

**PALM BEACH COUNTY  
ZONING COMMISSION**  
THURSDAY, OCTOBER 2, 2008 9:00 a.m.

MINUTES OF THE MEETING

The Zoning Commission met in the 6<sup>TH</sup> Floor Jane M. Thompson Memorial Chambers, 301 N. Olive Avenue, West Palm Beach, FL 33415.

**Members Present:**

Frank Barbieri, Jr., Chairman  
William F. Anderson, Vice Chairman  
Al Zucaro, Commissioner  
Allen Kaplan, Commissioner  
Sherry Hyman, Commissioner  
Kelley Armitage, Alternate Commissioner  
Richard E. Bowman, Alternate Commissioner

**County Staff Present:**

Barbara Alterman, Executive Director PZ & B  
Robert Banks, Assistant County Attorney  
Maryann Kwok, Chief Planner  
Wendy Hernandez, Zoning Manager  
Joanne Koerner, Land Development  
Ken Rodgers, Director Land Development  
Sussan Gash, Planning Division  
Carol Glasser, Site Planner II, Zoning  
Ron Sullivan, Senior Site Planner, Zoning  
Anthony Wint, Site Planner II, Zoning  
Nick Uhren, Senior Professional Engineer, Traffic Division  
Patrick Rutter, Planning  
William Cross, Senior Site Planner, Zoning  
Kenny Wilson, Health Department  
Autumn Sorrow, Senior Site Planner, Zoning  
Donna Adelsperger, Site Planner I, Zoning

Robin Parker, Secretary – Prepared Minutes

Meeting was called to order at 9:00 a.m.

Opening prayer and Pledge of Allegiance

**Proof of Publication** – Motion: to accept proof of publication, carried 7-0.

|          |       |          |        |          |        |           |          |        |
|----------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan   | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes      | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Secunder | Maker |          |        |          |        |           |          |        |

Swearing in by Assistant County Attorney, Bob Banks.

**Disclosures** - The Commissioners disclosed that they had met with or spoken to the agent, owner and or public on the following items:

|        |       |          |        |          |        |           |          |        |
|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| #11    | #11   | #11      | none   | #11      | Absent | Absent    | None     | none   |

**ZONING DIRECTOR COMMENTS**

Commissioner Barbieri moved the Zoning Director Comments to the beginning of the agenda.

Maryann Kwok, Chief Planner, spoke on behalf of the Zoning Director informing the Commission and the public that starting November 6, 2008 the Zoning Commission hearings will take place at the Vista Center. The Commissioners shall arrive by 8:30 on that day only in order to have training on how to utilize the equipment.

**POSTPONEMENTS/REMANDS/WITHDRAWALS**

**1. Z/DOA/CA 2007-1185 Winners Church**

**Discussion:**

Agent: None

Public: None

Staff: None

**Motion:** To postpone 30 days to Thursday November 6, 2008, carried 7-0.

|        |       |          |        |          |        |           |          |        |
|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Maker  |       | Secunder |        |          |        |           |          |        |

**2. DOA/R/TDR2008-0441 Woodwind PUD** Commissioner Kaplan moved to

**Discussion:**

Agent: None

Public: None

Staff: None

**Motion:** To postpone 30 days to Thursday November 6, 2008, carried 7-0.

|        |       |          |        |          |        |           |          |        |
|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Maker  |       | Secunder |        |          |        |           |          |        |

**3.- ZV2008-1184 Canyon Town Center TMD**

**Discussion:**

Agent: None

Public: None

Staff: None

**Motion:** To postpone 30 days to Thursday November 6, 2008, carried 7-0.

|        |       |          |        |          |        |           |          |        |
|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Maker  |       | Secunder |        |          |        |           |          |        |

**4. ZV2008-1352 Southern/Sansbury's MUPD (Kohl's)**

**Discussion:**

Agent: None

Public: None

Staff: None

**Motion:** To postpone 30 days to Thursday November 6, 2008, carried 7-0.

|        |       |          |        |          |        |           |          |        |
|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Maker  |       | Secunder |        |          |        |           |          |        |

**5. ZV/PDD/DOA2008-0452 Lantana Square Shopping Center**

**Discussion:**

Agent: None

Public: None

Staff: None

**Motion:** No motion required, application withdrawn.

**CONSENT AGENDA**

**6. Z2008-2014 Marquez-Jones**

**Discussion:**

Agent: None  
 Public: None  
 Staff: Board/Staff discussion included: WFH units and how the WFH land donation program is implemented with Patrick Rutter – Planning Division.

**Motion:** To recommend approval of the rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District, subject to a Conditional Overlay Zone and conditions of approval, as amended, carried 7-0.

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|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Second | Maker |          |        |          |        |           |          |        |

**7. ZV/DOA2008-0315 Regions Bank at Peach Tree Plaza**

**Discussion:**

Agent: None  
 Public: None  
 Staff: None

**Motion:** To adopt a Resolution approving a Type II Variance allowing a reduction in the required queuing spaces, carried 7-0.

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|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Second | Maker |          |        |          |        |           |          |        |

**Motion:** To recommend approval of the Development Order Amendment to reconfigure the site plan and add square footage, subject to conditions of approval, carried 7-0.

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|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Second | Maker |          |        |          |        |           |          |        |

**10. PDD2008-0449 Harvest Galleria MUPD**

**Discussion:**

Agent: None  
 Public: None  
 Staff: Item moved to the consent agenda at the request of the agent.

**Motion:** To recommend approval of the Official Zoning Map Amendment, subject to conditions of approval, carried 7-0.

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|--------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Second | Maker |          |        |          |        |           |          |        |

**REGULAR AGENDA**

**8. DOA2008-0791 Toppel Center**

**Discussion:**

Agent: None  
 Public: None  
 Staff: None

**Motion:** To recommend approval of the Development Order Amendment to amend a sign condition subject to conditions of approval, as amended, carried 7-0.

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| Kaplan | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
|        | Maker | Seconder |        |          |        |           |          |        |

**9. ZV/PDD2008-0804 Hypoluxo Shoppes**

**Discussion:**

**Agent:** Owner stated that he was trying to comply with the wishes of the adjacent property owners; they were requesting the wall on the property line, maintenance would be provided by the individual property owners on their side of the wall, though he had no formal agreement. Stated he had no problem meeting code, but wanted to have the wall on the property line

**Public:** None

**Staff:** Board/staff discussion with property owner included: fence setbacks, concerns with a 2 ½ ' alley between the two property lines, maintenance of the wall, types of landscape material to be located on the outside of the wall, the wall could be placed further inside the property line to maintain wall and proper landscaping.

**Motion:** To adopt a resolution denying a Type II Variance, carried 7-0.

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|----------|-------|----------|--------|----------|--------|-----------|----------|--------|
| Kaplan   | Hyman | Anderson | Zucaro | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes      | Yes   | Yes      | Yes    | Yes      | Absent | Absent    | Yes      | Yes    |
| Seconder | Maker |          |        |          |        |           |          |        |

**Motion:** To recommend approval of the Official Zoning Map Amendment, subject to conditions of approval, carried 7-0.

|        |       |          |          |          |        |           |          |        |
|--------|-------|----------|----------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro   | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes      | Yes      | Absent | Absent    | Yes      | Yes    |
|        | Maker |          | Seconder |          |        |           |          |        |

**11. ZV2008-1354 Southern/Sansbury's MUPD (Dick's)**

**Discussion:**

**Agent:** Bonnie Miskel, agent, made a presentation to the Commissioners. Presentation centered around the need for larger signage and visibility from the road, as well as the type of customers this type of business attracts. Ms, Miskel presented to the Commission conflicts between the sign code and the requirements of the "Big Box" requirements. She provided pictures and graphics of their proposed signs, as well as pictures of what their sign would look like per code requirements.

**Public:** None

**Staff:** Commission/Staff discussion included: calculation of wall signage, building frontage and sign code, "Big Box" code requirements and restrictions. Staff recommends Alternative sign plan. Staff wants to state for record that they feel no conflict. This project has a prior approval, signage has been reviewed and conflicts would have been noted at that time. The applicant had time to submit an alternative sign plan, variances were not necessary if the applicant submitted this plan.

**Motion:** To adopt a Resolution approving a Type II Variance to increase the wall signage to 111 square feet and 181 square feet subject to conditions of approval, carried 6-1.

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|--------|-------|----------|----------|----------|--------|-----------|----------|--------|
| Kaplan | Hyman | Anderson | Zucaro   | Barbieri | Davis  | Brumfield | Armitage | Bowman |
| Yes    | Yes   | Yes      | Yes      | Yes      | Absent | Absent    | Opposed  | Yes    |
|        | Maker |          | Seconder |          |        |           |          |        |

Meeting adjourned at 10:45 a.m.

**PLEASE NOTE:**

The Zoning Commission (ZC) and Board of County Commission (BCC) Hearings, are broadcasted live on Channel 20 the day of the hearing. Video is archived and available for viewing on the Palm Beach County Website. Please allow 24 to 48 hours after the hearing date for the video to be available.

**Click below to view listings and watch the ZC and BCC archived hearing videos:**

[http://www.pbcgov.com/countycommissioners/bcc\\_meeting\\_videos.htm](http://www.pbcgov.com/countycommissioners/bcc_meeting_videos.htm)

If you wish to purchase a DVD or VHS Tape of the Zoning Commission or Board of County Commission Hearing a copy can be made available by contacting Channel 20. To purchase a copy of the hearing, please call Victoria Leveille at 561-355-1790 or 561-355-4573 or email her directly at [vleveille@pbcgov.com](mailto:vleveille@pbcgov.com)

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