

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

THURSDAY, APRIL 1, 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 Sherry Hyman, Chair	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<i>Arrived 9:12 a.m.</i>
Commissioner William F. Anderson	<b>Present</b>
Commissioner Allen Kaplan	<b>Present</b>
Commissioner Joanne Davis	<b>Present</b>
Commissioner Alex Brumfield	<i>Arrived 9:10 a.m.</i>
Commissioner Sam Caliendo	Absent
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<b>Present</b>

**B. Opening Prayer and Pledge of Allegiance**

**C. Remarks of the Chair**

**D. Proof of Publication – Motion to receive and file 6 - 0**

**E. Adoption of the Minutes –** Commissioner Hyman read into the record corrections for the March minutes. Motion to adopt the minutes, as amended, Carried 6-0.

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

**F. Swearing In**

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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
3	3	3	3	1,3	3	No	<i>Absent</i>	1,3

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

*No postponements, remands or withdrawals on this agenda.*

**CONSENT AGENDA**

*No items on the consent agenda.*

**REGULAR AGENDA**

**D. ZONING APPLICATIONS - NEW**

1. **ZV/DOA/R/W-2009-04750** Title: a Type II Zoning Variance application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to reduce the number of required garages for a three-story multi-family building; to increase the maximum percentage for square footage for free standing structures; and to eliminate interior buffer between non-residential and residential uses Title: a

Development Order Amendment application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to reconfigure Site Plan, to relocate a plaza, to modify uses, and to reduce square footage. Title: a Requested Use application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Daycare, General. Title: a Waiver application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Block Structure waiver. General Location: Southeast corner of Lyons Road and Boynton Beach Boulevard. (Canyon Town Center TMD) (Control 2004-00471)

Pages 1 – 61  
 Conditions of Approval Pages (41 - 55)  
 Project Manager: Monica Cantor  
 Size: 37.55 acres +  
 (affected area 26.75 acres +)

BCC District: 5

*Commissioner Scarborough and Commissioner Brumfield arrived and disclosed they had spoken with Kieran Kilday regarding Item 3, Palm Beach Aggregates.*

**People who spoke on this application:**

Kieran Kilday, agent – gave presentation and rebuttal.

Eric Fischer (Canyon Isles) – spoke in opposition.

**General Discussion:** Citizen opposition included the relocation of Plaza 2, daycare use and location, amount of traffic and lack of circulation, bicycle path obstruction and amount of amendments to the original plan. Commissioner discussion issues included traffic circulation, parking, use modification, daycare facade, and density.

**DECISION: APPROVED AS AMENDED**

**MOTION:** To adopt a resolution approving a Type II Variance to reduce the number of garages for the multi-family building, elimination of the interior buffer between non-residential and residential uses and to allow an increase in the percentage for freestanding structures to 25% subject to the Conditions of Approval as indicated in Exhibit C-1, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	No	Yes	Yes	Yes	Yes	Absent	Yes
					Maker	Seconded		

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure Site Plan, relocate a plaza, modify uses, and reduce square footage subject to the conditions of approval as in Exhibit C-2, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	No	Yes	Yes	Yes	Yes	Absent	Yes
					Maker	Seconded		

**MOTION:** To recommend approval of a Requested Use to allow a Daycare, General subject to the conditions of approval as indicated in Exhibit C-3, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	No	Yes	Yes	Yes	Yes	Absent	Yes
					Maker	Seconded		

**MOTION:** To recommend approval of a Waiver to allow a Block Structure Waiver for Block 5, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	No	Yes	Yes	Yes	Yes	Absent	Yes
					Maker	Seconded		

2. **DOA/TDR-2009-03950** Title: a Development Order Amendment application of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock. Title: a Transfer of Development Rights application of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to allow the approval of a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units and to reduce the TDR price to \$1.00 per unit.  
General Location: Northwest corner of Hypoluxo Road and Lyons Road. (Windsor Place MXPD) (Control 2003-00079)

Pages 62 – 108

Conditions of Approval Pages (89 - 104)

Project Manager: Carol Glasser

BCC District: 3

Size: 40.00 acres +

Staff Recommendation: Staff recommends approval of the requests subject to 49 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Bradley Miller and Marty Perry, agents for applicant – gave presentation and rebuttal.

Lorraine Metski, Ralph Raphael, Marvin Cramer, Jeff Kolockney, Jack Einhorn, Saul Rubin, Gerald Cook, Neil Hecht, Milton Soiferman, Stuart Fleischer, Barbara Roth, Melvin Eisenberg, Shelia Cramer, Michelle Diffenderfer, Lorraine Cook, Brenda Russo – Spoke in opposition

Steven Kimmel and Stuart Caine (COBWRA) - Are in support

**General Discussion:** Citizen opposition included increased density and security issues, incompatibility with a 55+ community, traffic increases, and WFH units.

Commissioner discussion included clarification of the density request, WFH program, vehicle connectivity, conceptual master plan compliance, westernmost access point on Lyons Road and lack of variety in building character for the residential buildings.

**DECISION: APPROVED AS ADVERTISED**

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock subject to the Conditions of Approval as indicated in Exhibit C-1, carried 8-0.

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

**MOTION:** To recommend approval of a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units, and to reduce the TDR price to \$1.00 per unit subject to the Conditions of Approval as indicated in Exhibit C-2, carried 8-0.

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

3. **DOA-2009-04539** Title: a Development Order Amendment application of Palm Beach Aggregates LLC by Carlton Fields P.A., Agent. Request: to add land area and to reconfigure the site plan  
General Location: Approximately 3 miles west of Seminole Pratt and Whitney Road, on the north side of SR 80. (Palm Beach Aggregates Excavation Expansion) (Control 1989-00052)

Pages 109 – 173  
 Conditions of Approval Pages (131 - 151)  
 Project Manager: Joyce Lawrence  
 Size: 5,128.15 acres +  
 (affected area 2,393.42 acres +)

Staff Recommendation: Staff recommend approval of the request subject to 86 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Kieran Kilday, agent – gave presentation and rebuttal.

Dawn Shirreffs (Clean Water Action group) – Spoke in opposition.

**General Discussion:** Commissioner discussion included concerns with the need of expansion and existing mines.

**DECISION: APPROVED AS AMENDED**

**MOTION:** To recommend approval of a Development Order Amendment to add land area and to reconfigure the site plan subject to the Conditions of Approval in Exhibit C-1, carried 7-1.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
Yes	Yes	No	Yes	Yes	Yes	Yes	<i>Absent</i>	Yes
					Seconded	Maker		

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**B. ZONING DIRECTOR**

Item #4 – ZC Annual Workshop, will be moved to after adjournment. The Zoning Director acknowledges that the May Zoning commission hearing will be postponed to June 3, 2010.

**ADJOURNMENT** – Meeting adjourned at 12:05 p.m.

Staff and Commissioners only - met to review Item 4.

4. Zoning Commission Annual Workshop

Pages 174-187