

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, JULY 3, 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>Present</b>
Commissioner Amir Kanel	<b>Absent</b>
Commissioner Joseph R. Snider	<b>Present</b>
Commissioner William F. Anderson	<b>Present</b>
Commissioner Joanne Davis	<b>Present</b>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Robert Currie	<i>Arrived 9:05am</i>

**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**

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

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Absent	None	None	None	None	None	None	7	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **SV/Z/CA-2012-03112** Title: a Subdivision Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a reduction in the required access width for a non-residential property Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a rezoning from the Residential Single Family (RS) Zoning District to the Residential Transitional (RT) Zoning District Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Daycare  
General Location: Northeast corner of Ranches Road and Jog Road (**Learning Place Academy**) (Control 1975-00145)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 1.05 acres +

BCC District: 3

Staff Recommendation: Staff recommends a postponement to August 1, 2013.

**MOTION:** To postpone to August 1, 2013.

Motion carried 8-0

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

2. **ZV/DOA/R-2012-00979** 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 2 - 2

Project Manager: Carol Glasser

Size: 23.84 acres +

(affected area 1.46 acres +)

BCC District: 5

Staff Recommendation: Staff recommends a postponement to August 1, 2013.

**MOTION**: To postpone to August 1, 2013.

Motion carried 8-0

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

3. **ZV/DOA-2012-01580** Title: a Type II Variance application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to allow an increase for the build to line Title: a Development Order Amendment application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to reconfigure the site plan to add square footage for a car wash General Location: Belvedere Road and 5th Street (**Hertz Rent A Car**) (Control 1986-00080)

Pages 3 - 3

Project Manager: David McGuire

Size: 6.75 acres + BCC District: 7

(affected area 0.12 acres +)

Staff Recommendation: Staff recommends a postponement to August 1, 2013 for failure to post the site pursuant to Article 2.A.1.J.3.

**MOTION**: To postpone to August 1, 2013.

Motion carried 8-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Absent	Yes	Yes	Yes	Yes	Yes	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**

*Item moved to postponement.*

- 4. **DOA/R-2012-01264** Title: a Development Order Amendment application of Rreef America Reit li Corp J by Dunay Miskel Backman and Blattner 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 4 - 30  
 Conditions of Approval Pages (9 - 18)  
 Project Manager: David McGuire  
 Size: 36.96 acres +  
 (affected area 2.63 acres +)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C.

**MOTION**: To postpone to August 1, 2013.

Motion carried 8-0

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

**Decision: To postpone to August 1, 2013**

**D. ZONING APPLICATIONS - NEW**

- 5. **ABN/DOA/W-2012-03372** Title: a Development Order Abandonment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to abandon Resolution R-2007-01873 Title: a Development Order Amendment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); to reconfigure the Civic Pod; to establish access points and delete Collector Road; to increase the number of dwelling units; establish model rows; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel Title: a Type II Waiver application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to allow a percentage (64%) of the streets to terminate in a cul-de-sac  
General Location: West of and adjacent to Lyons Road; east of and adjacent to State Road 7 between L-36 Canal and L-39 Canal (**Hyder AGR-PUD**) (Control 2005-00455)

Pages 31 - 101  
 Conditions of Approval Pages (39 - 57)  
 Project Manager: Joyce Lawrence  
 Size: 1,079.53 acres +

BCC District: 5,6

Staff Recommendation: Staff recommends approval of the requests subject to 41 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Gladys Digirolamo, Agent - In agreement with Conditions of Approval with the exception of PREM Condition # 6 and Engineering Condition # 9 but is working with both departments to come up with solution.

**MOTION:** To recommend approval of the request to abandon Resolution R-2007-01873.

Motion carried 8-0

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

**MOTION:** To recommend approval of the request to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); to reconfigure the Civic Pod; to establish access points and delete Collector Road; to increase the number of dwelling units; establish model rows; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

**MOTION:** To recommend approval of a Type II Waiver to allow an increase in the number of streets that terminate in a cul-de-sac subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-1

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

**DECISION: Approved as Amended**

- DOAW-2012-03373** Title: a Development Order Amendment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates VII, LLLP by G.L. Homes, Agent. Request: to reconfigure the Preliminary Master Plan to add land area (Development and Preserve Areas); add an access point; increase the number of dwelling units; to restart the Commencement date of the Development; add an additional model row; reconfigure the Civic Pod; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel Title: a Type II Waiver application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates VII, LLLP by G.L. Homes, Agent. Request: to allow a percentage (58%) of the streets to terminate in a cul-de-sac

General Location: East of and adjacent to Lyons Road; west of and adjacent to the Florida Turnpike and South of Atlantic Avenue (**Bridges AGR PUD**) (Control 2004-00250)

Pages 102 - 175  
 Conditions of Approval Pages (110 - 120)  
 Project Manager: Joyce Lawrence  
 Size: 1,815.84 acres + BCC District: 5,6

Staff Recommendation: Staff recommends approval of the requests subject to 38 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Gladys Digirolamo, Agent - In agreement with Conditions of Approval as amended.

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Preliminary Master Plan to add land area (Development and Preserve Areas); add an access point; increase the number of dwelling units; to restart the Commencement date of the Development; add an additional model row; reconfigure the Civic Pod; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

**MOTION:** To recommend approval of a Type II Waiver to allow an increase in the number of cul-de-sacs subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-1

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

**Decision: Approved as amended**

- ABN/DOA/R-2013-00497** Title: a Development Order Abandonment application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent. Request: to abandon Resolution R-1975-463, which approved a Special Exception to allow a Motel Title: a Development Order Amendment application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent Request: to reconfigure the site plan Title: a Requested Use application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent. Request: to allow a Type III, Congregate Living Facility General Location: Southwest corner of Hypoluxo Road and Seacrest Boulevard **WellTreat at Sam's Wholesale Club Plaza** (Control 1975-00069)

Pages 176 - 198  
 Conditions of Approval Pages (181 - 187)  
 Project Manager: David McGuire  
 Size: 20.47 acres +  
 (affected area 1.34 acres +)

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 40 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Joni Brinkman, Agent - In agreement with Conditions of Approval as amended.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon Resolution R-1975-464.

Motion carried 8-0

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

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Type III, Congregate Living Facility.

Motion carried 8-0

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

**Decision: Approved as amended**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

8. **ZV/DOA/CB-2013-00502** Title: a Type II Zoning Variance application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the side setback (west property line); reduction in the rear setback (south property line); elimination of landscape buffer (west and south property line) and reduction in foundation planting (east and west elevations) Title: A Development Order Amendment application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow modifications to the site plan and to add square footage Title: a Class B Conditional Use application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Daycare, \General  
General Location: South side of Okeechobee Boulevard and west of I95 (**Okeechobee Place**) (Control 1981-00094)

Pages 199 - 229

Conditions of Approval Pages (206 - 212)

Project Manager: David McGuire

Size: 1.91 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 30 Conditions of Approval as indicated in Exhibit C-2, and 3 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on application**

David McGuire, Site Planner II - Gave a brief presentation

Alessandria Kalfin, Agent - Gave a brief presentation. Applicant was in agreement with Conditions of Approval with the exception of Site Design Condition # 1 of Exhibit C-3 Conditional Use Class B, General Day Care.

The commission expressed concern about approving the project with no condition requiring consolidation of the MUPD and with the type of enclosure used to surround the play area. Resolution revised to include a condition stipulating consolidation and defining the type of enclosure.

**MOTION**: To adopt a resolution approving a Type II Variance to allow a reduction in the side setback (west property line); reduction in the rear setback (south property line); elimination of landscape buffer (west and south property line) and reduction in foundation planting (east and west elevation) subject to the Conditions of Approval as indicated in Exhibit C-1, as amended.

Motion carried 8-0

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

**MOTION**: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan and add square footage subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

**MOTION**: To adopt a resolution approving a Class B Conditional Use to allow a Daycare, General subject to Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

**Decision: Approved as amended**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**C. COMMISSIONER COMMENTS**

**ADJOURNMENT 10:00am**