

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

THURSDAY, FEBRUARY 4, 2010  
9:00 A.M., 1<sup>st</sup> 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 William F. Anderson, Chair	<b>Present</b>
Commissioner Sherry Hyman, Vice Chair	<b>Present</b>
Commissioner Allen Kaplan	<b>Present</b>
Commissioner Sheri Scarborough	<b>Present</b>
Commissioner Joanne Davis	<b>Present</b>
Commissioner Alex Brumfield-	<i>Arrived 9:10 a.m.</i>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<b>Present</b>

**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-1W-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 Thursday, February 25, 2010 to take final action on the applications listed below.

**D. Proof of Publication**

**E. Adoption of the Minutes** – Commissioner Beatty requested to revise the last item on the January Minutes. Commissioner Beatty and Commissioner Currie’s names were transposed. Carried 8-0.

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

**F. Swearing In**

**G. Disclosures-** Listed by Agenda Number

Currie	Brumfield	Davis	Hyman	Anderson	Scarborough	Caliendo	Kaplan	Beatty
4,5	6	4,7	4,6,7	4,6,7	4,7	4	4,6,7	4,7

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

- A. POSTPONEMENTS**
- B. REMANDS**
- C. WITHDRAWALS**

**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**
- 1. DECISION: APPROVED**

**Z/CA-2009-00211** Title:an Official Zoning Map Amendment application of Sunshine Commercial Investments Inc by South East Architect Services Inc, Agent. Request: to allow rezoning from Agricultural Residential (AR) to Commercial Low Office (CLO). Title: a Class A Conditional Use application of Sunshine Commercial Investments Inc by South East Architect Services Inc., Agent. Request: to allow a medical office. General Location: North of Military Trail, at the intersection of Military Trail and Old Military Trail (**Sunshine Medical Office Building**) (Control 2004-00956)

Pages 1-22  
 Conditions of Approval Pages (15 - 18)  
 Project Manager: Joyce Lawrence  
 Size: 0.99 acres ± BCC District: 3

**People who spoke on this application:**

Lawrence Kramer, Agent – Agreed to conditions of approval.  
 Jon MacGillis, Zoning Director – The motion needs to be amended to include a COZ.

*Commissioner Brumfield arrived at 9:10 .am.*

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) to Commercial Low Office (CLO) Zoning District in a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1. Carried 9,0.

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a medical office building subject to the Conditions of Approval as indicated in Exhibit C-2. Carried 9,0.

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

**2. DECISION: APPROVED**

**DOA-2009-04430** Title: a Development Order Amendment application of Martin Pakideh by David Lawrence Architecture, Agent. Request: to reconfigure the site plan and add square footage. General Location: Northeast corner of Australian Avenue and Southern Boulevard. **(Palm Beach Airport Hilton Expansion)** (Control 2000-00096)

Pages 23-41  
 Conditions of Approval Pages (34 - 37)  
 Project Manager: Douglas Robinson  
 Size: 35.81 acres ±  
 (affected area 1 .17 acres ±)

BCC District: 2

**People who spoke on this application:**

David Lawrence, Agent – Agreed to conditions of approval.

**MOTION:** To recommend approval for a Development Order Amendment to reconfigure the site plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C. Carried 9,0.

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

**3. DECISION: APPROVED**

**Z-2009-02175** Title: an Official Zoning Map Amendment application of Reguez Investments LLC by Land Research Management Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). General Location: Northeast corner of the intersection of Tall Pines Road and Wallis Road. **(288 Tall Pines Road)** (Control 2009-00566)

Pages 42 - 55  
 Conditions of Approval Pages (51 -52)  
 Project Manager: Ora Owensby  
 Size: 1.22 acres ±  
 (affected area 0.61 acres ±)

BCC District: 6

**People who spoke on this application:**

Kevin McGinley, Agent – Agreed to conditions of approval.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ), subject to the Conditions of Approval as indicated in Exhibit C. Carried 9,0.

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

*Commissioner Hyman motioned to move Item #4 – PDD/DOA/R/TDR-2009-3303 (Isola Bella Isles PUD) to the regular agenda because of comment cards received. Carried 9,0.*

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

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

*Item 5 is kept on the Regular Agenda and not moved to consent by add/delete to discuss an Engineering drainage condition and signage issues.*

4. DECISION: APPROVED AS AMENDED

**PDD/DOA/R/TDR-2009-03303** Title: an Official Zoning Map Amendment to a Planned Development District application of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District. Title: a Development Order Amendment application of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to Modify the Master Plan; to add land area, add units, reconfigure the site plan, modify conditions of approval (Planning and Zoning) and restart the commencement clock. Title: a Requested Use application of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow a Daycare, General. Title: a Transfer of Development Rights application of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the Transfer of Development Rights for 126 units and approved the reduced cost of \$1 .00 per unit for the Transfer of Development Rights units. General Location: Approximately 1,560 feet west of Military Trail, on the south side of Hypoluxo Road. (**Isola Bella Isles PUD**) (Control 2004-00458)

Pages 56-101

Conditions of Approval Pages (81 -93)

Project Manager: Andrea Harper

Size: 70.98 acres ±

BCC District: 3

(affected area 53.69 acres ±)

**People who spoke on this application:**

Andrea Harper, Site Planner II – gave a brief presentation.

Bradley Miller and Marty Perry, Agent – gave presentation.

Suzanna Cabrera, Housing Leadership Council and Ken Lassiter, Cobwra – Spoke in support of the request and WFH.

Tom Watley, Steve Dolak, Peter Marco, Jean Dilcher, David Kline, Jack Tucker, Tom Whatley, Sean Dales, Michael Greehan - Spoke in opposition.

**General Discussion:** This item was moved to the Regular Agenda from the Consent Agenda due to the comment cards received. The main concerns from surrounding property owners pertain to the possible Haverhill Road extension and land clearing to widen Hypoluxo Road from 4 lanes to 6, concerns about overloading school capacity and traffic for the area, high density, and low price of TDR units.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District. Carried 9,0

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

**MOTION:** To recommend approval of Development Order Amendment to modify the Master Plan; to add land area, add units, reconfigure site plan, modify conditions of approval (Planning and Zoning) and restart the commencement clock subject to the Conditions of Approval as indicated in Exhibit C-1. Carried 9,0.

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

**MOTION:** To recommend approval of a Requested Use to allow a Daycare, General subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of the Transfer of Development Rights for 126 units and approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units subject to the Conditions of Approval as indicated in Exhibit C-3. Carried 9,0.

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

**5. DECISION: APPROVED**

**Z/DOA-2009-00205** Title: an Official Zoning Map Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District. Title: a Development Order Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to reconfigure the site plan. General Location: Northwest corner of Lone Pine Road and Prosperity Farms Road (**Maranatha Church**) (Control 1973-00160)

Pages 102-128  
 Conditions of Approval Pages (121 - 126)  
 Project Manager: Carol Glasser  
 Size: 12.47 acres ±

BCC District: 1

**People who spoke on this application:**

Carol Glasser, Site Planner II – addressed agent issues.

Jan Polson, Agent –states they would like to revise an Engineering condition for drainage and review signage issues with staff before BCC.

**MOTION:** To recommend approval of an Official Zoning Map Amendment from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District. Carried 9,0.

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

**MOTION:** To recommend approval of a Development Order Amendment to Reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C. Carried 9,0.

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

**D. ZONING APPLICATIONS - NEW**

**6. DECISION: POSTPONED 30 DAYS**

**DOA/R-2009-00995** Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to modify the site plan. Title: a Requested Use application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Day Care, General. General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 129-159  
 Conditions of Approval Pages (141 - 154)  
 Project Manager: Joyce Lawrence  
 Size: 23.85 acres ±

BCC District: 5

**People who spoke on this application:**

Joyce Lawrence, Site Planner II – gave a brief presentation.  
 Bob Bentz, Agent – gave presentation.

Ken Lassiter, Cobwra – spoke in support of the request.

William Silinski, Charles Wexton, Elizabeth Lazar, Craig Small, Arlene Feller, Leslie Brown, Jerome Friedlander, Bill Lazarus and Gail Paladino – spoke in opposition.

**General Discussion:** The main objections raised pertained to increased traffic, safety issues, access drive aisles, parking and daycare use at the proposed location. After a lengthy discussion between the Commission and Agent, Commissioner Hyman moved to postpone the item to March 4, 2010 to possibly revise the plan and incorporate ideas from their discussion.

**MOTION:** To postpone to March 4, 2010. Carried 8,1.

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

**7. DECISION: APPROVED**

**ZV-2009-04754** Title: A Type II Variance application of Kirk Angelocci by Land Design South Inc., Agent. Request: to allow a reduction in the required parking spaces. General Location: Approximately 0.4 miles west of the intersection of Haverhill Road and Purdy Lane. (**Angelocci PUD**) (Control 2003-00061)

Pages 160-187  
 Conditions of Approval Pages (168-168)  
 Project Manager: Andrea Harper  
 Size: 12.92 acres +

BCC District: 2

*Commissioner Anderson left at 1:00 p.m.*

**People who spoke on this application:**

Andrea Harper, Site Planner II – gave a brief presentation.  
Bob Bentz, Dennis Koehler, Sean Wilson and Luisa Arbilize, Agent and development team – gave presentation.

Eugene Kaub – asked for clarification on the park and buffers between his property line and the project.

**General Discussion:**

After discussion between the Commission and Staff regarding the availability of additional parking if the future warrants it, the Commissioners agreed to grant the variance for reduced parking spaces. The Commissioners cited this projects age restricted units and income restrictions as reasons to justify the reduced parking request.

**MOTION:** To adopt a resolution approving a Type II Variance to allow a reduction in the required parking spaces. Carried 8,0.

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

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**COMMISSIONER COMMENTS**

**A. ELECTION OF CHAIR AND VICE CHAIR**

Commissioner Kaplan nominated Commissioner Hyman to Chair. The motion passed unanimously.

Commissioner Hyman nominated Commissioner Sheri Scarborough to Vice Chair. The motion passed unanimously.

**ADJOURNMENT**

Meeting adjourned at 1:50 p.m.

**DIRECTOR COMMENTS**

*(Item was reordered to after adjournment)*

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

8. Zoning Commission Annual Workshop –  
*This item was postponed to March 4, 2010.*

Pages 188-201

**C. EXECUTIVE DIRECTOR**