

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, APRIL 7, 2011**

9:00 A.M. Vista Center 1st Floor 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	<i>Arrived 9:06 a.m.</i>
Commissioner Allen Kaplan	Present
Commissioner Joanne Davis	<i>Arrived 9:09 a.m.</i>
Commissioner Alex Brumfield	<i>Arrived 9:03 a.m.</i>
Commissioner Sam Caliendo	<i>Arrived 9:10 a.m.</i>
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present

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

**C. Remarks of the Chair**

*Commissioner Brumfield arrived 9:03 a.m.*

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

*Commissioner Anderson arrived 9:06 a.m.*

**E. Adoption of the Minutes – Motion carried 7-0.**

**F. Swearing In**

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

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	Beatty
None	8	None	8	8	None	None	8	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **DOA/R-2010-02573** Title: a Development Order Amendment application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to reconfigure the site plan; relocate requested uses: and to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations). Title: a Requested Use application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to allow a Type 1 Restaurant. General Location: Northeast corner of Jog Road and Lantana Road. (**Chick-fil-A at Lee Square**) (Control 1981-00186)

Pages 1- 1

Project Manager: Carol Glasser

Size: 38.19 acres

BCC District: 3

(affected area 12.09 acres ±)

Staff Recommendation: To postpone to Thursday, May 5, 2011.

**MOTION:** To postpone the application to May 5, 2011. Motion carried 7-0.

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

**DECISION: TO POSTPONE TO MAY 5, 2011**

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. STATUS REPORTS**

2. **STR-2005-00076-2** Status Report for Resolutions ZR-2008-001 and ZR-2008-202 (Control No. 2005-076). Property Owner: Roy Dunworth. General Location: 200 feet north of Westgate Avenue on the west side of Donnell Road. Zoning District: CG (**Dunworth Office Warehouse**)

Pages 2-5

Size: 0.93 acres ±

BCC District: 2

**MOTION:** To approve a three year time extension, from January 4, 2011 to January 4, 2014 to commence development. Motion carried 7-0.

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

**DECISION: APPROVED AS ADVERTISED**

*Commissioner Davis arrived 9:09 a.m.*

*Commissioner Caliendo arrived 9:10 a.m.*

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

3. **ZV-2011-00421** Title: a Type II Zoning Variance application of Gulfstream Federation by Land Design South Inc. Agent. Request: to allow a reduction in the required number of parking spaces. General Location: Southeast corner of the LWDD L-47 Canal and Ruth and Baron Coleman Boulevard. (**Heritage Village**) (Control 1984-00139)

Pages 6-19

Conditions of Approval Pages (15-15)

Project Manager: Donna Adelsperger

Size: 4.00 acres ±

BCC District: 5

(affected area 0.31 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Zoning Variance subject to 6 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Jennifer Morton – agent, agreed with the conditions of approval as amended.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the required number parking spaces subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

4. **DOA-2010-01210** Title: a Development Order Amendment application of Woolbright Jog LLC by Site Enhancement Services, Agent. Request: to amend conditions of approval (Sign). General Location: Northwest corner of Woolbright Road and Jog Road. (**Valencia Square MUPD**) (Control 1996-0078)

Pages 20-45

Conditions of Approval Pages (34-44)

Project Manager: Joyce Lawrence

Size: 16.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 68 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Claude Reeder – agent, agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of a Development Order Amendment to amend the Conditions of Approval (Signs) subject to the Conditions of Approval as indicated in Exhibit C. Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

5. **DOA/CA-2010-02216** Title: a Development Order Amendment application of Covenant Centre Inc by Cotleur & Hearing Inc. Agent. Request: to reconfigure the site plan; to reduce square footage and number of children for the day care, general; and reduce the number of seats for the Place of Worship. Title: a Class A Conditional Use application of Covenant Centre Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Charter School. General Location: Northwest corner of Roan Lane and Northlake Boulevard. (**Covenant Church**) (Control 1974-00083)

Pages 49-71

Conditions of Approval Pages (62-67)

Project Manager: Joyce Lawrence

Size: 3.33 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of a Development Order Amendment subject to 24 Conditions of Approval as indicated in Exhibit C-1, and a Class A Conditional Use subject to 3 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Jan Polson – agent, agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan to reduce square footage and number of children for the day care, general, and reduce the number of seats for the Place of Worship subject to Conditions of Approval as indicated in Exhibit C-1. Motion carried 9-0.

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Kaplan	Caliendo	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 Charter School subject to Conditions of Approval as indicated in Exhibit C-2. Motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

6. **DOA/R-2010-03026** Title: a Development Order Amendment application of Bridgestone Retail Operations by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, add square footage and modify conditions of approval (Landscape). Title: a Requested Use application of Bridgestone Retail Operations by Urban Design Kilday Studios, Agent. Request: to allow Repair and Maintenance, General. General Location: Southwest corner of Okeechobee Boulevard and Jog Road. (**Waterford Crossing MUPD**) (Control 1989-00127)

Pages 72-107

Conditions of Approval Pages (89-95)

Project Manager: Joyce Lawrence

Size: 11 .38 acres +

BCC District: 2

(affected acres 1 .20 acres)

Staff Recommendation: Staff recommends approval of a Development Order Amendment subject to 23 Conditions of Approval as indicated in Exhibit C-1 and a Requested Use subject to 5 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Collene Walter – agent, agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the site plan, add square footage, modify conditions of approval (Landscape) subject to Conditions of Approval as indicated in Exhibit C-1, motion carried 9-0.

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

**MOTION:** To recommend approval of a Requested Use to allow Repair and Maintenance, General subject to Conditions of Approval as indicated in Exhibit C-2, motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

7. **Z-2010-03032** Title: An Official Zoning Map Amendment. application of Dennis Discount by Miller Lend Planning, Agent. Request: to allow Rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District. General Location: West side of State Road 7, approximately 2,000 feet north of Lantana Road. (**Three D Commercial**) (Control 2004-00925)

Pages 108-123

Conditions of Approval Pages (118-118)

Project Manager: Douglas Robinson

Size: 1.67 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to 5 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Bradley Miller – agent, agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to Conditions of Approval as indicated in Exhibit C, motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

8. **ZV-2010-02831** Title: a Type II Zoning Variance application of Curtis Lewis by Land Research Management Inc., Agent. Request: to allow extended hours of operation for a commercial property adjacent to a residential property; to allow reduction in right-of-way and incompatibility buffers widths: to allow a reduction in the front and rear setbacks; and to allow a reduction in the amount of plant material for the right-of-way and incompatibility buffers. General Location: Southeast corner of the intersection of Okeechobee Boulevard and Wabasso Drive and properties along Shawnee Drive end Wabasso Drive. (**Okeechobee Steakhouse**) (Control 2007-00342)

Pages 124-154

Conditions of Approval Pages (141 - 141)

Project Manager: Autumn Sorrow

Size: 1.74 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Type II Zoning Variance subject to 5 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Kevin McGinley – agent, requests to postpone to May 5, 2011 to resolve issues with surrounding property owners.

**MOTION:** To postpone the application to May 5, 2011. Motion carried 9-0.

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

**DECISION: TO POSTPONE TO MAY 5, 2011**

9. **ZV-2010-00978** Title: a Type II Zoning Variance application of WJCCT Inc by Beril Kruger Planning Zoning Consultants, Agent. Request: to allow the Recreational Park to have frontage and access on a local street; a reduction in the minimum lot size, the location of wall and the plant material in the buffers to remain as installed and for the chain link fence within the incompatibility buffers to remain instead of the wall. General Location: Approximately 700 feet south of Indiantown Road on the west side of N 130th Avenue. (**West Jupiter Camping Resort**) (Control 1977-00112)

Pages 155-175

Conditions of Approval Pages (168-168)

Project Manager Joyce Lawrence

Size: 9.14 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the Type II Zoning Variance subject to 5 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Beril Kruger – agent, agreed with the conditions of approval.

**MOTION**: To adopt a resolution approving a Type II Variance to allow the Recreational Park to have frontage and access on a local street, a reduction in the minimum lot size, the location of wall and the plant material in the buffers to remain as installed and for the chain link fence within the incompatibility buffers to remain instead of the wall subject to Conditions of Approval as indicated in Exhibit C, motion carried 9-0.

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

**DECISION: APPROVED AS ADVERTISED**

10. **PDD/R-2010-00977** Title: an Official Zoning Map Amendment to a Planned Development District (PDD) application of WJCCT Inc by Beril Kruger Planning Zoning Consultants, Agent. Request to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Recreation Vehicle Planned Development (RVPD) Zoning District for an existing campground. Title: a Requested Use application of WJCCT Inc by Beril Kruger Planning Zoning Consultants, Agent. Request: to allow an On-site Sewage Treatment Plant. General Location: Approximately 700 feet south of Indiantown Road on the west side of N 130th Avenue. (**West Jupiter Camping Resort**) (Control 1977-00112)

Pages 176-195

Conditions of Approval Pages (190-191)

Project Manager: Joyce Lawrence

Size: 9.14 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment subject to 10 Conditions of Approval as indicated in Exhibit C and a Requested Use.

**People who spoke on this application:**

Beril Kruger – agent, agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow rezoning from the Agricultural Residential (AR) Zoning District to the Recreation Vehicle Planned Development (RVPD) Zoning District for an existing campground subject to Conditions of Approval as indicated in Exhibit C, motion carried 9-0.

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

**MOTION:** To recommend approval of a Requested Use to allow an On-site Sewage Treatment Plant, motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**E. CORRECTIVE RESOLUTIONS**

**F. SUBDIVISION VARIANCE**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

11. **Z/CA-2010-02802** Title: an Official Zoning Map Amendment application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multi-Family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District. Title: a Class A Conditional Use application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale. General Location: Located on the east side of Pike Road approximately 300 feet south of Belvedere Road. **(934 Pike LLC)** (Control 2010-00352)

Pages 196-231  
 Conditions of Approval Pages (214-218)  
 Project Manager: Donna Adelsperger  
 Size: 1 .91 acres ± BCC District: 6

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to 18 Conditions of Approval as indicated in Exhibit C-1 and a Class A Conditional Use subject to 3 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Chris Barry – agent, agreed with the conditions of approval as amended.

Jon Enter – spoke in approval of the project.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow for a rezoning from the Residential Multi-family (RM) 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-1, motion carried 9-0.

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow Gas and Fuel Wholesale subject to the Conditions of Approval as indicated in Exhibit C-2, motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**D. ZONING APPLICATIONS - NEW**

12. **SV/ZV-2010-02232** Title: a Subdivision Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow a reduction in the required minimum access width. Title: a Type II Zoning Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow for a reduction in an Incompatible Buffer width along the west property line: to allow 100 percent of the landscape material to be planted on the inside of a wall; to allow off-site signage; to allow an increase in the sign height and sign face area: to allow an off-site directional sign to be located greater than 50 feet from the point of ingress, and to allow the off-site directional sign to be attached to an existing sign. General Location: Approximately 380 feet west of Military Trail, on the north side of Orleans Court. (**Orleans Court Industrial**) (Control 2003-00098)

Pages 232-260

Conditions of Approval Pages (246 - 250)

Project Manager: Donna Adelsperger

Size: 2.24 acres ±

BCC District: 6

(affected area 1.58 acres±)

Staff Recommendation: Staff recommends approval of the Subdivision Variance subject to 5 Conditions of Approval as indicated in Exhibit C-1. Staff recommends approval of the Type II Zoning Variance for Landscaping subject to 6 Conditions of Approval as indicated in Exhibit C-2 and staff recommends denial of the Type II Zoning Variance for off-site signage based on the findings in the staff report.

**People who spoke on this application:**

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

Kevin McGinley – agent, gave a brief presentation of the project.

Linda and Reginald Smith – asked for further clarification of the project and time to discuss the changes with the applicant.

Cassandra Wooten – expresses concern with existing conditions on site and asks for further clarification of the request.

The ZC suggested that the applicant meet with the neighbors to address their concerns.

**MOTION:** To postpone the application to May 5, 2011. Motion carried 9-0.

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

**DECISION: TO POSTPONE TO MAY 5, 2011**

13. **DOA-2010-02819** Title: a Development Order Amendment application of Di Giardina by Land Developers Consortium LLC, Agent. Request: to amend conditions of approval (use limitations and hours of operation). General Location: Approximately 0.06 mile west of Military Trail on the north side of Northlake Boulevard. (**Villa Palma Professional Park**) (Control 2002-00053)

Pages 261 -264

Conditions of Approval Pages (274-280)

Project Manager: Carrie Rechenmacher

Size: 2.23 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 41 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

James Hackett, agent - agreed with the conditions of approval as amended.

**MOTION:** To recommend approval of a Development Order Amendment to amend conditions of approval (Use Limitations and Hours of Operation) subject to Conditions of Approval as indicated in Exhibit C, motion carried 9-0.

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

**DECISION: APPROVED AS AMENDED**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

*Public portion closed 9:46 a.m.*

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

14. Zoning Commission Annual Workshop Pages 285 - 303

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:00 a.m.**