard and 250 feet east of Hall Road on the north side of 89th Place North. **(ITID Hamlin Property Rezoning)** (Control 1992-50027)

Pages 43 - 59
 Conditions of Approval Pages (57 - 58)

Project Manager: Donna Adelsperger
 Size: 4.32 acres +
 BCC District: 6

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment subject to 7 Voluntary Commitments as indicated in Exhibit C.

People who spoke on this application:

Collene Walter, agent – agrees with the voluntary commitments.

MOTION: To recommend approval of the request for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District subject to the Voluntary Commitments as indicated in Exhibit C, carried 8-0.

DECISION: APPROVED AS AMENDED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Seconded			Maker		

4. **DOA-2009-04746** Title: a Development Order Amendment application of Packer Family Ltd by Johnston Group Land Development Consultants Inc., Agent. Request: To reconfigure the site plan to include the existing 7,735 square feet of the automobile sales and service. General Location: Approximately 700 feet south of Westgate Avenue on the east side of Military Trail. **(Al Packer Ford East)** (Control 1973-00098)

Pages 60 - 78
 Conditions of Approval Pages (72 - 73)

Project Manager: David McGuire
 Size: 9.30 acres +
 BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Mike Sanchez, agent – agrees with the conditions of approval.

MOTION: To recommend approval of the request to reconfigure the site plan and add square footage subject to Conditions of Approval as indicated in Exhibit C, carried 8-0.

DECISION: APPROVED AS ADVERTISED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Seconded			Maker		

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 2. **ZV-2010-01430** Title: A Type II Standalone Variance application of Tidal Wave Management Corp Inc by Urban Design Kilday Studios, Agent. Request: to eliminate a wall within a Type III incompatibility buffer along the west property line. General Location: Located on the southwest corner of Tall Pines Road and the LWDD L-4 Canal. **(Tidal Wave North)** (Control 2009-02435)

Pages 25 – 42
 Conditions of Approval Pages (35 - 35)

Project Manager: Donna Adelsperger
 Size: 18.54 acres +
 BCC District: 6

Staff Recommendation: Staff recommends approval the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Donna Adelsperger – Site Planner I, gave a brief presentation.

Ruth Finkel – is opposed to storage use, particularly construction recycling plant.
 Joni Brinkman, agent – addressed concerns by Ruth Finkel.

General Discussion:

Commissioner discussion included landscaping concerns and existing vegetation questions, would like to see more native vegetation implemented to conserve water.

MOTION: To adopt a resolution approving a Type II Zoning Variance to eliminate a wall within a Type III incompatible buffer subject to the Conditions of Approval as indicated in Exhibit C, carried 8-0.

DECISION: APPROVED AS ADVERTISED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Seconded			Maker		

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. **ZV/PDD-2010-00415** Title: a Type II Zoning Variance application of H & M Development LLC by Land Design South Inc., Agent. Request: to allow the east perimeter buffer 60 feet inside the property boundary 6. Title: an Official Zoning Map Amendment to a Planned Development District application of H & M Development LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: East side of SR7/US441 approximately 0.5 mile south of Lake Worth Rd. **(Legend Lakes Center)** (Control 2003-00015)

Pages 112 - 145
 Conditions of Approval Pages (130 - 132)

Project Manager: Carol Glasser
 Size: 9.23 acres +
 BCC District: 6

Staff Recommendation: Staff recommends approval of the variance request subject to 5 Conditions of Approval as indicated in Exhibit C-1 and denial of the rezoning request. If the Zoning Commission recommends approval of the rezoning, then staff recommends approval subject to 10 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application:

Carol Glasser – Site Planner II, gave a brief presentation.

Jennifer Vail, agent and Manny Synalovsky, representative of H & M Development - gave presentation.

Paul Boerstler – President of Legend Lakes HOA and Patrick Wilson, of Cypress Trails - spoke in approval of the project.

General Discussion:

Commissioner discussion included wall location and maintenance, vacant parcel to the north, interconnectivity issues and density/phasing of the site.

MOTION: To adopt a resolution approving a Type II Variance to allow the east perimeter buffer 60 feet inside the property boundary subject to the Conditions of Approval as indicated in Exhibit C-1, carried 7-1.

DECISION: APPROVED AS ADVERTISED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Deny	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Seconded			Maker		

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C-2, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	Deny	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Seconded			Maker		

Commissioner Brumfield left at 10:00 a.m.

- 7. **ZV-2010-00658** Title: a Type II Zoning Variance application of Boca Raton Commerce Center II LLC by Jon E Schmidt & Associates, Agent. Request: to allow the elimination of frontage requirements and legal access on an arterial or collector street and a reduction in minimum lot size for a Planned Development District. General Location: West of Boca Rio Road at the terminus of South 210th Street. **(Boca Raton Commerce Center)** (Control 1997-00032)

Pages 146 - 169
 Conditions of Approval Pages (159 - 159)

Project Manager: Carol Glasser
 Size: 4.79 acres +
 BCC District: 5

Staff Recommendation: Staff recommends approval of the Type II Variances to allow the elimination of the requirements for frontage along and legal access on an arterial or collector street subject to 5 Conditions of Approval indicated in Exhibit C and denial of the Type II Variances to allow a reduction in minimum lot size for a Planned Development District.

People who spoke on this application:

Carol Glasser – Site Planner II, gave a brief presentation.

Chris Barry, agent – gave a presentation.

MOTION: To adopt a resolution approving Type II Variances to allow the elimination of the requirements for legal access on and frontage along an arterial or collector street subject to the Conditions of Approval indicated in Exhibit C, carried 7-0.

DECISION: APPROVED AS ADVERTISED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
<i>Absent</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
	Seconded		Maker					

MOTION: To adopt a resolution denying Type II Variances to allow a reduction in minimum lot size for a Planned Development District, carried 7-0.

General Discussion: Commissioner discussion included reasons for denial, citing following staff recommendation and creating self imposed hardship.

DECISION: DENIED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
<i>Absent</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Maker			Seconded		

8. **ZV-2010-00976** Title: a Type II Standalone Variance application of Haverhill Quadplex LLC by Land Design South Inc., Agent. Request: to allow a reduction in minimum lot size and the number of parking spaces and to eliminate the south incompatibility buffer. General Location: East side of Haverhill Road approximately 335 feet South of Vilma Lane. **(Haverhill Road Medical Office)** (Control 2005-00147)

Pages 170 - 192

Conditions of Approval Pages (181 - 181)

Project Manager: Carol Glasser

Size: 0.67 acres +

BCC District: 2

Staff Recommendation: Staff recommends denial of the Type II Variances. If the Zoning Commission approves the variance requests, then staff recommends approval subject to 6 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application:

Carol Glasser – Site Planner II, gave a brief presentation.

Jeff Brophy, agent – gave a presentation.

MOTION: To adopt a resolution approving Type II Variances to allow a reduction in minimum lot size; a reduction in the number of parking spaces; and, to eliminate the south incompatibility buffer subject to the Conditions of Approval as indicated in Exhibit C, carried 7-0.

DECISION: APPROVED AS AMENDED

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
<i>Absent</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<i>Absent</i>
			Maker				Seconded	

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

Commissioners made the suggestion that site plans and elevations be provided in 11 x 17 formats for all applicable applications.

ADJOURNMENT – Meeting adjourned at 10:51 a.m.