

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, APRIL 4, 2013**

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 Sheri Scarborough, Chair	<b>Present</b>
Commissioner Alex Brumfield, Vice Chair	<b>Arrived at 9:03 am</b>
Commissioner Amir Kanel	<b>Present</b>
Commissioner Joseph R. Snider	<b>Present</b>
Commissioner William F. Anderson	<b>Arrived at 9:01 am</b>
Commissioner Joanne Davis	<b>Arrived at 9:06 am</b>
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**

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

**E. Adoption of the Minutes** – Motion carried 8-0

**F. Swearing In**

The two newest commissioners, Amir Kanel and Joseph Snider, were sworn in by Assistant County Attorney Robert Banks. We welcome the new members.

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

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
		4,5,7,8	7			7	4,5,8	5,7

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

- DOA/CA-2012-03113** Title: a Development Order Amendment application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation)  
Title: a Class A Conditional Use application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a School, Elementary, or Secondary  
General Location: North side of Lake Worth Road west of Lyons Road (**Wellington Preparatory School**) (Control 1998-00012)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 3.19 acres ±

BCC District: 6

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

**MOTION:** To postpone to May 2, 2013.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
		Seconded						Moved

2. **DOAR-2012-01264** Title: a Development Order Amendment application of Rreef America Reit li Corp J by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage  
General Location: Southeast corner of Glades Road and SR 7 (**Festival Shoppes of Boca PCD**) (Control 1990-00024)

Pages 2 - 2

Project Manager: David McGuire

Size: 36.96 acres +

BCC District: 5

(affected area 2.63 acres +)

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

**MOTION:** To postpone to May 2, 2013

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
		Moved	Seconded					

3. **ABN/SV/Z/CA-2012-03116** Title: a Development Order Abandonment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957

Title: a Subdivision Variance application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width

Title: an Official Zoning Map Amendment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District

Title: a Class A Conditional Use application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter)

General Location: Approximately 0.3 mile north of Church Road on the east side of Limestone Creek Road (**Els Center of Excellence**) (Control 1975-00168)

Pages 3 - 3

Project Manager: Joyce Lawrence

Size: 25.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

**MOTION:** To postpone to May 2, 2013.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
		Moved	Seconded					

**B. REMANDS**

**C. WITHDRAWALS**

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

**CONSENT AGENDA**

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

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**E. CORRECTIVE RESOLUTION**

**D. ZONING APPLICATIONS – NEW**

- 4. ABN/CA-2012-02097** Title: a Development Order Abandonment application of Charles Bedner by Land Design South Inc., Agent. Request: to abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-9174.  
Title: a Class A Conditional Use application of Charles Bedner by Land Design South Inc., Agent. Request: to allow an Agriculture Marketplace

General Location: Southwest corner of Lee Road and SR 7/US 441 (**Bedner Oaks**)  
 (Control 2007-00357)

Pages 4 - 23  
 Conditions of Approval Pages (9 - 11)  
 Project Manager: Joyce Lawrence  
 Size: 81.80 acres ±  
 (affected area 7.00 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Jeff Brophy – Agent

**MOTION**: To postpone to May 2, 2013

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
		Moved	Seconded					

5. **ZV/DOA-2012-03106** Title: a Type II Variance application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to allow a utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a type III incompatibility buffer and parking  
Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage

General Location: Southwest corner of Military Trail and Champion Boulevard (**Polo Club Shoppes**) (Control 1986-00090)

Pages 24 - 57

Conditions of Approval Pages (31 - 33)

Project Manager: David McGuire

Size: 13.64 acres ±

(affected area 1.83 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the Type II Variance request to allow a utility easement encroachment of a ROW buffer, reduce the width and number of shrubs, eliminate the wall and allow a 100% easement overlap of a Type 3 Incompatibility buffer and parking subject to 4 Conditions of Approval as indicated in Exhibit C-1, and approval of the Development Order Amendment to reconfigure the site plan, add a new use and add square footage subject to 14 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

Bob Bentz – Agent, Requesting postponement

Michael Weiner – in favor of postponement

**MOTION:** To postpone to May 2, 2013

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved	Seconded					

**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**

- 6. ZV/DOA/R-2012-00979** Title: a Type II Variance application of SE Petro One LLC by Core States Group, Agent. Request: to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, dumpster setback, and a reduction in the number of feet of queuing Title: a Development Order Amendment application of SE Petro One LLC by Core States Group, Agent. Request: to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design) Title: a Requested Use Request application of SE Petro One LLC by Core States Group, Agent. Request: to allow a Convenience Store with Gas Sales

General Location: South side of Glades Road east of Florida's Turnpike (**Arvida Parkway Center**) (Control 1980-00161)

Pages 58 - 108

Conditions of Approval Pages (73 - 80)

Project Manager: Carol Glasser

Size: 23.84 acres ±

BCC District: 5

(affected area 1.46 acres +)

Staff Recommendation: Staff recommends approval of the Type II Variance request to allow easement overlap in a right-of-way buffer, to allow a reduction of a right-of-way buffer width, divider median width, and dumpster setback subject to 6 Conditions of Approval indicated in Exhibit C-1.

Staff recommends denial of the Type II Variance to allow reduction in the number of feet of queuing; and denial of the Development Order Amendment and Requested Use.

**People who spoke on this application:**

Craig Carden – Agent, Requesting postponement

**MOTION:** To postpone to May 2, 2013

Motion carried 9-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved	Seconded					

- 7. ZV/Z/CA-2012-02085** Title: a Type II Variance application of Race Trac by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential district and to allow a reduction in the required side setback. Title: an Official Zoning Map Amendment application of Race Trac by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District Title: a Class A Conditional Use application of Race Trac by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales

General Location: Northwest corner of Lantana Road and Haverhill Road (**Raceway Market**) (Control 2012-00253)

Pages 109 – 165  
 Conditions of Approval Pages (123 - 127)  
 Project Manager: David McGuire  
 Size: 6.88 acres +  
 (affected area 1.78 acres +)

BCC District: 2

**Staff Recommendation:** Staff recommends denial of the Type II Variance requests for 24 hour operation and a reduction in the required side setback; and denial of the Class A Conditional Use to allow a Convenience Store with Gas Sales. Staff recommends approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to 3 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application:**

DG McGuire – Site Planner II, gave a brief presentation  
 Brian Terry – Agent – gave a presentation in response to staff recommendations

Several members of the public spoke in opposition including John Tharp and Ronnie Schneider from the Winston Trails community. Submitting documents, Ann Menor (photographs) and Thomas Reilly (a large aerial map) also spoke in opposition, along with Mayor Sam Ferreri and Thomas Lanahan, Assistant City Manager from the City of Greenacres. From Atlantis, Mayor Michael Dahlgren and Mo Thornton, City Manager spoke opposing the project and Thomas J. Baird, Esq. spoke in opposition as an expert witness.

**MOTION:** To postpone to June 6, 2013

Motion carried 8-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
			Seconded					Moved

- 8. **Z-2012-02793** Title: an Official Zoning Amendment application of Cory Hopkins by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District

General Location: Approximately 350 feet north of Lantana Road at the southwest corner of Nash Trail and Haverhill Road (**Rasmussen Residential**) (Control 2012-00580)

Pages 166 – 187  
 Conditions of Approval Pages (170 - 171)  
 Project Manager: David McGuire  
 Size: 6.88 acres ±  
 (affected area 5.10 acres +)

BCC District: 2

**Staff Recommendation:** Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 6 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Brian Terry – Agent, Requesting a postponement

**MOTION:** To postpone to June 6, 2013

Motion carried

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
		Moved	Seconded					

**D. ZONING APPLICATIONS – NEW**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

ZONING COMMISSION ANNUAL WORKSHOP  
Pages 188 – 206

During this workshop, the commissioners requested more details on applications prior to hearings. They requested detailed sign maps and elevations, along with visual renderings of the applications. Design charrettes were also discussed and it was mentioned that the Palm Beach County area charrettes are available online. Comments were made that public speakers at the Zoning Commission hearings should be held to a reasonable time. A digital clock will be available to time public speakers at future hearings.

**C. EXECUTIVE DIRECTOR**

**D. COMMISSIONER COMMENTS**

**ADJOURNMENT - 12:30 pm**